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Presidential Documents

Title 3—

The President

Proclamation 10430 of August 25, 2022

Women's Equality Day, 2022

By the President of the United States of America

A Proclamation

On August 26, 1920, after decades of hard-fought advocacy, women won the right to vote, and our Nation moved one step closer to living out our sacred ideal that all people are created equal. On Women's Equality Day, we honor the movement for universal suffrage that led to the 19th Amendment, celebrate the progress of women over the years, and renew our commitment to advancing gender equity and protecting women's rights.

This commitment is more important than ever in the wake of the Supreme Court decision to overturn *Roe* v. *Wade* and eliminate a woman's constitutional right to choose. My Administration is doing everything in its power to protect access to the reproductive health care that generations of women and activists have fought for, including abortion. We will continue to defend reproductive rights, which are integral to gender equality and the fundamental freedoms Americans hold dear. We will also continue to support the Equal Rights Amendment, so that we may enshrine the principle of gender equality in our Constitution.

With the ratification of the 19th Amendment, millions of women across the country were finally able to make their voices heard in our elections. Yet many women of color who helped lead the universal suffrage movement were effectively denied those rights until the Voting Rights Act passed 45 years later. Today, the struggle to ensure that every American can cast their ballot continues. More Americans voted in 2020 than during any election in our history, but some States are restricting this fundamental right through provisions that overwhelmingly impact people of color, low-income communities, and people with disabilities. Women are less likely to have time to vote in-person with increased caregiving demands and a disproportionate share of low-wage, inflexible work. The right to vote and to have that vote counted is essential to the future of our democracy.

Women and girls have fought for social justice and freedom throughout our history, and my Administration is committed to building on their progress. All Americans should have the opportunity to fully participate in society—no one's rights should be denied because of their gender. As States across the country strip women of their ability to make decisions about their own bodies, families, and futures, my Administration remains dedicated to protecting access to critical reproductive health care, regardless of gender, race, zip code, or income. We will continue to defend the right of all people to live free from gender-based violence.

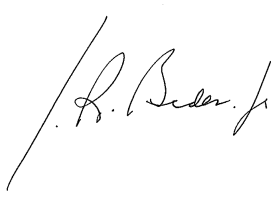
We are also committed to ensuring women are treated fairly in the workplace and have economic security. We will fight for pay equity, to end discrimination in the workplace, and to promote equitable access to good-paying jobs, particularly in sectors where women are underrepresented. We remain dedicated to lowering the costs of child care and passing policies to help women navigate caregiving and work responsibilities.

On Women's Equality Day, we celebrate the trailblazers who fought to deliver a better future for America's daughters. We recognize the work that remains to ensure that everyone can fully participate in our democracy and make

fundamental choices about their health and bodies. We strive to uphold our Nation's promise of equality for all people.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 26, 2022, as Women's Equality Day. I call upon the people of the United States to celebrate and continue to build on our country's progress towards gender equality, and to defend and strengthen the right to vote.

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



[FR Doc. 2022–18835
Filed 8–29–22; 8:45 am]
Billing code 3395–F2–P

Presidential Documents

Executive Order 14080 of August 25, 2022

Implementation of the CHIPS Act of 2022

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to effectively implement the incentives for semiconductor research, development, and manufacturing provided by division A of H.R. 4346 (the ''Act''), it is hereby ordered as follows:

Section 1. *Background.* The Act, known as the Creating Helpful Incentives to Produce Semiconductors (CHIPS) Act of 2022, will make transformative investments to restore and advance our Nation's leadership in the research, development, and manufacturing of semiconductors. These investments will strengthen our Nation's manufacturing and industrial base; create well-paying, high-skilled jobs in construction, manufacturing, and maintenance; catalyze regional economic development throughout the country; bolster United States technology leadership; and reduce our dependence on critical technologies from China and other vulnerable or overly concentrated foreign supply chains.

Meeting these objectives will require effective implementation of the Act by my Administration, in collaboration with State, local, Tribal, and territorial governments; the private sector; institutions of higher education; workforce development organizations; labor unions and other worker organizations; and allied and partner countries.

Sec. 2. *Implementation Priorities.* In implementing the Act, all agencies (as described in section 3502(1) of title 44, United States Code, except for the agencies described in section 3502(5) of title 44) shall, as appropriate and to the extent consistent with law, prioritize:

(a) protecting taxpayer resources, including by ensuring strong compliance and accountability measures for funding recipients;

(b) meeting economic, sustainability, and national security needs, including by building domestic manufacturing capacity that reduces reliance on vulnerable or overly concentrated foreign production for both leading-edge and mature microelectronics;

(c) ensuring long-term leadership in the microelectronics sector, including by establishing a dynamic, collaborative network for microelectronics research and innovation to enable long-term United States leadership in critical industries;

(d) catalyzing private-sector investment, including by reducing risk and maximizing large-scale private investment in production, breakthrough technologies, and worker and workforce development;

(e) generating benefits—such as well-paying, high-skilled union jobs and opportunities for startups; small businesses; and minority-owned, veteran-owned, and women-owned businesses—for a broad range of stakeholders and communities, including by investing in disadvantaged communities and by partnering with State, local, Tribal, and territorial governments and with institutions of higher education; and

(f) strengthening and expanding regional manufacturing and innovation ecosystems, including by investing in suppliers, manufacturers, workforce development, basic and translational research, and related infrastructure and cybersecurity throughout the microelectronics supply chain, and by

facilitating the expansion, creation, and coordination of semiconductor clusters.

Sec. 3. *CHIPS Implementation Steering Council.* (a) There is established within the Executive Office of the President the CHIPS Implementation Steering Council (Steering Council). The function of the Steering Council is to coordinate policy development to ensure the effective implementation of the Act within the executive branch.

(b) The Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, and the Director of the Office of Science and Technology Policy shall serve as Co-Chairs of the Steering Council.

(c) In addition to the Co-Chairs, the Steering Council shall consist of the following members:

(i) the Secretary of State;

(ii) the Secretary of the Treasury;

(iii) the Secretary of Defense;

(iv) the Secretary of Commerce;

(v) the Secretary of Labor;

(vi) the Secretary of Energy;

(vii) the Director of the Office of Management and Budget;

(viii) the Administrator of the Small Business Administration;

(ix) the Director of National Intelligence;

(x) the Assistant to the President for Domestic Policy;

(xi) the Chair of the Council of Economic Advisers;

(xii) the National Cyber Director;

(xiii) the Director of the National Science Foundation; and

(xiv) the heads of such other executive departments, agencies, and offices as the Co-Chairs may from time to time invite to participate.

(d) The Co-Chairs may create and coordinate subgroups consisting of Steering Council members or their designees, as appropriate.

(e) The Co-Chairs may consult with leaders from industry, labor unions and other worker organizations, institutions of higher education, research institutions, and civil society, as appropriate and consistent with law, to provide individual perspectives and advice to the Steering Council on the effective implementation of the Act.

(f) The Co-Chairs may consult with the President's Council of Advisors on Science and Technology, as appropriate and consistent with law, to provide advice to the Steering Council.

Sec. 4. *Effective and Efficient Stewardship and Oversight of Taxpayer Resources.* The Director of the Office of Management and Budget shall take appropriate actions to promote and monitor, with respect to execution of the Act, the effective and efficient stewardship and oversight of taxpayer resources, in collaboration with the Steering Council and the heads of agencies responsible for implementing the Act.

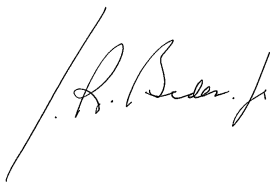
Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
August 25, 2022.

[FR Doc. 2022–18840
Filed 8–29–22; 8:45 am]
Billing code 3395–F2–P

Rules and Regulations

Federal Register
Vol. 87, No. 167
Tuesday, August 30, 2022

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 6

RIN 0551–AB03

Dairy Tariff-Rate Quota Import Licensing Program

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule amends the regulations that provide for the issuance of licenses to import certain dairy articles under tariff-rate quotas (TRQs) as set forth in the Harmonized Tariff Schedule of the United States (HTSUS). The rule suspends for an additional year the historical license reduction provision which would otherwise apply beginning with the 2023 quota year. This change will allow license holders additional time to adjust to challenging market conditions impacting the dairy sector.

DATES: Effective August 30, 2022. Send comments on or before September 29, 2022.

ADDRESSES: You may send comments, identified by [docket number and/or RIN number], by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for sending comments.
- *Email: dairy-ils@fas.usda.gov.* Include [docket number and/or RIN number] in the subject line of the message.
- *Mail:* Dairy Import Programs, Multilateral Affairs, Trade Policy and Geographic Affairs, Foreign Agricultural Service, United States Department of Agriculture; 1400 Independence Avenue SW, STOP 1070; Washington, DC 20250.
- *Hand Delivery/Courier:* Dairy Import Programs, Multilateral Affairs, Trade Policy and Geographic Affairs, Foreign Agricultural Service, United States Department of Agriculture; 1400 Independence Avenue SW, STOP 1070; Washington, DC 20250.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this interim final rule. Comments will be available for inspection online at *www.regulations.gov* and at the mail address listed above between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Elizabeth Riley, (202) 720 6868; or by email at: *Elizabeth.riley@usda.gov.* Persons with disabilities who require an alternative means for communication of information (*e.g.,* Braille, large print, audiotape, etc.) should contact *FAS-ReasonableAccommodation@usda.gov* or Cynthia Stewart (Reasonable Accommodation Coordinator), *cynthia.stewart@usda.gov.*

SUPPLEMENTARY INFORMATION: The Foreign Agricultural Service (FAS), under a delegation of authority from the Under Secretary of Agriculture, administers the Dairy Tariff-Rate Quota Import Licensing regulations codified at 7 CFR 6.20 through 6.36 that provide for the issuance of licenses to import certain dairy articles under TRQs as set forth in certain notes in Chapter 4 of the HTSUS. These dairy articles may be entered into the United States at the low-tier tariff only by or for the account of a person, as defined in the regulations, to whom such licenses have been issued and only in accordance with the terms and conditions of the regulations. Licenses are issued on a calendar year basis and each license authorizes the licensee to import a specified quantity and type of dairy article from a specified country of origin.

FAS issues three types of dairy import licenses: historical, non-historical (lottery), and designated. For all three license types, persons must apply each year between September 1 and October 15. Historical and designated licensees may apply for lottery licenses subject to certain conditions. Licensees may fail to qualify for a license for a specific item from a specific country in the following year if they do not meet certain requirements. Licensees must (i) apply for the license each year, (ii) pay an annual fee, and (iii) have imported at least 85 percent of the final license amount from the previous year. To avoid ineligibility due to the 85-percent rule, licensees may surrender up to 100 percent of the license, but must import 85 percent of any quantity not surrendered.

Section 6.25(b) of the regulations provides that beginning with the 2023 quota year, any historical licensee who surrenders more than 50 percent of the license amount for the same item from the same country during at least three of the most recent five years will be issued a historical license thereafter in an amount equal to the average amount imported under that license for those five quota years. FAS has suspended § 6.25(b) on four previous occasions, most recently for an additional seven years encompassing the 2016–2022 quota years.

This rule provides historical license holders additional time to adjust to changing market conditions by suspending implementation of § 6.25(b) through the end of quota year 2023. FAS recognizes that COVID–19 pandemic-related shipping delays have made economic conditions difficult for several of the past years. In addition, the United States imposed retaliatory tariffs on certain EU exports from October 2019 until June 2021, including certain dairy products, in response to the EU's failure to implement the World Trade Organization Dispute Settlement Body's recommendations in the dispute *EC and Certain member States—Measures Affecting Trade in Large Civil Aircraft* (DS316). The duties on dairy products, levied at 25% ad valorem, contributed to the volatile market conditions U.S. dairy importers have recently faced. Several dairy commodities that were subject to these retaliatory tariffs stand to lose historical quantity if § 6.25(b) is not suspended. Overall, FAS estimates that allowing § 6.25(b) to go into effect in quota year 2023 would result in the reduction or elimination of approximately 18% of historical licenses. In addition, FAS analysis shows that fill rates for the lottery category for those commodities that stand to lose the most historical licenses remain low, when viewed over the course of the past five quota years.

Regulatory Analysis

Administrative Procedure Act

Pursuant to the Administrative Procedure Act (APA), notice and comment are not required prior to the issuance of a final rule if an agency, for good cause, finds that ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' (5 U.S.C. 553(b)(B)). As discussed above, FAS has determined that recent market events warrant suspending § 6.25(b) for quota year 2023.

To have a meaningful effect, the amendment suspending § 6.25(b) for the next quota year must take effect prior to the application period for quota year 2023, which begins September 1, 2022, and ends on October 15, 2022. For this reason, FAS finds good cause exists to issue the rule without notice and comment pursuant to 5 U.S.C. 553(b)(B), and without a delayed effective date pursuant to 5 U.S.C. 553(d)(3). Although this rule will take immediate effect, FAS invites interested persons to submit comments on the rule and will consider all relevant comments when determining whether further amendments to the regulation are needed.

Executive Order 12866

The rule has been determined to be not significant under E.O. 12866 and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) ensures that regulatory and information requirements are tailored to the size and nature of small businesses, small organizations, and small governmental jurisdictions. The Administrator certifies that this rule will not have a significant economic impact on small businesses participating in the program.

Executive Order 12988

This rule has been reviewed under E.O. 12988. This rule meets the applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The provisions of this rule would not have a preemptive effect with respect to any State or local laws, regulations, or policies which conflict with such provision or which otherwise impede their full implementation. This rule will not have a retroactive effect. Before any judicial action may be brought forward regarding this rule, all administrative remedies must be exhausted.

Executive Order 13132

FAS has reviewed this rule in accordance with E.O. 13132 regarding federalism and has determined that it does not have ''federalism implications.'' The rule will not ''have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.''

Executive Order 13175

This rule does not have tribal implications under E.O. 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.

National Environmental Policy Act

The Administrator has determined that this action will not have a significant effect on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is necessary for this rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate or any other requirement on state, local, or tribal governments. Accordingly, these programs are not subject to the provisions of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*).

Executive Order 12630

This Executive Order requires careful evaluation of governmental actions that interfere with constitutionally protected property rights. This rule does not interfere with any property rights and, therefore, does not need to be evaluated on the basis of the criteria outlined in E.O. 12630.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), OMB's Office of Information and Regulatory Affairs has determined that this is not a ''major rule'' as defined by the Congressional Review Act (5 U.S.C. 804(2)).

List of Subjects in 7 CFR Part 6

Agricultural commodities, Dairy, Cheese, Imports, Procedural rules, Application requirements, Tariff-rate quota, Reporting and recordkeeping requirements.

Accordingly, for these reasons, 7 CFR part 6 is amended as follows:

PART 6—IMPORT QUOTAS AND FEES

Subpart B—Dairy Tariff-Rate Quota Import Licensing

■ 1. The authority citation for subpart B continues to read as follows:

Authority: Additional U.S. Notes 6, 7, 8, 12, 14, 16–23 and 25 to Chapter 4 and General Note 15 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), Pub. L. 97–258, 96 Stat. 1051, as amended (31 U.S.C. 9701), and secs. 103 and 404, Pub. L. 103–465, 108 Stat. 4819 (19 U.S.C. 3513 and 3601).

■ 2. Amend § 6.25 by revising paragraph (b) to read as follows:

§ 6.25 Allocation of licenses.

* * * * *

(b) *Historical licenses for the 2016 and subsequent quota years (Appendix 1).* A person issued a historical license for the current quota year will be issued a historical license in the same amount for the same article from the same country for the next quota year except that beginning with the 2024 quota year, a person who has surrendered more than 50 percent of such historical license in at least three of the prior 5 quota years will thereafter be issued a license in an amount equal to the average annual quantity entered during those 5 quota years.

* * * * *

Daniel Whitley,

Administrator, Foreign Agricultural Service.

[FR Doc. 2022–18751 Filed 8–25–22; 4:15 pm]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

[Docket ID FCIC–22–0004]

RIN 0563–AC79

Crop Insurance Reporting and Other Changes (CIROC); Corrections

AGENCY: Federal Crop Insurance Corporation, U.S. Department of Agriculture (USDA).

ACTION: Correcting amendment.

SUMMARY: On June 30, 2022, the Federal Crop Insurance Corporation revised the Area Risk Protection Insurance (ARPI) Regulations, Common Crop Insurance Policy (CCIP) Basic Provisions, and 20

Crop Provisions. That final rule contained some incorrect references, missing words, grammatical and spelling errors, repetitive parenthetical titles, and inadvertently removed text in the amendatory instructions. This document makes the corrections.

DATES: Effective August 30, 2022.

FOR FURTHER INFORMATION CONTACT: Francie Tolle; telephone (816) 926–7730; email *francie.tolle@usda.gov.* Persons with disabilities who require alternative means of communication should contact the USDA Target Center at (202) 720–2600 or 844–433–2774.

SUPPLEMENTARY INFORMATION:

Background

The Common Crop Insurance Regulations in 7 CFR part 457 were revised by a final rule with request for comments published in the **Federal Register** on June 30, 2022 (87 FR 38883–38900). Changes were made in that rule to the Area Risk Protection Insurance (ARPI) Basic Provisions (7 CFR part 407), Common Crop Insurance Policy (CCIP) Basic Provisions (7 CFR 457.8), and 20 Crop Provisions. In reviewing the changes made, FCIC found some incorrect references, missing words, grammatical and spelling errors, repetitive parenthetical titles, and inadvertently missing text that was included in the amendatory instructions. This document makes the corrections in the following Provisions:

- Common Crop Insurance Policy Basic Provisions (7 CFR 457.8)
- Pear Crop Insurance Provisions (7 CFR 457.111);
- Guaranteed Production Plan of Fresh Market Tomato (7 CFR 457.128);
- Macadamia Nut Crop Insurance Provisions (7 CFR 457.131);
- Onion Crop Insurance Provisions (7 CFR 457.135);
- Fresh Market Tomato Dollar Plan Crop Insurance Provisions (7 CFR 457.139);
- Table Grape Crop Insurance Provisions (7 CFR 457.149);
- Pecan Revenue Crop Insurance Provisions (7 CFR 457.167);
- Cabbage Crop Insurance Provisions (7 CFR 457.171);
- Florida Avocado Crop Insurance Provisions (7 CFR 457.173); and
- California Avocado Crop Insurance Provisions (7 CFR 457.175).

List of Subjects in 7 CFR Part 457

Acreage allotments, Crop insurance, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 457 is corrected by making the following amendments:

PART 457—COMMON CROP INSURANCE REGULATIONS

■ 1. The authority citation for part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(o).

■ 2. Amend § 457.8 in the ''Common Crop Insurance Policy'' by:
■ a. In section 20, revising paragraph (d)(1);
■ b. In section 25, in paragraph (a)(1), removing the words ''an substantial'' and adding ''a substantial'' in their place; and
■ c. In section 38, in paragraph (b)(2), removing ''3(g)'' and adding ''section 3(g)'' in its place.

The revision reads as follows:

§ 457.8 The application and policy.

* * * * *

Common Crop Insurance Policy

* * * * *

20. Mediation, Arbitration, Appeal, Reconsideration, and Administrative and Judicial Review

* * * * *

(d) * * *

(1) We will make decisions regarding what constitutes a good farming practice and determinations of assigned production for uninsured causes for your failure to use good farming practices.

(i) If you disagree with our determination of the amount of assigned production, you must use the arbitration or mediation process contained in this section.

(ii) If you disagree with our decision of what constitutes a good farming practice you may request through us that FCIC review our decision. Requests for FCIC review must be made within 30 days of the postmark date on the written notice of the determination regarding good farming practices.

(iii) You may not sue us for our decisions regarding whether good farming practices were used by you. You must request a determination from FCIC of what constitutes a good farming practice before filing any suit against FCIC.

* * * * *

§ 457.111 [Amended]

■ 3. In § 457.111, in the ''Pear Crop Provisions'', amend section 13 by:
■ a. In the introductory paragraph, removing the phrase ''Insured who select this option cannot receive'' and adding ''If you select this option, you cannot receive'' in its place; and
■ b. In paragraph (a)(4), removing the word ''elect'' and adding ''elected'' in its place.

§ 457.128 [Amended]

■ 4. Amend § 457.128 in the ''Guaranteed Production Plan of Fresh Market Tomato Crop Insurance Provisions'' by:
■ a. In section 3 introductory text, removing the parenthetical phrase ''(Insurance Guarantees, Coverage Levels, and Prices)'';
■ b. In section 4, removing the parenthetical phrase ''(Contract Changes)'';
■ c. In section 5 introductory text, removing the parenthetical phrase ''(Life of Policy, Cancellation, and Termination)'';
■ d. In section 6, removing the parenthetical phrase ''(Report of Acreage)'' wherever it appears;
■ e. In section 8 introductory text, removing the parenthetical phrase ''(Insured Crop)'';
■ f. In section 9, removing the parenthetical phrase ''(Insurable Acreage)'' wherever it appears;
■ g. In section 10:
■ i. In the introductory text, removing the parenthetical phrase ''(Insurance Period)''; and
■ ii. In paragraph (b)(7), removing the word ''States'' and add ''states'' in its place;
■ h. In section 11, removing the parenthetical phrase ''(Causes of Loss)'' wherever it appears; and
■ i. In section 12, removing the parenthetical phrase ''(Replanting Payment)'' wherever it appears.

§ 457.131 [Amended]

■ 5. In § 457.131, in the ''Macadamia Nut Crop Provisions'', in section 1, in the definition of ''Interplanted'', remove the word ''agricultural commodities'' and add ''crops'' in its place.

§ 457.135 [Amended]

■ 6. In § 457.135, in the ''Onion Crop Provisions'', in section 3, in paragraph (a), remove the phrase ''designated in the actuarial documents'' and add ''designated in the Special Provisions'' in its place.

■ 7. In § 457.139, in the ''Fresh market tomato (dollar plan) crop provisions'', amend section 16 by:
■ a. In paragraph (b) introductory text, removing the word ''section'' and adding ''sections'' in its place; and
■ b. In the table in paragraph (c), revising the entry for 16(b)(1).

The revision reads as follows:

§ 457.139 Fresh market tomato (dollar plan) crop insurance provisions.

* * * * *

Fresh Market Tomato (Dollar Plan) Crop Provisions

* * * * *

16. Minimum Value Option	(c) * * *	
* * * * *		
* * * * * * *		
16(b)(1)	500 cartons × $2 = value of sold production ($6 price received minus $4.25 allowable costs = $1.75. The $2.00 minimum value option price is greater than $1.75).	1,000
* * * * * * *		

§ 457.149 [Amended]

■ 8. Amend § 457.149 in the ''Table Grape Crop Provisions'' by:
■ a. In section 3, in paragraph (b), removing the phrase ''have same percentage relationship'' and adding ''have the same percentage relationship'' in its place; and
■ b. In section 11, in paragraph (c), removing the words ''meet requirements'' and adding ''meet the requirements'' in their place.

§ 457.167 [Amended]

■ 9. In § 457.167, in the ''Pecan Revenue Crop Insurance Provisions'', in section 4, in paragraph (b), remove the words ''Web site'' and add ''website'' in its place.

§ 457.173 [Amended]

■ 10. In § 457.173, in the ''Florida Avocado Crop Insurance Provisions'', in section 8, in paragraph (a)(3)(i), remove the words ''varieties of'' and add ''varieties and mid varieties of'' in their place.

§ 457.175 [Amended]

■ 11. In § 457.175, in the ''California Avocado Crop Provisions'', in section 11, in paragraph (b)(2), remove ''11(c)'' and add ''11(c))'' in its place.

Marcia Bunger,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2022–18595 Filed 8–29–22; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No. FAA–2022–0183; Special Conditions No. 29–056–SC]

Special Conditions: The Boeing Company, Leonardo S.p.a. Model AW139 Helicopter; Use of New Hovering Out of Ground Effect Utility Power on the Model AW139 Helicopter

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Leonardo S.p.a. (Leonardo) Model AW139 helicopter. This helicopter as modified by The Boeing Company (Boeing) will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for helicopters. This design feature incorporates a 2.5-minute all engines operating (AEO) power restricted for use at helicopter operating speeds below 60 knots indicated airspeed (KIAS), and hovering out of ground effect (HOGE). This power is referred to as 2.5-minute HOGE utility power (HUP), or 2.5-minute HUP. The 2.5-minute HUP is greater than the transmission power limitations associated with takeoff and AEO. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective September 29, 2022.

FOR FURTHER INFORMATION CONTACT: Dorina Mihail, Propulsion and Energy Section, AIR–624, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 1200 District Avenue, Burlington, MA 01803; telephone 781–238–7153; fax 781–238–7199; email *Dorina.Mihail@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On September 18, 2020, Boeing applied for a supplemental type certificate for performance envelope expansion of the Leonardo Model AW139 helicopter. The AW139 helicopter as changed, is a medium twin-engine 14 CFR part 29 transport category B helicopter with a 15,521 pounds (7040 Kg) maximum takeoff weight and a maximum seating capacity of nine passengers and two crew. This helicopter takeoff and landing altitude is 10,000 feet density altitude (Hd), and the forward flight altitude is 11,000 feet Hd. This helicopter has the capability for Category II instrument landing system (ILS) approaches. The Model AW139 helicopter as changed will be equipped with two PT6C–67C1 engines. The Model AW139 helicopter as changed will have a 2.5-minute HUP for use in HOGE that exceeds the transmission power limitations associated with takeoff and AEO.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that the Leonardo Model AW139 helicopter, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. R00002RD, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. The proposed certification basis for this supplemental type certificate is as follows:

14 CFR 21.29 and Part 29, Amendment 29–1 through Amendment 29–45 with 14 CFR 29.25, 29.143, 29.173, 29.175, 29.177 at Amendment 29–51, and 14 CFR 29.773 at Amendment 29–57.

Equivalent Level of Safety Findings issued against:

14 CFR 29.1305, as documented in the AB139 FAA Memo, dated December 20, 2004.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 29) do not contain adequate or appropriate safety standards for the Leonardo Model AW139 helicopter because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Leonardo Model AW139 helicopter must comply with the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Feature

The Leonardo Model AW139 helicopter will incorporate a novel or unusual design feature, which is a 2.5-minute AEO power that is greater than the transmission takeoff power limitations associated with takeoff and AEO. This power is restricted for use when HOGE and at helicopter operating speeds below 60 KIAS. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature.

Discussion

The design feature will incorporate a 2.5-minute HUP that allows the pilot to enter HOGE, operate in HOGE, and depart from HOGE at high altitudes and ambient atmospheric temperatures. The use of the 2.5-minute HUP is limited to periods of no longer than 2.5 minutes each use, under AEO conditions, at helicopter operating speeds below 60 KIAS and HOGE. Use of the 2.5-minute HUP is not part of, or combined with a takeoff operation.

Helicopter operation at the 2.5-minute HUP will use the engine power higher than the rated maximum continuous power and limits but lower than the rated takeoff power and limits and does not exceed the 5 minute takeoff rating for which the engines are type certificated. Existing part 33 regulations for the engines are adequate for the helicopter 2.5-minute HUP.

Use of the 2.5-minute HUP exceeds the helicopter transmission power limitations associated with takeoff and AEO. Existing part 29 regulations do not recognize helicopter operation that exceeds the transmission power limitations associated with takeoff and AEO. The special conditions that address the use of the 2.5-minute HUP on this model of helicopter, as modified by Boeing, are as follows.

The Rotorcraft Flight Manual must specify that the use of the 2.5-minute HUP is limited to periods no longer than 2.5 minutes each, under AEO conditions, at helicopter operating speeds below 60 KIAS and HOGE. Additionally, the Rotorcraft Flight Manual must specify that use of the 2.5-minute HUP is not part of, or combined with, a takeoff operation.

The requirement added to § 29.49(c) provides for the development of helicopter performance data for 2.5-minute HUP utilization.

The testing requirement added to § 29.923(d) consists of two applications of 2.5-minute HUP torque and the maximum speed per 10-hour cycle. The 10-hour cycle represents a run of 10 hours in length that is repeated 20 times, for a total of (at least) 200 hours of endurance testing as required by § 29.923(a). Therefore, the testing added to § 29.923(d) provides for 40 applications of the 2.5-minute HUP during the 200-hour endurance test specified in § 29.923(a). This testing is added to § 29.923(d) ''Endurance tests; 90 percent of maximum continuous run,'' since the 2.5-minute HUP is not part of, or combined with, a takeoff operation, as stated in these special conditions and is expected to be used during mid-mission.

The flight-test requirement added to § 29.1049 is intended to address the hovering cooling provisions at the 2.5-minute HUP and HOGE following thermal stabilization at maximum weight, mission representative power, maximum altitude, and ambient temperatures specified in § 29.1043(b). The flight-test continues with cycling in and out of the HUP mode, in a manner representative of the intended use of the 2.5-minute HUP, per the instructions specified in the Rotorcraft Flight Manual. The repeated successive HUP applications and time duration between HUP cycles result in the most critical condition for the cooling provisions required by § 29.1041(a) and § 29.1041(b). The flight-test continues with departing the hover and transitioning to a maximum continuous power climb at the best rate of climb speed. Climb is continued for 5 minutes after the highest temperatures are observed or until the service ceiling is reached.

The requirements added to § 29.1305 are means for the pilot to identify when the 2.5-minute HUP level is achieved, when the event begins, and when the time interval expires. These means will assist the pilot in managing the 2.5-minute HUP short time duration in a pilot high-workload environment.

The requirements added to § 29.1521 are similar to the powerplant limitations for takeoff operations in § 29.1521(b), modified to reflect the 2.5-minute HUP.

The requirement added to § 29.1587(b)(8) will require publishing the performance data developed under paragraph (b) of these special conditions in the Rotorcraft Flight Manual. These data must be clearly referenced to the appropriate hover charts and specify that they are not to be used for take-off or landing determinations.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

The FAA issued Notice of Proposed Special Conditions No. 29–22–01–SC for the Leonardo Model AW139 helicopter, which was published in the **Federal Register** on May 3, 2022 (87 FR 26143). The FAA did not receive any comments.

Applicability

As discussed above, these special conditions are applicable to the Leonardo Model AW139 helicopter. Should Boeing apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. R00002RD, to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on the Leonardo Model AW139 helicopter. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on the helicopter.

List of Subjects in 14 CFR Part 29

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Leonardo S.p.a. Model AW139 helicopter, as modified by The Boeing Company.

(a) The Rotorcraft Flight Manual must state the following:

(1) Use of the 2.5-minute Hovering Out of Ground Effect (HOGE) Utility Power (2.5-minute HUP) is limited to a period no longer than 2.5 minutes each, under all engine operating (AEO) conditions, at helicopter operating speeds below 60 knots indicated airspeed (KIAS) and HOGE.

(2) Use of the 2.5-minute HUP is not part of, or combined with, a takeoff operation.

(b) In addition to the requirements of § 29.49(c), the out-of-ground effect hover performance must be determined over

the ranges of weight, altitude, and temperatures for which certification is requested with the 2.5-minute HUP.

(c) In addition to the requirements of § 29.923(d) when performing the endurance test, the 2.5 minute all engines operating must be performed using two applications of 2.5-minute HUP torque and the maximum speed for use with 2.5-minute HUP torque, per 10-hour cycle.

(d) In addition to the requirements of § 29.1049, the hovering cooling provisions at the 2.5-minute HUP must be shown as follows—

(1) Conduct a thermal stabilization at maximum weight, mission representative power, maximum altitude, and ambient temperatures specified in § 29.1043(b); following stabilization, increase power to the 2.5-minute HUP and HOGE for a duration of 2.5 minutes (150 seconds).

(2) Cycle in and out the HUP mode in a manner representative of the intended use of the 2.5-minute HUP, and per the instructions specified in the Rotorcraft Flight Manual, if any. The HUP cycles should account for repeated successive HUP applications and time duration between HUP cycles resulting in the most critical condition for the cooling provisions required by § 29.1041(a) and § 29.1041(b).

(3) Following the tests in paragraphs (d)(1) and (d)(2) of these special conditions, depart the hover and transition to a maximum continuous power climb at the best rate of climb speed. Continue the climb until 5 minutes after the highest temperatures are observed or until the service ceiling is reached.

(e) In addition to the requirements of § 29.1305, the pilot must have the means to identify the 2.5-minute HUP time limit associated with its use as follows—

(1) When the power level is achieved,

(2) when the event begins, and

(3) when the time interval expires.

These indications must be clear and unambiguous to the pilot and must not cause pilot confusion. The use of these indications must be evaluated in operationally relevant scenarios in accordance with § 29.1523 for crew workload.

(f) In addition to the requirements of § 29.1521, the use of the 2.5-minute HUP must be limited by the following:

(1) The maximum rotational speed, which may not be greater than—

(i) The maximum value determined by the rotor design; or

(ii) The maximum value demonstrated during the type tests;

(2) The maximum allowable turbine inlet or turbine outlet gas temperature (for turbine engines);

(3) The maximum allowable power or torque for each engine, considering the power input limitations of the transmission with all engines operating;

(4) The maximum allowable power or torque for each engine considering the power input limitations of the transmission with one engine inoperative;

(5) The time limit for the use of the power corresponding to the limitations established in paragraphs (f)(1) through (f)(4) of these special conditions; and

(6) The maximum allowable engine and transmission oil temperatures, if the time limit established in paragraph (f)(5) of these special conditions exceeds 2 minutes.

(7) Use of 2.5-minute HUP is limited to HOGE only.

(g) In addition to the requirements of § 29.1587(b)(8), the Rotorcraft Flight Manual must contain the out-of-ground effect hover performance determined under paragraph (b) of these special conditions, and the maximum safe wind demonstrated under the ambient conditions for the data presented. In addition, the Rotorcraft Flight Manual must include the maximum weight for each altitude and temperature condition at which the rotorcraft can safely hover out-of-ground-effect in winds not less than 17 knots from all azimuths. These data must be clearly referenced to the appropriate hover charts and specify that they are not to be used for take-off or landing determinations.

Issued in Kansas City, Missouri, on August 25, 2022.

Patrick R. Mullen,

Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2022–18722 Filed 8–29–22; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2022–0320; FRL–9731–01–OAR]

Finding of Failure To Submit Regional Haze State Implementation Plans for the Second Planning Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final action.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action finding that 15 states have failed to submit State Implementation Plans (SIPs) to satisfy the visibility protection requirements of the Clean Air Act (CAA), as described in implementing regulations, for the regional haze second planning period. These findings of failure to submit establish a 2-year deadline for the EPA to promulgate Federal Implementation Plans (FIPs) to address these requirements for a given state unless, prior to the EPA promulgating a FIP, the state submits, and the EPA approves, a SIP that meets these requirements.

DATES: Effective date of this action is September 29, 2022.

FOR FURTHER INFORMATION CONTACT: General questions concerning this document should be addressed to Mr. Joseph Stein, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code C539–04, 109 TW Alexander Drive, Research Triangle Park, NC 27711; telephone number: (919) 541–0195; email address: *stein.joseph@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Notice and Comment Under the Administrative Procedures Act (APA)

Section 553 of the APA, 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making this final agency action without prior proposal and opportunity for comment because no significant EPA judgment is involved in making a finding of failure to submit SIPs, or elements of SIPs, required by the CAA, where states have made no submissions or incomplete submissions, to meet the requirement. Thus, notice and public procedure are unnecessary. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

B. How can I get copies of this document and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2022–0320. All documents in the docket are listed and publicly available at *http://www.regulations.gov.* Publicly available docket materials are also available in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC. Out of an abundance

of caution for members of the public and our staff, the EPA Docket Center and Reading Room are open to the public by appointment only to reduce the risk of transmitting COVID–19. Our Docket Center staff also continue to provide remote customer service via email, phone, and webform. Hand deliveries and couriers may be received by scheduled appointment only. For further information on the EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

C. How is the preamble organized?

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D. Where do I go if I have state-specific questions?

The following chart shows the states that failed to make a complete second planning period regional haze SIP submittal as required by EPA's Regional Haze Rule, 40 CFR 51.308, promulgated pursuant to the visibility protection provisions of the CAA found at CAA sections 169A and 169B. for the regional haze second planning period. For questions related to specific states mentioned in this document, please contact the appropriate EPA Regional office:

Regional offices	States
EPA Region 1: John Rogan, Chief, Air Quality Branch, EPA Region I, 5 Post Office Square-Suite 100, Boston, Massachusetts 02109–3912.	Maine, Rhode Island, Vermont.
EPA Region 3: Mike Gordon, Chief, Planning and Implementation Branch, EPA Region III, 1600 JFK Boulevard, Philadelphia, Pennsylvania 19103.	Pennsylvania, Virginia.
EPA Region 4: Lynorae Benjamin, Chief, Air and Radiation Division/Air Planning and Implementation Branch, EPA Region IV, 61 Forsyth Street (AIR), Atlanta, Georgia 30303.	Alabama, Kentucky, Mississippi.
EPA Region 5: Doug Aburano, Manager, Air & Radiation Division, EPA Region V, 77 W Jackson Boulevard (AR–18J), Chicago, Illinois 60604–3511.	Illinois, Minnesota.
EPA Region 6: Michael Feldman, Chief, Air and Radiation Division/Regional Haze and SO_2 Section, EPA Region VI, 1201 Elm Street, Suite 500, Dallas, Texas 75270.	Louisiana, New Mexico.
EPA Region 7: Andy Hawkins, Air and Radiation Division, Air Quality Programs Branch, EPA Region VII, 11201 Renner Boulevard, Lenexa, Kansas 66219.	Iowa, Missouri, Nebraska.

II. Background and Overview

A. Regional Haze SIPs

In the 1977 CAA Amendments, Congress created a program for protecting visibility in the nation's mandatory Class I Federal areas, which include certain national parks and wilderness areas.[1] CAA 169A. The CAA establishes as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas (Class I areas) which impairment results from manmade air pollution. CAA 169A(a)(1). More specifically, CAA section 169A(b)(2)(B) requires SIPs to include long-term strategies for making reasonable progress toward meeting Congress' national goal.

In 1990, Congress added section 169B to the CAA to further address visibility impairment, specifically, impairment from regional haze. CAA 169B. The EPA promulgated the Regional Haze Rule (RHR), codified at 40 CFR 51.308, on July 1, 1999. (64 FR 35714, July 1, 1999). These regional haze regulations are a central component of the EPA's comprehensive visibility protection program for Class I areas. The RHR requires iterative SIP revisions that address the reasonable progress requirements for each 10–15 year planning period. Regional haze SIPs for the first planning period were due from states in December 2007. Much of the focus in the first implementation period of the regional haze program, which ran from 2007 through 2018, was on satisfying states' statutory requirement that certain older, larger sources of visibility impairing pollutants install and operate the Best Available Retrofit Technology (BART). CAA 169(b)(2)(A); 40 CFR 51.308(d), (e).

In 2017, the EPA promulgated revisions to the RHR, (82 FR 3078, January 10, 2017), that apply for the second and subsequent implementation periods. The 2017 rulemaking made several changes to the requirements for regional haze SIPs to clarify states' obligations and streamline certain regional haze requirements. The revisions to the regional haze program for the second and subsequent implementation periods focused on the requirement that states' SIPs contain provisions for making reasonable progress towards the national visibility goal. The reasonable progress requirements as revised in the 2017 rulemaking (referred to here as the 2017 RHR Revisions) are codified at 40 CFR 51.308(f). Additionally, the 2017 RHR Revisions adjusted the deadline for states to submit their second implementation period SIPs from July 31, 2018, to July 31, 2021. 82 FR 3115.

Pursuant to CAA section 110(k)(1)(B), the EPA must determine no later than 6 months after the date by which a state is required to submit a SIP whether a

[1] Areas statutorily designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. CAA 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

state has made a submission that meets the minimum completeness criteria established pursuant to CAA section 110(k)(1)(A). Completeness criteria are set forth at 40 CFR part 51, appendix V. The EPA refers to the determination that a state has not submitted a SIP submission that meets the minimum completeness criteria as a ''finding of failure to submit.'' This finding starts a 2-year ''clock'' for promulgation of a FIP by the EPA, in accordance with CAA section 110(c)(1), unless prior to such promulgation the state submits, and the EPA approves, a submittal from the state to meet the requirements of the RHR and CAA sections 169A and 169B. Even where the EPA has promulgated a FIP, the EPA will take action to withdraw that FIP if a state submits and the EPA approves a SIP satisfying the relevant requirements. These findings of failure to submit do not start mandatory sanctions clocks pursuant to CAA section 179 because these findings of failure to submit do not pertain to part D plans for nonattainment areas.

Some states have submitted complete second planning period regional haze SIPs as required under the CAA and the RHR, but at present 15 states have not yet submitted complete SIPs to the EPA to satisfy these requirements of the CAA and RHR. The EPA is by this action making a finding of failure to submit for those states.

B. Background on Second Planning Period Regional Haze SIPs and Related Matters

As mentioned previously, the 2017 RHR Revisions set the deadline for states to submit their second planning period regional haze SIPs by July 31, 2021. 40 CFR 51.308(f). In total, 15 states have failed to submit complete SIPs while 35 states and the District of Columbia have submitted complete SIPs addressing CAA sections 169A and 169B for the regional haze second planning period. The EPA has included in the docket for this action its correspondence with states regarding the completeness of their SIP submissions. SIPs may be considered complete by either of two methods. First, the EPA may make a determination that a SIP is complete under the ''completeness criteria'' set out at 40 CFR part 51, appendix V. *See* CAA section 110(k)(1). Second, a SIP may be deemed complete by operation of law if the EPA has failed to make such a determination by 6 months after receipt of the SIP submission. *See* CAA section 110(k)(1)(B). The 15 states that failed to make a complete SIP submittal addressing regional haze for the second planning period include: Alabama, Illinois, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Pennsylvania, Rhode Island, Vermont, and Virginia. In all other cases, the EPA has determined that the SIP submittals are complete or they have been deemed complete by operation of law. The EPA is issuing national findings of failure to submit regional haze SIPs addressing the requirements of the RHR and CAA sections 169A and 169B for the regional haze second planning period for all states that EPA has not found to have made complete submissions as of the date of this document.

III. Findings of Failure To Submit for States That Failed To Make a Regional Haze SIP Submission for the Second Planning Period

The EPA is making findings of failure to submit for 15 states. The EPA finds the following states have not submitted complete regional haze SIPs that meet the requirements of the RHR and CAA sections 169A and 169B for the regional haze second planning period: Alabama, Illinois, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Pennsylvania, Rhode Island, Vermont, and Virginia. Notwithstanding these findings, and the associated obligation of the EPA to promulgate FIPs for these states within 2 years of these findings, the EPA intends to continue to work with states subject to these findings to assist them in developing approvable SIP submittals in a timely manner.

IV. Environmental Justice Considerations

The purpose of this action is to make findings that the named states failed to provide the identified SIP submissions to the EPA that are required under the RHR and the CAA. As such, this action, in and of itself, does not adversely affect the level of protection provided for human health or the environment. Moreover, it is intended that the actions and deadlines resulting from this document will promote greater protection for U.S. citizens, including minority, low-income, or indigenous populations, by ensuring that states meet their statutory obligation to develop and submit SIPs consistent with visibility protection requirements.

V. Statutory and Executive Order Reviews

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

A. Executive Orders 12866: Regulatory Planning and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act. This final action does not establish any new information collection requirement apart from what is already required by law. This finding relates to the requirement in the CAA for states to submit SIPs under section 169A and 169B of the CAA for the regional haze second planning period.

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553 or any other statute. This action is not subject to notice and comment requirements because the agency has invoked the APA ''good cause'' exemption under 5 U.S.C. 553(b). The Agency certifies that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. The action is a finding that the named states have not made the necessary SIP submission for regional haze to meet the requirements under sections 169A and 169B of the CAA.

D. Unfunded Mandates Reform Act of 1995 (UMRA)

This action does not contain any unfunded mandate as described in UMRA 2 U.S.C. 1531–1538 and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications, as specified in Executive

Order 13175 (65 FR 67249, November 9, 2000). This action responds to the requirement in the CAA for states to submit SIPs to satisfy the requirements of the RHR and CAA. 82 FR 3078 (Jan. 10, 2017). No tribe is identified in this action as failing to submit a required SIP. Therefore, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it is a finding that certain states have failed to submit a complete SIP that satisfies regional haze requirements under sections 169A and 169B of the CAA for the second planning period and does not directly or disproportionately affect children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations. In finding that certain states have failed to submit a complete SIP that satisfies the regional haze requirements under sections 169A and 169B of the CAA for the regional haze second planning period, this action does not adversely affect the level of protection provided to human health or the environment.

K. Congressional Review Act (CRA)

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

L. Judicial Review

Section 307(b)(l) of the CAA indicates which federal Courts of Appeal have venue for petitions of review of final actions by the EPA under the CAA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit if: (i) The agency action consists of ''nationally applicable regulations promulgated, or final action taken, by the Administrator,'' or (ii) such action is locally or regionally applicable, but ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.'' This final action is nationally applicable. To the extent a court finds this final action to be locally or regionally applicable, the EPA finds that this action is based on a determination of ''nationwide scope or effect'' within the meaning of CAA section 307(b)(1). This final action consists of findings of failure to submit required regional haze SIPs for the second planning period from 15 states located in six of the ten EPA Regional offices. This final action is also based on a common core of factual findings concerning the receipt and completeness of the relevant SIP submittals. For these reasons, this final action is nationally applicable or, alternatively, to the extent a court finds this action to be locally or regionally applicable, the Administrator has determined that this final action is based on a determination of nationwide scope or effect for purposes of CAA section 307(b)(1). Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**. Filing a petition for reconsideration by the Administrator of this final action does not affect the finality of the action for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed and shall not postpone the effectiveness of such rule or action. Thus, any petitions for review of this action must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedures, Air pollution control, Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements.

Michael S. Regan,

Administrator.

[FR Doc. 2022–18678 Filed 8–29–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 121004515–3608–02; RTID 0648–XC302]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2022 Commercial Closure for South Atlantic Red Snapper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure for red snapper in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects commercial landings of red snapper have reached the commercial annual catch limit (ACL) for the 2022 fishing year. Therefore, NMFS is closing the commercial sector for red snapper in the South Atlantic EEZ. This closure is necessary to protect the red snapper resource.

DATES: This temporary rule is effective from 12:01 a.m., eastern time, on August 31, 2022, through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes red snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL for red snapper in the South Atlantic is 124,815 lb (56,615 kg), round weight, as specified in 50 CFR 622.193(y)(1).

Under 50 CFR 622.193(y)(1), NMFS is required to close the commercial sector for red snapper when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial ACL for South Atlantic red snapper will be reached by August 31, 2022. Accordingly, the commercial sector for South Atlantic red snapper is closed effective at 12:01 a.m., eastern time, on August 31, 2022. For the 2023 fishing year, unless otherwise specified, the commercial season will begin on the second Monday in July (50 CFR 622.183(b)(5)(i)).

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having red snapper on board must have landed and bartered, traded, or sold such red snapper prior to 12:01 a.m., eastern time, on August 31, 2022. Because the recreational sector closed on July 10, 2022 (87 FR 31190; May 23, 2022), after the commercial sector closure that is effective on August 31, 2022, all harvest and possession of red snapper in or from the South Atlantic EEZ is prohibited for the remainder of the 2022 fishing year.

On and after the effective date of the closure notification, all sale or purchase of red snapper is prohibited. This prohibition on the harvest, possession, sale or purchase applies in the South Atlantic on a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, regardless if such species were harvested or possessed in state or Federal waters (50 CFR 622.193(y)(1) and 622.181(c)(2)).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(y)(1), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the NMFS Assistant Administrator (AA) finds good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule that established the commercial season, ACL, and accountability measure for red snapper has already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect red snapper because the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and could potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: August 25, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–18763 Filed 8–26–22; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 167
Tuesday, August 30, 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 ENERGY

10 CFR Part 430

[EERE–2014–BT–STD–0031]

RIN 1904–AD20

Energy Conservation Program: Energy Conservation Standards for Consumer Furnaces

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

ACTION: Notification of data availability (NODA), public meeting, and extension of the comment period.

SUMMARY: On July 7, 2022, the U.S. Department of Energy (''DOE'' or ''the Department'') published in the **Federal Register** a notice of proposed rulemaking (''NOPR'') for amending the energy conservation standards for certain consumer furnaces, specifically non-weatherized gas furnaces (''NWGF'') and mobile home gas furnaces (''MHGF''). In response to requests by several interested parties, the U.S. Department of Energy (''DOE'') is making available a revised version of the life-cycle-cost (''LCC'') spreadsheet supporting that NOPR and also announcing a public meeting webinar to assist stakeholders with operation of the LCC spreasheet. In addition, DOE received four requests to extend the public comment period for the NOPR (originally set to close September 6, 2022), and after considering those requests, the Department has decided to extend the public comment period until October 6, 2022.

DATES:

Comments: The comment period for the NOPR published in the **Federal Register** on July 7, 2022 (87 FR 40590) is extended until October 6, 2022. Written comments, data, and information are requested and will be accepted on and before October 6, 2022. See section II, ''Public Participation,'' of this document for details.

Meeting: DOE will hold a webinar on Tuesday, September 6, 2022, from 1:00 p.m. to 3:00 p.m. on the life-cycle cost model for the consumer furnaces rulemaking. See section II, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2014–BT–STD–0031 and/or regulatory information number (''RIN'') 1904–AD20, by any of the following methods:

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

(2) *Email: ResFurnaces2014STD0031@ee.doe.gov.* Include the docket number EERE–2014–BT–STD–0031 in the subject line of the message.

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

(4) *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section II of this document (Public Participation).

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

The docket web page can be found at *www.regulations.gov/docket?D=EERE-2014-BT-STD-0031.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section II (Public Participation) for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

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

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–5827. Email: *Eric.Stas@hq.doe.gov.*

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background and Summary

On July 7, 2022, the U.S. Department of Energy (''DOE'') published in the **Federal Register** a notice of proposed rulemaking (''NOPR'') for amending the energy conservation standards for certain consumer furnaces, specifically non-weatherized gas furnaces (''NWGF'') and mobile home gas furnaces (''MHGF'') (''July 2022 NOPR''). 87 FR 40590. As part of that rulemaking proceeding, DOE also made available a life-cycle-cost (''LCC'') and payback period (''PBP'') analysis

spreadsheet,[1] and a Technical Support Document (''TSD'') [2] in the rulemaking docket. The TSD describes the various analyses, including the LCC analysis, performed in support of the NOPR.

The computer model DOE uses to calculate the LCC and PBP relies on Monte Carlo simulations to incorporate uncertainty and variability into the analysis. The Monte Carlo simulations randomly sample input values from probability distributions and NGWF and MHGF user samples. For this rulemaking, the Monte Carlo approach is implemented in MS Excel together with the Crystal Ball™ add-on.[3] The model calculated the LCC and PBP for products at each efficiency level for 10,000 furnace installations per simulation run. The analytical results include a distribution of 10,000 data points showing the range of LCC savings for a given efficiency level relative to the no-new-standards case efficiency distribution.

In the version of the LCC spreadsheet that DOE published in July accompanying the NOPR, the specific sequence of random numbers utilized by the Monte Carlo simulation was inadvertently changed from the version of the analysis presented in the NOPR and the TSD. As a result, the published LCC spreadsheet produces similar results to the NOPR and TSD that support the same policy outcome, but the currently published version of the LCC spreadsheet will not provide exactly the same results as the NOPR or technical support document tables. This is expected behavior for a Monte Carlo simulation relying on random number generation if the sequence of random numbers is allowed to change. The relative comparison of the various proposed energy conservation standard levels in the published LCC spreadsheet remains similar to the comparison presented in the NOPR. DOE notes that the conclusions of the analysis, the policy decision, and associated rationale are not impacted by this sampling variability.

In this notice of data availability (''NODA''), DOE is announcing that the Department is making available in the docket of the rulemaking and on the furnace rulemaking website page to interested persons a revised version of the LCC spreadsheet in which the random number generation is fixed in place, thereby producing the same results as presented in the NOPR and TSD.

Additionally, DOE held a public meeting webinar on August 3, 2022 to discuss the analyses and proposals presented in the July 2022 NOPR, at which several interested parties requested that DOE hold a separate meeting to further explain the LCC spreadsheet. In addition, on August 11, 2022, the American Gas Association (''AGA''), American Public Gas Association (''APGA''), National Propane Gas Association (''NPGA''), Spire Inc, Spire Missouri Inc, Spire Alabama Inc, and Atmos Energy Corporation (''Atmos Energy'') (collectively, ''Joint Requesters'') submitted a joint comment reiterating their request from the August 3, 2022 webinar that DOE hold a separate workshop on its LCC model. (Joint Requesters, No. 345 at p. 1) [4] DOE notes that the NWGF and MHGF LCC spreadsheet has additional complexities beyond those typically found in LCC spreadsheets, such as those related to fuel switching, extended repair vs. replacement, potential downsizing of furnace capacity, and many installation cost factors. Given the increased complexity of the LCC spreadsheet for NWGF and MHGF, and after considering the comments and requests from interested parties, DOE has determined that an additional webinar focused on the LCC spreadsheet is appropriate. Accordingly, DOE will hold a public meeting webinar on Tuesday, September 6, 2022, to provide instruction on the operation of the LCC spreadsheet to interested persons.

Lastly, the in the July 2022 NOPR, DOE stated it would accept written comments, data, and information on the proposal until September 6, 2022. 87 FR 40590, 40590 (July 7, 2022). DOE received four requests for an extension of the NOPR public comment period. On July 25, 2022, DOE received a joint request from the Joint Requesters [5] to extend the public comment period by 60 days. (Joint Requesters, No. 330 at p. 1) On August 3, 2022, DOE received a request from the Natural Gas Supply Association (NGSA), supporting the Joint Requestors' submission requesting a 60-day extension of the comment period. (NGSA, No. 343 at p. 1) On August 9, 2022, DOE received a submission from the Manufactured Housing Institute (''MHI'') supporting the Joint Requestors' submission and requesting an extension of the comment period. (MHI, No. 344 at p. 1)

On August 11, 2022, DOE received a second submission from the Joint Requestors, which, as discussed previously, requested that DOE hold a workshop on the LCC model. The Joint Requestors also urged that the comment period be extended by 45 days after the receipt of the results of the workshop. (Joint Requesters, No. 345 at p. 1)

DOE has reviewed these requests. Based on these requests, this NODA, and the newly scheduled webinar, DOE is extending the comment period to allow additional time for interested parties to review the revised LCC spreadsheet, participate in the webinar, and provide comments on the NOPR and associated docketed materials. DOE believes that allowing 30 days after the workshop is sufficient and is responsive to the requestors. Therefore, DOE is extending the NOPR comment period until October 6, 2022.

II. Public Participation

A. Attendance at the Public Meeting

The time and date of the webinar meeting are listed in the **DATES** section at the beginning of this document. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website: *www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=59&action=viewlive.* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Conduct of the Public Meeting

DOE will designate a DOE official to preside at the webinar/public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA. (42 U.S.C. 6306) A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing

[1] Available at: *www.regulations.gov/document/EERE-2014-BT-STD-0031-0324* (Last accessed August 12, 2022).

[2] Available at: *www.regulations.gov/document/EERE-2014-BT-STD-0031-0320* (Last accessed August 12, 2022).

[3] Crystal Ball™ is a commercially-available software tool to facilitate the creation of these types of models by generating probability distributions and summarizing results within Excel (Available at: *www.oracle.com/technetwork/middleware/crystalball/overview/index.html*) (Last accessed August 12, 2022).

[4] This parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to develop energy conservation standards for NWGF and MHGF. (Docket No. EERE–2014–BT–STD–0031, which is maintained at *www.regulations.gov*). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

[5] In this submission, the Joint Requestors consisted of AGA, APGA, NPGA, Spire Inc, Spire Missouri Inc, and Spire Alabama Inc, but did not include Atmos Energy.

the conduct of the webinar/public meeting. There shall not be discussion of proprietary information, costs or prices, market share, or other commercial matters regulated by U.S. anti-trust laws. After the webinar/public meeting and until the end of the comment period, interested parties may submit further comments on the proceedings and on any aspect of the rulemaking.

The public meeting webinar will be conducted in an informal, conference style. DOE will present an overview on the operation of the analytical tools. DOE encourages all interested parties to ask clarifying questions. The official conducting the public meeting webinar will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the public meeting webinar.

A transcript of the public meeting webinar will be included in the docket, which can be viewed as described in the Docket section at the beginning of this NODA. In addition, any person may buy a copy of the transcript from the transcribing reporter.

C. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting webinar, but no later than the date provided in the **DATES** section at the beginning of this document. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. No telefacsimiles (''faxes'') will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

III. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of data availability, public meeting, and extension of the comment period.

Signing Authority

This document of the Department of Energy was signed on August 24, 2022, by Dr. Geraldine L. Richmond, Undersecretary for Science and Innovation, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 24, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–18589 Filed 8–29–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1073; Airspace Docket No. 22–AEA–13

Proposed Amendment of Class E Airspace; Oneonta, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Albert S. Nader Regional Airport, Oneonta, NY, by updating the airport's name and removing the Rockdale VORTAC from the Class E airspace description, as well as amending the radius, and removing an extension. Also, this action would update the airport's geographic coordinates. This action would enhance the safety and management of controlled airspace within the national airspace system.

DATES: Comments must be received on or before October 14, 2022.

ADDRESSES: Send comments on this proposal to: the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2022–1073; Airspace Docket No. 22–AEA–13, at the beginning of your comments. You may also submit comments through the internet at *www.regulations.gov.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed 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 Class E airspace for Albert S. Nader Regional Airport, Oneonta, NY, to support IFR operations in the area.

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA–2022–1073 and Airspace Docket No. 22–AEA–13), and be submitted in triplicate to the DOT Docket Operations (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *www.regulations.gov.* Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2022–1073; Airspace Docket No. 22–AEA–13.'' 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. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA proposes an amendment to 14 CFR part 71 to amend Class E airspace extending upward from 700 feet above the surface for Albert S. Nader Regional Airport (formerly Oneonta Municipal Airport), Oneonta, NY, by updating the airport's name and geographic coordinates to coincide with the FAA's database. Also, an airspace evaluation resulted in an increase of the Class E airspace radius to 6.7-miles (previously 6.5-miles) and the removal of the southwest extension. The Rockdale VORTAC would be removed from the airspace description, as it is unnecessary in describing the airspace. This action would enhance the safety and management of controlled airspace within the national airspace system.

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

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA NY E5 Oneonta, NY [Amended]

Albert S. Nader Regional Airport, NY
(Lat. 42°31′29″ N, long. 75°03′52″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Albert S. Nader Regional Airport.

Issued in College Park, Georgia, on August 25, 2022.

Lisa Burrows,

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

[FR Doc. 2022–18637 Filed 8–29–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2022–0611]

RIN 1625–AA08

Eleventh Coast Guard District Annual Marine Events; Northern California and Lake Tahoe, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to update the list of marine events occurring annually within the Eleventh Coast Guard District, specifically within the San Francisco Captain of the Port (COTP) zone. This rule would enable vessel movement restrictions in the regulated area when the special local regulations are activated and enforced. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 29, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0611 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LT Anthony Solares, Sector San Francisco, U.S. Coast Guard; telephone 415–399–3585, email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Coast Guard regularly updates the regulations for recurring special local regulations within the Eleventh Coast Guard District listed in 33 CFR 100.1103. These recurring special local regulations are for marine events that take place either on or over the navigable waters of the Eleventh Coast Guard District as defined at 33 CFR 3.55–1. These regulations were last amended February 13, 2020 (85 FR 8169).

III. Discussion of Proposed Rule

The Coast Guard is proposing to add two events to table 1 to 33 CFR 100.1103, the Sacramento Ironman Swim, which typically occurs on a Sunday in October, and the Escape from Alcatraz Swim, which typically occurs one weekend in June. Unauthorized persons or vessels would be prevented from entering into, transiting through, or remaining in the regulated areas without the permission of the Captain of the Port San Francisco or a designated representative during the events. These regulations are needed to keep spectators and vessels a safe distance away from the specified events to ensure the safety of participants, spectators, and transiting vessels. We would publish notices of enforcements in the **Federal Register** announcing the specific enforcement dates and times before the reoccurring annual events.

We are also proposing small, technical changes to correct minor scrivener's errors in the current text.

The regulatory text we are proposing, which includes details for the location of these events, appears at the end of this document. We also included maps showing the general locations of the Sacramento Ironman Swim event and the Escape from Alcatraz Swim event in the docket USCG–2022–0611.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

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

This regulatory action determination is based on the size and location of the regulated areas. The effect of this rule will not be significant because vessel traffic can either pass safely around these areas, regardless of size, or this rule will encompass only a small portion of the waterway for a short duration. Vessels will also be able to request permission from the COTP to transit through the regulated areas.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves revision of 33 CFR 100.1103. The proposed additions to table 1 of 33 CFR 100.1103 will capture recurring marine events in the San Francisco Captain of the Port (COTP) zone. The revised regulation will prevent unauthorized persons or vessels from entering into, transiting through, or remaining in the regulated areas without the permission of the Captain of the Port San Francisco or a designated representative. Normally such actions are categorically excluded from further review under paragraph L[61] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2022–0611 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public

comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Revise and republish § 100.1103 to read as follows:

§ 100.1103 Northern California and Lake Tahoe area annual marine events.

(a) *General.* Special local regulations are established for the events listed in table 1 of this section. Notice of implementation of these special local regulations will be made by publication in the **Federal Register** 30 days prior to the event for those events without specific dates or by Notice to Mariners 20 days prior to the event for those events listing a period for which a firm date is identifiable. In all cases, further information on exact dates, times, and other details concerning the number and type of participants and an exact geographical description of the areas are published by the Eleventh Coast Guard District in the Local Notice to Mariners at least 20 days prior to each event. To be placed on the mailing list for Local Notice to Mariners contact: Commander (dpw), Eleventh Coast Guard District, Coast Guard Island, Building 50–2, Alameda, CA 94501–5100. *Note:* Sponsors of events listed in table 1 of this section must submit an application each year as required by 33 CFR part 100, subpart A, to the cognizant Coast Guard Sector Commander. Sponsors are informed that ample lead time is required to inform all Federal, state, local agencies, and other interested parties and to provide the sponsor the best support to ensure the safety of life and property.

(b) *Special local regulations.* All persons and vessels not registered with the sponsor as participants or as official patrol vessels are considered spectators. The ''official patrol'' consists of any Coast Guard; other Federal, state, or local law enforcement; and any public or sponsor-provided vessels assigned or approved by the cognizant Coast Guard Sector Commander to patrol each event.

(1) No spectator shall anchor, block, loiter, nor impede the through transit of participants or official patrol vessels in the regulated areas during all applicable effective dates and times unless cleared to do so by or through an official patrol vessel.

(2) When hailed or signaled by an official patrol vessel, any spectator located within a regulated area during all applicable effective dates and times shall come to an immediate stop.

(3) The Patrol Commander (PATCOM) is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander shall be designated by the cognizant Coast Guard Sector Commander; will be a U.S. Coast Guard commissioned officer, warrant officer, or petty officer to act as the Sector Commander's official representative; and will be located aboard the lead official patrol vessel. As the Sector Commander's representative, the PATCOM may terminate the event any time it is deemed necessary for the protection of life and property. The PATCOM may be reached on VHF–FM Channel 13 (156.65MHz) or 16 (156.8MHz) when required, by the call sign ''PATCOM''.

(4) The Patrol Commander may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

(5) The Coast Guard may be assisted by other Federal, state, or local agencies.

TABLE 1 TO § 100.1103

[All coordinate referenced use Datum NAD 83]

1. Blessing of the Fleet	
Sponsor	Corinthian Yacht Club.
Event Description	Boat parade during which vessels pass by a pre-designated platform or vessel.
Date	Last Sunday in April.
Location	San Francisco Waterfront to South Tower of Golden Gate Bridge.
Regulated Area	The area between a line drawn from Bluff Point on the southeastern side of Tiburon Peninsula to Point Campbell on the northern edge of Angel Island, and a line drawn from Peninsula Point to the southern edge of Tiburon Peninsula to Point Stuart on the western edge of Angel Island.
2. Opening Day on San Francisco Bay	
Sponsor	Pacific Inter-Club Yacht Association and Corinthian Yacht Club.
Event Description	Boat parade during which vessels pass by a pre-designated platform or vessel.
Date	Last Sunday in April.
Location	San Francisco, CA waterfront: Crissy Field to Pier 39.
Regulated Area	The area defined by a line drawn from Fort Point; thence easterly approximately 5,000 yards; thence easterly to the Blossom Rock Bell Buoy; thence westerly to the Northeast corner of Pier 39; thence returning along the shoreline to the point of origin. Special Requirements: All vessels entering the regulated area shall follow the parade route established by the sponsor and be capable of maintaining an approximate speed of 6 knots. Commercial Vessel Traffic Allowances: The parade will be interrupted, as necessary, to permit the passage of commercial vessel traffic. Commercial traffic must cross the parade route at a no-wake speed and perpendicular to the parade route.

TABLE 1 TO § 100.1103—Continued

[All coordinate referenced use Datum NAD 83]

3. Delta Thunder Powerboat Race	
Sponsor	Pacific Offshore Power Racing Association.
Event Description	Professional high-speed powerboat race.
Date	Second Saturday, Sunday in September.
Location	Off Pittsburgh, CA in the waters around Winter Island and Browns Island.
Regulated Area	The water area of Suisun Bay commencing at Simmons Point on Chipps Island; thence southwesterly to Stake Point on the southern shore of Suisun Bay; thence easterly following the southern shoreline of Suisun Bay and New York Slough to New York Slough Buoy 13; thence north-northwesterly to the Northwestern corner of Fraser Shoal; thence northwesterly to the western tip of Chain Island; thence west-northwesterly to the northeast tip of Van Sickle Island; thence following the shoreline of Van Sickle Island and Chipps Island and returning to the point of origin.
4. Pittsburg Seafood Festival Air Show	
Sponsor	City of Pittsburg, CA.
Event Description	Pittsburg Seafood Festival Air Show.
Date	Second Saturday, Sunday in September.
Location	Off Pittsburg, CA in the waters around Winter Island and Browns Island.
Regulated Area	The water area of Suisun Bay commencing at Simmons Point on Chipps Island; thence southwesterly to Stake Point on the southern shore of Suisun Bay; thence easterly following the southern shoreline of Suisun Bay and New York Slough to New York Slough Buoy 13; thence north-northwesterly to the Northwestern corner of Fraser Shoal; thence northwesterly to the western tip of Chain Island; thence west-northwesterly to the northeast tip of Van Sickle Island; thence following the shoreline of Van Sickle Island and Chipps Island and returning to the point of origin.
5. Sacramento Ironman Swim	
Sponsor	IRONMAN Group.
Event Description	Swim portion of the Sacramento Ironman Triathlon.
Date	A Sunday in October.
Location	Waters of the American River and Sacramento River from Township 9 Park to North of Tower Bridge.
Regulated Area	For the duration of the event, all non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area all waters of the American River and Sacramento River from Township 9 Park to North of Tower Bridge.
6. Escape From Alcatraz Swim	
Sponsor	Action Sports Events IMG.
Event Description	Escape From Alcatraz Swim. An approximate 750 meter swim that will originate from a boat located in the San Francisco Bay.
Date	A weekend day in June.
Location	Waters of the San Francisco Bay From Alcatraz Island to Saint Francis Yacht Club.
Regulated Area	For the duration of the event, all non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area all waters of the San Francisco Bay From Alcatraz Island to Saint Francis Yacht Club.

Dated: August 19, 2022.

Jordan M. Baldueza,

Captain, U.S. Coast Guard, Alternate Captain of the Port San Francisco.

[FR Doc. 2022–18480 Filed 8–29–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2022–0161; FRL–9410–04–OCSPP]

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities—July 2022

AGENCY: Environmental Protection Agency (EPA).

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

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

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition (PP) of interest identified in Unit II., through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. For the latest status information on EPA/DC services and access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (RD) (7505T), main telephone number: (202) 566–1030, email address: *RDFRNotices@epa.gov.* The mailing address is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

determine whether this document applies to them. Potentially affected entities may include:

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov//epa-dockets.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2), and 40 CFR 180.7(b); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

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

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

A. Amended Tolerances for Non-Inerts

PP 1F8970. EPA–HQ–OPP–2022–0493. Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419–8300, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, mefenoxam in or on leafy greens subgroup, 4–16A (except spinach) at 5 parts per million (ppm); brassica leafy greens subgroup 4–16B at 5 ppm; brassica head and stem vegetable crop group 5–16 at 2 ppm; stalk and stem vegetable subgroup 22A (except celtuce, florence fennel and kohlrabi) at 7 ppm; celtuce at 5 ppm; florence fennel at 5 ppm; kohlrabi at 2 ppm; leaf petiole vegetable subgroup 22B at 5 ppm; fruiting vegetables subgroup 8–10 at 1 ppm; succulent shelled pea and bean crop subgroup 6B at 0.2 ppm; and cottonseed crop subgroup 20C at 0.1 ppm. The analytical method Syngenta Crop Protection Analytical Method ''Link K (2016) Metalaxyl—Analytical Method GRM075.01A for the Determination of Residues of Metalaxyl on Structurally Related Metabolites as Common Moiety 2,6-Dimethylaniline (CGA72649) in Crops'' is used to measure and evaluate the chemical mefenoxam. *Contact:* RD.

B. New Tolerance Exemptions for Inerts (Except PIPs)

1. *PP IN–11671.* EPA–HQ–OPP–2022–0505. Eastman Chemical Company, c/o SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180.960 for residues of 1,3-Benzenedicarboxylic acid, 5-sulfo-, sodium salt (1:1), polymer with 1,3-benzenedicarboxylic acid, 1,4-cyclohexanedimethanol and 2,2′-oxybis[ethanol] (CAS Reg. No. 54590–72–6), when used as a pesticide inert ingredient (dispersant and/or emulsifier) in pesticide formulations. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

2. *PP IN–11672.* EPA–HQ–OPP–2022–0596. Milliken Chemical, A Division of Milliken & Company, 920 Milliken Road, Spartanburg, SC 29303, requests to establish an exemption from the requirement of a tolerance for residues of poly(oxy-1,2-ethanediyl), α,α′-[[[4-[2-(4-methyl-2-benzothiazolyl)diazenyl] phenyl]imino]di-2,1-ethanediyl]bis[ω-hydroxy- (CAS Reg. No. 158172–12–4) when used as a pesticide inert ingredient (colorant) in pesticide formulations applied pre- and post-harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

3. *PP IN–11698.* EPA–HQ–OPP–2022–0595. Spring Regulatory Sciences, 6620 Cypresswood Dr., Suite 250, Spring, TX 77379 on behalf of Colorants Solutions USA LLC, 4000 Monroe Road, Charlotte, NC 28205, requests to establish an exemption from the requirement of a tolerance for residues of 1,4-bis[[3-[2-(2-hydroxyethoxy)ethoxy]propyl]amino]-9,10-anthracenedione (CAS Reg. No. 123944–63–8) when used as a pesticide inert ingredient (colorant/dye) in pesticide formulations applied pre- and post-harvest under 40 CFR 180.910, in/on animals under 180.930 and use in antimicrobial formulations, food-contact surface sanitizing solutions under 180.940(a). The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

C. New Tolerances for Inerts

PP 1E8945. EPA–HQ–OPP–2021–0853. Corteva Agriscience, 9330 Zionsville Rd., Indianapolis, IN 46268, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, sulfoxaflor, in or on the raw agricultural commodity coffee, green bean at 0.3 ppm and coffee, instant at 0.5. The liquid chromatography/mass spectroscopy/mass spectroscopy (LC/MS/MS analysis) is used to measure and evaluate the chemical sulfoxaflor, 1-(6-trifluoromethylpyridin-3-yl) ethyl (methyl)-oxido-λ4-sulfanyli denecyanamide. *Contact:* RD.

D. New Tolerances for Non-Inerts

1. *PP 1E8933.* EPA–HQ–OPP–2022–0671. Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63141, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide deltamethrin, in or on pea and bean, dried shelled, except soybean (crop group 6c) at 0.07 ppm. The gas chromatography equipped with an electron capture detector (GC/ECD) is used to measure and evaluate the chemical deltamethrin. *Contact:* RD.

2. *PP 1F8971.* EPA–HQ–OPP–2022–0493. Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419–8300, requests to establish a tolerance in 40 CFR part 180 for inadvertent residues of the fungicide, mefenoxam in or on sugarcane at 0.1 ppm. The analytical method Syngenta Crop Protection Analytical Method ''Link K (2016) Metalaxyl—Analytical Method GRM075.01A for the Determination of Residues of Metalaxyl on Structurally Related Metabolites as Common Moiety 2,6-Dimethylaniline (CGA72649) in Crops'' is used to measure and evaluate the chemical mefenoxam. *Contact:* RD.

3. *PP 1F8977.* EPA–HQ–OPP–2022–0575. ADAMA AGAN c/o Makhteshim Agan of North America, Inc. (d/b/a ADAMA), 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide metamitron in or on pome fruit (crop group 11–10) at 0.01 ppm. The HPLC employing tandem mass spectrometric (MS/MS) detection (LC–MS/MS) is used to measure and evaluate the chemical metamitron. *Contact:* RD.

4. *PP F8997.* EPA–HQ–OPP–2022–0597. Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419 requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, Oxathiapiprolin, in or on peanut hay at 0.15 ppm. The adequate analytical methodology, high-pressure liquid chromatography with MS/MS detection, is available for enforcement purposes is used to measure and evaluate the chemical Oxathiapiprolin. *Contact:* RD.

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

Dated: August 25, 2022.

Brian Bordelon,

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

[FR Doc. 2022–18675 Filed 8–29–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 401

[Docket No. USCG–2022–0370]

RIN 1625–AC82

Great Lakes Pilotage Rates—2023 Annual Review and Revisions to Methodology

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

ACTION: Notice of proposed rulemaking.

SUMMARY: In accordance with the statutory provisions enacted by the Great Lakes Pilotage Act of 1960, the Coast Guard is proposing new base pilotage rates for the 2023 shipping season. The Coast Guard estimates that this proposed rule would result in an approximately 14-percent increase in operating costs compared to the 2022 season. Additionally, in accordance with the requirement to conduct a full ratemaking every 5 years, the Coast Guard is accepting comments on the Great Lakes pilotage ratemaking methodology. We are also accepting suggestions for changes to the staffing model, for consideration in a future ratemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 29, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0370 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Mr. Brian Rogers, Commandant, Office of Waterways and Ocean Policy—Great Lakes Pilotage Division (CG–WWM–2), Coast Guard; telephone 202–372–1535, email *Brian.Rogers@uscg.mil,* or fax 202–372–1914.

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

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

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–1625–AC82 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see the Department of Homeland Security's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Public meeting. We do not plan to hold a public meeting, but we will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notification to announce the date, time, and location of such a meeting.

II. Abbreviations

AMOU American Maritime Officers Union
APA American Pilots' Association
BLS Bureau of Labor Statistics
CFR Code of Federal Regulations
CPA Certified public accountant
CPI Consumer Price Index
DHS Department of Homeland Security
Director U.S. Coast Guard's Director of the Great Lakes Pilotage
ECI Employment Cost Index
FOMC Federal Open Market Committee
FR Federal Register
GLPA Great Lakes Pilotage Authority (Canadian)
GLPAC Great Lakes Pilotage Advisory Committee
GLPMS Great Lakes Pilotage Management System
LPA Lakes Pilots Association
NAICS North American Industry Classification System
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
PCE Personal Consumption Expenditures
§ Section
SBA Small Business Administration
SLSPA Saint Lawrence Seaway Pilotage Association
U.S.C. United States Code
WGLPA Western Great Lakes Pilots Association

III. Executive Summary

In accordance with Title 46 of the United States Code (U.S.C.), Chapter 93,[1] the Coast Guard regulates pilotage for oceangoing vessels on the Great Lakes and St. Lawrence Seaway — including setting the rates for pilotage services and adjusting them on an annual basis for the upcoming shipping season. The shipping season begins when the locks open in the St. Lawrence Seaway, which allows traffic access to and from the Atlantic Ocean. The opening of the locks varies annually, depending on waterway conditions, but is generally in March or April. The rates, which for the 2023 season range from a proposed $407 to $867 per pilot hour (depending on which of the specific six areas pilotage service is provided), are paid by shippers to the pilot associations. The three pilot associations, which are the exclusive U.S. source of registered pilots on the Great Lakes, use this revenue to cover operating expenses, maintain infrastructure, compensate apprentice and registered pilots, acquire and implement technological advances, train new personnel, and allow partners to participate in professional development.

In accordance with statutory and regulatory requirements, we have employed the ratemaking methodology we introduced in 2016. Our ratemaking methodology calculates the revenue needed for each pilotage association (operating expenses, compensation for the number of pilots, and anticipated inflation), and then divides that amount by the expected demand for pilotage services over the course of the coming year, to produce an hourly rate. This is a 10-step methodology to calculate rates. The 10-step methodology is explained in section VI of this preamble.

In this notice of proposed rulemaking (NPRM), we are proposing a full ratemaking, setting new pilotage rates for 2023 based on the 10-step ratemaking methodology, and accepting comments on the methodology. We conducted the last full ratemaking 5 years ago, in 2018. Per title 46 of the Code of Federal Regulations (CFR), § 404.100(a), in this NPRM, the Coast Guard's Director of the Great Lakes Pilotage (''the Director'') proposes to establish base pilotage rates by a full ratemaking pursuant to §§ 404.101 through 404.110. Base rates would be set to meet the goals of promoting safe, efficient, and reliable pilotage service on the Great Lakes, by generating sufficient revenue for each pilotage association to reimburse its necessary and reasonable operating expenses, fairly compensate trained and rested pilots, and provide appropriate funds to use for improvements. We use a 10-year average when calculating traffic to smooth out variations in traffic caused by global economic conditions, such as those caused by the COVID–19 pandemic. The Coast Guard estimates that this proposed rule would result in $4,535,400 in additional costs.

Based on the ratemaking model discussed in this NPRM, we are proposing the rates shown in table 1.

[1] 46 U.S.C. 9301–9308.

TABLE 1—CURRENT AND PROPOSED PILOTAGE RATES ON THE GREAT LAKES

Area	Name	Final 2022 pilotage rate	Proposed 2023 pilotage rate
District One: Designated	St. Lawrence River	$834	$867
District One: Undesignated	Lake Ontario	568	581
District Two: Designated	Navigable waters from Southeast Shoal to Port Huron, MI	536	606
District Two: Undesignated	Lake Erie	610	652
District Three: Designated	St. Mary's River	662	818
District Three: Undesignated	Lakes Huron, Michigan, and Superior	342	407

This proposed rule would affect 55 U.S. Great Lakes pilots, 7 apprentice pilots, 3 pilot associations, and the owners and operators of an average of 285 oceangoing vessels that transit the Great Lakes annually. This proposed rule is not economically significant under Executive Order 12866 and would not affect the Coast Guard's budget or increase Federal spending. The estimated overall annual regulatory economic impact of this rate change would be a net increase of $4,535,400 in estimated payments made by shippers during the 2023 shipping season. This NPRM establishes the 2023 yearly compensation for pilots on the Great Lakes at $422,336 per pilot (a $23,070 increase, or 5.78 percent, over their 2022 compensation). Because the Coast Guard must review, and, if necessary, adjust rates each year, we analyze these as single-year costs and do not annualize them over 10 years. Section X of this preamble provides the regulatory impact analyses of this proposed rule.

IV. Basis and Purpose

The legal basis of this rulemaking is 46 U.S.C. Chapter 93,[2] which requires foreign merchant vessels and United States vessels operating ''on register'' (meaning United States vessels engaged in foreign trade) to use United States or Canadian pilots while transiting the United States waters of the St. Lawrence Seaway and the Great Lakes system.[3] For U.S. Great Lakes pilots, the statute requires the Secretary of Homeland Security to ''prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.'' [4] The statute requires that rates be established or reviewed and adjusted each year, not later than March 1.[5] The statute also requires that base rates be established by a full ratemaking at least once every 5 years, and, in years when base rates are not established, they must be reviewed and, if necessary, adjusted.[6] The Secretary's duties and authority under 46 U.S.C. Chapter 93 have been delegated to the Coast Guard.[7]

The purpose of this rule is to issue new pilotage rates for the 2023 shipping season. The Coast Guard believes that the new rates will continue to promote our goal, as outlined in 46 CFR 404.1, of promoting safe, efficient, and reliable pilotage service in the Great Lakes by generating for each pilotage association sufficient revenue to reimburse its necessary and reasonable operating expenses, fairly compensate trained and rested pilots, and provide appropriate funds to use for improvements.

V. Background

Pursuant to 46 U.S.C. 9303, the Coast Guard, in conjunction with the Canadian Great Lakes Pilotage Authority (GLPA), regulates shipping practices and rates on the Great Lakes. Under Coast Guard regulations, all vessels engaged in foreign trade (often referred to as ''salties'') are required to engage United States or Canadian pilots during their transit through the regulated waters.[8] United States and Canadian ''lakers,'' which account for most commercial shipping on the Great Lakes, are not affected.[9] Generally, vessels are assigned a United States or Canadian pilot depending on the order in which they transit a particular area of the Great Lakes, and do not choose the pilot they receive. If a vessel is assigned a U.S. pilot, that pilot will be assigned by the pilotage association responsible for the particular district in which the vessel is operating, and the vessel operator will pay the pilotage association for the pilotage services. The GLPA establishes the rates for Canadian registered pilots.

The U.S. waters of the Great Lakes and the St. Lawrence Seaway are divided into three pilotage districts. Pilotage in each district is provided by an association certified by the Director to operate a pilotage pool. The Saint Lawrence Seaway Pilotage Association (SLSPA) provides pilotage services in District One, which includes all U.S. waters of the St. Lawrence River and Lake Ontario. The Lakes Pilots Association (LPA) provides pilotage services in District Two, which includes all U.S. waters of Lake Erie, the Detroit River, Lake St. Clair, and the St. Clair River. Finally, the Western Great Lakes Pilots Association (WGLPA) provides pilotage services in District Three, which includes all U.S. waters of the St. Marys River; Sault Ste. Marie Locks; and Lakes Huron, Michigan, and Superior.

Each pilotage district is further divided into ''designated'' and ''undesignated'' areas, depicted in table 2 below. Designated areas, classified as such by Presidential Proclamation, are waters in which pilots must direct the navigation of vessels at all times.[10] Undesignated areas, on the other hand, are open bodies of water not subject to the same pilotage requirements. While working in undesignated areas, pilots must ''be on board and available to direct the navigation of the vessel at the discretion of and subject to the customary authority of the master.'' [11] For these reasons, pilotage rates in designated areas can be significantly higher than those in undesignated areas.

[2] 46 U.S.C. 9301–9308.

[3] 46 U.S.C. 9302(a)(1).

[4] 46 U.S.C. 9303(f).

[5] *Id.*

[6] *Id.*

[7] Department of Homeland Security (DHS) Delegation 00170.1, Revision No. 01.2, paragraph (II)(92)(f).

[8] See 46 CFR part 401.

[9] 46 U.S.C. 9302(f). A ''laker'' is a commercial cargo vessel especially designed for and generally limited to use on the Great Lakes.

[10] Presidential Proclamation 3385, *Designation of restricted waters under the Great Lakes Pilotage Act of 1960,* December 22, 1960.

[11] 46 U.S.C. 9302(a)(1)(b).

TABLE 2—AREAS OF THE GREAT LAKES AND ST. LAWRENCE SEAWAY

District	Pilotage association	Designation	Area number [12]	Area name [13]
One	Saint Lawrence Seaway Pilotage Association.	Designated	1	St. Lawrence River.
		Undesignated	2	Lake Ontario.
Two	Lakes Pilots Association	Designated	5	Navigable waters from Southeast Shoal to Port Huron, MI.
		Undesignated	4	Lake Erie.
Three	Western Great Lakes Pilots Association.	Designated	7	St. Marys River
		Undesignated	6	Lakes Huron and Michigan.
		Undesignated	8	Lake Superior.

Each pilot association is an independent business and is the sole provider of pilotage services in the district in which it operates. Each pilot association is responsible for funding its own operating expenses, maintaining infrastructure, compensating pilots and apprentice pilots,[14] acquiring and implementing technological advances, and training personnel and partners. The Coast Guard uses a 10-step ratemaking methodology to derive a pilotage rate, based on the estimated amount of traffic, which covers these expenses.[15] The methodology is designed to measure how much revenue each pilotage association would need to cover expenses and provide competitive compensation goals to registered pilots. Since the Coast Guard cannot guarantee demand for pilotage services, target pilot compensation for registered pilots is a goal. The actual demand for service dictates the actual compensation for the registered pilots. We then divide that amount by the historic 10-year average for pilotage demand. We recognize that, in years where traffic is above average, pilot associations will accrue more revenue than projected, while in years where traffic is below average, they will take in less. We believe that over the long term, however, this system ensures that infrastructure will be maintained and that pilots will receive adequate compensation and work a reasonable number of hours, with adequate rest between assignments, to ensure retention of highly trained personnel.

Over the past several years, the Coast Guard has adjusted the Great Lakes pilotage ratemaking methodology per our authority in 46 U.S.C. 9303(f) to conduct annual reviews of base pilotage rates and adjust such base rates in each intervening year in consideration of the public interest and the costs of providing the services. The current methodology was finalized in the Great Lakes Pilotage Rates—2022 Annual Review and Revisions to Methodology final rule (87 FR 18488, March 30, 2022). We summarize the current and proposed methodology in the section below.

VI. Summary of the Ratemaking Methodology

As stated above, the ratemaking methodology, outlined in 46 CFR 404.101 through 404.110, consists of 10 steps that are designed to account for the revenues needed and total traffic expected in each district. The result is an hourly rate, determined separately for each of the areas administered by the Coast Guard.

In Step 1, ''Recognize previous operating expenses,'' (§ 404.101) the Director reviews audited operating expenses from each of the three pilotage associations. Operating expenses include all allowable expenses minus wages and benefits. This number forms the baseline amount that each association is budgeted. Because of the time delay between when the association submits raw numbers and the Coast Guard receives audited numbers, this number is 3 years behind the projected year of expenses. Therefore, in calculating the 2023 rates in this proposal, we begin with the audited expenses from the 2020 shipping season.

While each pilotage association operates in an entire district (including both designated and undesignated areas), the Coast Guard determines costs by area. With regard to operating expenses, we allocate certain operating expenses to designated areas and certain operating expenses to undesignated areas. In some cases, we can allocate the costs based on where they are actually accrued. For example, we can allocate the costs for insurance for apprentice pilots who operate in undesignated areas only. In other situations, such as general legal expenses, expenses are distributed between designated and undesignated waters on a *pro rata* basis, based upon the proportion of income forecasted from the respective portions of the district.

In Step 2, ''Project operating expenses, adjusting for inflation or deflation,'' (§ 404.102) the Director develops the 2023 projected operating expenses. To do this, we apply inflation adjustors for 3 years to the operating expense baseline received in Step 1. The inflation factors are from the Bureau of Labor Statistics' (BLS) Consumer Price Index (CPI) for the Midwest Region, or, if not available, the Federal Open Market Committee (FOMC) median economic projections for Personal Consumption Expenditures (PCE) inflation. This step produces the total operating expenses for each area and district.

In Step 3, ''Estimate number of registered pilots and apprentice pilots,'' (§ 404.103) the Director calculates how many registered and apprentice pilots, including apprentice pilots with limited registration, are needed for each district. To do this, we employ a ''staffing model,'' described in § 401.220, paragraphs (a)(1) through (3), to estimate how many pilots would be needed to handle shipping during the beginning and close of the season. This number is helpful in providing guidance to the Director in approving an appropriate number of pilots.

For the purpose of the ratemaking calculation, we determine the number of pilots provided by the pilotage associations (see § 404.103) and use that figure to determine how many pilots need to be compensated via the pilotage fees collected.

In the first part of Step 4, ''Determine target pilot compensation benchmark and apprentice pilot wage benchmark,'' (§ 404.104) the Director determines the revenue needed for pilot compensation in each area and district and calculates

[12] Area 3 is the Welland Canal, which is serviced exclusively by the Canadian GLPA and, accordingly, is not included in the United States pilotage rate structure.

[13] The areas are listed by name at 46 CFR 401.405.

[14] Apprentice pilots and applicant pilots are compensated by the pilot association they are training with, which is funded through the pilotage rates. The ratemaking methodology accounts for an apprentice pilot wage benchmark in Step 4 per 46 CFR 404.104(d). The applicant pilot salaries are included in the pilot associations' operating expenses used in Step 1 per 46 CFR 404.101.

[15] 46 CFR part 404.

the total compensation for each pilot using a ''compensation benchmark.''

In the second part of Step 4, set forth in § 404.104(c), the Director determines the total compensation figure for each district. To do this, the Director multiplies the compensation benchmark by the number of pilots for each area and district (from Step 3), producing a figure for total pilot compensation.

In Step 5, ''Project working capital fund,'' (§ 404.105) the Director calculates a value that is added to pay for needed capital improvements and other non-recurring expenses, such as technology investments and infrastructure maintenance. This value is calculated by adding the total operating expenses (derived in Step 2) to the total pilot compensation and total target apprentice pilot wage (derived in Step 4) and multiplying that figure by the preceding year's average annual rate of return for new issues of high-grade corporate securities. This figure constitutes the ''working capital fund'' for each area and district.

In Step 6, ''Project needed revenue,'' (§ 404.106) the Director simply adds up the totals produced by the preceding steps. The projected operating expense for each area and district (from Step 2) is added to the total pilot compensation, including apprentice pilot wage benchmarks, (from Step 4) and the working capital fund contribution (from Step 5). The total figure, calculated separately for each area and district, is the ''needed revenue.''

In Step 7, ''Calculate initial base rates,'' (§ 404.107) the Director calculates an hourly pilotage rate to cover the needed revenue as calculated in Step 6. This step consists of first calculating the 10-year hours of traffic average for each area. Next, we divide the revenue needed in each area (calculated in Step 6) by the 10-year hours of traffic average to produce an initial base rate.

An additional element, the ''weighting factor,'' is required under § 401.400. Pursuant to that section, ships pay a multiple of the ''base rate'' as calculated in Step 7 by a number ranging from 1.0 (for the smallest ships, or ''Class I'' vessels) to 1.45 (for the largest ships, or ''Class IV'' vessels). As this significantly increases the revenue collected, we need to account for the added revenue produced by the weighting factors to ensure that shippers are not overpaying for pilotage services. We do this in the next step.

In Step 8, ''Calculate average weighting factors by Area,'' (§ 404.108) the Director calculates how much extra revenue, as a percentage of total revenue, has historically been produced by the weighting factors in each area. We do this by using a historical average of the applied weighting factors for each year since 2014 (the first year the current weighting factors were applied).

In Step 9, ''Calculate revised base rates,'' (§ 404.109) the Director modifies the base rates by accounting for the extra revenue generated by the weighting factors. We do this by dividing the initial pilotage rate for each area (from Step 7) by the corresponding average weighting factor (from Step 8), to produce a revised rate.

In Step 10, ''Review and finalize rates,'' (§ 404.110) often referred to informally as ''Director's discretion,'' the Director reviews the revised base rates (from Step 9) to ensure that they meet the goals set forth in 46 U.S.C. 9303(f) and 46 CFR 404.1(a), which include promoting efficient, safe, and reliable pilotage service on the Great Lakes; generating sufficient revenue for each pilotage association to reimburse necessary and reasonable operating expenses; compensating trained and rested pilots fairly; and providing appropriate revenue for improvements.

After the base rates are set, § 401.401 permits the Coast Guard to apply surcharges. We are not proposing to use any surcharges in this ratemaking. In previous ratemakings where apprentice pilot wages were not built into the rate, the Coast Guard used surcharges to cover applicant pilot compensation in those years to help with applicant recruitment. In this ratemaking, we include the applicant trainee compensation in the district's operating expenses used in step 1 of the ratemaking. Consistent with the 2021 and 2022 rulemakings, we continue to believe that the pilot associations are now able to plan for the costs associated with hiring applicant pilots to fill pilot vacancies without relying on the Coast Guard to impose surcharges to help with recruiting.

VII. Discussion of Proposed Methodological and Other Changes

The Coast Guard is proposing to use the existing ratemaking methodology for establishing the base rates in this full ratemaking. The Coast Guard is not proposing any methodological or other policy changes to the ratemaking within this NPRM. However, we are accepting comments on the entire ratemaking methodology and staffing model as part of our full ratemaking year.

According to 46 U.S.C. 9303(f), and restated in § 404.100(a), the Coast Guard must establish base rates by a full ratemaking at least once every 5 years. We have determined that the current base rate and methodology still adequately adheres to the Coast Guard's goals of safety through rate and compensation stability, while promoting recruitment and retention of qualified U.S. registered pilots. The Coast Guard has made several changes to the ratemaking over the last several ratemakings in consideration of the public interest and costs of providing services. The recent changes and their impacts are summarized as follows.

In the 2017 ratemaking (82 FR 41466, August 31, 2017), we modified the ratemaking methodology to account for the additional revenue produced by the application of weighting factors (discussed in detail in Steps 7 through 9 for each district, in section IX of this preamble). In the 2018 ratemaking (83 FR 26162, June 5, 2018), we adopted a new approach in the methodology for the compensation benchmark, based upon United States mariners rather than Canadian working pilots. In the 2020 ratemaking (85 FR 20088, April 9, 2020), we revised the methodology to accurately capture all costs and revenues associated with Great Lakes pilotage requirements and produce an hourly rate that adequately and accurately compensates pilots and covers expenses. The 2021 ratemaking (86 FR 14184, March 12, 2021) changed the inflation calculation in Step 4, § 404.104(b) for interim ratemakings, so that the previous year's target compensation value is first adjusted by actual inflation value using the Employment Cost Index (ECI). That change ensures that the target pilot compensation reimbursed to the association remains current with inflation and competitive with industry pay increases. The 2022 ratemaking (87 FR 18488, March 30, 2022) implemented an apprentice pilot wage benchmark in Steps 3 and 4 to provide predictability and stability to associations training apprentice pilots. The 2022 final rule also codified rounding up the staffing model's final number to ensure the ratemaking does not undercount the pilot need presented by the staffing model and association circumstances.

These refinements to the methodology continue to promote safe, efficient, and reliable pilotage service on the Great Lakes, and allows each pilotage association to generate sufficient revenue to cover its necessary and reasonable operating expenses, fairly compensate trained and rested pilots, and realize an appropriate revenue to use for improvements. While the Coast Guard is not proposing changes at this time, we welcome public comments and suggestions on the methodology.

The Coast Guard is requesting input on the staffing model due to the diversification of traffic and increased demand for pilotage services, for consideration in a future rulemaking. The annual Great Lakes Pilotage Advisory Committee (GLPAC) meeting of September 1, 2021, produced a recommendation for the Coast Guard to review the staffing model. A copy of the GLPAC September 1, 2021, meeting transcript is available in the docket, where indicated under the Public Participation and Request for Comments portion of the preamble (section I). The recommendation is on page 53 of the transcript. We are interested in the public's suggestions on what changes may improve the staffing model to accurately capture staffing demand. We would consider the comments and determine any changes to propose in a future ratemaking.

VIII. Individual Target Pilot Compensation Benchmark

The Coast Guard is proposing to set the target pilot compensation benchmark in this ratemaking at the target compensation for the ratemaking year 2022, adjusted for inflation. In a full ratemaking year, per 46 CFR 404.104(a), the Director determines a base individual target pilot compensation using a compensation benchmark in consideration of relevant currently available non-proprietary information. The Director may make necessary and reasonable adjustments to the benchmark if circumstances require. The compensation benchmark would be used in Step 4 of the existing methodology. In the following interim year ratemakings, the base target pilot compensation would be inflated annually in accordance with § 404.104(b). We discuss how we arrived at this proposed compensation benchmark next.

Prior to 2016, the Coast Guard based the compensation benchmark on data provided by the American Maritime Officers Union (AMOU) regarding its contract for first mates on the Great Lakes. However, in 2016 the AMOU elected to no longer provide this data to the Coast Guard. In the 2016 ratemaking (81 FR 11908, March 7, 2016), we used average compensation for a Canadian pilot plus a 10-percent adjustment. The shipping industry challenged the compensation benchmark, and the court found that the Coast Guard did not adequately support the 10-percent addition to the Canadian GLPA compensation benchmark. *American Great Lakes Ports Association* v. *Zukunft,* 296 F.Supp. 3d 27 (D.D.C. 2017). The Coast Guard then based the 2018 full ratemaking compensation benchmark on data provided by the AMOU regarding its contract for first mates on the Great Lakes in the 2011 to 2015 period (83 FR 26162, June 5, 2018). The 2018 final rule adjusted the AMOU 2015 data for inflation using FOMC median economic projections for PCE inflation.

In the 2020 interim year ratemaking final rule, the Coast Guard established its most recent pilot compensation benchmark. Given the lack of access to AMOU data, we did not rely on the AMOU aggregated wage and benefit information as the basis for the compensation benchmark, and instead adopted the 2019 target pilot compensation (with inflation) as our compensation benchmark going forward. We stated in the 2020 final rule that no other United States or Canadian pilot compensation data was appropriate to use as a benchmark at that time. *See* 85 FR 20091. The Director determined that the ratemaking provided adequate compensation for pilots. In the 2020 ratemaking, we announced we would use the 2020 benchmark for future rates. *See* 85 FR 20091.

Based on our experience over the past three ratemakings (2020–2022), the Director continues to believe that the level of target pilot compensation for those years provided an appropriate level of compensation for U.S. Registered pilots. According to § 401.101(a), the Director may make necessary and reasonable adjustments to the benchmark based on current information. However, current circumstances do not indicate that an adjustment, other than for inflation, is necessary. The Director bases this decision on the fact that there is no indication that registered pilots are resigning due to their compensation or that this compensation benchmark is causing shortfalls in achieving reliable pilotage. We also do not believe that the pilot compensation benchmark is too high relative to the expertise required to perform the job. The compensation would continue to be adjusted annually in accordance with published inflation rates, which would ensure the compensation remains competitive and current for upcoming years.

Therefore, the Coast Guard proposes to not seek alternative benchmarks for target compensation at this time and, instead, to simply adjust the amount of target pilot compensation for inflation as our target compensation benchmark for 2023, as shown in Step 4. This target compensation benchmark approach has advanced and will continue to advance the Coast Guard's goals of safety through rate and compensation stability while also promoting recruitment and retention of qualified U.S. pilots.

The proposed compensation benchmark for 2023 is $399,266 per registered pilot, and $143,736 per apprentice pilot, using the 2022 compensation as a benchmark. We then follow the procedure outlined in paragraph (b) of § 404.104, which adjusts the existing compensation benchmark for inflation. We are using a two-step process to adjust target pilot compensation for inflation. First, we adjust the 2022 target compensation benchmark of $399,266 by 3.4 percent for an adjusted value of $412,841. This first adjustment accounts for the difference in actual first quarter 2022 ECI inflation, which is 5.6 percent, and the 2022 PCE estimate of 2.2 percent.[16] [17] The second step accounts for projected inflation from 2022 to 2023, which is 2.3 percent.[18] Based on the projected 2023 inflation estimate, the proposed target compensation benchmark for 2023 is $422,336 per pilot. The proposed apprentice pilot wage benchmark is 36 percent of the target pilot compensation, or $152,041 ($422,336 × 0.36).

IX. Discussion of Proposed Rate Adjustments

In this NPRM, based on the proposed policy changes described in the previous section, we are proposing new pilotage rates for 2023. We propose to conduct the 2023 ratemaking as a full ratemaking, as we last did in 2018 (83 FR 26162). Thus, the Coast Guard proposes to adjust the compensation benchmark following the full ratemaking year procedures under § 404.100(a) rather than the procedures for an interim ratemaking year in § 404.100(b).

This section discusses the proposed rate changes using the ratemaking steps provided in 46 CFR part 404. We will detail all 10 steps of the ratemaking procedure for each of the 3 districts to show how we arrive at the proposed new rates.

[16] Employment Cost Index, Total Compensation for Private Industry workers in Transportation and Material Moving, Annual Average, Series ID: CIU2010000520000A. Accessed April 29, 2022. *https://www.bls.gov/news.release/eci.t05.htm.*

[17] Table 1 Summary of Economic Projections, PCE Inflation September Projection. Accessed December, 2021 *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20211215.pdf.*

[18] Table 1 Summary of Economic Projections, PCE Inflation December Projection. Accessed March 2022 *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20220316.pdf.*

District One

A. Step 1: Recognize Previous Operating Expenses

Step 1 in our ratemaking methodology requires that the Coast Guard review and recognize the previous year's operating expenses (§ 404.101). To do so, we begin by reviewing the independent accountant's financial reports for each association's 2020 expenses and revenues.[19] For accounting purposes, the financial reports divide expenses into designated and undesignated areas. For costs accrued by the pilot associations generally, such as employee benefits, for example, the cost is divided between the designated and undesignated areas on a *pro rata* basis. The recognized operating expenses for District One are shown in table 3.

Adjustments have been made by the auditors and are explained in the auditor's reports, which are available in the docket for this rulemaking, where indicated under the Public Participation and Request for Comments portion of the preamble.

In the 2020 expenses used as the basis for this rulemaking, districts used the term ''applicant'' to describe applicant trainees and persons who would be called apprentices (applicant pilots) under the definition of ''Apprentice pilot'' introduced in the 2022 final rule. Therefore, when describing past expenses, we use the term ''applicant'' to match what was reported from 2020, which includes both applicant and apprentice pilots. We use ''apprentice'' to distinguish apprentice pilot wages and describe the impacts of the ratemaking going forward.

We continue to include applicant salaries as an allowable expense in the 2023 ratemaking, as it is based on 2020 operating expenses, when salaries were still an allowable expense. The apprentice salaries paid in the years 2020 and 2021 have not been reimbursed in the ratemaking as of publication of this proposed rule. Applicant salaries (including applicant trainees and apprentice pilots) will continue to be an allowable operating expense through the 2024 ratemaking, which uses operating expenses from 2021, where the wages for apprentice pilots were still authorized as operating expenses. Beginning with the 2025 ratemaking, apprentice pilot salaries will no longer be included as a 2022 operating expense, because apprentice pilot wages would have already been factored into the ratemaking Steps 3 and 4 in calculation of the 2022 rates. Beginning in 2025, the applicant salaries' operating expenses for 2022 will consist of only applicant trainees (those who are not yet apprentice pilots).

TABLE 3—2020 RECOGNIZED EXPENSES FOR DISTRICT ONE

Reported operating expenses for 2020	District One		
	Designated	Undesignated	Total
	St. Lawrence River	Lake Ontario	
Applicant Pilot Compensation:			
Salaries	$257,250	$171,500	$428,750
Employee Benefits	13,633	9,089	22,722
Applicant Subsistence/Travel	14,901	9,934	24,835
Applicant License Insurance	1,771	1,181	2,952
Applicant Payroll Tax	20,823	13,882	34,705
Total Applicant Pilot Compensation	308,378	205,586	513,964
Other Pilot Cost:			
Subsistence/Travel—Pilot	575,475	383,650	959,125
Hotel/Lodging Cost	32,802	21,868	54,671
License Insurance—Pilots	45,859	30,573	76,432
Payroll Taxes—Pilots	188,318	125,546	313,864
Other	26,433	17,621	44,054
Total other pilotage costs	868,887	579,258	1,448,145
Pilot Boat and Dispatch Costs:			
Pilot Boat Expense (Operating)	325,904	217,269	543,173
Pilot Boat Cost (D1–20–01)	104,658	69,772	174,430
Dispatch Expense	139,916	93,277	233,193
Payroll Taxes	22,930	15,287	38,217
Total Pilot and Dispatch Costs	593,408	395,605	989,013
Administrative Expenses:			
Legal—General Counsel	3,124	2,083	5,207
Legal—Shared Counsel (K&L Gates)	62,906	41,937	104,843
Legal—USCG Litigation	8,793	5,862	14,655
Insurance	35,040	23,360	58,400
Employee Benefits	5,541	3,694	9,235
Payroll Taxes	6,511	4,341	10,852
Other Taxes	69,000	46,000	115,000
Real Estate Taxes	23,298	15,532	38,830
Travel	21,516	14,344	35,860
Depreciation	152,071	101,381	253,452
Certified Public Accountant (CPA) Deduction (D1–19–01)	(44,623)	(29,748)	(74,371)

[19] These reports are available in the docket for this rulemaking.

TABLE 3—2020 RECOGNIZED EXPENSES FOR DISTRICT ONE—Continued

Reported operating expenses for 2020	District One		
	Designated	Undesignated	Total
	St. Lawrence River	Lake Ontario	
Interest	36,924	24,616	61,540
CPA Deduction (D1–19–01)	(18,710)	(12,473)	(31,183)
American Pilots' Association (APA) Dues	27,172	18,115	45,287
Dues and Subscriptions	4,080	2,720	6,800
Utilities	15,618	10,412	26,030
Salaries	69,848	46,565	116,413
Accounting/Professional Fees	8,220	5,480	13,700
Other	55,213	36,809	92,022
Applicant Administrative Expense:			
Pilot Training	26,787	17,858	44,645
Supplies	481	320	801
Total Administrative Expenses	568,810	379,208	948,018
Total Expenses (OpEx + Applicant + Pilot Boats + Admin + Capital)	2,339,483	1,559,657	3,899,140
Director's Adjustments—Applicant Surcharge Collected	(10,814)	(7,209)	(18,024)
Director's Adjustments—Applicant Salaries	(19,379)	(12,919)	(32,298)
Total Director's Adjustments	(30,193)	(20,129)	(50,322)
Total Operating Expenses (OpEx + Adjustments)	2,309,290	1,539,528	3,848,818

B. Step 2: Project Operating Expenses, Adjusting for Inflation or Deflation

Having identified the recognized 2020 operating expenses in Step 1, the next step is to estimate the current year's operating expenses by adjusting those expenses for inflation over the 3-year period. We calculate inflation using the BLS data from the CPI for the Midwest Region of the United States for the 2021 inflation rate.[20] Because the BLS does not provide forecasted inflation data, we use economic projections from the Federal Reserve for the 2022 and 2023 inflation modification.[21] Based on that information, the calculations for Step 2 are as follows:

TABLE 4—ADJUSTED OPERATING EXPENSES FOR DISTRICT ONE

	District One		
	Designated	Undesignated	Total
Total Operating Expenses (Step 1)	$2,309,290	$1,539,528	$3,848,818
2021 Inflation Modification (@5.1%)	117,774	78,516	196,290
2022 Inflation Modification (@2.7033%)	65,531	43,687	109,218
2023 Inflation Modification (@2.3%)	57,330	38,220	95,550
Adjusted 2023 Operating Expenses	2,549,925	1,699,951	4,249,876

C. Step 3: Estimate Number of Registered Pilots and Apprentice Pilots

In accordance with the text in § 404.103, we estimate the number of fully registered pilots in each district. We determine the number of fully registered pilots based on data provided by the SLSPA. Using these numbers, we estimate that there will be 18 registered pilots in 2023 in District One. We determine the number of apprentice pilots based on input from the district on anticipated retirements and staffing needs. Using these numbers, we estimate that there will be two apprentice pilots in 2023 in District One. Based on the seasonal staffing model discussed in the 2017 ratemaking (see 82 FR 41466), we assign a certain number of pilots to designated waters and a certain number to undesignated waters, as shown in table 5. These numbers are used to determine the amount of revenue needed in their respective areas.

[20] The 2021 inflation rate is available at *https://data.bls.gov/pdq/SurveyOutputServlet.* Specifically, the CPI is defined as ''All Urban Consumers (CPI–U), All Items, 1982–4=100.'' Series CUUS0200SAO (Downloaded March 2022)

[21] The 2022 and 2023 inflation rates are available at *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20220316.pdf.* We used the PCE median inflation value found in table 1. (Downloaded March 2022).

TABLE 5—AUTHORIZED PILOTS FOR DISTRICT ONE

Item	District One
Proposed Maximum Number of Pilots (per § 401.220(a))*	18
2023 Authorized Pilots (total)	18
Pilots Assigned to Designated Areas	10
Pilots Assigned to Undesignated Areas	8
2023 Apprentice Pilots	2

* For a detailed calculation, refer to the Great Lakes Pilotage Rates—2017 Annual Review final rule, which contains the staffing model. See 82 FR 41466, table 6 at 41480 (August 31, 2017).

D. Step 4: Determine Target Pilot Compensation Benchmark and Apprentice Pilot Wage Benchmark

In this step, we determine the total pilot compensation for each area. Because we are proposing a full ratemaking this year, we propose to follow the procedure outlined in paragraph (a) of § 404.104, which requires us to develop a benchmark after considering the most relevant currently available non-proprietary information. In accordance with the discussion in Section VII of this preamble, the proposed compensation benchmark for 2023 uses the 2022 compensation of $399,266 per registered pilot as a base, then adjusts for inflation following the procedure outlined in paragraph (b) of § 404.104. The proposed target pilot compensation for 2023 is $422,336 per pilot. The proposed apprentice pilot wage benchmark is 36 percent of the target pilot compensation, or $152,041 ($422,336 × 0.36).

Next, we certify that the number of pilots estimated for 2022 is less than or equal to the number permitted under the staffing model in § 401.220(a). The staffing model suggests that the number of pilots needed is 18 pilots for District One, which is less than or equal to 18, the number of registered pilots provided by the pilot association. In accordance with § 404.104(c), we use the revised target individual compensation level to derive the total pilot compensation by multiplying the individual target compensation by the estimated number of registered pilots for District One, as shown in table 6. We estimate that the number of apprentice pilots with limited registration needed will be two for District One in the 2023 season. The total target wages for apprentices are allocated with 60 percent for the designated area, and 40 percent for the undesignated area, in accordance with the allocation for operating expenses.

TABLE 6—TARGET COMPENSATION FOR DISTRICT ONE

	District One		
	Designated	Undesignated	Total
Target Pilot Compensation	$422,336	$422,336	$422,336
Number of Pilots	10	8	18
Total Target Pilot Compensation	$4,223,360	$3,378,688	$7,602,048
Target Apprentice Pilot Compensation	$152,041	$152,041	$152,041
Number of Apprentice Pilots	.....	.....	2
Total Target Apprentice Pilot Compensation	$182,449.00	$121,632.92	$304,082

E. Step 5: Project Working Capital Fund

Next, we calculate the working capital fund revenues needed for each area. First, we add the figures for projected operating expenses, total pilot compensation, and total target apprentice pilot wage for each area. Next, we find the preceding year's average annual rate of return for new issues of high-grade corporate securities. Using Moody's data, the number is 2.7033 percent.[22] By multiplying the two figures, we obtain the working capital fund contribution for each area, as shown in table 7.

TABLE 7—WORKING CAPITAL FUND CALCULATION FOR DISTRICT ONE

	District One		
	Designated	Undesignated	Total
Adjusted Operating Expenses (Step 2)	$2,549,925	$1,699,951	$4,249,876
Total Target Pilot Compensation (Step 4)	4,223,360	3,378,688	7,602,048
Total Target Apprentice Pilot Compensation (Step 4)	182,449	121,633	304,082
Total 2023 Expenses	6,955,734	5,200,272	12,156,006
Working Capital Fund (2.7033%)	188,037	140,581	328,618

[22] Moody's Seasoned Aaa Corporate Bond Yield, average of 2021 monthly data. The Coast Guard uses the most recent year of complete data. Moody's is taken from Moody's Investors Service, which is a bond credit rating business of Moody's Corporation. Bond ratings are based on creditworthiness and risk. The rating of ''Aaa'' is the highest bond rating assigned with the lowest credit risk. See *https://fred.stlouisfed.org/series/AAA*. (Downloaded March, 2022)

F. Step 6: Project Needed Revenue

In this step, we add all the expenses accrued to derive the total revenue needed for each area. These expenses include the projected operating expenses (from Step 2), the total pilot compensation (from Step 4), total target apprentice pilot wage, (from Step 4) and the working capital fund contribution (from Step 5). We show these calculations in table 8.

TABLE 8—REVENUE NEEDED FOR DISTRICT ONE

	District One		
	Designated	Undesignated	Total
Adjusted Operating Expenses (Step 2)	$2,549,925	$1,699,951	$4,249,876
Total Target Pilot Compensation (Step 4)	4,223,360	3,378,688	7,602,048
Total Target Apprentice Pilot Compensation (Step 4)	182,449	121,633	304,082
Working Capital Fund (Step 5)	188,037	140,581	328,618
Total Revenue Needed	7,143,771	5,340,853	12,484,624

G. Step 7: Calculate Initial Base Rates

Having determined the revenue needed for each area in the previous six steps, to develop an hourly rate we divide that number by the expected number of hours of traffic. Step 7 is a two-part process. In the first part, we calculate the 10-year average of traffic in District One, using the total time on task or pilot bridge hours. To calculate the time on task for each district, the Coast Guard uses billing data from the Great Lakes Pilotage Management System (GLPMS). We pull the data from the system filtering by district, year, job status (we only include closed jobs), and flagging code (we only include U.S. jobs). Because we calculate separate figures for designated and undesignated waters, there are two parts for each calculation. We show these values in table 9.

TABLE 9—TIME ON TASK FOR DISTRICT ONE

[Hours]

Year	District One	
	Designated	Undesignated
2021	6,188	7,871
2020	6,265	7,560
2019	8,232	8,405
2018	6,943	8,445
2017	7,605	8,679
2016	5,434	6,217
2015	5,743	6,667
2014	6,810	6,853
2013	5,864	5,529
2012	4,771	5,121
Average	6,386	7,135

Next, we derive the initial hourly rate by dividing the revenue needed by the average number of hours for each area. This produces an initial rate, which is necessary to produce the revenue needed for each area, assuming the amount of traffic is as expected. We present the calculations for District One in table 10.

TABLE 10—INITIAL RATE CALCULATIONS FOR DISTRICT ONE

	Designated	Undesignated
Revenue needed (Step 6)	$7,143,771	$5,340,853
Average time on task (hours)	6,386	7,135
Initial rate	$1,119	$749

H. Step 8: Calculate Average Weighting Factors by Area

In this step, we calculate the average weighting factor for each designated and undesignated area. We collect the weighting factors, set forth in 46 CFR 401.400, for each vessel trip. Using this database, we calculate the average weighting factor for each area using the data from each vessel transit from 2014 onward, as shown in tables 11 and 12.

TABLE 11—AVERAGE WEIGHTING FACTOR FOR DISTRICT ONE, DESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	31	1	31
Class 1 (2015)	41	1	41
Class 1 (2016)	31	1	31
Class 1 (2017)	28	1	28
Class 1 (2018)	54	1	54
Class 1 (2019)	72	1	72
Class 1 (2020)	8	1	8
Class 1 (2021)	10	1	10
Class 2 (2014)	285	1.15	328
Class 2 (2015)	295	1.15	339
Class 2 (2016)	185	1.15	213
Class 2 (2017)	352	1.15	405
Class 2 (2018)	559	1.15	643
Class 2 (2019)	378	1.15	435
Class 2 (2020)	560	1.15	644
Class 2 (2021)	315	1.15	362
Class 3 (2014)	50	1.3	65
Class 3 (2015)	28	1.3	36
Class 3 (2016)	50	1.3	65
Class 3 (2017)	67	1.3	87
Class 3 (2018)	86	1.3	112
Class 3 (2019)	122	1.3	159
Class 3 (2020)	67	1.3	87
Class 3 (2021)	52	1.3	68
Class 4 (2014)	271	1.45	393
Class 4 (2015)	251	1.45	364
Class 4 (2016)	214	1.45	310
Class 4 (2017)	285	1.45	413
Class 4 (2018)	393	1.45	570
Class 4 (2019)	730	1.45	1059
Class 4 (2020)	427	1.45	619
Class 4 (2021)	407	1.45	590
Total	6,704	.....	8,640
Average weighting factor (weighted transits ÷ number of transits)	.....	1.29	.....

TABLE 12—AVERAGE WEIGHTING FACTOR FOR DISTRICT ONE, UNDESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	25	1	25
Class 1 (2015)	28	1	28
Class 1 (2016)	18	1	18
Class 1 (2017)	19	1	19
Class 1 (2018)	22	1	22
Class 1 (2019)	30	1	30
Class 1 (2020)	3	1	3
Class 1 (2021)	19	1	19
Class 2 (2014)	238	1.15	274
Class 2 (2015)	263	1.15	302
Class 2 (2016)	169	1.15	194
Class 2 (2017)	290	1.15	334
Class 2 (2018)	352	1.15	405
Class 2 (2019)	366	1.15	421
Class 2 (2020)	358	1.15	412
Class 2 (2021)	463	1.15	532
Class 3 (2014)	60	1.3	78
Class 3 (2015)	42	1.3	55
Class 3 (2016)	28	1.3	36
Class 3 (2017)	45	1.3	59
Class 3 (2018)	63	1.3	82
Class 3 (2019)	58	1.3	75
Class 3 (2020)	35	1.3	46
Class 3 (2021)	71	1.3	92
Class 4 (2014)	289	1.45	419
Class 4 (2015)	269	1.45	390
Class 4 (2016)	222	1.45	322
Class 4 (2017)	285	1.45	413

TABLE 12—AVERAGE WEIGHTING FACTOR FOR DISTRICT ONE, UNDESIGNATED AREAS—Continued

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 4 (2018)	382	1.45	554
Class 4 (2019)	326	1.45	473
Class 4 (2020)	334	1.45	484
Class 4 (2021)	466	1.45	676
Total	5,638		7,291
Average weighting factor (weighted transits ÷ number of transits)			1.29

I. Step 9: Calculate Revised Base Rates

In this step, we revise the base rates so that the total cost of pilotage will be equal to the revenue needed after considering the impact of the weighting factors. To do this, we divide the initial base rates calculated in Step 7 by the average weighting factors calculated in Step 8, as shown in table 13.

TABLE 13—REVISED BASE RATES FOR DISTRICT ONE

Area	Initial rate (Step 7)	Average weighting factor (Step 8)	Revised rate (Initial rate ÷ average weighting factor)
District One: Designated	$1,119	1.29	$867
District One: Undesignated	749	1.29	581

J. Step 10: Review and Finalize Rates

In this step, the Director reviews the rates set forth by the staffing model and ensures that they meet the goal of ensuring safe, efficient, and reliable pilotage. To establish this, the Director considers whether the proposed rates incorporate appropriate compensation for pilots to handle heavy traffic periods and whether there is a sufficient number of pilots to handle those heavy traffic periods. The Director also considers whether the proposed rates would cover operating expenses and infrastructure costs, including average traffic and weighting factions. Based on the financial information submitted by the pilots, the Director is not proposing any alterations to the rates in this step. We propose to modify § 401.405(a)(1) and (2) to reflect the final rates shown in table 14.

TABLE 14—PROPOSED FINAL RATES FOR DISTRICT ONE

Area	Name	Final 2022 pilotage rate	Proposed 2023 pilotage rate
District One: Designated	St. Lawrence River	$834	$867
District One: Undesignated	Lake Ontario	568	581

District Two

A. Step 1: Recognize Previous Operating Expenses

Step 1 in our ratemaking methodology requires that the Coast Guard review and recognize the previous year's operating expenses (§ 404.101). To do so, we begin by reviewing the independent accountant's financial reports for each association's 2020 expenses and revenues.[23] For accounting purposes, the financial reports divide expenses into designated and undesignated areas. For costs accrued by the pilot associations generally, such as employee benefits, for example, the cost is divided between the designated and undesignated areas on a *pro rata* basis. The recognized operating expenses for District Two are shown in table 15.

Adjustments have been made by the auditors and are explained in the auditor's reports, which are available in the docket for this rulemaking, where indicated under the Public Participation and Request for Comments portion of the preamble.

In the 2020 expenses used as the basis for this rulemaking, districts used the term ''applicant'' to describe applicant trainees and persons who would be called apprentices (applicant pilots) under the definition introduced by the 2022 final rule. Therefore, when describing past expenses, we use the term ''applicant'' to match what was reported from 2020, which includes both applicant and apprentice pilots. We use ''apprentice'' to distinguish apprentice pilot wages and describe the impacts of the ratemaking going forward.

We continue to include applicant salaries as an allowable expense in the 2023 ratemaking, as it is based on 2020 operating expenses, when salaries were still an allowable expense. The apprentice salaries paid in the years 2020 and 2021 have not been reimbursed in the ratemaking as of publication of this proposed rule. Applicant salaries (including applicant trainees and apprentice pilots) will continue to be an allowable operating expense through the 2024 ratemaking, which uses operating expenses from 2021 where the wages for apprentice pilots were still authorized as operating expenses. Beginning with the 2025 ratemaking, apprentice pilot salaries would no longer be included as a 2022 operating expense, because apprentice

[23] These reports are available in the docket for this rulemaking.

pilot wages would have already been factored into the ratemaking Steps 3 and 4 in calculation of the 2022 rates. Beginning in 2025, the applicant salaries' operating expenses for 2022 will consist of only applicant trainees (those who are not yet apprentice pilots).

TABLE 15—2020 RECOGNIZED EXPENSES FOR DISTRICT TWO

Reported operating expenses for 2020	District Two		
	Undesignated	Designated	Total
	Lake Erie	Southeast Shoal to Port Huron	
Applicant Salaries	$101,810	$152,715	$254,525
Applicant Health Insurance	12,706	19,058	31,764
Applicant Subsistence/Travel	6,732	10,098	16,830
Applicant Hotel/Lodging Cost	3,652	5,478	9,130
Applicant Payroll Tax	4,888	7,332	12,220
Total Applicant Cost	129,788	194,681	324,469
Pilot Subsistence/Travel	124,953	187,427	312,380
Hotel/Lodging Cost	40,744	61,116	101,860
License Renewal	1,606	2,409	4,015
Payroll Taxes	94,996	142,495	237,491
Insurance	8,666	12,999	21,665
Total Other Pilotage Costs	270,965	406,446	677,411
Pilot Boat and Dispatch Costs:			
Pilot Boat Cost	218,840	328,261	547,101
Employee Benefits	92,554	138,831	231,385
Payroll taxes	13,565	20,347	33,912
Total Pilot Boat and Dispatch Costs	324,959	487,439	812,398
Administrative Expense:			
Legal—General Counsel	4,016	6,024	10,040
Legal—Shared Counsel (K&L Gates)	9,898	14,846	24,744
Legal—Shared Counsel (K&L Gates) (D2–20–01)	3,233	4,850	8,083
Office Rent	27,627	41,440	69,067
Insurance	12,357	18,536	30,893
Employee Benefits	157,650	236,476	394,126
Payroll Taxes	5,007	7,510	12,517
Other Taxes	43,400	65,100	108,500
Real Estate Taxes	8,285	12,427	20,712
Depreciation/Auto Lease/Other	7,783	11,674	19,457
Interest	114	171	285
APA Dues	14,683	22,025	36,708
Dues and Subscriptions	819	1,229	2,048
Utilities	18,453	27,679	46,132
Salaries—Admin Employees	50,250	75,374	125,624
Accounting	14,360	21,540	35,900
Pilot Training	146	219	365
Other	24,604	36,906	61,510
Total Administrative Expenses	402,685	604,026	1,006,711
Total OpEx (Pilot Costs + Applicant Cost + Pilot Boats + Admin)	1,128,397	1,692,592	2,820,989
Director's Adjustments for Pilot Salaries:			
Total Director's Adjustments.			
Total Operating Expenses (OpEx + Adjustments)	1,128,397	1,692,592	2,820,989

B. Step 2: Project Operating Expenses, Adjusting for Inflation or Deflation

Having identified the recognized 2020 operating expenses in Step 1, the next step is to estimate the current year's operating expenses by adjusting those expenses for inflation over the 3-year period. We calculate inflation using the BLS data from the CPI for the Midwest Region of the United States for the 2021 inflation rate.[24]

[24] The 2021 inflation rate is available at *https://data.bls.gov/pdq/SurveyOutputServlet*. Specifically, the CPI is defined as ''All Urban Consumers (CPI–U), All Items, 1982–4=100.'' Series CUUS0200SAO. (Downloaded March 2022).

Because the BLS does not provide forecasted inflation data, we use economic projections from the Federal Reserve for the 2022 and 2023 inflation modification.[25] Based on that information, the calculations for Step 2 are as follows:

TABLE 16—ADJUSTED OPERATING EXPENSES FOR DISTRICT TWO

	District Two		
	Undesignated	Designated	Total
Total Operating Expenses (Step 1)	$1,128,397	$1,692,592	$2,820,989
2021 Inflation Modification (@5.1%)	57,548	86,322	143,870
2022 Inflation Modification (@2.7033%)	32,021	48,031	80,052
2023 Inflation Modification (@2.3%)	28,013	42,020	70,033
Adjusted 2023 Operating Expenses	1,245,979	1,868,965	3,114,944

C. Step 3: Estimate Number of Registered Pilots and Apprentice Pilots

In accordance with the text in § 404.103, we estimate the number of fully registered pilots in each district. We determine the number of fully registered pilots based on data provided by the LPA. Using these numbers, we estimate that there will be 16 registered pilots in 2023 in District Two. We determine the number of apprentice pilots based on input from the district on anticipated retirements and staffing needs. Using these numbers, we estimate that there will be two apprentice pilots in 2023 in District Two. Based on the seasonal staffing model discussed in the 2017 ratemaking (see 82 FR 41466), we assign a certain number of pilots to designated waters and a certain number to undesignated waters, as shown in table 17. These numbers are used to determine the amount of revenue needed in their respective areas.

TABLE 17—AUTHORIZED PILOTS FOR DISTRICT TWO

Item	District Two
Proposed Maximum Number of Pilots (per § 401.220(a))*	16
2023 Authorized Pilots (total)	15
Pilots Assigned to Designated Areas	6
Pilots Assigned to Undesignated Areas	9
2023 Apprentice Pilots	2

* For a detailed calculation, refer to the Great Lakes Pilotage Rates—2017 Annual Review final rule, which contains the staffing model. See 82 FR 41466, table 6 at 41480 (August 31, 2017).

D. Step 4: Determine Target Pilot Compensation Benchmark and Apprentice Pilot Wage Benchmark

In this step, we determine the total pilot compensation for each area. Because we are proposing a full ratemaking this year, we propose to follow the procedure outlined in paragraph (a) of § 404.104, which requires us to develop a benchmark after considering the most relevant currently available non-proprietary information. In accordance with the discussion in Section VII of this preamble, the proposed compensation benchmark for 2023 uses the 2022 compensation of $399,266 per registered pilot as a base, then adjusts for inflation following the procedure outlined in paragraph (b) of § 404.104. The proposed target pilot compensation for 2023 is $422,336 per pilot. The proposed apprentice pilot wage benchmark is 36 percent of the target pilot compensation, or $152,041 ($422,336 × 0.36).

Next, we certify that the number of pilots estimated for 2022 is less than or equal to the number permitted under the staffing model in § 401.220(a). The staffing model suggests that the number of pilots needed is 15 pilots for District Two, which is less than or equal to 15, the number of registered pilots provided by the pilot association. In accordance with § 404.104(c), we use the revised target individual compensation level to derive the total pilot compensation by multiplying the individual target compensation by the estimated number of registered pilots for District Two, as shown in table 18. We estimate that the number of apprentice pilots with limited registration needed will be two for District Two in the 2023 season. The total target wages for apprentices are allocated with 60 percent for the designated area and 40 percent for the undesignated area, in accordance with the allocation for operating expenses.

TABLE 18—TARGET COMPENSATION FOR DISTRICT TWO

	District Two		
	Undesignated	Designated	Total
Target Pilot Compensation	$422,336	$422,336	$422,336
Number of Pilots	9	6	15
Total Target Pilot Compensation	$3,801,024	$2,534,016	$6,335,040
Target Apprentice Pilot Compensation	$152,041	$152,041	$152,041
Number of Apprentice Pilots			2

[25] The 2022 and 2023 inflation rates are available at *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20220316.pdf*. We used the PCE median inflation value found in table 1. (Downloaded March 2022).

TABLE 18—TARGET COMPENSATION FOR DISTRICT TWO—Continued

	District Two		
	Undesignated	Designated	Total
Total Target Apprentice Pilot Compensation	$121,632.92	$182,449.00	$304,082

E. Step 5: Project Working Capital Fund

Next, we calculate the working capital fund revenues needed for each area. First, we add the figures for projected operating expenses, total pilot compensation, and total target apprentice pilot wage for each area. Then we find the preceding year's average annual rate of return for new issues of high-grade corporate securities. Using Moody's data, the number is 2.7033 percent.[26] By multiplying the two figures, we obtain the working capital fund contribution for each area, as shown in table 19.

TABLE 19—WORKING CAPITAL FUND CALCULATION FOR DISTRICT TWO

	District Two		
	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2)	$1,245,979	$1,868,965	$3,114,944
Total Target Pilot Compensation (Step 4)	3,801,024	2,534,016	6,335,040
Total Target Apprentice Pilot Compensation (Step 4)	121,633	182,449	304,082
Total 2023 Expenses	5,168,636	4,585,430	9,754,066
Working Capital Fund (2.7033%)	139,725	123,959	263,684

F. Step 6: Project Needed Revenue

In this step, we add all the expenses accrued to derive the total revenue needed for each area. These expenses include the projected operating expenses (from Step 2), the total pilot compensation (from Step 4), total target apprentice pilot wage, (from Step 4) and the working capital fund contribution (from Step 5). We show these calculations in table 20.

TABLE 20—REVENUE NEEDED FOR DISTRICT TWO

	District Two		
	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2)	$1,245,979	$1,868,965	$3,114,944
Total Target Pilot Compensation (Step 4)	3,801,024	2,534,016	6,335,040
Total Target Apprentice Pilot Compensation (Step 4)	121,633	182,449	304,082
Working Capital Fund (Step 5)	139,725	123,959	263,684
Total Revenue Needed	5,308,361	4,709,389	10,017,750

G. Step 7: Calculate Initial Base Rates

Having determined the revenue needed for each area in the previous six steps, to develop an hourly rate we divide that number by the expected number of hours of traffic. Step 7 is a two-part process. In the first part, we calculate the 10-year average of traffic in District Two, using the total time on task or pilot bridge hours. To calculate the time on task for each district, the Coast Guard uses billing data from SeaPro. We pull the data from the system filtering by district, year, job status (we only include processed jobs), and flagging code (we only include U.S. jobs). Because we calculate separate figures for designated and undesignated waters, there are two parts for each calculation. We show these values in table 21.

TABLE 21—TIME ON TASK FOR DISTRICT TWO (HOURS)

Year	District Two	
	Undesignated	Designated
2021	8,826	3,226
2020	6,232	8,401
2019	6,512	7,715
2018	6,150	6,655
2017	5,139	6,074
2016	6,425	5,615

[26] Moody's Seasoned Aaa Corporate Bond Yield, average of 2021 monthly data. The Coast Guard uses the most recent year of complete data. Moody's is taken from Moody's Investors Service, which is a bond credit rating business of Moody's Corporation. Bond ratings are based on creditworthiness and risk. The rating of ''Aaa'' is the highest bond rating assigned with the lowest credit risk. See *https://fred.stlouisfed.org/series/AAA. (Downloaded March 2022).*

TABLE 21—TIME ON TASK FOR DISTRICT TWO (HOURS)—Continued

Year	District Two	
	Undesignated	Designated
2015	6,535	5,967
2014	7,856	7,001
2013	4,603	4,750
2012	3,848	3,922
Average	6,213	5,933

Next, we derive the initial hourly rate by dividing the revenue needed by the average number of hours for each area. This produces an initial rate, which is necessary to produce the revenue needed for each area, assuming the amount of traffic is as expected. We present the calculations for District Two in table 22.

TABLE 22—INITIAL RATE CALCULATIONS FOR DISTRICT TWO

	Undesignated	Designated
Revenue needed (Step 6)	$5,308,361	$4,709,389
Average time on task (hours)	6,213	5,933
Initial rate	$854	$794

H. Step 8: Calculate Average Weighting Factors by Area.

In this step, we calculate the average weighting factor for each designated and undesignated area. We collect the weighting factors, set forth in 46 CFR 401.400, for each vessel trip. Using this database, we calculate the average weighting factor for each area using the data from each vessel transit from 2014 onward, as shown in tables 23 and 24.

TABLE 23—AVERAGE WEIGHTING FACTOR FOR DISTRICT TWO, UNDESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	31	1	31
Class 1 (2015)	35	1	35
Class 1 (2016)	32	1	32
Class 1 (2017)	21	1	21
Class 1 (2018)	37	1	37
Class 1 (2019)	54	1	54
Class 1 (2020)	1	1	1
Class 1 (2021)	7	1	7
Class 2 (2014)	356	1.15	409
Class 2 (2015)	354	1.15	407
Class 2 (2016)	380	1.15	437
Class 2 (2017)	222	1.15	255
Class 2 (2018)	123	1.15	141
Class 2 (2019)	127	1.15	146
Class 2 (2020)	165	1.15	190
Class 2 (2021)	206	1.15	237
Class 3 (2014)	20	1.3	26
Class 3 (2015)	0	1.3	0
Class 3 (2016)	9	1.3	12
Class 3 (2017)	12	1.3	16
Class 3 (2018)	3	1.3	4
Class 3 (2019)	1	1.3	1
Class 3 (2020)	1	1.3	1
Class 3 (2021)	5	1.3	7
Class 4 (2014)	636	1.45	922
Class 4 (2015)	560	1.45	812
Class 4 (2016)	468	1.45	679
Class 4 (2017)	319	1.45	463
Class 4 (2018)	196	1.45	284
Class 4 (2019)	210	1.45	305
Class 4 (2020)	201	1.45	291
Class 4 (2021)	227	1.45	329
Total	5,019	.....	6,592
Average weighting factor (weighted transits ÷ number of transits)	.....	1.31	.....

TABLE 24—AVERAGE WEIGHTING FACTOR FOR DISTRICT TWO, DESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	20	1	20
Class 1 (2015)	15	1	15
Class 1 (2016)	28	1	28
Class 1 (2017)	15	1	15
Class 1 (2018)	42	1	42
Class 1 (2019)	48	1	48
Class 1 (2020)	7	1	7
Class 1 (2021)	12	1	12
Class 2 (2014)	237	1.15	273
Class 2 (2015)	217	1.15	250
Class 2 (2016)	224	1.15	258
Class 2 (2017)	127	1.15	146
Class 2 (2018)	153	1.15	176
Class 2 (2019)	281	1.15	323
Class 2 (2020)	342	1.15	393
Class 2 (2021)	240	1.15	276
Class 3 (2014)	8	1.3	10
Class 3 (2015)	8	1.3	10
Class 3 (2016)	4	1.3	5
Class 3 (2017)	4	1.3	5
Class 3 (2018)	14	1.3	18
Class 3 (2019)	1	1.3	1
Class 3 (2020)	5	1.3	7
Class 3 (2021)	2	1.3	3
Class 4 (2014)	359	1.45	521
Class 4 (2015)	340	1.45	493
Class 4 (2016)	281	1.45	407
Class 4 (2017)	185	1.45	268
Class 4 (2018)	379	1.45	550
Class 4 (2019)	403	1.45	584
Class 4 (2020)	405	1.45	587
Class 4 (2021)	268	1.45	389
Total	4,674	.....	6,140
Average weighting factor (weighted transits ÷ number of transits)	.....	.....	1.31

I. Step 9: Calculate Revised Base Rates

In this step, we revise the base rates so that the total cost of pilotage will be equal to the revenue needed after considering the impact of the weighting factors. To do this, we divide the initial base rates calculated in Step 7 by the average weighting factors calculated in Step 8, as shown in table 25.

TABLE 25—REVISED BASE RATES FOR DISTRICT TWO

Area	Initial rate (Step 7)	Average weighting factor (Step 8)	Revised rate (initial rate ÷ average weighting factor)
District Two: Undesignated	$854	1.31	$652
District Two: Designated	794	1.31	606

J. Step 10: Review and Finalize Rates

In this step, the Director reviews the rates set forth by the staffing model and ensures that they meet the goal of ensuring safe, efficient, and reliable pilotage. To establish this, the Director considers whether the proposed rates incorporate appropriate compensation for pilots to handle heavy traffic periods, and whether there is a sufficient number of pilots to handle those heavy traffic periods. The Director also considers whether the proposed rates would cover operating expenses and infrastructure costs, and takes average traffic and weighting factors into consideration. Based on the financial information submitted by the pilots, the Director is not proposing any alterations to the rates in this step. We propose to modify § 401.405(a)(3) and (4) to reflect the final rates shown in table 26.

TABLE 26—PROPOSED FINAL RATES FOR DISTRICT TWO

Area	Name	Final 2022 pilotage rate	Proposed 2023 pilotage rate
District Two: Designated	Navigable waters from Southeast Shoal to Port Huron, MI.	$536	$606
District Two: Undesignated	Lake Erie	610	652

District Three

A. Step 1: Recognize Previous Operating Expenses

Step 1 in our ratemaking methodology requires that the Coast Guard review and recognize the previous year's operating expenses (§ 404.101). To do so, we begin by reviewing the independent accountant's financial reports for each association's 2020 expenses and revenues.[27] For accounting purposes, the financial reports divide expenses into designated and undesignated areas. For costs accrued by the pilot associations generally, such as employee benefits, for example, the cost is divided between the designated and undesignated areas on a *pro rata* basis. The recognized operating expenses for District Three are shown in table 27.

Adjustments have been made by the auditors and are explained in the auditor's reports, which are available in the docket for this rulemaking, where indicated under the Public Participation and Request for Comments portion of the preamble.

In the 2020 expenses used as the basis for this rulemaking, districts used the term ''applicant'' to describe applicant trainees and persons who would be called apprentices (applicant pilots) under the definition introduced by the 2022 final rule. Therefore, when describing past expenses, we use the term ''applicant'' to match what was reported from 2020, which includes both applicant and apprentice pilots. We use ''apprentice'' to distinguish apprentice pilot wages and describe the impacts of the ratemaking going forward.

We continue to include applicant salaries as an allowable expense in the 2023 ratemaking, as it is based on 2020 operating expenses, when salaries were still an allowable expense. The apprentice salaries paid in the years 2020 and 2021 have not been reimbursed in the ratemaking as of publication of this proposed rule. Applicant salaries (including applicant trainees and apprentice pilots) will continue to be an allowable operating expense through the 2024 ratemaking, which uses operating expenses from 2021 where the wages for apprentice pilots were still authorized as operating expenses. Beginning with the 2025 ratemaking, apprentice pilot salaries would no longer be included as a 2022 operating expense, because apprentice pilot wages would have already been factored into the ratemaking Steps 3 and 4 in calculation of the 2022 rates. Beginning in 2025, the applicant salaries' operating expenses for 2022 will consist of only applicant trainees (those who are not yet apprentice pilots).

TABLE 27—2020 RECOGNIZED EXPENSES FOR DISTRICT THREE

Reported operating expenses for 2020	District Three			
	Undesignated	Designated	Undesignated	Total
	Lakes Huron and Michigan	St. Mary's River	Lake Superior	
Other Pilotage Costs:				
Pilot Subsistence/Travel	$284,547	$118,603	$149,261	$552,411
Hotel/Lodging Cost	87,208	36,349	45,745	169,302
License Insurance- Pilots	16,749	6,981	8,786	32,516
Payroll Taxes	.....	.....	.....	.....
Payroll Tax (D3–19–01)	151,266	63,049	79,348	293,663
Other	6,505	2,711	3,412	12,628
Total Other Pilotage Costs	546,275	227,693	286,552	1,060,520
Applicant Cost:				
Applicant Salaries	340,677	141,998	178,705	661,380
Applicant Benefits	66,083	27,544	34,665	128,292
Applicant Payroll Tax	25,711	10,717	13,487	49,915
Applicant Hotel/Lodging	31,313	13,052	16,425	60,790
Total Applicant Cost	463,784	193,311	243,282	900,377
Pilot Boat and Dispatch costs:				
Pilot Boat Costs	515,075	214,689	270,187	999,951
Dispatch Costs	112,008	46,686	58,755	217,449
Employee Benefits	41,153	17,153	21,587	79,893
Payroll Taxes	16,771	6,991	8,798	32,560
Total Pilot Boat and Dispatch costs	685,007	285,519	359,327	1,329,853

[27] These reports are available in the docket for this rulemaking.

TABLE 27—2020 RECOGNIZED EXPENSES FOR DISTRICT THREE—Continued

Reported operating expenses for 2020	District Three			
	Undesignated	Designated	Undesignated	Total
	Lakes Huron and Michigan	St. Mary's River	Lake Superior	
Administrative Cost:				
Legal—General Counsel	1,921	801	1,008	3,730
Legal—Shared Counsel (K&L Gates)	21,650	9,024	11,357	42,031
Legal—Shared Counsel (K&L Gates) CPA Deduction (D3–20–03)	3,601	1,501	1,889	6,991
Legal—USCG Litigation	8,575	3,574	4,498	16,647
Insurance	18,811	7,841	9,867	36,519
Employee Benefits	80,117	33,394	42,026	155,537
Payroll Tax	8,101	3,377	4,250	15,728
Other Taxes	15,797	6,584	8,286	30,667
Real Estate Taxes	2,001	834	1,050	3,885
Depreciation/Auto Leasing/Other	61,096	25,465	32,048	118,609
Interest	2,940	1,225	1,542	5,707
APA Dues	23,860	9,945	12,516	46,321
Dues and Subscriptions	4,971	2,072	2,607	9,650
Salaries	50,795	21,172	26,645	98,612
Utilities	54,212	22,596	28,438	105,246
Accounting/Professional Fees	23,823	9,930	12,496	46,249
Other Expenses	38,507	16,050	20,199	74,756
Other Expenses CPA Deduction (D3–18–01)	(4,684)	(1,952)	(2,457)	(9,093)
Total Administrative Expenses	416,094	173,433	218,265	807,792
Total Operating Expenses (Other Costs + Applicant Cost + Pilot Boats + Admin)	2,111,160	879,956	1,107,426	4,098,542
Director's Adjustments—Applicant Surcharge Collected	(63,120)	(26,309)	(33,110)	(122,539)
Total Director's Adjustments	(63,120)	(26,309)	(33,110)	(122,539)
Total Operating Expenses (OpEx + Adjustments)	2,048,040	853,647	1,074,316	3,976,003

B. Step 2: Project Operating Expenses, Adjusting for Inflation or Deflation

Having identified the recognized 2020 operating expenses in Step 1, the next step is to estimate the current year's operating expenses by adjusting those expenses for inflation over the 3-year period. We calculate inflation using the BLS data from the CPI for the Midwest Region of the United States for the 2021 inflation rate.[28] Because the BLS does not provide forecasted inflation data, we use economic projections from the Federal Reserve for the 2022 and 2023 inflation modification.[29] Based on that information, the calculations for Step 2 are as follows:

TABLE 28—ADJUSTED OPERATING EXPENSES FOR DISTRICT THREE

	District Three		
	Undesignated	Designated	Total
Total Operating Expenses (Step 1)	$3,122,356	$853,647	$3,976,003
2021 Inflation Modification (@5.1%)	159,240	43,536	202,776
2022 Inflation Modification (@2.7033%)	88,603	24,224	112,827
2023 Inflation Modification (@2.3%)	77,515	21,192	98,707
Adjusted 2023 Operating Expenses	3,447,714	942,599	4,390,313

C. Step 3: Estimate Number of Registered Pilots and Apprentice Pilots

In accordance with the text in § 404.103, we estimate the number of registered pilots in each district. We determine the number of registered pilots based on data provided by the WGLPA. Using these numbers, we estimate that there will be 22 registered pilots in 2023 in District Three. We determine the number of apprentice pilots based on input from the district on anticipated retirements and staffing needs. Using these numbers, we estimate that there will be three apprentice pilots in 2023 in District Three. Furthermore, based on the seasonal staffing model discussed in the 2017 ratemaking (see 82 FR 41466), we assign a certain number of pilots to designated waters and a certain number to undesignated waters, as shown in table 29. These numbers are used to determine the amount of revenue needed in their respective areas.

[28] The 2021 inflation rate is available at *https://data.bls.gov/pdq/SurveyOutputServlet.* Specifically, the CPI is defined as ''All Urban Consumers (CPI–U), All Items, 1982 – 4 = 100.'' Series CUUS0200SAO (Downloaded March 2022).

[29] The 2022 and 2023 inflation rates are available at *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20220316.pdf.* We used the PCE median inflation value found in table 1. (Downloaded March 2022).

TABLE 29—AUTHORIZED PILOTS FOR DISTRICT THREE

Item	District Three
Proposed Maximum Number of Pilots (per § 401.220(a)) *	22
2023 Authorized Pilots (total)	22
Pilots Assigned to Designated Areas	5
Pilots Assigned to Undesignated Areas	17
2023 Apprentice Pilots	3

* For a detailed calculation, refer to the Great Lakes Pilotage Rates—2017 Annual Review final rule, which contains the staffing model. See 82 FR 41466, table 6 at 41480 (August 31, 2017).

D. Step 4: Determine Target Pilot Compensation Benchmark and Apprentice Pilot Wage Benchmark

In this step, we determine the total pilot compensation for each area. Because we are proposing a full ratemaking this year, we propose to follow the procedure outlined in paragraph (a) of § 404.104, which requires us to develop a benchmark after considering the most relevant currently available non-proprietary information. In accordance with the discussion in Section VII above, the proposed compensation benchmark for 2023 uses the 2022 compensation of $399,266 per registered pilot as a base, then adjusts for inflation following the procedure outlined in paragraph (b) of § 404.104. The proposed target pilot compensation for 2023 is $422,336 per pilot. The proposed apprentice pilot wage benchmark is 36 percent of the target pilot compensation, or $152,041 ($422,336 × 0.36).

Next, we certify that the number of pilots estimated for 2022 is less than or equal to the number permitted under the staffing model in § 401.220(a). The staffing model suggests that the number of pilots needed is 22 pilots for District Three, which is less than or equal to 22, the number of registered pilots provided by the pilot association. In accordance with § 404.104(c), we use the revised target individual compensation level to derive the total pilot compensation by multiplying the individual target compensation by the estimated number of registered pilots for District Three, as shown in table 30. We estimate that the number of apprentice pilots with limited registration needed will be three for District Three in the 2023 season. The total target wages for apprentices are allocated with 21 percent for the designated area, and 79 percent (52 percent + 27 percent) for the undesignated areas, in accordance with the allocation for operating expenses.

TABLE 30—TARGET COMPENSATION FOR DISTRICT THREE

	District three		
	Undesignated	Designated	Total
Target Pilot Compensation	$422,336	$422,336	$422,336
Number of Pilots	17	5	22
Total Target Pilot Compensation	$7,179,712	$2,111,680	$9,291,392
Target Apprentice Pilot Compensation	$152,041	$152,041	$152,041
Number of Apprentice Pilots	.....	.....	3
Total Target Apprentice Pilot Compensation	$358,193	$97,929	$456,122.88

E. Step 5: Project Working Capital Fund

Next, we calculate the working capital fund revenues needed for each area. First, we add the figures for projected operating expenses, total pilot compensation, and total target apprentice pilot wage for each area. Then we find the preceding year's average annual rate of return for new issues of high-grade corporate securities. Using Moody's data, the number is 2.7033 percent.[30] By multiplying the two figures, we obtain the working capital fund contribution for each area, as shown in table 31.

TABLE 31—WORKING CAPITAL FUND CALCULATION FOR DISTRICT THREE

	District three		
	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2)	$3,447,714	$942,599	$4,390,313
Total Target Pilot Compensation (Step 4)	7,179,712	2,111,680	9,291,392
Total Target Apprentice Pilot Compensation (Step 4)	358,193	97,929	456,123
Total 2023 Expenses	10,985,619	3,152,208	14,137,828
Working Capital Fund (2.7033%)	296,978	85,215	382,193

[30] Moody's Seasoned Aaa Corporate Bond Yield, average of 2021 monthly data. The Coast Guard uses the most recent year of complete data. Moody's is taken from Moody's Investors Service, which is a bond credit rating business of Moody's Corporation. Bond ratings are based on creditworthiness and risk. The rating of ''Aaa'' is the highest bond rating assigned with the lowest credit risk. See *https://fred.stlouisfed.org/series/AAA. (Downloaded March 2022).*

F. Step 6: Project Needed Revenue

In this step, we add all the expenses accrued to derive the total revenue needed for each area. These expenses include the projected operating expenses (from Step 2), the total pilot compensation (from Step 4), and the working capital fund contribution (from Step 5). The calculations are shown in table 32.

TABLE 32—REVENUE NEEDED FOR DISTRICT THREE

	District three		
	Undesignated	Designated	Total
Adjusted Operating Expenses (Step 2)	$3,447,714	$942,599	$4,390,313
Total Target Pilot Compensation (Step 4)	7,179,712	2,111,680	9,291,392
Total Target Apprentice Pilot Compensation (Step 4)	358,193	97,929	456,123
Working Capital Fund (Step 5)	296,978	85,215	382,193
Total Revenue Needed	11,282,597	3,237,423	14,520,021

G. Step 7: Calculate Initial Base Rates

Having determined the revenue needed for each area in the previous six steps, to develop an hourly rate, we divide that number by the expected number of hours of traffic. Step 7 is a two-part process. In the first part, we calculate the 10-year average of traffic in District Three, using the total time on task or pilot bridge hours. To calculate the time on task for each district, the Coast Guard uses billing data from SeaPro. We pull the data from the system filtering by district, year, job status (we only include processed jobs), and flagging code (we only include U.S. jobs). Because we calculate separate figures for designated and undesignated waters, there are two parts for each calculation. We show these values in table 33.

TABLE 33—TIME ON TASK FOR DISTRICT THREE

[Hours]

Year	District three	
	Undesignated	Designated
2021	18,219	2,584
2020	24,178	3,682
2019	24,851	3,395
2018	19,967	3,455
2017	20,955	2,997
2016	23,421	2,769
2015	22,824	2,696
2014	25,833	3,835
2013	17,115	2,631
2012	15,906	2,163
Average	21,327	3,021

Next, we derive the initial hourly rate by dividing the revenue needed by the average number of hours for each area. This produces an initial rate, which is necessary to produce the revenue needed for each area, assuming the amount of traffic is as expected. The calculations for District Three are set forth in table 34.

TABLE 34—INITIAL RATE CALCULATIONS FOR DISTRICT THREE

	Undesignated	Designated
Revenue needed (Step 6)	$11,282,597	$3,237,423
Average time on task (hours)	21,327	3,021
Initial rate	$529	$1,072

H. Step 8: Calculate Average Weighting Factors by Area

In this step, we calculate the average weighting factor for each designated and undesignated area. We collect the weighting factors, set forth in 46 CFR 401.400, for each vessel trip. Using this database, we calculate the average weighting factor for each area using the data from each vessel transit from 2014 onward, as shown in tables 35 and 36.

TABLE 35—AVERAGE WEIGHTING FACTOR FOR DISTRICT THREE, UNDESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	45	1	45
Class 1 (2015)	56	1	56
Class 1 (2016)	136	1	136
Class 1 (2017)	148	1	148
Class 1 (2018)	103	1	103
Class 1 (2019)	173	1	173
Class 1 (2020)	4	1	4
Class 1 (2021)	7	1	7
Class 2 (2014)	274	1.15	315
Class 2 (2015)	207	1.15	238
Class 2 (2016)	236	1.15	271
Class 2 (2017)	264	1.15	304
Class 2 (2018)	169	1.15	194
Class 2 (2019)	279	1.15	321
Class 2 (2020)	395	1.15	454
Class 2 (2021)	261	1.15	300
Class 3 (2014)	15	1.3	20
Class 3 (2015)	8	1.3	10
Class 3 (2016)	10	1.3	13
Class 3 (2017)	19	1.3	25
Class 3 (2018)	9	1.3	12
Class 3 (2019)	9	1.3	12
Class 3 (2020)	4	1.3	5
Class 3 (2021)	7	1.3	9
Class 4 (2014)	394	1.45	571
Class 4 (2015)	375	1.45	544
Class 4 (2016)	332	1.45	481
Class 4 (2017)	367	1.45	532
Class 4 (2018)	337	1.45	489
Class 4 (2019)	334	1.45	484
Class 4 (2020)	413	1.45	599
Class 4 (2021)	312	1.45	452
Total for Area 6	5,702	.....	7,328
Area 8			
Class 1 (2014)	3	1	3
Class 1 (2015)	0	1	0
Class 1 (2016)	4	1	4
Class 1 (2017)	4	1	4
Class 1 (2018)	0	1	0
Class 1 (2019)	0	1	0
Class 1 (2020)	1	1	1
Class 1 (2021)	4	1	4
Class 2 (2014)	177	1.15	204
Class 2 (2015)	169	1.15	194
Class 2 (2016)	174	1.15	200
Class 2 (2017)	151	1.15	174
Class 2 (2018)	102	1.15	117
Class 2 (2019)	120	1.15	138
Class 2 (2020)	239	1.15	275
Class 2 (2021)	96	1.15	110
Class 3 (2014)	3	1.3	4
Class 3 (2015)	0	1.3	0
Class 3 (2016)	7	1.3	9
Class 3 (2017)	18	1.3	23
Class 3 (2018)	7	1.3	9
Class 3 (2019)	6	1.3	8
Class 3 (2020)	2	1.3	3
Class 3 (2021)	1	1.3	1
Class 4 (2014)	243	1.45	352
Class 4 (2015)	253	1.45	367
Class 4 (2016)	204	1.45	296
Class 4 (2017)	269	1.45	390
Class 4 (2018)	188	1.45	273
Class 4 (2019)	254	1.45	368
Class 4 (2020)	456	1.45	661
Class 4 (2021)	182	1.45	264
Total for Area 8	3,337	.....	4456
Combined total	9,039	.....	11784

TABLE 35—AVERAGE WEIGHTING FACTOR FOR DISTRICT THREE, UNDESIGNATED AREAS—Continued

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Average weighting factor (weighted transits ÷ number of transits)	.....	1.30	.....

TABLE 36—AVERAGE WEIGHTING FACTOR FOR DISTRICT THREE, DESIGNATED AREAS

Vessel class/year	Number of transits	Weighting factor	Weighted transits
Class 1 (2014)	27	1	27
Class 1 (2015)	23	1	23
Class 1 (2016)	55	1	55
Class 1 (2017)	62	1	62
Class 1 (2018)	47	1	47
Class 1 (2019)	45	1	45
Class 1 (2020)	16	1	16
Class 1 (2021)	12	1	12
Class 2 (2014)	221	1.15	254
Class 2 (2015)	145	1.15	167
Class 2 (2016)	174	1.15	200
Class 2 (2017)	170	1.15	196
Class 2 (2018)	126	1.15	145
Class 2 (2019)	162	1.15	186
Class 2 (2020)	250	1.15	288
Class 2 (2021)	128	1.15	147
Class 3 (2014)	4	1.3	5
Class 3 (2015)	0	1.3	0
Class 3 (2016)	6	1.3	8
Class 3 (2017)	14	1.3	18
Class 3 (2018)	6	1.3	8
Class 3 (2019)	3	1.3	4
Class 3 (2020)	4	1.3	5
Class 3 (2021)	2	1.3	3
Class 4 (2014)	321	1.45	465
Class 4 (2015)	245	1.45	355
Class 4 (2016)	191	1.45	277
Class 4 (2017)	234	1.45	339
Class 4 (2018)	225	1.45	326
Class 4 (2019)	308	1.45	447
Class 4 (2020)	385	1.45	558
Class 4 (2021)	299	1.45	434
Total	3,910	.....	5,122
Average weighting factor (weighted transits ÷ number of transits)	.....	1.31	.....

I. Step 9: Calculate Revised Base Rates

In this step, we revise the base rates so that the total cost of pilotage will be equal to the revenue needed after considering the impact of the weighting factors. To do this, we divide the initial base rates calculated in Step 7 by the average weighting factors calculated in Step 8, as shown in table 37.

TABLE 37—REVISED BASE RATES FOR DISTRICT THREE

Area	Initial rate (Step 7)	Average weighting factor (Step 8)	Revised rate (initial rate ÷ average weighting factor)
District Three: Undesignated	$529	1.30	$407
District Three: Designated	1,072	1.31	818

J. Step 10: Review and Finalize Rates

In this step, the Director reviews the rates set forth by the staffing model and ensures that they meet the goal of ensuring safe, efficient, and reliable pilotage. To establish this, the Director considers whether the proposed rates incorporate appropriate compensation for pilots to handle heavy traffic periods and whether there is a sufficient number of pilots to handle those heavy traffic periods. The Director also considers whether the proposed rates would cover operating expenses and infrastructure costs and takes average traffic and weighting factors into consideration. Based on this information, the Director is not proposing any alterations to the rates in this step. We propose to modify § 401.405(a)(5) and (6) to reflect the final rates shown in table 38.

TABLE 38—PROPOSED FINAL RATES FOR DISTRICT THREE

Area	Name	Final 2022 pilotage rate	Proposed 2023 pilotage rate
District Three: Designated	St. Mary's River	$662	$818
District Three: Undesignated	Lakes Huron, Michigan, and Superior	342	407

X. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes or Executive orders follows.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866. A regulatory analysis follows.

The purpose of this proposed rule is to establish new base pilotage rates, as 46 U.S.C. 9303(f) requires that rates be established or reviewed and adjusted each year. The statute also requires that base rates be established by a full ratemaking at least once every 5 years, and, in years when base rates are not established, they must be reviewed and, if necessary, adjusted. The last full ratemaking was concluded in June of 2018.[31] For this ratemaking, the Coast Guard estimates an increase in cost of approximately $4.54 million to industry. This is approximately a 14-percent increase because of the change in revenue needed in 2023 compared to the revenue needed in 2022.

TABLE 39—ECONOMIC IMPACTS DUE TO PROPOSED CHANGES

Change	Description	Affected population	Costs	Benefits
Rate changes	In accordance with 46 U.S.C. Chapter 93, the Coast Guard is required to review and adjust base pilotage rates annually.	Owners and operators of 285 vessels transiting the Great Lakes system annually, 55 United States Great Lakes pilots, 7 apprentice pilots, and 3 pilotage associations.	Increase of $4,535,400 due to change in revenue needed for 2023 ($37,022,395) from revenue needed for 2022 ($32,486,995) as shown in table 40.	New rates cover an association's necessary and reasonable operating expenses. Promotes safe, efficient, and reliable pilotage service on the Great Lakes. Provides fair compensation, adequate training, and sufficient rest periods for pilots. Ensures the association receives sufficient revenues to fund future improvements.

The Coast Guard is required to review and adjust pilotage rates on the Great Lakes annually. See section IV of this preamble for detailed discussions of the legal basis and purpose for this rulemaking. Based on our annual review for this rulemaking, we are adjusting the pilotage rates for the 2023 shipping season to generate sufficient revenues for each district to reimburse its necessary and reasonable operating expenses, fairly compensate trained and rested pilots, and provide an appropriate working capital fund to use for improvements. The result would be an increase in rates for all areas in District One, District Two, and District Three. These changes would also lead to a net increase in the cost of service to shippers. The change in per unit cost to each individual shipper will be dependent on their area of operation.

A detailed discussion of our economic impact analysis follows.

Affected Population

This proposed rule affects United States Great Lakes pilots and apprentice pilots, the 3 pilot associations, and the owners and operators of 285 oceangoing vessels that transit the Great Lakes annually on average from 2019 to 2021. We estimate that there will be 55 registered pilots and 7 apprentice pilots during the 2023 shipping season. The shippers affected by these rate changes are those owners and operators of domestic vessels operating ''on register'' (engaged in foreign trade) and owners and operators of non-Canadian foreign vessels on routes within the Great Lakes system. These owners and operators must have pilots or pilotage service as required by 46 U.S.C. 9302. There is no minimum tonnage limit or exemption for these vessels. The statute applies only to commercial vessels and not to recreational vessels. United States-flagged vessels not operating on register, and Canadian ''lakers,'' which account for most commercial shipping on the Great Lakes, are not required by 46 U.S.C. 9302 to have pilots. However, these United States- and Canadian-flagged lakers may voluntarily choose to engage a Great Lakes registered pilot. Vessels that are U.S.-flagged may opt to have a pilot for varying reasons, such as unfamiliarity with designated waters and ports, or for insurance purposes.

The Coast Guard used billing information from the years 2019 through

[31] Great Lakes Pilotage Rates—2018 Annual Review and Revisions to Methodology (83 FR 26162), published June 5, 2018.

2021 from the GLPMS to estimate the average annual number of vessels affected by the rate adjustment. The GLPMS tracks data related to managing and coordinating the dispatch of pilots on the Great Lakes, and billing in accordance with the services. As described in Step 7 of the ratemaking methodology, we use a 10-year average to estimate the traffic. We used 3 years of the most recent billing data to estimate the affected population. When we reviewed 10 years of the most recent billing data, we found the data included vessels that have not used pilotage services in recent years. We believe using 3 years of billing data is a better representation of the vessel population that is currently using pilotage services and will be impacted by this rulemaking. We found that 424 unique vessels used pilotage services during the years 2019 through 2021. That is, these vessels had a pilot dispatched to the vessel, and billing information was recorded in the GLPMS or SeaPro. Of these vessels, 397 were foreign-flagged vessels and 27 were U.S.-flagged vessels. As stated previously, U.S.-flagged vessels not operating on register are not required to have a registered pilot per 46 U.S.C. 9302, but they can voluntarily choose to have one.

Numerous factors affect vessel traffic, which varies from year to year. Therefore, rather than using the total number of vessels over the time period, we took an average of the unique vessels using pilotage services from the years 2019 through 2021 as the best representation of vessels estimated to be affected by the rates in this rulemaking. From 2019 through 2021, an average of 285 vessels used pilotage services annually.[32] On average, 273 of these vessels were foreign-flagged and 12 were U.S.-flagged vessels that voluntarily opted into the pilotage service (these figures are rounded averages).

Total Cost to Shippers

The rate changes resulting from this adjustment to the rates would result in a net increase in the cost of service to shippers. However, the change in per unit cost to each individual shipper will be dependent on their area of operation.

The Coast Guard estimates the effect of the rate changes on shippers by comparing the total projected revenues needed to cover costs in 2022 with the total projected revenues to cover costs in 2023. We set pilotage rates so pilot associations receive enough revenue to cover their necessary and reasonable expenses. Shippers pay these rates when they engage a pilot as required by 46 U.S.C. 9302. Therefore, the aggregate payments of shippers to pilot associations are equal to the projected necessary revenues for pilot associations. The revenues each year represent the total costs that shippers must pay for pilotage services. The change in revenue from the previous year is the additional cost to shippers discussed in this proposed rule.

The impacts of the rate changes on shippers are estimated from the district pilotage projected revenues (shown in tables 8, 20, and 32 of this preamble). The Coast Guard estimates that for the 2023 shipping season, the projected revenue needed for all three districts is $37,022,395.

To estimate the change in cost to shippers from this proposed rule, the Coast Guard compared the 2023 total projected revenues to the 2022 projected revenues. Because we review and prescribe rates for Great Lakes pilotage annually, the effects are estimated as a single-year cost rather than annualized over a 10-year period. In the 2022 rulemaking, we estimated the total projected revenue needed for 2022 as $32,486,994.[33] This is the best approximation of 2022 revenues, as, at the time of publication of this proposed rule, the Coast Guard does not have enough audited data available for the 2022 shipping season to revise these projections. Table 40 shows the revenue projections for 2022 and 2023 and details the additional cost increases to shippers by area and district as a result of the rate changes on traffic in Districts One, Two, and Three.

TABLE 40—EFFECT OF THE RULEMAKING BY AREA AND DISTRICT

[$U.S.; non-discounted]

Area	Revenue needed in 2022	Revenue needed in 2023	Additional costs of this rulemaking
Total, District One	$11,791,695	$12,484,624	$692,930
Total, District Two	8,786,881	10,017,750	1,230,868
Total, District Three	11,908,418	14,520,021	2,611,602
System Total	32,486,994	37,022,395	4,535,400

* All figures are rounded to the nearest dollar and may not sum.

The resulting difference between the projected revenue in 2022 and the projected revenue in 2023 is the annual change in payments from shippers to pilots as a result of the rate changes proposed by this rulemaking. The effect of the rate changes to shippers would vary by area and district. After taking into account the change in pilotage rates, the proposed rate changes would lead to affected shippers operating in District One experiencing an increase in payments of $692,930 over the previous year. District Two and District Three would experience an increase in payments of $1,230,868 and $2,611,602, respectively, when compared with 2022. The overall adjustment in payments would be an increase in payments by shippers of $4,535,400 across all three districts (a 14-percent increase when compared with 2022). Again, because the Coast Guard reviews and sets rates for Great Lakes pilotage annually, we estimate the impacts as single-year costs rather than annualizing them over a 10-year period.

Table 41 shows the difference in revenue by revenue-component from 2022 to 2023 and presents each revenue-component as a percentage of the total revenue needed. In both 2022 and 2023, the largest revenue-component was pilotage compensation (63 percent of total revenue needed in 2022, and 63 percent of total revenue needed in 2023), followed by operating expenses (31 percent of total revenue needed in

[32] Some vessels entered the Great Lakes multiple times in a single year, affecting the average number of unique vessels using pilotage services in any given year.

[33] 87 FR 18488, see table 42. *https://www.govinfo.gov/content/pkg/FR-2022-03-30/pdf/2022-06394.pdf*.

2022, and 32 percent of total revenue needed in 2023).

TABLE 41—DIFFERENCE IN REVENUE BY REVENUE-COMPONENT

Revenue component	Revenue needed in 2022	Percentage of total revenue needed in 2022	Revenue needed in 2023	Percentage of total revenue needed in 2023	Difference (2023 revenue − 2022 revenue)	Percentage change from previous year
Adjusted Operating Expenses	$10,045,658	31	$11,755,133	32	$1,709,475	17
Total Target Pilot Compensation	20,362,566	63	23,228,480	63	2,865,914	14
Total Target Apprentice Pilot Compensation	1,293,622	4	1,064,287	3	(229,335)	(18)
Working Capital Fund	785,149	2	974,495	3	189,346	24
Total Revenue Needed	32,486,994	100	37,022,395	100	4,535,400	14

* All figures are rounded to the nearest dollar and may not sum.

As stated above, we estimate that there would be a total increase in revenue needed by the pilot associations of $4,535,400. This represents an increase in revenue needed for target pilot compensation of $2,865,914, a decrease in revenue needed for total apprentice pilot wage benchmark of ($229,335), an increase in the revenue needed for adjusted operating expenses of $1,709,475, and an increase in the revenue needed for the working capital fund of $189,346.

The change in revenue needed for pilot compensation, $2,865,914, is due to three factors: (1) The changes to adjust 2022 pilotage compensation to account for the difference between actual ECI inflation [34] (5.6 percent) and predicted PCE inflation [35] (2.2 percent) for 2022; (2) an increase of one pilot in District Two and three pilots in District Three compared to 2022; and (3) projected inflation of pilotage compensation in Step 2 of the methodology, using predicted inflation through 2024.

The target compensation is $422,336 per pilot in 2023, compared to $399,266 in 2022. The proposed changes to modify the 2022 pilot compensation to account for the difference between predicted and actual inflation would increase the 2022 target compensation value by 3.4 percent. As shown in table 42, this inflation adjustment increases total compensation by $13,575 per pilot, and the total revenue needed by $746,627 when accounting for all 55 pilots.

TABLE 42—CHANGE IN REVENUE RESULTING FROM THE CHANGE TO INFLATION OF PILOT COMPENSATION CALCULATION IN STEP 4

2022 Target Pilot Compensation	$399,266
Adjusted 2022 Compensation ($399,266 × 1.034%)	412,841
Difference between Adjusted Target 2022 Compensation and Target 2022 Compensation ($412,841 − $399,266)	13,575
Increase in total Revenue for 55 Pilots ($13,575 × 55)	746,627

* All figures are rounded to the nearest dollar and may not sum.

Similarly, table 43 shows the impact of the difference between predicted and actual inflation on the target apprentice pilot compensation benchmark. The inflation adjustment increases the compensation benchmark by $4,887 per apprentice pilot, and the total revenue needed by $34,209 when accounting for all seven apprentice pilots.

TABLE 43—CHANGE IN REVENUE RESULTING FROM THE CHANGE TO INFLATION OF APPRENTICE PILOT COMPENSATION CALCULATION IN STEP 4

Target Apprentice Pilot Compensation	$143,736
Adjusted Compensation ($143,736 × 1.034%)	148,623
Difference between Adjusted Target Compensation and Target Compensation ($148,623 − $143,736)	4,887
Increase in total Revenue for Apprentices ($4,887 × 7)	34,209

* All figures are rounded to the nearest dollar and may not sum.

As noted earlier, the Coast Guard predicts that 55 pilots would be needed for the 2023 season. This would be an increase of four pilots compared to the 2022 season. The difference reflects an increase of one pilot in District Two and three pilots in District Three. Table 44 shows the increase of $1,635,044 in revenue needed solely for pilot compensation. As noted previously, to avoid double counting this value excludes the change in revenue resulting from the change to adjust 2022 pilotage compensation to account for the difference between actual and predicted inflation.

[34] Employment Cost Index, Total Compensation for Private Industry workers in Transportation and Material Moving, Annual Average, Series ID: CIU2010000520000A. Accessed April 29, 2022. *https://www.bls.gov/news.release/eci.t05.htm.*

[35] *https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20220316.pdf.*

TABLE 44—CHANGE IN REVENUE RESULTING FROM INCREASE OF FOUR PILOTS

2023 Target Compensation	$422,336
Total Number of New Pilots	4
Total Cost of new Pilots ($422,336 × 4)	$1,689,344
Difference between Adjusted Target 2022 Compensation and Target 2022 Compensation ($412,841 − $399,266)	$13,575
Increase in total Revenue for 4 Pilots ($13,575 × 4)	$54,300
Net Increase in total Revenue for 4 Pilots ($1,689,344 − $54,300)	$1,635,044

* All figures are rounded to the nearest dollar and may not sum.

Similarly, the Coast Guard predicts that seven apprentice pilots would be needed for the 2023 season. This would be a decrease of two apprentices from the 2022 season. The difference reflects a decrease of two apprentices for District Three. Table 45 shows the decrease of ($294,308) in revenue needed solely for apprentice pilot compensation. As noted previously, to avoid double counting this value excludes the change in revenue resulting from the change to adjust 2022 apprentice pilotage compensation to account for the difference between actual and predicted inflation.

TABLE 45—CHANGE IN REVENUE RESULTING FROM DECREASE OF TWO APPRENTICES

2023 Apprentice Target Compensation	$152,041
Total Number of New Apprentices	(2)
Total Cost of new Apprentices ($152,041 × −2)	($304,081.92)
Difference between Adjusted Target 2022 Compensation and Target 2022 Compensation ($148,623 − $143,736)	$4,887
Increase in total Revenue for –2 Apprentices ($4,887 × −2)	($9,774)
Net Increase in total Revenue for −2 Apprentices (− $304,082 − − $9,774)	($294,308)

* All figures are rounded to the nearest dollar and may not sum.

Another increase, $522,223, would be the result of increasing compensation for the 55 pilots to account for future inflation of 2.3 percent in 2023. This would increase total compensation by $9,495 per pilot.

TABLE 46—CHANGE IN REVENUE RESULTING FROM INFLATING 2022 COMPENSATION TO 2023

Adjusted 2022 Compensation	$412,841
2023 Target Compensation ($412,841 × 1.023%)	422,336
Difference between Adjusted 2022 Compensation and Target 2023 Compensation ($422,336 − $412,841)	9,495
Increase in total Revenue for 55 Pilots ($9,495 × 55)	522,223

* All figures are rounded to the nearest dollar and may not sum.

Similarly, an increase of $23,927 would be the result of increasing compensation for the 7 apprentice pilots to account for future inflation of 2.3 percent in 2023. This would increase total compensation by $3,418 per apprentice pilot, as shown in table 47.

TABLE 47—CHANGE IN REVENUE RESULTING FROM INFLATING 2022 APPRENTICE PILOT COMPENSATION TO 2023

Adjusted 2022 Compensation	$148,623
2023 Target Compensation ($422,336 × 36%)	152,041
Difference between Adjusted Compensation and Target Compensation ($152,041 − $148,623)	3,418
Increase in total Revenue for 7 Apprentice Pilots ($3,418 × 7)	23,927

* All figures are rounded to the nearest dollar and may not sum.

Table 48 presents the percentage change in revenue by area and revenue-component, excluding surcharges, as they are applied at the district level.[36]

[36] The 2022 projected revenues are from the Great Lakes Pilotage Rate—2022 Annual Review and Revisions to Methodology final rule (86 FR 14184), tables 9, 21, and 33. The 2023 projected revenues are from tables 8, 20, and 32 of this final rule.

TABLE 48—DIFFERENCE IN REVENUE BY REVENUE-COMPONENT AND AREA

	Adjusted operating expenses			Total target pilot compensation			Total target apprentice pilot compensation			Working capital fund			Total revenue needed		
	2022	2023	Percentage change	2022	2023	Percentage change	2022	2023	Percentage change	2022	2023	Percentage change	2022	2023	Percentage change
District One: Designated	$2,419,401	$2,549,925	5	$3,992,660	$4,223,360	6	$172,483	$182,449	5.8	$163,077	$188,037	15	$6,747,621	$7,143,771	5.9
District One: Undesignated	1,613,051	1,699,951	5	3,194,128	3,378,688	6	114,989	121,633	5.8	121,906	140,581	15	5,044,074	5,340,853	5.9
District Two: Undesignated	1,078,929	1,245,979	15	3,194,128	3,801,024	19	172,483	121,633	−29.5	110,101	139,725	27	4,555,641	5,308,361	16.5
District Two: Designated	1,618,395	1,868,965	15	2,395,596	2,534,016	6	114,989	182,449	58.7	102,261	123,959	21	4,231,241	4,709,389	11.3
District Three: Undesignated	2,603,961	3,447,714	32	5,988,990	7,179,712	20	567,756	358,193	−37	226,880	296,978	31	9,387,588	11,282,597	20.2
District Three: Designated	711,920	942,599	32	1,597,064	2,111,680	32	150,923	97,929	−35	60,924	85,215	40	2,520,831	3,237,423	28.4

*All figures are rounded to the nearest dollar and may not sum.

Benefits

This proposed rule allows the Coast Guard to meet the requirements in 46 U.S.C. 9303 to review the rates for pilotage services on the Great Lakes. The rate changes promote safe, efficient, and reliable pilotage service on the Great Lakes by (1) ensuring that rates cover an association's operating expenses, (2) providing fair pilot compensation, adequate training, and sufficient rest periods for pilots, and (3) ensuring pilot associations produce enough revenue to fund future improvements. The rate changes also help recruit and retain pilots, which ensure a sufficient number of pilots to meet peak shipping demand, helping to reduce delays caused by pilot shortages.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. 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.

For the rulemaking, the Coast Guard reviewed recent company size and ownership data for the vessels identified in the GLPMS, and we reviewed business revenue and size data provided by publicly available sources such as ReferenceUSA.[37] As described in section X.A of this preamble, Regulatory Planning and Review, we found that 285 unique vessels used pilotage services during the years 2019 through 2021. These vessels are owned by 59 entities, of which 44 are foreign entities that operate primarily outside the United States, and the remaining 15 entities are U.S. entities. We compared the revenue and employee data found in the company search to the Small Business Administration's (SBA) small business threshold as defined in the SBA's ''Table of Size Standards'' for small businesses to determine how many of these companies are considered small entities.[38] Table 49 shows the North American Industry Classification System (NAICS) codes of the U.S. entities and the small entity standard size established by the SBA.

TABLE 49—NAICS CODES AND SMALL ENTITIES SIZE STANDARDS

NAICS	Description	Small entity size standard
238910	Site Preparation Contractors	$16,500,000
423860	Transportation Equipment And Supplies	150 Employees
425120	Wholesale Trade Agents And Brokers	100 Employees
483212	Inland Water Passenger Transportation	500 Employees
484230	Specialized Freight (Except Used Goods) Trucking	$30,000
488330	Navigational Services to Shipping	$41,500,000
561510	Travel Agencies	$22,000,000
561599	All Other Travel Arrangement And Reservation Services	$22,000,000
713930	Marinas	$8,000,000
813910	Business Associations	$8,000,000

Of the 15 U.S. entities, 8 exceed the SBA's small business standards for small entities. To estimate the potential impact on the seven small entities, the Coast Guard used their 2021 invoice data to estimate their pilotage costs in 2023. Of the seven small entities, from 2019 to 2021, only five used pilotage services in 2021. We increased their 2021 costs to account for the changes in pilotage rates resulting from this proposed rule and the Great Lakes Pilotage Rates—2021 Annual Review and Revisions to Methodology final rule (86 FR 14184). We estimated the change in cost to these entities resulting from this rulemaking by subtracting their estimated 2022 pilotage costs from their estimated 2023 pilotage costs and found the average costs to small firms will be approximately $25,575, with a range of $1,580 to $95,381. We then compared the estimated change in pilotage costs between 2022 and 2023 with each firm's annual revenue. In all but one case, the impact of the change in estimated pilotage expenses were below 1 percent of revenues. For one entity, the change in impact would be 3.7 percent of revenues, as this entity reports revenue approximately ten times less than the next largest small entity.

In addition to the owners and operators discussed previously, three U.S. entities that receive revenue from pilotage services will be affected by this rulemaking. These are the three pilot associations that provide and manage pilotage services within the Great Lakes districts. These associations are designated with the same NAICS code as Business Associations [39] with a small-entity size standard of $8,000,000. Based on the reported revenues from audit reports, none of the associations qualify as small entities.

Finally, the Coast Guard did not find any small not-for-profit organizations that are independently owned and operated and are not dominant in their fields that will be impacted by this proposed rule. We also did not find any small governmental jurisdictions with populations of fewer than 50,000 people that will be impacted by this rulemaking. Based on this analysis, we conclude this rulemaking would not affect a substantial number of small entities, nor have a significant economic impact on any of the affected entities.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment

[37] See *https://resource.referenceusa.com/*.

[38] See *https://www.sba.gov/document/support--table-size-standards*. SBA has established a ''Table of Size Standards'' for small businesses that sets small business size standards by NAICS code. A size standard, which is usually stated in number of employees or average annual receipts (''revenues''), represents the largest size that a business (including its subsidiaries and affiliates) may be in order to remain classified as a small business for SBA and Federal contracting programs. Accessed April 2022.

[39] In previous rulemakings, the associations used a different NAICS code, 483212 Inland Water Passenger Transportation, which had a size standard of 500 employees and, therefore, designated the associations as small entities. The change in NAICS code comes from an update to the association's ReferenceUSA profile in February 2022.

to the docket at the address listed in the Public Participation and Request for Comments section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed 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 in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

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).

D. Collection of Information

This proposed rule would call for no new or revised collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

E. Federalism

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

Congress directed the Coast Guard to establish ''rates and charges for pilotage services.'' See 46 U.S.C. 9303(f). This regulation is issued pursuant to that statute and is preemptive of State law as specified in 46 U.S.C. 9306. Under 46 U.S.C. 9306, a ''State or political subdivision of a State may not regulate or impose any requirement on pilotage on the Great Lakes.'' As a result, States or local governments are expressly prohibited from regulating within this category. Therefore, this rulemaking is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule would have implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

F. Unfunded Mandates

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 million (adjusted for inflation) or more in any one year. Although this proposed rule would not result in such an expenditure, we do discuss the potential effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, (Civil Justice Reform), to minimize litigation, eliminate ambiguity, and reduce burden.

J. Indian Tribal Governments

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

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (for example, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a

preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. This proposed rule would be categorically excluded under paragraphs A3 and L54 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. Paragraph A3 pertains to the promulgation of rules of the following nature: (a) those of a strictly administrative or procedural nature; (b) those that implement, without substantive change, statutory or regulatory requirements; (c) those that implement, without substantive change, procedures, manuals, and other guidance documents; (d) those that interpret or amend an existing regulation without changing its environmental effect; (e) those that provide technical guidance on safety and security matters; and (f) those that provide guidance for the preparation of security plans. Paragraph L54 pertains to regulations which are editorial or procedural.

This proposed rule involves setting or adjusting the pilotage rates for the 2023 shipping season to account for changes in district operating expenses, changes in the number of pilots, and anticipated inflation. In addition, the Coast Guard is accepting comments on the entire Great Lakes pilotage ratemaking methodology, in accordance with the requirement to conduct a full ratemaking every 5 years. We are also accepting suggestions for changes to the staffing model, for consideration in a future rulemaking. All of these changes are consistent with the Coast Guard's maritime safety missions. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 46 CFR Part 401

Administrative practice and procedure, Great Lakes, Navigation (water), Penalties, Reporting and recordkeeping requirements, Seamen.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 46 CFR part 401 as follows:

PART 401—GREAT LAKES PILOTAGE REGULATIONS

■ 1. The authority citation for part 401 continues to read as follows:

Authority: 46 U.S.C. 2103, 2104(a), 6101, 7701, 8105, 9303, 9304; DHS Delegation 00170.1, Revision No. 01.2, paragraphs (II)(92)(a), (d), (e), (f).

■ 2. Amend § 401.405 by revising paragraphs (a)(1) through (6) to read as follows:

§ 401.405 Pilotage rates and charges.

(a) * * *

(1) The St. Lawrence River is $867;

(2) Lake Ontario is $581;

(3) Lake Erie is $683;

(4) The navigable waters from Southeast Shoal to Port Huron, MI is $606;

(5) Lakes Huron, Michigan, and Superior is $407; and

(6) The St. Marys River is $818.

* * * * *

Dated: August 25, 2022.

W.R. Arguin,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2022–18690 Filed 8–29–22; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 87, No. 167
Tuesday, August 30, 2022

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2022–0029]

Availability of an Environmental Assessment for Field Testing of Bursal Disease-Infectious Laryngotracheitis-Marek's Disease Vaccine, Serotype 3, Live Marek's Disease Vector

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment concerning authorization to ship for the purpose of field testing, and then to field test, an unlicensed Bursal Disease-Infectious Laryngotracheitis-Marek's Disease Vaccine, Serotype 3, Live Marek's Disease Vector. The environmental assessment, which is based on a risk analysis prepared to assess the risks associated with the field testing of this vaccine, examines the potential effects that field testing this veterinary vaccine could have on the quality of the human environment. Based on the risk analysis, we have reached a preliminary determination that field testing this veterinary vaccine will not have a significant impact on the quality of the human environment, and that an environmental impact statement need not be prepared. We are making the environmental assessment and risk analysis available for public review and comment. We intend to authorize shipment of this vaccine for field testing following the close of the comment period for this notice unless new substantial issues bearing on the effects of this action are brought to our attention. We also intend to issue a U.S. Veterinary Biological Product license for this vaccine, provided the field test data support the conclusions of the environmental assessment and the issuance of a finding of no significant impact and the product meets all other requirements for licensing.

DATES: We will consider all comments that we receive on or before September 29, 2022.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2022–0029 in the Search Field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2022–0029, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information regarding the environmental assessment or the risk analysis, or to request a copy of the environmental assessment or risk analysis with confidential business information removed, contact Dr. Barbara J. Sheppard, Senior Staff Veterinary Medical Officer, Center for Veterinary Biologics, Policy, Evaluation, and Licensing, VS, APHIS, 1920 Dayton Avenue, Ames, IA; phone: (515) 337–6100; email: *barbara.j.sheppard@usda.gov.*

The alternative contact is Dr. Matthew Erdman, Science Advisor, Diagnostics and Biologics, Associate Deputy Administrator's Office, VS, APHIS, 1920 Dayton Avenue, P.O. Box 844, Ames, IA 50010; phone: (515) 337–6100; email: *matthew.m.erdman@usda.gov.*

SUPPLEMENTARY INFORMATION: Under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*), a veterinary biological product must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. A field test is generally necessary to satisfy prelicensing requirements for veterinary biological products. Prior to conducting a field test on an unlicensed product, an applicant must obtain approval from the Animal and Plant Health Inspection Service (APHIS), as well as obtain APHIS' authorization to ship the product for field testing.

To determine whether to authorize shipment and grant approval for the field testing of the unlicensed product referenced in this notice, APHIS conducted a risk analysis to assess the potential effects of this product on the safety of animals, public health, and the environment. Based on the risk analysis, APHIS has prepared an environmental assessment (EA) concerning the field testing of the following unlicensed veterinary biological product:

Requester: Intervet Inc.

Product: Bursal Disease-Infectious Laryngotracheitis-Marek's Disease Vaccine, Serotype 3, Live Marek's Disease Vector.

Possible Field Test Locations: Arkansas, Georgia, and South Carolina, among others.

The vaccine has been shown to be effective for the vaccination of 18- to 19-day-old embryonated chicken eggs (E18) or healthy 1-day-old chickens against Marek's disease, infectious bursal disease, and infectious laryngotracheitis. This vaccine consists of a live Marek's Disease, Serotype 3, Turkey Herpesvirus (HVT) vector expressing proteins encoded by genes from an Infectious Bursal Disease Virus (IBDV) and an Infectious Laryngotracheitis Virus (ILTV). In the proposed study, the vaccine will be administered *in ovo* at E18 or older or subcutaneously at 1-day-old.

APHIS' review and analysis of the potential environmental impacts associated with the proposed field tests are documented in detail in an EA titled ''Environmental Assessment for Field Testing of a Bursal Disease—Infectious Laryngotracheitis-Marek's Disease Vaccine, Serotype 3, Live Marek's Disease Vector.'' We are making this EA and the risk analysis with confidential business information removed available to the public for review and comment. We will consider all comments that we receive on or before the date listed under the **DATES** section at the beginning of this notice.

The EA and the risk analysis may be viewed on the *Regulations.gov* website

or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of the EA by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the EA when requesting copies.

The EA has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Unless substantial issues with adverse environmental impacts are raised in response to this notice, APHIS intends to issue a finding of no significant impact (FONSI) based on the EA and authorize shipment of the above product for the initiation of field tests following the close of the comment period for this notice.

Because the issues raised by field testing and by issuance of a license are identical, APHIS has concluded that the EA that is generated for field testing would also be applicable to the proposed licensing action. Provided that the field test data support the conclusions of the original EA and the issuance of a FONSI, APHIS does not intend to issue a separate EA and FONSI to support the issuance of the product license, and APHIS would determine that an environmental impact statement need not be prepared. APHIS intends to issue a veterinary biological product license for this vaccine following completion of the field test provided no adverse impacts on the human environment are identified and provided the product meets all other requirements for licensing.

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 24th day of August 2022 .

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–18727 Filed 8–29–22; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket ID FSA–2022–0010]

Request for Applications for Heirs' Property Relending Program

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for applications.

SUMMARY: The Farm Service Agency (FSA) is announcing the opportunity for interested eligible entities, including cooperatives, credit unions, and nonprofit organizations certified to operate as a lender, to apply for loans under the Heirs' Property Relending Program (HPRP). Approved entities will serve as intermediaries who will relend HPRP funds for projects that assist heirs with undivided ownership interests to resolve ownership and succession issues on farmland that has multiple owners (commonly referred to as ''Heirs' property'').

DATES: The application period will open on August 30, 2022 and will continue indefinitely until a closing date is announced in a notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Raenata Walker; telephone: (202) 720–4671; email: *sm.fpac.fsa.wdc.hprp@usda.gov.* Persons with disabilities or who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Background

HPRP was authorized by section 5104 of the Agricultural Improvement Act of 2018 (2018 Farm Bill, Pub. L. 115–334), codified in 7 U.S.C. 1936c. HPRP provides loans to eligible entities to relend with the purpose of assisting heirs with undivided ownership interests to resolve ownership and succession issues on farms that are owned in common by multiple heirs. HPRP loan funds may be used to purchase and consolidate fractional interests held by other heirs in jointly owned property, and to pay for costs and fees associated with developing and implementing a succession plan (for example, closing costs, appraisals, title searches, surveys, mediation, and legal services). During the initial application period announced in the HPRP final rule published in the **Federal Register** on August 9, 2021 (86 FR 43381–43397), FSA implemented a 60-day application period due to concerns around the availability of funds. After completing the initial controlled rollout of HPRP, FSA has expanded funding for HPRP and is announcing the reopening of the application period for eligible entities to apply for HPRP without a closing date at this time. In the event that applications are expected to exceed available funding, a closing date for applications will be announced and priority will be given to applicants in accordance with 7 U.S.C. 1936c(d). Any such closing date will be announced in the **Federal Register** as specified in 7 CFR part 769 subpart B. Additional information on HPRP can be found on FSA's Farmers.gov website at *www.farmers.gov/working-with-us/heirs-property-eligibility/relending,* and in 7 CFR part 769 subpart B.

Application and Submission Information

Eligible lenders can obtain applications and submission information at FSA's *Farmers.gov* website at *www.farmers.gov/working-with-us/heirs-property-eligibility/relending.*

Application Review Information

FSA will process and approve applications in accordance with the regulations in 7 CFR part 769 subpart B.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA Target Center at (202) 720–2600 or 844–433–2774 (toll-free nationwide). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–

3027, found online at *https://www.ascr.usda.gov/filing-program-discrimination-complaint-used-customer,* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, you may call (866) 632–9992. You may submit your completed form or letter to any of the following options:

- *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410;
- *Fax:* (202) 690–7442; or
- *Email: program.intake@usda.gov.*

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

Zach Ducheneaux,

Administrator, Farm Service Agency.

[FR Doc. 2022–18608 Filed 8–29–22; 8:45 am]

BILLING CODE 3411–E2–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the West Virginia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the West Virginia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold project planning meetings via Zoom on the following dates and times: Thursday, September 1 at 1:00 p.m. ET; Thursday, October 6 at 1:00 p.m. ET; Thursday, November 3 at 1:00 p.m. ET; Thursday, December 1 at 1:00 p.m. ET. The purpose of these meetings is to continue discussing the Committee's project on disparate school discipline policies and practices in West Virginia public schools. Each business meeting will last for approximately one hour.

DATES: Thursday, September 1 at 1:00 p.m. ET; Thursday, October 6 at 1:00 p.m. ET; Thursday, November 3 at 1:00 p.m. ET; Thursday, December 1 at 1:00 p.m. ET.

Meeting Link (Audio/Visual): https://tinyurl.com/2nbe5vv7.

Telephone (Audio Only): Dial (833) 435–1820 USA Toll Free; Meeting ID: 161 655 9666.

FOR FURTHER INFORMATION CONTACT: Ivy Davis, DFO, at *idavis@usccr.gov* or (202) 376–7533.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at (800) 877–8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email *idavis@usccr.gov* at least ten (10) days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to *idavis@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, West Virginia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda

I. Roll Call
II. Welcome
III. Project Planning
IV. Other Matters
V. Next Meeting
VI. Public Comments
VII. Adjourn

Dated: August 24, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–18577 Filed 8–29–22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Maryland Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of planning 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 a meeting of the Maryland Advisory Committee to the Commission will convene by Zoom virtual platform and conference call on Monday, September 19, 2022, at 12:00 p.m. ET, to discuss post-report promotional activity for the Committee's recent publication on water affordability in the state.

DATES: Monday, September 19, 2022, at 12:00 p.m. ET.

Public Zoom Conference Link (video and audio): *https://tinyurl.com/bddy82fb;* password, if needed: USCCR–MD.

If Phone Only: 1–551–285 1373; Meeting ID: 161 697 5221#.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski at *mwojnaroski@usccr.gov.*

SUPPLEMENTARY INFORMATION: The meeting is available to the public through the web 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 conference details found through registering at the web link above. To request additional accommodations, please email *mwojnaroski@usccr.gov* at least 10 days prior to the meeting.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be emailed to Melissa Wojnaroski at *mwojnaroski@usccr.gov.* Persons who desire additional information may contact Melissa Wojnaroski at *mwojnaroski@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing as they become available at *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact Evelyn Bohor at *ebohor@usccr.gov.*

Agenda

Monday, September 19, 2022, at 12:00 p.m. ET

- Welcome and Rollcall
- Discussion: Water Affordability Post-Report Stage
- Open Comment
- Adjournment

Dated: August 25, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–18672 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–033]

Large Residential Washers From the People's Republic of China: Continuation of the Antidumping Duty Order

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) order on large residential washers (washers) from the People's Republic of China (China) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD order on washers from China.

DATES: Applicable August 30, 2022.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Max Goldman, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–0224, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 6, 2017, Commerce published in the **Federal Register** the AD order on washers from China.[1] On January 3, 2022, the ITC instituted [2] and Commerce initiated [3] a five-year (sunset) review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, Commerce determined, pursuant to sections 751(c)(1) and 752(c) of the Act, that revocation of the *Order* would likely lead to a continuation or recurrence of dumping. Therefore, Commerce notified the ITC of the magnitude of the margin of dumping likely to prevail were the *Order* to be revoked.[4]

On August 22, 2022, the ITC published its determination, that revocation of the *Order* would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, pursuant to sections 751(c) and 752(a) of the Act.[5]

Scope of the Order

The products covered by this *Order* are all large residential washers and certain parts thereof from the People's Republic of China.

For purposes of this *Order,* the term ''large residential washers'' denotes all automatic clothes washing machines, regardless of the orientation of the rotational axis, with a cabinet width (measured from its widest point) of at least 24.5 inches (62.23 cm) and no more than 32.0 inches (81.28 cm), except as noted below.

Also covered are certain parts used in large residential washers, namely: (1) All cabinets, or portions thereof, designed for use in large residential washers; (2) all assembled tubs [6] designed for use in large residential washers which incorporate, at a minimum: (a) a tub; and (b) a seal; (3) all assembled baskets [7] designed for use in large residential washers which incorporate, at a minimum: (a) a side wrapper; [8] (b) a base; and (c) a drive hub; [9] and (4) any combination of the foregoing parts or subassemblies.

Excluded from the scope are stacked washer-dryers and commercial washers. The term ''stacked washer-dryers'' denotes distinct washing and drying machines that are built on a unitary frame and share a common console that controls both the washer and the dryer. The term ''commercial washer'' denotes an automatic clothes washing machine designed for the ''pay per use'' segment meeting either of the following two definitions:

(1) (a) it contains payment system electronics; [10] (b) it is configured with an externally mounted steel frame at least six inches high that is designed to house a coin/token operated payment system (whether or not the actual coin/token operated payment system is installed at the time of importation); (c) it contains a push button user interface with a maximum of six manually selectable wash cycle settings, with no ability of the end user to otherwise modify water temperature, water level, or spin speed for a selected wash cycle setting; and (d) the console containing the user interface is made of steel and is assembled with security fasteners; [11] or

(2) (a) it contains payment system electronics; (b) the payment system electronics are enabled (whether or not the payment acceptance device has been installed at the time of importation) such that, in normal operation,[12] the unit cannot begin a wash cycle without first receiving a signal from a bona fide payment acceptance device such as an electronic credit card reader; (c) it contains a push button user interface with a maximum of six manually selectable wash cycle settings, with no ability of the end user to otherwise modify water temperature, water level, or spin speed for a selected wash cycle setting; and (d) the console containing the user interface is made of steel and is assembled with security fasteners.

Also excluded from the scope are automatic clothes washing machines that meet all of the following conditions: (1) Have a vertical rotational axis; (2) are top loading; [13] (3) have a drive train consisting, inter alia, of (a) a permanent split capacitor (PSC)

[1] *See Large Residential Washers from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order,* 82 FR 9371 (February 6, 2017) (*Order*).

[2] *See Large Residential Washers from China; Institution of a Five-Year Review,* 87 FR 115 (January 3, 2022).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 87 FR 76 (January 3, 2022).

[4] *See Large Residential Washers from the People's Republic of China: Final Results of Expedited Sunset Review of Antidumping Duty Order,* 87 FR 27101 (May 6, 2022), and accompanying Issues and Decision Memorandum.

[5] *See Large Residential Washers from China,* 87 FR 51446 (August 22, 2022).

[6] A ''tub'' is the part of the washer designed to hold water.

[7] A ''basket'' (sometimes referred to as a ''drum'') is the part of the washer designed to hold clothing or other fabrics.

[8] A ''side wrapper'' is the cylindrical part of the basket that actually holds the clothing or other fabrics.

[9] A ''drive hub'' is the hub at the center of the base that bears the load from the motor.

[10] ''Payment system electronics'' denotes a circuit board designed to receive signals from a payment acceptance device and to display payment amount, selected settings, and cycle status. Such electronics also capture cycles and payment history and provide for transmission to a reader.

[11] A ''security fastener'' is a screw with a non-standard head that requires a non-standard driver. Examples include those with a pin in the center of the head as a ''center pin reject'' feature to prevent standard Allen wrenches or Torx drivers from working.

[12] ''Normal operation'' refers to the operating mode(s) available to end users (*i.e.,* not a mode designed for testing or repair by a technician).

[13] Top loading'' means that access to the basket is from the top of the washer.

motor,[14] (b) a belt drive,[15] and (c) a flat wrap spring clutch.[16]

Also excluded from the scope are automatic clothes washing machines that meet all of the following conditions: (1) Have a horizontal rotational axis; (2) are front loading; [17] and (3) have a drive train consisting, inter alia, of (a) a controlled induction motor (CIM),[18] and (b) a belt drive.

Also excluded from the scope are automatic clothes washing machines that meet all of the following conditions: (1) Have a horizontal rotational axis; (2) are front loading; and (3) have cabinet width (measured from its widest point) of more than 28.5 inches (72.39 cm). The products subject to this *Order* are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff Schedule of the United States (HTSUS). Products subject to this *Order* may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this *Order* is dispositive.

Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Order.* U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the *Order* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year (sunset) review of the *Order* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to 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 notice are in accordance with sections 751(c) and 777(i) the Act, and 19 CFR 351.218(f)(4).

Dated: August 24, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–18611 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–DS–P

[14] A ''PSC motor'' is an asynchronous, alternating current (AC), single phase induction motor that employs split phase capacitor technology.

[15] A ''belt drive'' refers to a drive system that includes a belt and pulleys.

[16] A ''flat wrap spring clutch'' is a flat metal spring that, when engaged, links abutted cylindrical pieces on the input shaft with the end of the concentric output shaft that connects to the drive hub.

[17] ''Front loading'' means that access to the basket is from the front of the washer.

[18] A ''controlled induction motor'' is an asynchronous, alternating current (AC), polyphase induction motor.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–878, C–580–879, A–580–881, C–580–882]

Certain Cold-Rolled Steel Flat Products and Certain Corrosion-Resistant Steel Products From the Republic of Korea: Notice of Initiation and Preliminary Results of Antidumping Duty and Countervailing Duty Changed Circumstances Reviews

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

SUMMARY: In response to a request for a changed circumstances review (CCR), the U.S. Department of Commerce (Commerce) is initiating a CCR of the antidumping duty (AD) and countervailing duty (CVD) orders on certain cold-rolled steel flat products (cold-rolled steel) and certain corrosion-resistant steel products (CORE) from the Republic of Korea (Korea). Additionally, Commerce preliminarily determines that KG Steel Corporation (*dba* KG Dongbu Steel Co., Ltd.) (KG Steel) is the successor-in-interest to KG Dongbu Steel Co., Ltd. (KG Dongbu Steel). Interested parties are invited to comment on these preliminary results.

DATES: Applicable August 30, 2022.

FOR FURTHER INFORMATION CONTACT: Natasia Harrison, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1240.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2016, Commerce published the AD and CVD orders on CORE from Korea in the **Federal Register**.[1] In the most recent administrative review of the *CORE AD Order,* covering the period July 1, 2019, through June 30, 2020, KG Dongbu Steel was assigned the cash deposit rate of 0.59 percent as a company not selected for individual review.[2] In the most recent administrative review of the *CORE CVD Order,* covering the period January 1, 2019, through December 31, 2019, KG Dongbu Steel was assigned the subsidy rate of 10.51 percent as a mandatory respondent.[3]

On September 20, 2016, Commerce published the AD and CVD orders on cold-rolled steel from Korea in the **Federal Register**.[4] In the most recent administrative review of the *Cold-Rolled Steel AD Order,* covering the period September 1, 2019, through August 31, 2020, KG Dongbu Steel was assigned the cash deposit rate of 0.00 percent as a company not selected for individual review.[5] In the most recent administrative review of the *Cold-Rolled Steel CVD Order,* covering the period January 1, 2019, through December 31, 2019, KG Dongbu Steel was assigned a subsidy rate of 1.93 percent as a

[1] *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016) (*CORE AD Order*); *see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016) (*CORE CVD Order*) (collectively, *CORE Orders*).

[2] *See Corrosion-Resistant Steel Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2019–2020,* 86 FR 70111 (December 9, 2021).

[3] *See Certain Corrosion-Resistant Steel Products from the Republic of Korea: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2019,* 87 FR 2759 (January 19, 2022).

[4] *See Cold-Rolled Steel Flat Products from Brazil, 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) (*Cold-Rolled Steel AD Order*); *see also 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) (*Cold-Rolled Steel CVD Order*) (collectively, *Cold-Rolled Steel Orders*).

[5] *See Certain Cold Rolled Steel Flat Products from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2019–2020,* 87 FR 15371 (March 18, 2022).

company not selected for individual review.[6]

On May 27, 2022, KG Steel informed Commerce that KG Dongbu Steel had officially changed its Korean name from KG Dongbu Steel Co., Ltd. to KG Steel Corporation for purposes of its operations and sales in Korea, while at the same time maintaining its English name of KG Dongbu Steel Co., Ltd. for purposes of its sales in overseas markets.[7] KG Steel requested the initiation of a CCR to find that KG Steel (*dba* KG Dongbu Steel in the United States) is the successor-in-interest to KG Dongbu Steel.[8] On July 8, 2022, Commerce extended the time period by 45 days, until August 25, 2022, for determining whether to initiate and whether to issue simultaneous preliminary determinations.[9] On July 14, 2022, Commerce issued a deficiency letter requesting additional information and documentation from KG Steel,[10] to which KG Steel timely responded.[11] We did not receive comments from other interested parties concerning these requests.

[6] *See Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2019,* 87 FR 20821 (April 8, 2022).

[7] *See* KG Steel's Letter, ''Notification of Company Name Change and Request for Changed Circumstances Review, If Deemed Necessary: Name Change of KG Dongbu Steel Co., Ltd.,'' dated May 27, 2022 (CCR Request).

[8] *Id.* at 3.

[9] *See* Commerce's Letter, ''Request for Changed Circumstances Reviews of the Antidumping Duty and Countervailing Duty Orders on Certain Cold-Rolled Steel Flat Products and Certain Corrosion-Resistant Steel Products from the Republic of Korea: Extension of Initiation Deadline,'' dated July 8, 2022.

[10] *See* Commerce's Letters, ''Request for Changed Circumstances Review for Certain Cold-Rolled Steel Flat Products and Certain Corrosion-Resistant Steel Products from the Republic of Korea Antidumping Orders: Deficiency Questionnaire,'' dated July 14, 2022; and ''Request for Changed Circumstances Review for Certain Cold-Rolled Steel Flat Products and Certain Corrosion-Resistant Steel Products from the Republic of Korea Countervailing Duty Orders: Deficiency Questionnaire,'' dated July 14, 2022.

[11] *See* KG Steel's Letters, ''Certain Corrosion Resistant Steel Products and Cold-Rolled Steel Flat Products from the Republic of Korea Changed Circumstance Review, Case Nos. A–580–878 and A–580–881: Deficiency Questionnaire Response,'' dated July 21, 2022 (KG Steel's AD DQR); and ''Certain Corrosion Resistant Steel Products and Cold-Rolled Steel Flat Products from the Republic of Korea Changed Circumstance Review, Case Nos. C–580–879 and C–580–882: KG Steel Deficiency Questionnaire Response,'' dated August 2, 2022 (KG Steel's CVD DQR) (collectively, KG Steel's DQRs). KG Steel explained that KG Dongbu Steel Co., Ltd. changed its Korean name to KG Steel Corporation, however, both ''Corporation'' and ''Co., Ltd.'' in English are translated as the same phrase in Korean. KG Steel explained that, in order to avoid confusion when expressing the company's name in English, they have referred to the English translation of the new KG Dongbu Steel as KG Steel ''Corporation.'' *See* KG Steel's CVD DQR at 8.

Scope of the Orders

The merchandise covered by the *Cold-Rolled Steel Orders* is cold-rolled steel from Korea. The merchandise covered by the *CORE Orders* is CORE from Korea. For a full description of the merchandise covered by the scope of each order, *see* the Preliminary Decision Memorandum.[12]

Initiation of Changed Circumstances Reviews

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216, Commerce will conduct a CCR of an order upon receipt of information or a review request from an interested party for a review of an order which shows changed circumstances sufficient to warrant a review of the order.[13] In the past, Commerce has used CCRs to address the applicability of cash deposit rates after there have been changes in the name or structure of a respondent, such as a merger or spinoff (''successor-in-interest,'' or ''successorship,'' determinations).[14] The information submitted by KG Steel supporting its claim that it is the successor-in-interest to KG Dongbu Steel demonstrates changed circumstances sufficient to warrant such a review.[15]

The information submitted by KG Steel demonstrates that its request is based solely on a change in the Korean name of the company from ''KG Dongbu Steel Co., Ltd.'' to ''KG Steel Corporation,'' approved March 24, 2022.[16] Moreover, the evidence submitted in support of KG Steel's request demonstrates that KG Steel is otherwise the same business entity as KG Dongbu Steel. Therefore, in accordance with the regulation referenced above, Commerce is initiating a CCR to determine whether KG Steel is the successor-in-interest to KG Dongbu Steel.

[12] *See* Memorandum, ''Certain Cold-Rolled Steel Flat Products and Certain Corrosion-Resistant Steel Products from the Republic of Korea: Initiation and Preliminary Results of the Changed Circumstances Reviews,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[13] *See* 19 CFR 351.216(c).

[14] *See, e.g., Diamond Sawblades and Parts Thereof from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 82 FR 51605, 51606 (November 7, 2017), unchanged in *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review,* 82 FR 60177 (December 19, 2017) (*Diamond Sawblades Final*).

[15] *See* 19 CFR 351.216(d).

[16] *See* CCRs Request at 3.

Preliminary Results

Commerce is permitted by 19 CFR 351.221(c)(3)(ii) to combine the notice of initiation of a CCR and the preliminary results if Commerce concludes that expedited action is warranted. In this instance, because the record contains information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notice of initiation and the preliminary results.

Accordingly, pursuant to section 751(b) of the Act, we have conducted a successor-in-interest analysis in response to KG Steel's request. In making a successor-in-interest determination in an AD CCR, Commerce examines several factors, including, but not limited to, changes in the following: (1) management and ownership; (2) production facilities; (3) supplier relationships; and (4) customer base.[17] In a CVD CCR, Commerce will make an affirmative successorship finding (*i.e.,* that the respondent company is the same subsidized entity for CVD cash deposit purposes as the predecessor company) where there is no evidence of significant changes in the respondent's: (1) operations; (2) ownership; and (3) corporate and legal structure during the relevant period (*i.e.,* the ''look-back window'') that could have affected the nature and extent of the respondent's subsidy levels. While no single factor or combination of factors will necessarily provide a dispositive indication of a successor-in-interest relationship, generally, Commerce will consider the new company to be the successor to the previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor.[18] Thus, if the evidence demonstrates that, with respect to the production and sales of the subject merchandise, the new company operates as essentially the same business entity as the former company, Commerce will assign the new company the cash deposit rate of its predecessor.[19]

[17] *See, e.g., Diamond Sawblades Final; see also Certain Frozen Warmwater Shrimp from India: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 83 FR 37784 (August 2, 2018), unchanged in *Certain Frozen Warmwater Shrimp from India: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 83 FR 49909 (October 3, 2018) (*Shrimp from India*).

[18] *See, e.g., Diamond Sawblades Final;* and *Shrimp from India.*

[19] *See, e.g., Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India,* 77 FR 64953 (October 24, 2012), unchanged in *Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from India,* 77 FR 73619 (December 11, 2012); *see also Notice of Initiation*

In its CCR request, KG Steel provided evidence demonstrating that KG Steel's operations are not materially dissimilar from those of KG Dongbu Steel. Based on the record, we preliminarily determine that KG Steel is the successor-in-interest to KG Dongbu Steel, as the change in the business' Korean name was not accompanied by significant changes to its management and ownership, production, facilities, supplier relationships, or customer base. There is also no evidence of significant changes between KG Dongbu Steel and the successor-in-interest company KG Steel's operations, ownership, or corporate or legal structure during the relevant period that could have impacted the successor-in-interest company's subsidy levels.[20] Thus, we preliminarily determine that KG Steel operates as essentially the same business entity as KG Dongbu Steel, that KG Steel is the successor-in-interest to KG Dongbu Steel, and that KG Steel should receive the same AD and CVD cash deposit rates with respect to subject merchandise as its predecessor, KG Dongbu Steel.

For a complete discussion of the information that KG Steel provided, including business proprietary information, and the complete successor-in-interest analysis, *see* the Preliminary Decision Memorandum.[21] A list of topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Should our final results remain unchanged from these preliminary results, we will instruct U.S. Customs and Border Protection to assign entries of subject merchandise exported by KG Steel the AD and CVD cash deposit rates applicable to KG Dongbu Steel. Commerce will issue its final results of the review in accordance with the time limits set forth in 19 CFR 351.216(e).

Public Comment

In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than seven days after the date of publication of this notice.[22] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the case briefs, in accordance with 19 CFR 351.309(d).[23] Parties who submit case or rebuttal briefs are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the arguments; and (3) a table of authorities.[24]

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 14 days of publication of this notice.[25] Hearing requests should contain the following information: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date and the time of the hearing two days before the scheduled date.

All submissions are to be filed electronically using ACCESS, and must also be served on interested parties. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day it is due.[26] Note that Commerce has temporarily modified certain requirements for serving documents containing business proprietary information, until further notice.[27]

Consistent with 19 CFR 351.216(e), we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding.

Notification to Interested Parties

This initiation and preliminary results notice is published in accordance with sections 751(b)(1) and 777(i)(1) of the Act, and 19 CFR 351.216(b), 351.221(b) and 351.221(c)(3).

Dated: August 23, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in Preliminary Decision Memorandum

[FR Doc. 2022–18585 Filed 8–29–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 84–33A12]

Export Trade Certificate of Review

ACTION: Notice of application for an amended Export Trade Certificate of Review for Northwest Fruit Exporters (NFE), application no. 84–33A12.

SUMMARY: The Secretary of Commerce, through the Office of Trade and Economic Analysis (OTEA) of the International Trade Administration, has received an application for an amended Export Trade Certificate of Review (Certificate). This notice summarizes the proposed application and seeks public comments on whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, OTEA, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) (the Act) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325. OTEA is issuing this notice pursuant to 15 CFR 325.6(a), which requires the Secretary of Commerce to publish a summary of the

and Preliminary Results of Changed Circumstances Reviews: Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China, 85 FR 5193 (January 29, 2020), unchanged in *Certain Passenger Vehicle and Light Truck Tires from the People's Republic of China: Final Results of Changed Circumstances Reviews,* 85 FR 14638 (March 13, 2020).

[20] *See* CCR Request; *see also* KG Steel's DQRs.

[21] *See* Preliminary Decision Memorandum.

[22] Commerce is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

[23] Commerce is exercising its discretion under 19 CFR 351.309(d)(1) to alter the time limit for the filing of rebuttal briefs.

[24] *See* 19 CFR 351.309(c)(2).

[25] Commerce is exercising its discretion under 19 CFR 351.310(c) to alter the time limit for requesting a hearing.

[26] *See* 19 CFR 351.303(b).

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

application in the **Federal Register**, identifying the applicant and each member and summarizing the proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

Written comments should be sent to *ETCA@trade.gov.* An original and two (2) copies should also be submitted no later than 20 days after the date of this notice to: Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 84–33A12.'' A summary of the application follows.

Summary of the Application

Applicant: Northwest Fruit Exporters, 105 South 18th Street, Suite 105, Yakima, WA 98901.

Contact: Fred Scarlett, Manager, *scarlett@nwhort.org*.

Application No.: 84–33A12.

Date Deemed Submitted: August 16, 2022.

Proposed Amendment: Northwest Fruit Exporters seeks to amend its Certificate as follows:

1. Add the following companies as new Members of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)) for the following Export Product: fresh sweet cherries:

- Chuy's Cherries LLC, Mattawa, WA
- Columbia Fresh Packing LLC, Kennewick, WA
- Lateral Roots Farm, LLC, Wapato, WA

2. Change the names of the following Members:

- Chelan Fruit Cooperative (Chelan, WA) changes to Chelan Fruit (Chelan, WA)
- Manson Growers Cooperative (Manson, WA) changes to Manson Growers (Manson, WA)

3. Change the location of the following Member:

- Stadelman Fruit, L.L.C. (Milton-Freewater, OR, and Zillah, WA) changes to Stadelman Fruit, L.L.C. (Milton-Freewater, OR, Hood River, OR, and Zillah, WA)

4. Change the Export Product coverage for seven Members:

- Highland Fruit Growers, Inc. changes Export Product coverage from fresh apples to fresh apples and fresh sweet cherries (adding fresh sweet cherries)
- Piepel Premium Fruit Packing LLC changes Export Product coverage from fresh apples to fresh apples and fresh sweet cherries (adding fresh sweet cherries)
- Washington Fruit & Produce Co. changes Export Product coverage from fresh apples to fresh apples and fresh sweet cherries (adding fresh sweet cherries)
- Blue Star Growers, Inc. changes Export Product coverage from fresh apples and fresh pears to fresh pears (dropping fresh apples)
- Stadelman Fruit, L.L.C. changes Export Product coverage from fresh apples, fresh sweet cherries, and fresh pears to fresh apples and fresh pears (dropping fresh sweet cherries)
- AltaFresh L.L.C. dba Chelan Fresh Marketing changes Export Product coverage from fresh apples to fresh apples and fresh sweet cherries (adding fresh sweet cherries)
- Congdon Packing Co. L.L.C. changes Export Product coverage from fresh apples, and fresh pears to fresh apples, fresh sweet cherries, and fresh pears (adding fresh sweet cherries)

Northwest Fruit Exporter's proposed amendment of its Certificate would result in the following Membership list:

1. Allan Bros., Naches, WA
2. AltaFresh L.L.C. dba Chelan Fresh Marketing, Chelan, WA (for fresh apples and fresh sweet cherries)
3. Apple House Warehouse & Storage, Inc., Brewster, WA
4. Apple King, L.L.C., Yakima, WA
5. Auvil Fruit Co., Inc. dba Gee Whiz II, LLC, Orondo, WA
6. Baker Produce, Inc., Kennewick, WA
7. Blue Bird, Inc., Peshastin, WA
8. Blue Star Growers, Inc., Cashmere, WA (for fresh pears only)
9. Borton & Sons, Inc., Yakima, WA
10. Brewster Heights Packing & Orchards, LP, Brewster, WA
11. Chelan Fruit, Chelan, WA
12. Chiawana, Inc. dba Columbia Reach Pack, Yakima, WA
13. Chuy's Cherries LLC, Mattawa, WA (fresh sweet cherries)
14. CMI Orchards LLC, Wenatchee, WA
15. Columbia Fresh Packing LLC, Kennewick, WA (fresh sweet cherries)
16. Columbia Fruit Packers, Inc., Wenatchee, WA
17. Columbia Valley Fruit, L.L.C., Yakima, WA
18. Congdon Packing Co. L.L.C., Yakima, WA (for fresh apples, fresh sweet cherries, and fresh pears)
19. Cowiche Growers, Inc., Cowiche, WA
20. CPC International Apple Company, Tieton, WA
21. Crane & Crane, Inc., Brewster, WA
22. Custom Apple Packers, Inc., Quincy, and Wenatchee, WA
23. Diamond Fruit Growers, Inc., Odell, OR
24. Domex Superfresh Growers LLC, Yakima, WA
25. Douglas Fruit Company, Inc., Pasco, WA
26. Dovex Export Company, Wenatchee, WA
27. Duckwall Fruit, Odell, OR
28. E. Brown & Sons, Inc., Milton-Freewater, OR
29. Evans Fruit Co., Inc., Yakima, WA
30. E.W. Brandt & Sons, Inc., Parker, WA
31. FirstFruits Farms, LLC, Prescott, WA
32. Frosty Packing Co., LLC, Yakima, WA
33. G&G Orchards, Inc., Yakima, WA
34. Gilbert Orchards, Inc., Yakima, WA
35. Hansen Fruit & Cold Storage Co., Inc., Yakima, WA
36. Henggeler Packing Co., Inc., Fruitland, ID
37. Highland Fruit Growers, Inc., Yakima, WA (for fresh apples and fresh sweet cherries)
38. HoneyBear Growers LLC, Brewster, WA
39. Honey Bear Tree Fruit Co LLC, Wenatchee, WA
40. Hood River Cherry Company, Hood River, OR
41. JackAss Mt. Ranch, Pasco, WA
42. Jenks Bros Cold Storage & Packing, Royal City, WA
43. Kershaw Fruit & Cold Storage, Co., Yakima, WA
44. Lateral Roots Farm, LLC, Wapato, WA (fresh sweet cherries)
45. L & M Companies, Union Gap, WA
46. Legacy Fruit Packers LLC, Wapato, WA
47. Manson Growers, Manson, WA
48. Matson Fruit Company, Selah, WA
49. McDougall & Sons, Inc., Wenatchee, WA
50. Monson Fruit Co., Selah, WA
51. Morgan's of Washington dba Double Diamond Fruit, Quincy, WA
52. Northern Fruit Company, Inc., Wenatchee, WA
53. Olympic Fruit Co., Moxee, WA
54. Oneonta Trading Corp., Wenatchee, WA
55. Orchard View Farms, Inc., The Dalles, OR
56. Pacific Coast Cherry Packers, LLC, Yakima, WA
57. Piepel Premium Fruit Packing LLC, East Wenatchee, WA (for fresh apples and fresh sweet cherries)
58. Pine Canyon Growers LLC, Orondo, WA
59. Polehn Farms, Inc., The Dalles, OR
60. Price Cold Storage & Packing Co., Inc., Yakima, WA
61. Quincy Fresh Fruit Co., Quincy, WA
62. Rainier Fruit Company, Selah, WA
63. River Valley Fruit, LLC, Grandview, WA
64. Roche Fruit, Ltd., Yakima, WA
65. Sage Fruit Company, L.L.C., Yakima, WA
66. Smith & Nelson, Inc., Tonasket, WA

67. Stadelman Fruit, L.L.C., Milton-Freewater, OR, Hood River, OR, and Zillah, WA (for fresh apples and fresh pears only)
68. Stemilt Growers, LLC, Wenatchee, WA
69. Symms Fruit Ranch, Inc., Caldwell, ID
70. The Dalles Fruit Company, LLC, Dallesport, WA
71. Underwood Fruit & Warehouse Co., Bingen, WA
72. Valicoff Fruit Company Inc., Wapato, WA
73. Washington Cherry Growers, Peshastin, WA
74. Washington Fruit & Produce Co., Yakima, WA (for fresh apples and fresh sweet cherries)
75. Western Sweet Cherry Group, LLC, Yakima, WA
76. Whitby Farms, Inc. dba: Farm Boy Fruit Snacks LLC, Mesa, WA
77. WP Packing LLC, Wapato, WA
78. Yakima Fruit & Cold Storage Co., Yakima, WA
79. Zirkle Fruit Company, Selah, WA

Dated: August 25, 2022.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2022–18674 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Domestic and International Client Export Services and Customized Forms Revision

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on June 21, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: International Trade Administration, U.S. Commercial Service, Commerce.

Title: Domestic and International Client Export Services and Customized Forms.

OMB Control Number: 0625–0143.

Form Number(s): ITA–4096P

Type of Request: Revision to an already approved collection.

Number of Respondents: 200,000.

Average Hours per Response: 10 minutes.

Burden Hours: 33,333.

Needs and Uses: The International Trade Administration's (ITA) U.S. Commercial Service (CS) is mandated by Congress to broaden and deepen the U.S. exporter base. The CS accomplishes this by providing counseling, programs, and services to help U.S. organizations export and conduct business in overseas markets. This information collection package enables the CS to provide appropriate export services to U.S. exporters and international buyers.

The Commercial Service (CS) offers a variety of services to enable clients to begin exporting/importing or to expand existing exporting/importing efforts. Clients may learn about our services from business related entities such as the National Association of Manufacturers, Federal Express, State Economic Development offices, the internet or word of mouth. The CS provides a standard set of services to assist clients with identifying potential overseas partners, establishing meeting programs with appropriate overseas business contacts, and providing due diligence reports on potential overseas business partners. The CS also provides other export-related services considered to be of a ''customized nature'' because they do not fit into the standard set of CS export services but are driven by unique business needs of individual clients.

The dissemination of international market information and potential business opportunities for U.S. exporters are critical components of the Commercial Service's export assistance programs and services. U.S. companies conveniently access and indicate their interest in these services by completing the appropriate forms via ITA and CS U.S. Export Assistance Center websites.

The CS works closely with clients to educate them about the exporting/importing process and to help prepare them for exporting/importing. When a client is ready to begin the exporting/importing process our field staff provide counseling to assist in the development of an exporting strategy. We provide fee-based, export-related services designed to help client export/import. The type of export-related service that is proposed to a client depends upon a client's business goals and where they are in the export/import process. Some clients are at the beginning of the export process and require assistance with identifying potential distributors, whereas other clients may be ready to sign a contract with a potential distributor and require due diligence assistance.

Before the CS can provide export-related services to clients, such as assistance with identifying potential partners or providing due diligence, specific information is required to determine the client's business objectives and needs. For example, before we can provide a service to identify potential business partners, we need to know whether the client would like a potential partner to have specific technical qualifications, coverage in a specific market, English or foreign language ability or warehousing requirements. This information collection is designed to elicit such data so that appropriate services can be proposed and conducted to most effectively meet the client's exporting goals. Without these forms the CS is unable to provide services when requested by clients.

The forms ask U.S. exporters standard questions about their company details, demographic information, export experience, information about the products or services they wish to export and exporting goals. A few questions are tailored to a specific program type and will vary slightly with each program. CS staff use this information to gain an understanding of client's needs and objectives so that they can provide appropriate and effective export assistance tailored to an exporter's particular requirements.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; and Federal government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: PUBLIC LAW 15 U.S.C. *et seq.* and 15 U.S.C. 171 *et seq.*

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and

entering either the title of the collection or the OMB Control Number 0625–0143.

Sheleen Dumas,

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

[FR Doc. 2022–18691 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–872, A–580–878, A–580–881, A–580–883, A–580–887, A–580–891]

Non-Oriented Electrical Steel From the Republic of Korea, Certain Corrosion-Resistant Steel Products From the Republic of Korea, Certain Cold-Rolled Steel Flat Products From the Republic of Korea, Certain Hot-Rolled Steel Flat Products From the Republic of Korea, Certain Carbon and Alloy Steel Cut-to-Length Plate From the Republic of Korea, and Carbon and Alloy Steel Wire Rod From the Republic of Korea: Final Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: On July 13, 2022, the U.S. Department of Commerce (Commerce) published the notice of initiation and preliminary results of a changed circumstances review (CCR) of the antidumping duty (AD) orders on non-oriented electrical steel, certain corrosion-resistant steel products, certain cold-rolled steel flat products, certain hot-rolled steel flat products, certain carbon and alloy steel cut-to-length plate, and carbon and alloy steel wire rod from the Republic of Korea (Korea). For these final results, Commerce continues to find that POSCO, following a corporate organizational change in March 2022 (hereinafter, POSCO(II)), is the successor-in-interest to the pre-reorganization POSCO entity (hereinafter, POSCO(I)). Furthermore, POSCO(II) is entitled to POSCO(I)'s AD cash deposit rates with respect to entries of subject merchandise in each of the above-referenced proceedings.

DATES: Applicable August 30, 2022.

FOR FURTHER INFORMATION CONTACT: Christopher Maciuba, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0413.

SUPPLEMENTARY INFORMATION:

Background

On July 13, 2022, Commerce published the *Initiation and Preliminary Results,*[1] finding that POSCO(II) is the successor-in-interest to POSCO(I), and should be assigned the same AD cash deposit rate assigned to POSCO(I) in in each of the above-referenced proceedings.[2] In the *Initiation and Preliminary Results,* we provided all interested parties with an opportunity to comment and request a public hearing regarding our preliminary finding.[3] POSCO(II) submitted comments agreeing with our preliminary findings in full, and we received no other comments from interested parties.[4] Additionally, we received no requests for a public hearing from interested parties.

Scope of the Orders

The merchandise covered by the orders is non-oriented electrical steel, certain corrosion-resistant steel products, certain cold-rolled steel flat products, certain hot-rolled steel flat products, certain carbon and alloy steel cut-to-length plate, and carbon and alloy steel wire rod from Korea. For a complete description of the scope of each of the respective orders, *see* the Preliminary Decision Memorandum.

Final Results of the Changed Circumstances Review

For the reasons stated in the *Initiation and Preliminary Results,* and because we received no comments from interested parties to the contrary, Commerce continues to find that POSCO(II) is the successor-in-interest to POSCO(I) and is entitled to the same AD cash deposit rate as POSCO(I) with respect to entries of subject merchandise in the above-noted proceedings.

[1] *See Non-Oriented Electrical Steel from the Republic of Korea, Certain Corrosion-Resistant Steel Products from the Republic of Korea, Certain Cold-Rolled Steel Flat Products from the Republic of Korea, Certain Hot-Rolled Steel Flat Products from the Republic of Korea, Certain Carbon and Alloy Steel Cut-to-Length Plate from the Republic of Korea, and Carbon and Alloy Steel Wire Rod from the Republic of Korea: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 87 FR 41661 (July 13, 2022) (*Initiation and Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See Initiation and Preliminary Results,* 87 FR at 41662.

[3] *Id.,* 87 FR at 41663.

[4] *See* POSCO(II)'s Letter, ''Non-Oriented Electrical Steel, Certain Corrosion-Resistant Steel Products, Certain Cold-Rolled Steel Flat Products, Certain Hot-Rolled Steel Flat Products, Certain Carbon and Alloy Steel Cut-to-Length Plate, and Carbon and Alloy Steel Wire Rod from the Republic of Korea, Case Nos. A–580–872, A–580–878, A–580–881, A–580–883, A–580–887, and A–580–891: POSCO's Case Brief,'' dated July 27, 2022.

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition 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 terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing this determination and publishing these final results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 351.221(c)(3).

Dated: August 23, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–18581 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–871; A–475–835; A–469–815]

Finished Carbon Steel Flanges From India, Italy, and Spain: Final Results of the Expedited First Sunset Review of the Antidumping Duty Orders

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

SUMMARY: As a result of these expedited sunset reviews, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on finished carbon steel flanges (flanges) from India, Italy, and Spain would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable August 30, 2022.

FOR FURTHER INFORMATION CONTACT: Harrison Tanchuck or Emily Bradshaw, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7421 and (202) 482–3896 respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2022, Commerce published the notice of initiation of the first sunset reviews of the *Orders,*[1] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] Commerce received a notice of intent to participate from domestic interested parties [3] within the deadline specified in 19 CFR 351.218(d)(1)(i), after the date of publication of the *Initiation Notice.*[4] Each claimed interested party status under section 771(9)(C) of the Act as domestic producers engaged in the production of flanges in the United States.

Commerce received a substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] We did not receive a substantive response from any other interested party in these proceedings.

On June 21, 2022, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Orders.*

Scope of the Orders

The products covered by the *Orders* are finished carbon steel flanges. For a complete description of the scope of these *Orders, see* the Issues and Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in these sunset reviews are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if the *Orders* were revoked.[8] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to the continuation or recurrence of dumping, and that the magnitude of the margins of dumping likely to prevail would be weighted-average margins of up to the following percentages:

Country	Weighted-average dumping margin (percent)
India	12.58
Italy	204.53
Spain	24.43

Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: August 23, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2022–18580 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–822]

Welded Line Pipe From the Republic of Turkey: Preliminary Determination of No Shipments and Partial Rescission of the Antidumping Duty Administrative Review; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that Cimtas Boru Imalatlari ve Ticaret, Ltd. Sti (Cimtas), the only company subject to review, had no shipments of subject merchandise during the period of review (POR), December 1, 2020, through November 30, 2021. In addition, we are rescinding this administrative review with respect to companies for which requests for review were timely withdrawn. Interested parties are invited to comment on these preliminary results.

DATES: Applicable August 30, 2022.

FOR FURTHER INFORMATION CONTACT: Christopher Hargett, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4161.

SUPPLEMENTARY INFORMATION:

Background

In December 2015, Commerce published in the **Federal Register** an antidumping duty order on welded line

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[1] *See Finished Carbon Steel Flanges from India and Italy: Antidumping Duty Orders,* 82 FR 40136 (August 24, 2017); and *Finished Carbon Steel Flanges from Spain: Antidumping Duty Order,* 82 FR 27229 (June 14, 2017 (collectively, *Orders*).

[2] *See Initiation of Five-Year (Sunset) Review,* 87 FR 25617 (May 2, 2021) (*Initiation Notice*).

[3] The domestic interested parties are Weldbend Corporation (Weldbend) and Boltex Manufacturing Company Inc. (Boltex) (collectively, domestic interested parties). In 2020, Boltex Manufacturing Co., L.P. reorganized to Boltex Manufacturing Company Inc.).

[4] *See* Domestic Interested Parties' Letters, ''Finished Carbon Steel Flanges from India: Notice of Intent to Participate by Weldbend Corporation & Boltex Corporation,'' dated May 17, 2022; ''Finished Carbon Steel Flanges from Italy: Notice of Intent to Participate by Weldbend Corporation & Boltex Manufacturing Co., L.P.,'' dated May 17, 2022; and ''Finished Carbon Steel Flanges from Spain: Notice of Intent to Participate by Weldbend Corporation & Boltex Manufacturing Co., L.P.,'' dated May 17, 2022.

[5] *See* Domestic Interested Party's Letters, ''Finished Carbon Steel Flanges from India: Substantive Response of Domestic Interested Parties,'' dated June 1, 2022; ''Finished Carbon Steel Flanges from Italy: Substantive Response of Domestic Interested Parties,'' dated June 1, 2022; and ''Finished Carbon Steel Flanges from Spain: Substantive Response of Domestic Interested Parties,'' dated June 1, 2022 (collectively, Substantive Response).

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on May 2, 2022,'' dated May 2, 2022.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Orders on Finished Carbon Steel Flanges from India, Italy, and Spain,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[8] *Id.*

pipe from the Republic of Turkey.[1] On December 1, 2021, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order* for the POR.[2] On December 30, 2021, Commerce received timely requests to conduct an administrative review of the *Order,* in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), from Maverick Tube Corporation, IPSCO Tubulars Inc., American Cast Iron Pipe Company, Dura-Bond Industries, and Stupp Corporation, a division of Stupp Bros., Inc. (collectively, the domestic interested parties).[3] Based on these requests, on February 4, 2022, Commerce initiated an administrative review of the *Order* with respect to 19 companies.[4] That same day, consistent with the *Initiation Notice,* Commerce released data from U.S. Customs and Border Protection (CBP) for purposes of respondent selection and provided interested parties an opportunity to comment on these data by February 11, 2022.[5] Commerce received no comments on the CBP Data. In January and February 2022, four companies submitted certifications of no shipments.[6]

On March 4, 2022, Cimtas informed Commerce that it: (1) had not made any reviewable shipments or sales of the subject merchandise to the United States during POR; and (2) had no physical entries and/or no reviewable entries of subject merchandise to the United States during this period.[7]

In April 2022, the domestic interested parties timely withdrew their requests for review with respect to 18 companies.[8] As a result, Cimtas is the only company that remains subject to this review.

On May 16, 2022, domestic interested parties requested that Commerce conduct verification in this administrative review.[9]

Scope of the Order

The products covered by the *Order* are circular welded carbon and alloy steel (other than stainless steel) pipe of a kind used for oil or gas pipelines (welded line pipe), not more than 24 inches in nominal outside diameter, regardless of wall thickness, length, surface finish, end finish, or stenciling. Welded line pipe is normally produced to the American Petroleum Institute (API) specification 5L, but can be produced to comparable foreign specifications, to proprietary grades, or can be non-graded material. All pipe meeting the physical description set forth above, including multiple-stenciled pipe with an API or comparable foreign specification line pipe stencil is covered by the scope of this *Order.*

The welded line pipe that is subject to the *Order* is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7305.11.1030, 7305.11.5000, 7305.12.1030, 7305.12.5000, 7305.19.1030, 7305.19.5000, 7306.19.1010, 7306.19.1050, 7306.19.5110, and 7306.19.5150. The subject merchandise may also enter in HTSUS 7305.11.1060 and 7305.12.1060. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce ''will rescind an administrative review . . . in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' On April 20, 2022, the domestic interested parties timely withdrew their requests for an administrative review of the 18 companies listed in the appendix to this notice.[10] Because no other party requested a review of these companies, we are rescinding this review, in part, with respect to these companies, pursuant to 19 CFR 351.213(d)(1).

Preliminary Determination of No Shipments

Based on CBP's response to Commerce's no-shipment inquiry [11] and the certifications provided by Cimtas,[12] we preliminarily determine that the company had no shipments and, therefore, no reviewable entries, of subject merchandise during the POR. Consistent with Commerce's practice, we will not rescind the review with respect to Cimtas, but rather, will complete the review and issue appropriate instructions to CBP based on the final results of the review.[13]

Verification

Pursuant to 19 CFR 351.307(b)(1)(v), Commerce ''will verify factual information'' relied upon in the final results of an administrative review if: (A) ''{a} domestic interested party, not later than 100 days after the date of publication of the notice of initiation of review, submits a written request for verification; and (B) {Commerce} conducted no verification . . . during either of the two immediately preceding administrative reviews.'' [14] 19 CFR 351.307(b)(1)(iv) also states that Commerce will verify if the Secretary decides that ''good cause for verification exists.'' Here, Commerce received the domestic interested parties' verification

[1] *See Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders,* 80 FR 75056 (December 1, 2015) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request* Administrative Review, 86 FR 68215 (December 1, 2021).

[3] *See* Maverick Tube Corporation and IPSCO Tubulars Inc.'s Letter, ''Welded Line Pipe from the Turkey: Request for Administrative Review,'' dated December 30, 2021; and American Cast Iron Pipe Company, Dura-Bond Industries, and Stupp Corporation, a division of Stupp Bros., Inc.'s Letter, ''Welded Line Pipe from Turkey: Request for Administrative Review,'' dated December 30, 2021.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 87 FR 6487, 6491 (February 4, 2022) (*Initiation Notice*).

[5] *Id.,* 87 FR at 6487; *see also* Memorandum, ''Release of U.S. Customs and Border Protection Entry Data,'' dated February 4, 2022 (CBP Data).

[6] *See* Çayirova Boru Sanayi ve Ticaret A.S. and Yucelboru Ihracat Ithalat ve Pazarlama A.S.'s Letter, ''Line pipe from Turkey; Yucel No Shipments Letter,'' dated January 4, 2022; Toscelik Profile and Sheet Industry, Co. and Tosyalı Dis Ticaret A.S.'s Letter, ''Line pipe from Turkey; Toscelik No-Shipments letter,'' dated January 4, 2022; Noksel Çelik Boru Sanayi A.S.'s Letter, ''Welded Line Pipe from Turkey (A–489–822): Anti-Dumping Duty Order Administrative Review (12/1/20—11/30/21),'' dated February 11, 2022; and Borusan Mannesmann Boru Sanayi ve Ticaret A.S.'s Letter, ''Welded Line Pipe from Turkey, Case No. A–489–822: Notification of No Shipments,'' dated February 16, 2022.

[7] *See* Cimtas's Letter, ''Welded Line Pipe from Turkey: No (Reviewable) Shipment Letter,'' dated March 4, 2022 (Cimtas No Shipment Letter).

[8] *See* Maverick Tube Corporation and IPSCO Tubulars Inc.'s Letter, ''Welded Line Pipe from Turkey: Partial Withdrawal of Request for Administrative Review of Antidumping Duty Order,'' dated April 20, 2022; and American Cast Iron Pipe Company, Dura-Bond Industries, and Stupp Corporation, a division of Stupp Bros., Inc.'s Letter, ''Welded Line Pipe from Turkey: Partial Withdrawal of Request for Administrative Review,'' dated April 21, 2022 (collectively, Withdrawal Request). For the list companies, for which the request for review was timely withdrawn, *see* the appendix to this notice.

[9] *See* ALPPA Welded Line Pipe Committee's Letter, ''Welded Line Pipe from Turkey: Request for Verification,'' dated May 16, 2022 (Verification Request).

[10] *See* Withdrawal Request.

[11] *See* Memorandum, ''Welded Line Pipe from the Republic of Turkey; No Shipment Inquiry for Cimtas Boru Imalatlari ve Ticaret, Ltd. Sti. during the period 12/01/2020 through 11/30/2021,'' dated July 22, 2022.

[12] *See* Cimtas No Shipment Letter.

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

[14] *See* 19 CFR 351.307(b)(1)(v).

request in a timely manner. However, Commerce verified the information provided by Cimtas in the immediately preceding administrative review of this *Order.* Thus, pursuant 19 CFR 351.307(b)(1)(v)(B), Commerce will not verify the relevant factual information in the instant review.

Public Comment

Interested parties are invited to comment on these preliminary results and may submit case briefs or other written comments to Commerce no later than 30 days after the date of publication of this notice.[15] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline for case briefs.[16] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) within 30 days after the date of publication of this notice.[17] Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[18] Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS by 5 p.m. eastern time on the established deadline. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[19]

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice in the **Federal Register**, unless otherwise extended.[20]

Assessment

Commerce will instruct CBP to liquidate any suspended entries for the 18 companies listed in the appendix to this notice at the rate in effect at the time of entry. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this recission notice in the **Federal Register**.

For Cimtas, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

If the final results of review continue to find that Cimtas had no shipments during the POR, there will be no change to the existing cash deposit requirements.

Notification to Importers

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

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213(d).

Dated: August 23, 2022.

Lisa W Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

1. Borusan Istikbal Ticaret
2. Borusan Mannesmann Boru Sanayi ve Ticaret A.S.[21]
3. Cayirova Boru Sanayii ve Ticaret A.S.
4. Emek Boru Makina Sanayi ve Ticaret A.S.
5. Erbosan Erciyas Tube Industry and Trade Co. Inc.
6. Erciyas Celik Boru Sanayii A.S.
7. Guven Celik Boru Sanayii ve Ticaret Ltd. Sti.
8. Has Altinyagmur celik Boru Sanayii ve Ticaret Ltd. Sti.
9. HDM Steel Pipe Industry & Trade Co. Ltd.
10. Metalteks Celik Urunleri Sanayii
11. MMZ Onur Boru Profil Uretim Sanayii ve Ticaret A.S.
12. Noksel Steel Pipe Co. Inc.
13. Ozbal Celik Boru
14. Toscelik Profile and Sheet Industry, Co.
15. Tosyali Dis Ticaret A.S.
16. Umran Celik Boru Sanayii
17. YMS Pipe & Metal Sanayii A.S.
18. Yucelboru Ihracat Ithalat Pazzarlam

[FR Doc. 2022–18677 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–DS–P

[15] *See* 19 CFR 351.309(c)(1)(ii).

[16] *See* 19 CFR 351.309(d)(1) and (2); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[17] *See* 19 CFR 351.310(c).

[18] *See* 19 CFR 351.310(d).

[19] *See Temporary Rule.*

[20] *See* section 751(a)(3)(A) of the Act.

[21] The *Initiation Notice* inadvertently misspelled Borusan Mannesmann Boru Sanayi ve Ticaret A.S. as ''Borusan Mannesmann Boru Sanayi ve Ticaret A.''

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC164]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys Offshore From Massachusetts to New Jersey for Vineyard Northeast, LLC

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS is issuing an IHA to Vineyard Northeast, LLC (Vineyard Northeast) to incidentally harass, by Level B harassment, marine mammals incidental to marine site characterization surveys offshore from Massachusetts to New Jersey, including the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Areas OCS–A 0522 and OCS–A 0544 (Lease Areas) and along potential offshore export cable corridor (OECC) routes to landfall locations.

DATES: This authorization is effective from July 27, 2022 through July 26, 2023.

FOR FURTHER INFORMATION CONTACT: Carter Esch, Office of Protected Resources, NMFS, (301) 427–8401.

Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* 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 issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be 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.

Summary of Request

On December 17, 2021, NMFS received a request from Vineyard Northeast for an IHA to take marine mammals incidental to marine site characterization surveys offshore from Massachusetts to New Jersey, in the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Areas OCS–A 0522 and OCS–A 0544 (Lease Areas) and potential offshore export cable corridor (OECC) routes to landfall locations. We received a final, revised version of Vineyard Northeast's application on April 4, 2022, which we deemed adequate and complete on April 18, 2022. Vineyard Northeast's request is for take of 19 species (with 20 managed stocks) of marine mammals, by Level B harassment only. Neither Vineyard Northeast nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate. A notice of NMFS' proposal to issue an IHA to Vineyard Northeast was published in the **Federal Register** on May 20, 2022 (87 FR 30872).

NMFS previously issued an IHA (85 FR 42357; July 14, 2020) and a renewal of that IHA (86 FR 38296; July 20, 2021) to Vineyard Wind, LLC (Vineyard Wind) for similar marine site characterization surveys. Vineyard Wind has split into several corporate entities which now include Vineyard Wind, Vineyard Wind 1, LLC (Vineyard Wind 1), and, most recently, Vineyard Northeast. NMFS issued an IHA for similar surveys to Vineyard Wind 1 on July 28, 2021 (86 FR 40469). Although the surveys analyzed in this IHA issued to Vineyard Northeast will occur in an area that overlaps the survey areas in the previous Vineyard Wind IHA and Renewal IHA, and Vineyard Wind 1 IHA (and potentially a renewal, if appropriate), NMFS issued this IHA to the separate corporate entity, Vineyard Northeast. The surveys described here will occur over a much broader geographic range than the surveys completed under the previous IHAs described above, extending to southern New Jersey and incorporating a lease area (OCS–A 0544) not yet surveyed by Vineyard Wind, Vineyard Wind 1, or Vineyard Northeast. In addition, the track lines to be covered during Vineyard Northeast's surveys are distinct from those previously surveyed by Vineyard Wind and Vineyard Wind 1.

Vineyard Wind complied with all the requirements (*e.g.,* mitigation, monitoring, and reporting) of the 2020 IHA (85 FR 42357; July 14, 2020) and information regarding their monitoring results may be found in the Estimated Take section. Both the Renewal IHA issued to Vineyard Wind (86 FR 38296; July 20, 2021) and the 2021 IHA issued to Vineyard Wind 1 (86 FR 40469; July 28, 2021) are ongoing, therefore, monitoring data are not yet available. Vineyard Wind's final marine mammal monitoring report submitted pursuant to the 2020 IHA can be found at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-vineyard-wind-llc-marine-site-characterization-surveys.*

Description of Specified Activity

Vineyard Northeast plans to conduct marine site characterization surveys using high-resolution geophysical (HRG) equipment in Federal offshore waters (including Lease Areas OCS–A 0522 and OCS–A 0544) and along potential OECCs in both Federal and State nearshore waters of Massachusetts, Rhode Island, Connecticut, New York, and New Jersey (see Figure 1 in the notice of the proposed IHA).

Dates and Duration

Vineyard Northeast plans to commence surveys in July 2022 and continue for 1 year. Based on 24-hour operations, HRG survey activities are expected to require 869 vessel days, with an estimated daily survey distance of 80 kilometers (km) per vessel (assuming 24-hour operations). Each day that a vessel surveys approximately 80 km within 24 hours will count as a single survey day, *e.g.,* two survey vessels operating on the same day would count as two survey days. The use of concurrently surveying vessels will facilitate completion of all 869 vessel days within one year.

A detailed description of Vineyard Northeast's planned surveys is provided in the **Federal Register** notice of the proposed IHA (87 FR 30872; May 20, 2022). Since that time, no changes have been made to the project activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specified activities. Here, we provide brief information on the survey effort and sound sources Vineyard Northeast will use during the surveys (Table 1). We note that all decibel (dB) levels included in this notice are referenced to 1 microPascal (1 µPa). The root mean square decibel level (dB_{rms}) represents the square root of the average of the pressure of the sound signal over a given duration. The peak dB level (dB_{peak}) represents the range in pressure between zero and the greatest pressure of the signal. Operating frequencies are presented in kilohertz (kHz).

TABLE 1—SUMMARY OF REPRESENTATIVE HRG EQUIPMENT [1]

System	Frequency (kHz)	Beam width (°)	Pulse duration (ms)	Repetition rate (Hz)	In-beam source level (dB)	
					RMS	Pk
Shallow subbottom profiler (non-impulsive):						
EdgeTech Chirp 216	2–16	65	2	3.75	178	182
Deep seismic profiler (impulsive):						
Applied Acoustics AA251 Boomer	0.2–15	180	0.8	2	205	212
GeoMarine Geo Spark 2000 (400 tip)	0.05–3	180	3.4	1	203	213

[1] Edge Tech Chirp 512i used as proxy source for Edge Tech 216, as Chirp 512i has similar operation settings as Chirp 216. SIG ELC 820 Sparker used as proxy for GeoMarine Geo Spark 2000 (400 tip), as SIG ELC 820 has similar operation settings as Geo Spark 2000. See Crocker and Fratantonio (2016) and Table A–3 in Appendix A of Vineyard Northeast's application for more information.

Mitigation, monitoring, and reporting measures are described in detail later in this document (please see Mitigation and Monitoring and Reporting).

Comments and Responses

The notice of the proposed IHA described, in detail, Vineyard Northeast's activities, the marine mammal species that may be affected by the activities, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. This proposed notice was available for a 30-day public comment period.

NMFS received 1 non-substantive comment from a private citizen, and two substantive comment letters from environmental non-governmental organizations (eNGOs) (Oceana, Inc. and Clean Ocean Action (COA)). A summary of comments from Oceana and COA, and NMFS' responses, are provided below; the letters are available online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-vineyard-northeast-llc-marine-site-characterization-surveys.*

Comment 1: Oceana made comments objecting to NMFS' renewal process regarding the extension of any one-year IHA with a truncated 15-day public comment period, and suggested an additional 30-day public comment period is necessary for any renewal request.

NMFS' response: NMFS' IHA renewal process meets all statutory requirements. In prior responses to comments about IHA renewals (*e.g.,* 84 FR 52464; October 2, 2019 and 85 FR 53342, August 28, 2020), NMFS has explained how the renewal process, as implemented, is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA, and, further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue implementing the renewal process.

The notice of the proposed IHA published in the **Federal Register** on May 20, 2022 (87 FR 30872) made clear that the agency was seeking comment on the proposed IHA and the potential issuance of a renewal for this survey. Because any renewal is limited to another year of identical or nearly identical activities in the same location or the same activities that were not completed within the 1-year period of the initial IHA, reviewers have the information needed to effectively comment on both the immediate proposed IHA and a possible 1-year renewal, should the IHA holder choose to request one in the coming months.

While there would be additional documents submitted with a renewal request, for a qualifying renewal, these would be limited to documentation that NMFS would make available and use to verify that the activities are identical to those in the initial IHA, are nearly identical such that the changes would have either no effect on impacts to marine mammals or decrease those impacts, or are a subset of activities already analyzed and authorized but not completed under the initial IHA. NMFS would also need to confirm, among other things, that the activities would occur in the same location; involve the same species and stocks; provide for continuation of the same mitigation, monitoring, and reporting requirements; and that no new information has been received that would alter the prior analysis. The renewal request would also contain a preliminary monitoring report, in order to verify that effects from the activities do not indicate impacts of a scale or nature not previously analyzed. The additional 15-day public comment period provides the public an opportunity to review these few documents, provide any additional pertinent information and comment on whether they think the criteria for a renewal have been met. With the initial 30-day comment period on these same activities and the additional 15 days, the total comment period for a renewal is 45 days.

In addition to the IHA renewal process being consistent with all requirements under section 101(a)(5)(D), it is also consistent with Congress' intent for issuance of IHAs to the extent reflected in statements in the legislative history of the MMPA. Through the provision for renewals in the regulations, description of the process and express invitation to comment on specific potential renewals in the Request for Public Comments section of each proposed IHA, the description of the process on NMFS' website, further elaboration on the process through responses to comments such as these, posting of substantive documents on the agency's website, and provision of 30 or 45 days for public review and comment on all proposed initial IHAs and renewals respectively, NMFS has ensured that the public is ''invited and encouraged to participate fully in the agency's decision-making process,'' as Congress intended.

Comment 2: Oceana remarked that NMFS must utilize the best available science. The commenters further suggested that NMFS failed to do so with respect to relatively recent shifts in habitat use by right whales within Vineyard Northeast's survey area. Both Oceana and COA specifically asserted that NMFS is not using the best available science with regard to the North Atlantic right whale (NARW) population estimate and state that NMFS should be using the 336 estimate presented in the recent North Atlantic Right Whale Report Card (*https://www.narwc.org/report-cards.html*).

NMFS' response: While NMFS agrees that the best available science should be used for assessing NARW abundance estimates, we disagree that, at this time, the North Atlantic Right Whale Report Card (*i.e.,* Pettis *et al.* (2022)) study represents the most recent and best available estimate for NARW

abundance. Rather the revised abundance estimate (368; 95 percent with a confidence interval of 356–378) published by Pace (2021) (and subsequently included in the 2021 Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports*)), which was used in the proposed IHA, provides the best available estimate, and introduced improvements to NMFS' right whale abundance model. Specifically, Pace (2021) looked at a different way of characterizing annual estimates of age-specific survival. NMFS considered all relevant information regarding NARW, including the information cited by the commenters. However, NMFS relies on the SAR.

Recently (after publication of the notice of proposed IHA), NMFS updated its species web page to recognize the population estimate for NARWs is now below 350 animals (*https://www.fisheries.noaa.gov/species/north-atlantic-right-whale*). Accordingly, we anticipate that the draft 2022 SAR will present a lower population estimate, at which point NMFS will adopt its use. Until then, we will use the population estimate of 368 as the basis for our small numbers findings. We note that this change in abundance estimate would not change the estimated take of NARWs or authorized take numbers, nor affect our ability to make the required findings under the MMPA for Vineyard Northeast's survey activities.

NMFS further notes that Oceana seems to be conflating the phrase ''best available science'' with ''the most recent science.'' The MMPA specifies that the ''best available data'' must be used, which does not always mean the most recent. At this time, in consideration of all available data, NMFS considers the NARW abundance estimate of 368 from the 2021 SARs as the best available science and have appropriately used it in our analysis. The Pace (2021) results strengthened the case for a change in mean survival rates after 2010–2011, but did not significantly change other current estimates (population size, number of new animals, adult female survival) derived from the model. Furthermore, NMFS notes that the SARs are peer reviewed by other scientific review groups prior to being finalized and published and that the North Atlantic Right Whale Report Card (Pettis *et al.,* 2022) does not undertake this process.

Oceana expressed concern regarding shifting patterns in NARW occurrence and habitat usage, stating that NMFS was not appropriately considering relevant information on this topic. While this survey intersects migratory and foraging habitat for NARWs, including a newer year-round ''core'' NARW foraging habitat south of Martha's Vineyard and Nantucket (Oleson *et al.,* 2020), NMFS notes that prey for NARWs are mobile and broadly distributed throughout the survey area; therefore, NARW foraging efforts are not likely to be disturbed given the location of these planned activities in relation to the broader area within which NARW migrate and forage. In addition, survey activity will not occur in Cape Cod Bay from January 1 through May 15, the period when densities of right whales and zooplankton prey are highest. There is ample foraging habitat within and near the survey area that will not be ensonified by the acoustic sources used by Vineyard Northeast, such as in the Great South Channel and Georges Bank Shelf Break feeding biologically important areas (BIAs), and south of Martha's Vineyard and Nantucket. Lastly, as we stated in the proposed Notice, given that any impacts to marine mammals from the planned survey activities are expected to be temporary and minor, such impacts are not expected to result in disruption to biologically important behaviors.

Comment 3: Oceana noted that chronic stressors are an emerging concern for NARW conservation and recovery, and stated that chronic stress may result in energetic effects for NARWs. Oceana suggested that NMFS has not fully considered both the use of the area and the effects of both acute and chronic stressors on the health and fitness of NARWs, as disturbance responses in NARWs could lead to chronic stress or habitat displacement, leading to an overall decline in their health and fitness.

NMFS' response: NMFS agrees with Oceana that both acute and chronic stressors are of concern for NARW conservation and recovery. We recognize that acute stress from acoustic exposure is one potential impact of these surveys, and that chronic stress can have fitness, reproductive, etc. impacts at the population-level scale. NMFS has carefully reviewed the best available scientific information in assessing impacts to marine mammals, and recognizes that Vineyard Northeast's surveys have the potential to impact marine mammals through behavioral effects, stress responses, and auditory masking. However, NMFS does not expect that the generally short-term, intermittent, and transitory marine site characterization survey activities planned by Vineyard Northeast would create conditions of acute or chronic acoustic exposure leading to long-term physiological stress responses in marine mammals. NMFS has also prescribed a robust suite of mitigation measures, including extended distance shutdowns for NARWs that are expected to further reduce the duration and intensity of acoustic exposure, while limiting the potential severity of any possible behavioral disruption. The potential for chronic stress was evaluated in making the determinations presented in NMFS's negligible impact analyses (please see Negligible Impact Analysis and Determination section for details). The survey area does partially overlap the migratory corridor BIA and migratory route SMA as well as several seasonal foraging habitats for NARWs. However, the very small maximum Level B harassment zone (178 m radius) coupled with a maximum of two survey vessels operating at any given time in both the Lease Areas and in nearshore waters limits opportunities for potential impacts on migration and/or foraging behaviors to occur. Given that NARWs generally use the migratory corridor in a transitory manner, any potential impacts from these surveys during migration are lessened due to the brief periods when exposure is possible. In addition, there is ample foraging habitat in the northern portion of the survey area, as well as a seasonal restriction on survey activities in Cape Cod Bay from January 1 through May 15, when NARWs and their zooplankton prey occur in high densities in the Bay. NMFS expects that all potential takes would be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007).

Comment 4: Oceana asserted that NMFS must fully consider the discrete effects of each activity and the cumulative effects of the suite of approved, proposed and potential activities on marine mammals and NARWs in particular and ensure that the cumulative effects are not excessive before issuing or renewing an IHA.

NMFS' response: Neither the MMPA nor NMFS' codified implementing regulations call for a separate ''cumulative effects'' analysis. The preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989) states in response to comments that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline. Consistent with that direction,

NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline, *e.g.,* as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors. The 1989 final rule for the MMPA implementing regulations also addressed public comments regarding cumulative effects from future, unrelated activities. There NMFS stated that such effects are not separately considered in making findings under section 101(a)(5) concerning negligible impact. In this case, this IHA, as well as other IHAs currently in effect or proposed within the specified geographic region, are appropriately considered an unrelated activity relative to the others. The IHAs are unrelated in the sense that they are discrete actions under section 101(a)(5)(D), issued to discrete applicants.

Section 101(a)(5)(D) of the MMPA requires NMFS to make a determination that the take incidental to a ''specified activity'' will have a negligible impact on the affected species or stocks of marine mammals. NMFS' implementing regulations require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals. 50 CFR 216.104(a)(1). Thus, the ''specified activity'' for which incidental take coverage is being sought under section 101(a)(5)(D) is generally defined and described by the applicant. Here, Vineyard Northeast was the applicant for the IHA, and we are responding to the specified activity as described in that application (and making the necessary findings on that basis).

Through the response to public comments in the 1989 implementing regulations, NMFS also indicated that (1) we would consider cumulative effects that are reasonably foreseeable when preparing a NEPA analysis, and (2) reasonably foreseeable cumulative effects would also be considered under section 7 of the ESA for ESA-listed species, as appropriate. Accordingly, NMFS has written Environmental Assessments (EA) that addressed cumulative impacts related to substantially similar activities, in similar locations, *e.g.,* the 2017 Ocean Wind, LLC EA for site characterization surveys off New Jersey; the 2018 Deepwater Wind EA for survey activities offshore Delaware, Massachusetts, and Rhode Island; and the 2019 Orsted EA for survey activities offshore southern New England. Cumulative impacts regarding issuance of IHAs for site characterization survey activities such as those planned by Vineyard Northeast have been addressed under NEPA in prior environmental analyses and support NMFS' determination that this action is appropriately categorically excluded from further NEPA analysis. NMFS independently evaluated the use of a categorical exclusion for issuance of Vineyard Northeast's IHA, which included consideration of extraordinary circumstances.

For ESA-listed species, the cumulative effects of substantially similar activities in the same geographic region have been analyzed in the past under section 7 of the ESA when NMFS has engaged in formal intra-agency consultation, such as the 2013 programmatic Biological Opinion (BiOp) for BOEM Lease and Site Assessment Rhode Island, Massachusetts, New York, and New Jersey Wind Energy Areas (*https://repository.library.noaa.gov/view/noaa/29291*). Analyzed activities include those for which NMFS issued Vineyard Wind's 2020 IHA and 2021 IHA (85 FR 26940; May 6, 2020 and 86 FR 40469 July 28, 2021), which are substantially similar to those planned by Vineyard Northeast under this current IHA request. This Biological Opinion determined that NMFS' issuance of IHAs for site characterization survey activities associated with leasing, individually and cumulatively, are not likely to adversely affect listed marine mammals. NMFS notes, that while issuance of this IHA is covered under a different consultation, this BiOp remains valid and the surveys currently planned by Vineyard Northeast from 2022 to 2023 could have fallen under the scope of those analyzed previously.

Comment 5: Oceana states that NMFS must make an assessment of which activities, technologies and strategies are truly necessary to provide information to inform development of Vineyard Northeast and which are not critical, asserting that NMFS should prescribe the appropriate survey techniques. In general, Oceana stated that NMFS must require that all IHA applicants minimize the impacts of underwater noise to the fullest extent feasible, including through the use of best available technology and methods to minimize sound levels from geophysical surveys.

NMFS' response: The MMPA requires that an IHA include measures that will effect the least practicable adverse impact on the affected species and stocks and, in practice, NMFS agrees that the IHA should include conditions for the survey activities that will first avoid adverse effects on NARWs in and around the survey site, where practicable, and then minimize the effects that cannot be avoided. NMFS has determined that the IHA meets this requirement to effect the least practicable adverse impact. Oceana does not make any specific recommendations of measures to add to the IHA. As part of the analysis for all marine site characterization survey IHAs, NMFS evaluated the effects expected as a result of the specified activity, made the necessary findings, and prescribed mitigation requirements sufficient to achieve the least practicable adverse impact on the affected species and stocks of marine mammals. It is not within NMFS' purview to prescribe the techniques or technologies most appropriate for meeting the objectives of the specified activity (*e.g.,* survey).

Comment 6: Oceana suggests that PSOs complement their survey efforts using additional technologies, such as infrared detection devices when in low-light conditions.

NMFS' response: NMFS agrees with Oceana regarding this suggestion and a requirement to utilize a thermal (infrared) device during low-light conditions was included in the **Federal Register** notice for the proposed IHA. That requirement is included as a requirement of the issued IHA.

Comment 7: Oceana recommended that NMFS restrict all vessels of all sizes associated with the proposed survey activities to speeds less than 10 knots (kn) (18.5 km/hour) at all times due to the risk of vessel strikes to NARWs and other large whales.

NMFS' response: While NMFS acknowledges that vessel strikes can result in injury or mortality, we have analyzed the potential for ship strike resulting from Vineyard Northeast's activity and have determined that based on the nature of the activity and the required mitigation measures specific to vessel strike avoidance included in the IHA, potential for vessel strike is so low as to be discountable. These mitigation measures, all of which were included in the proposed IHA and are required in the final IHA, include: a requirement that all vessel operators and crews maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course as appropriate to avoid striking any marine mammal; a requirement that all vessel operators, regardless of vessel size, observe the 10 kn (18.5 km/hour) or less speed restriction in any Seasonal Management Area (SMA) and Dynamic Management Area (DMA) (when in effect), and check regularly for information regarding detections of NARWs in the survey area

before and throughout survey activities, and establishment of a DMA; a requirement that all vessel operators reduce vessel speed to 10 kn (18.5 km/hour) or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near the vessel; a requirement that all survey vessels maintain a separation distance of 500 m or greater from any ESA-listed whales or other unidentified large whale that cannot be confirmed to species; a requirement that, if underway, vessels must steer a course away from any sighted ESA-listed whale at 10 kn (18.5 km/hour) or less until the 500-m minimum separation distance has been established; a requirement that, if an ESA-listed whale is sighted in a vessel's path, or within 500 m of an underway vessel, the underway vessel must reduce speed and shift the engine to neutral; a requirement that all vessels underway must maintain a minimum separation distance of 100 m from all non-ESA-listed baleen whales; and a requirement that all vessels underway must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel). We have determined that the ship strike avoidance measures in the IHA are sufficient to ensure the least practicable adverse impact on species or stocks and their habitat. Furthermore, no vessel strikes have been documented for any marine site characterization surveys which were issued IHAs from NMFS during the survey activities themselves or while transiting to and from survey sites.

Comment 8: Oceana suggests that NMFS require vessels to maintain a separation distance of at least 500 m from NARWs at all times.

NMFS' response: NMFS agrees with Oceana regarding this suggestion and a requirement to maintain a separation distance of at least 500 m from NARWs at all times was included in the proposed **Federal Register** notice and was included as a requirement in the issued IHA.

Comment 9: Oceana recommended that the IHA should require all vessels supporting site characterization to be equipped with and using Class A Automatic Identification System (AIS) devices at all times while on the water. Oceana suggested this requirement should apply to all vessels, regardless of size, associated with the survey.

NMFS' response: NMFS is generally supportive of the idea that vessels involved with survey activities be equipped with and using Class A Automatic Identification System (devices) at all times while on the water. Indeed, there is a precedent for NMFS requiring such a stipulation for geophysical surveys in the Atlantic Ocean (38 FR 63268, December 7, 2018); however, these activities carried the potential for much more significant impacts than the marine site characterization surveys to be carried out by Vineyard Northeast, with the potential for both Level A and Level B harassment take, of greater number and severity. Given the small isopleths and small numbers of take authorized by this IHA, NMFS does not agree that the benefits of requiring AIS on all vessels associated with the survey activities outweighs the cost and impracticability issues associated with this requirement (*e.g.,* poor data quality, necessary to use in corroboration with other data sources, often produces misleading tracks). Therefore, we have determined that the measure is not warranted for this activity and have not included it.

Comment 10: Oceana asserts that the IHA must include requirements to hold all vessels associated with site characterization surveys accountable to the IHA requirements, including vessels owned by the developer, contractors, employees, and others regardless of ownership, operator, and contract. They state that exceptions and exemptions will create enforcement uncertainty and incentives to evade regulations through reclassification and redesignation. They recommend that NMFS simplify this by requiring all vessels to abide by the same requirements, regardless of size, ownership, function, contract or other specifics.

NMFS' response: NMFS agrees with Oceana and required these measures in the proposed IHA and final IHA. The IHA requires that a copy of the IHA must be in the possession of Vineyard Northeast, the vessel operators, the lead PSO, and any other relevant designees of Vineyard Northeast operating under the authority of this IHA. The IHA also states that Vineyard Northeast must ensure that all the vessel operators and other relevant vessel personnel, including the Protected Species Observer (PSO) team, are briefed on all responsibilities, communication procedures, marine mammal monitoring protocols, operational procedures, and IHA requirements prior to the start of survey activity, and when relevant new personnel join the survey operations.

Comment 11: Oceana stated that the IHA must include a requirement for all phases of the Vineyard Northeast site characterization to subscribe to the highest level of transparency, including frequent reporting to federal agencies, requirements to report all visual and acoustic detections of NARWs and any dead, injured, or entangled marine mammals to NMFS or the Coast Guard as soon as possible and no later than the end of the PSO shift. Oceana states that to foster stakeholder relationships and allow public engagement and oversight of the permitting, the IHA should require all reports and data to be accessible on a publicly available website.

NMFS' response: NMFS agrees with the need for reporting and indeed, the MMPA calls for IHAs to incorporate reporting requirements. As was included in the proposed IHA, the final IHA includes requirements for reporting that supports Oceana's recommendations. Vineyard Northeast is required to submit a monitoring report to NMFS within 90 days after completion of survey activities that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, and describes, assesses and compares the effectiveness of monitoring and mitigation measures. PSO datasheets or raw sightings data must also be provided with the draft and final monitoring report. Further, the draft IHA and final IHA stipulate that if a NARW is observed at any time by any survey vessels, during surveys or during vessel transit, Vineyard Northeast must immediately report sighting information to the NMFS North Atlantic Right Whale Sighting Advisory System and to the U.S. Coast Guard, and that any discoveries of injured or dead marine mammals be reported by Vineyard Northeast to the Office of Protected Resources, NMFS, and to the New England/Mid-Atlantic Regional Stranding Coordinator as soon as feasible. All reports and associated data submitted to NMFS are included on the website for public inspection.

Comment 12: Oceana recommended increasing the shutdown zone size to 1,000 m for NARWs.

NMFS' response: NMFS notes that the 500 m shutdown zone for NARWs exceeds the modeled distance to the largest 160 dB Level B harassment isopleth (178 m) by a conservative margin. Oceana does not provide a compelling rationale for why the shutdown zone should be even larger. Given that these surveys are relatively low impact and that NMFS has prescribed a precautionary NARW shutdown zone that is larger than the conservatively estimated largest harassment zone, NMFS has determined that the shutdown zone size is appropriate. Further, Level A harassment is not expected, even in the absence of mitigation, given the

characteristics of the sources planned for use. As described in the Mitigation section, NMFS has determined that the prescribed mitigation requirements are sufficient to effect the least practicable adverse impact on all affected species or stocks.

Comment 13: Oceana recommended that NMFS should require Vineyard Northeast to monitor pre-start clearance and shutdown zones using Passive Acoustic Monitoring (PAM) to maximize the probability of detecting NARWs.

NMFS' response: Oceana does not explain why they expect that PAM would be effective in detecting vocalizing mysticetes, nor does NMFS agree that this measure is warranted, as it is not expected to be effective for use in detecting the species of concern. It is generally accepted that, even in the absence of additional acoustic sources, using a towed passive acoustic sensor to detect baleen whales (including NARWs) is not typically effective because the noise from the vessel, the flow noise, and the cable noise are in the same frequency band and will mask the vast majority of baleen whale calls. Vessels produce low-frequency noise, primarily through propeller cavitation, with main energy in the 5–300 Hertz (Hz) frequency range. Source levels range from about 140 to 195 decibel (dB) re 1 µPa (micropascal) at 1 m (NRC, 2003; Hildebrand, 2009), depending on factors such as ship type, load, and speed, and ship hull and propeller design. Studies of vessel noise show that it appears to increase background noise levels in the 71–224 Hz range by 10–13 dB (Hatch *et al.,* 2012; McKenna *et al.,* 2012; Rolland *et al.,* 2012). PAM systems employ hydrophones towed in streamer cables approximately 500 m behind a vessel. Noise from water flow around the cables and from strumming of the cables themselves is also low-frequency and typically masks signals in the same range. Experienced PAM operators participating in a relatively recent workshop (Thode *et al.,* 2017) emphasized that a PAM operation could easily report that no acoustic encounters occurred, depending on species present, simply because background noise levels rendered any acoustic detection impossible. The same workshop report stated that a typical eight-element array towed 500 m behind a vessel could be expected to detect delphinids, sperm whales, and beaked whales at the required range, but not baleen whales, due to expected background noise levels (including vessel noise and flow noise).

There are several additional reasons why we do not agree that use of PAM is warranted for HRG surveys. While NMFS agrees that PAM can be an important tool for augmenting detection capabilities in certain circumstances, its utility in further reducing impact during HRG survey activities is limited. First, for this activity, the area expected to be ensonified above the Level B harassment threshold is relatively small (a maximum of 178 m); this reflects the fact that, to start with, the source level is comparatively low and the intensity of any resulting impacts would be lower level and, further, it means that inasmuch as PAM will only detect a portion of any animals exposed within a zone, the overall probability of PAM detecting an animal in the harassment zone is low. Together these factors support the limited value of PAM for use in reducing take with smaller zones. PAM is only capable of detecting animals that are actively vocalizing, yet many marine mammal species vocalize infrequently or during certain activities, which means that only a subset of the animals within the range of the PAM would be detected (and potentially experience reduced impacts). Additionally, localization and range detection can be challenging under certain scenarios. For example, odontocetes are fast moving and often travel in large or dispersed groups which makes localization difficult.

Given that the effects to marine mammals from the types of surveys authorized in this IHA are expected to be limited to low level behavioral harassment even in the absence of mitigation, the limited additional benefit anticipated by adding this detection method (especially for NARWs and other low frequency cetaceans, species for which PAM has limited efficacy), and the cost and impracticability of implementing a full-time PAM program, we have determined the current requirements for visual monitoring are sufficient to ensure the least practicable adverse impact on the affected species or stocks and their habitat. NMFS has previously provided discussions on why PAM isn't a required monitoring measure during HRG survey IHAs in past **Federal Register** notices (see 86 FR 21289, April 22, 2021 and 87 FR 13975, March 11, 2022 for examples).

Regarding monitoring for species that may be present yet go unobserved, NMFS recognizes that visual detection based mitigation approaches are not 100 percent effective. Animals are missed because they are underwater (availability bias) or because they are available to be seen, but are missed by observers (perception and detection biases) (*e.g.,* Marsh and Sinclair, 1989). However, visual observation remains one of the best available methods for marine mammal detection. Although it is likely that some marine mammals may be present yet unobserved within the harassment zone, all expected take of marine mammals has been appropriately authorized. For mysticete species in general, it is unlikely that an individual would occur within the estimated 141 m harassment zone and remain undetected. For NARW in particular, the required pre-start clearance and shutdown zone are 500 m and, therefore, it is even less likely that an individual would approach the harassment zone undetected.

Comment 14: Oceana recommended a shutdown requirement if a NARW or other ESA-listed species is detected in the pre-start clearance zone as well as a publically available explanation of any exemptions as to why the applicant would not be able to shutdown in these situations.

NMFS' response: There are several shutdown requirements described in the **Federal Register** notice of the proposed IHA (87 FR 30872, May 20, 2022), and required in the final IHA, including the stipulation that geophysical survey equipment must be immediately shut down if any marine mammal is observed within or entering the relevant shutdown zone while geophysical survey equipment is operational. There is no exemption for the shutdown requirement. In regards to reporting, Vineyard Northeast must notify NMFS if a NARW is observed at any time by any survey vessels during surveys or during vessel transit. Additionally, Vineyard Northeast is required to report the relevant survey activity information, such as such as the type of survey equipment in operation, acoustic source power output while in operation, and any other notes of significance (*i.e.,* pre-clearance survey, ramp-up, shutdown, end of operations, etc.) as well as the estimated distance to an animal and its heading relative to the survey vessel at the initial sighting and survey activity information. We note that if a right whale is detected within the shutdown zone before a shutdown is implemented, the right whale and its distance from the sound source, including if it is within the Level B harassment zone, would be reported in Vineyard Northeast's final monitoring report and made publicly available on NMFS' website. Vineyard Northeast is required to immediately notify NMFS of any sightings of NARWs and report survey activity information. NMFS believes that these requirements address the commenter's concerns.

Comment 15: Oceana recommended that when HRG surveys are allowed to resume after a shutdown event, the

surveys should be required to use a ramp-up procedure to encourage any nearby marine life to leave the area.

NMFS' response: NMFS agrees with this recommendation and included in the **Federal Register** notice of the proposed IHA (87 FR 30972, May 20, 2022) and this final IHA a stipulation that when technically feasible, survey equipment must be ramped up at the start or restart of survey activities. Ramp-up must begin with the power of the smallest acoustic equipment at its lowest practical power output appropriate for the survey. When technically feasible the power must then be gradually turned up and other acoustic sources added in a way such that the source level would increase gradually. NMFS notes that ramp-up would not be required for short periods where acoustic sources were shut down (*i.e.,* less than 30 minutes) if PSOs have maintained constant visual observation and no detections of marine mammals occurred within the applicable shutdown zones.

Comment 16: COA asserts that Level A harassment may occur, and that this was not accounted for in the proposed Notice.

NMFS' response: NMFS acknowledges the concerns brought up by the commenters regarding the potential for Level A harassment of marine mammals. However, no Level A harassment is expected to result, even in the absence of mitigation, given the characteristics of the sources planned for use. This is additionally supported by the required mitigation and very small estimated Level A harassment zones described in Vineyard Wind's 2020 **Federal Register** notice (85 FR 26940, May 6, 2020) and 2021 IHA (86 FR 40469, July 28, 2021) which, as stated earlier, carried out similar activities using the same type of acoustic sources in the same geographic area. Furthermore, the commenters do not provide any support or scientific basis for the apparent contention that Level A harassment is a ''likely'' outcome of these activities. As discussed in the notice of proposed IHA, NMFS considers this category of survey operations to be near de minimis, with the potential for Level A harassment for any species to be discountable.

Comment 17: COA claims that the proposed vessel strike avoidance measures are insufficient and only directed at Vineyard Northeast's survey vessels, whereas the risk of collision between right whales and vessels not associated with the specified activity will increase because these two entities will be forced to navigate around survey vessels.

NMFS' response: Vineyard Northeast did not request authorization for take incidental to vessel traffic during Vineyard Northeast's marine site characterization survey. Nevertheless, NMFS analyzed the potential for vessel strikes to occur during the survey, and determined that the potential for vessel strike is so low as to be discountable. NMFS does not authorize any take of marine mammals incidental to vessel strike resulting from the survey. If Vineyard Northeast were to strike a marine mammal with a vessel, this would be an unauthorized take and be in violation of the MMPA. This gives Vineyard Northeast a strong incentive to operate its vessels with all due caution and to effectively implement the suite of vessel strike avoidance measures called for in the IHA. Vineyard Northeast proposed a very conservative suite of mitigation measures related to vessel strike avoidance, including measures specifically designed to avoid impacts to NARWs. Section 4(f) in the IHA contains a suite of non-discretionary requirements pertaining to vessel strike avoidance, including vessel operation protocols and monitoring. To date, NMFS is not aware of any site characterization vessel from surveys reporting a ship strike within the United States. In addition, Vineyard Northeast will only operate a maximum of two survey vessels in the Lease Area and two survey vessels in the nearshore area (<30 m) at any given time, thus further reducing the potential for vessel strike to occur. When considered in the context of low overall probability of any vessel strike by Vineyard Northeast vessels, given the limited additional survey-related vessel traffic relative to existing traffic in the survey area, the comprehensive visual monitoring, and other additional mitigation measures described herein, NMFS believes these measures are sufficiently protective to avoid vessel strike. These measures are described fully in the Mitigation section below, and include, but are not limited to: training for all vessel observers and captains, daily monitoring of NARW Sighting Advisory System, WhaleAlert app, and USCG Channel 16 for situational awareness regarding NARW presence in the survey area, communication protocols if whales are observed by any Vineyard Northeast personnel, vessel operational protocol should any marine mammal be observed, and visual monitoring.

The potential for vessel strike by vessels not associated with site characterization survey vessels is separate from the aforementioned analysis of potential for vessel strike during Vineyard Northeast's specified survey activities, and outside the scope of analysis related to the authorization of take incidental to Vineyard Northeast's specified activity under the MMPA. For more information about cumulative impacts, please see NMFS' response to comment 4.

Comment 18: COA claimed that it was not clear whether the analyses and proposed take applied to short-beaked or long-beaked common dolphins, and pointed out an error in reporting the amount of take proposed for authorizations for this species.

NMFS' response: We appreciate COA pointing out the errors in the amount of take and percent of the population abundance reported for common dolphins in the **Federal Register** notice for the proposed IHA. Although the **Federal Register** notice reported an incorrect amount of take of common dolphins (24,480), the proposed IHA itself did report the correct amount (13,904). NMFS has made the necessary correction such that this notice and the final IHA authorized take values align, and has corrected the percentage of authorized take relative to the species' overall abundance to 8.0 percent.

Regarding the claim that it is not clear if the amount of take requested for common dolphins is attributed to short-beaked or long-beaked common dolphins, or some combination of the two, please note that the application and **Federal Register** notice specify that only short-beaked common dolphins are expected to be encountered in the survey. This assumption is noted by the exclusive species name designation in Table 2 (*Delphinus delphis*) of the **Federal Register** notice for the proposed IHA and in section 4.2.6 of Vineyard Northeast's application.

Comment 19: COA is concerned regarding the number of species that could be impacted by the activities, as well as a lack of baseline data available for species in the area, noting particular concern for harbor seals occurring in New Jersey waters.

NMFS' response: We appreciate the concern expressed by COA. NMFS utilizes the best available science when analyzing which species may be impacted by an applicant's proposed activities. Based on information found in the scientific literature, as well as based on density models developed by Duke University, all marine mammal species included in the proposed **Federal Register** Notice (87 FR 30972, May 20, 2022) have some likelihood of occurring in Vineyard Northeast's survey areas. Furthermore, the MMPA requires us to evaluate the effects of the

specified activities in consideration of the best scientific evidence available and, if the necessary findings are made, to issue the requested take authorization. The MMPA does not allow us to delay decision making in hopes that additional information may become available in the future.

Regarding the lack of baseline information cited by COA, with specific concern regarding harbor seals, NMFS points towards two sources of information for marine mammal baseline information: the Ocean/Wind Power Ecological Baseline Studies, January 2008–December 2009 completed by the New Jersey Department of Environmental Protection in July 2010 (*https://dspace.njstatelib.org/xmlui/handle/10929/68435*) and the Atlantic Marine Assessment Program for Protected Species (AMAPPS; *https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/atlantic-marine-assessment-program-protected*) with annual reports available from 2010 to 2020 (*https://www.fisheries.noaa.gov/resource/publication-database/atlantic-marine-assessment-program-protected-species*). NMFS has duly considered this and all available information.

NMFS has determined that no new information has become available, nor do the commenters present additional information, that would change our determinations since the publication of the proposed notice.

Changes From the Proposed to the Final IHA

Since publication of the notice of proposed IHA, NMFS has acknowledged that the population estimate of NARWs is now under 350 animals (*https://www.fisheries.noaa.gov/species/north-atlantic-right-whale*). However, NMFS has determined that this change in the abundance estimate would not change the estimated take of NARWs or authorized take number, nor affect our ability to make the required findings under the MMPA for Vineyard Northeast's survey activities. The status and trends of the NARW population remain unchanged for the purposes of our analyses.

In addition, we made corrections to take values for several species in Table 5 of this notice to ensure alignment with the analogous values in Table 1 of the draft IHA. Finally, we added condition 5(b) to the IHA, which states that on a case-by-case basis, non-independent observers may be approved by NMFS for limited, specific duties (*i.e.,* stand watch while the independent NMFS-approved PSO takes the required 2-hour break between 4-hour shifts) om smaller vessels with limited occupancy. Non-independent observers may only perform PS0 duties during daylight hours and in nearshore waters. Vineyard Northeast intends to utilize an approximately 15-m (50-ft) vessel that can accommodate a captain, 4-person survey team, one independent NMFS-approved PSO, and a project overseer. The onboard project overseer will serve as the non-independent relief observer and must be trained on protected species detection and identification, vessel strike minimization procedures, and reporting requirements in this IHA. In addition, the relief observer must have no duties other than marine mammal monitoring when on watch. Finally, if a whale is observed but cannot be confirmed as a species other than a right whale, the non-independent observer must assume that it is a right whale, and take appropriate action (*i.e.,* call for a delay or shutdown). Given the limited role of the non-independent observer and the training and additional safeguards required, we conclude that the condition 5(b) will not affect our analyses or determination that the IHA meets all applicable requirements.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of Vineyard Northeast's application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. NMFS fully considered all of this information and, rather than replicating it here, we refer the reader to these descriptions in the application. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species or stocks for which take is authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, NMFS follows Committee on Taxonomy (2022). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no mortality is anticipated or authorized here, PBR, and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Atlantic and Gulf of Mexico SARs. All values presented in Table 2 are the most recent available at the time of publication and are available in the Draft 2021 SARs (Hayes *et al.,* 2021), available at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports*).

TABLE 2—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Blue whale	*Balaenoptera musculus*	Western North Atlantic	E/D, Y	402 (unk, 402; 2008)	0.8	0
North Atlantic right whale	*Eubalaena glacialis*	Western North Atlantic	E/D, Y	368 [4] (0; 364; 2019)	0.7	7.7
Humpback whale	*Megaptera novaeangliae*	Gulf of Maine	-/-; Y	1,396 (0; 1,380; 2016)	22	12.15
Fin whale	*Balaenoptera physalus*	Western North Atlantic	E/D, Y	6,802 (0.24; 5,573; 2016)	11	1.8

TABLE 2—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Sei whale	*Balaenoptera borealis*	Nova Scotia	E/D, Y	6,292 (1.02; 3,098; 2016)	6.2	0.8
Minke whale	*Balaenoptera acutorostrata*	Canadian Eastern Coastal	-/-, N	21,968 (0.31; 17,002; 2016)	170	10.6
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Sperm whale	*Physeter macrocephalus*	North Atlantic	E/D, Y	4,349 (0.28; 3,451; 2016)	3.9	0
Long-finned pilot whale	*Globicephala melas*	Western North Atlantic	-/-, N	39,215 (0.3; 30,627; 2016)	306	29
Killer whale	*Orcinus Orca*	Western North Atlantic	-/-, N	unk (unk; unk; 2016)	unk	0
False killer whale	*Pseudorca crassidens*	Western North Atlantic	-/-, N	1,791 (0.56; 1,154; 2016)	12	0
Atlantic spotted dolphin	*Stenella frontalis*	Western North Atlantic	-/-, N	39,921 (0.27; 32,032; 2016)	320	0
Atlantic white-sided dolphin	*Lagenorhynchus acutus*	Western North Atlantic	-/-, N	93,233 (0.71; 54,443; 2016)	544	227
Bottlenose dolphin	*Tursiops truncatus*	Western North Atlantic Northern Migratory Coastal.	-/D, Y	6,639 (0.41; 4,759; 2016)	48	12.2–21.5
		Western North Atlantic Offshore	-/-, N	62,851 (0.23; 51,914; 2016)	519	28
Common dolphin	*Delphinus delphis*	Western North Atlantic	-/-, N	172,974 (0.21, 145,216, 2016)	1,452	390
Risso's dolphin	*Grampus griseus*	Western North Atlantic	-/-, N	35,215 (0.19; 30,051; 2016)	301	34
White-beaked dolphin	*Lagenorhynchus albirostris*	Western North Atlantic	-/-, N	536,016 (0.31; 415,344; 2016)	4,153	0
Harbor porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy	-/-, N	95,543 (0.31; 74,034; 2016)	851	164
Order Carnivora—Superfamily Pinnipedia						
Harbor seal	*Phoca vitulina*	Western North Atlantic	-/-, N	61,336 (0.08; 57,637; 2018)	1,729	339
Gray seal [5]	*Halichoerus grypus*	Western North Atlantic	-/-, N	27,300 (0.22; 22,785; 2016)	1,389	4,453

[1] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.* CV is the coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike).

[4] The draft 2022 SARs have yet to be released; however, NMFS has updated its species web page to recognize the population estimate for NARWs is now below 350 animals (*https://www.fisheries.noaa.gov/species/north-atlantic-right-whale*).

[5] NMFS' gray seal stock abundance estimate (and associated PBR value) applies to U.S. population only. Total stock abundance (including animals in Canada) is approximately 450,000. The annual mortality and serious injury (M/SI) value given is for the total stock.

Table 2 includes 15 species (with 16 managed stocks) that temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. Vineyard Northeast is also requesting take of four species that are considered rare in the survey area (*i.e.,* blue whale, killer whale, false killer whale, and white-beaked dolphin). These species are generally considered unlikely to occur in the survey area but the take request is made on the basis of recent detections (acoustic and/or visual) of these species in the survey area (see Estimated Take section for more details). In total, Vineyard Northeast has requested take of 19 species (with 20 managed stocks). In addition to what is included in Sections 3 and 4 of the application, the SARS, and NMFS' website, further detail informing the baseline for select species (*i.e.,* information regarding status and distribution) was provided in the notice of the proposed IHA (87 FR 30872; May 20, 2022) and is not repeated here. No new information other than that discussed above is available since publication of that notice.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS

[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz

TABLE 3—MARINE MAMMAL HEARING GROUPS—Continued

[NMFS, 2018]

Hearing group	Generalized hearing range *
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, *cephalorhynchid, Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.,* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from the deployed acoustic sources have the potential to result in behavioral harassment of marine mammals in the vicinity of the study area. The **Federal Register** notice for the proposed IHA (87 FR 30872; May 20, 2022) included a discussion of the effects of anthropogenic noise on marine mammals and their habitat, therefore, that information is not repeated here; please refer to the **Federal Register** notice (87 FR 30872; May 20, 2022) for that information.

Estimated Take

This section provides the process by which the estimated takes were devised and the number of incidental takes NMFS authorized in the IHA, which informs both NMFS' consideration of ''small numbers'' and the negligible impact determinations.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes are by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to noise from certain HRG acoustic sources. Based primarily on the characteristics of the signals produced by the acoustic sources planned for use, Level A harassment is neither anticipated (even absent mitigation), nor authorized. Consideration of the anticipated effectiveness of the mitigation measures (*i.e.,* pre-start clearance and shutdown measures), discussed in detail below in the Mitigation section, further strengthens the conclusion that Level A harassment is not a reasonably expected outcome of the survey activity. As previously described, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how take is estimated.

Generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimates.

Acoustic Thresholds

NMFS uses acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals may be behaviorally harassed (*i.e.,* Level B harassment) when exposed to underwater anthropogenic noise above received levels of 160 dB re 1 µPa (rms) for impulsive sources (*i.e.,* boomers, sparkers) and non-impulsive, intermittent sources (*e.g.,* CHIRP SBPs) evaluated here for Vineyard Northeast's proposed activity.

Level A harassment—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). For more information, see NMFS' 2018 Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

Vineyard Northeast's proposed activity includes the use of impulsive (*i.e.,* boomers and sparkers) and non-impulsive (*e.g.,* CHIRP SBPs) sources. However, as discussed above, NMFS has concluded that Level A harassment is

not a reasonably likely outcome for marine mammals exposed to noise from the sources proposed for use here, and the potential for Level A harassment is not evaluated further in this document. Please see Vineyard Northeast's application for details of a quantitative exposure analysis (*i.e.,* calculated distances to Level A harassment isopleths and Level A harassment exposures). Vineyard Northeast did not request authorization of take by Level A harassment and no take by Level A harassment is authorized.

Ensonified Area

NMFS has developed a user-friendly methodology for estimating the extent of the Level B harassment isopleths associated with relevant HRG survey equipment (NMFS, 2020). This methodology incorporates frequency and directionality to refine estimated ensonified zones. For acoustic sources that operate with different beamwidths, the maximum beamwidth was used, and the lowest frequency of the source was used when calculating the frequency-dependent absorption coefficient (Table 1).

Results of modeling using the methodology described above indicated that, of the HRG survey equipment planned for use by Vineyard Northeast that has the potential to result in Level B harassment of marine mammals, the Applied Acoustics AA251 Boomer would produce the largest distance to the Level B harassment isopleth (178 m). Estimated distances to the Level B harassment isopleth for all source types evaluated here, including the boomer, are provided in Table 4. Although Vineyard Northeast does not expect to use the AA251 Boomer source on all planned survey days, it proposes to assume, for purposes of analysis, that the boomer sources would be used on all survey days and across all hours within a given survey day. This is a conservative approach, as the actual sources used on individual survey days, or during a portion of a survey day, may produce smaller distances to the Level B harassment isopleth.

TABLE 4—DISTANCES TO LEVEL B HARASSMENT ISOPLETH

Equipment	Distance to Level B harassment isopleth (m)
Edge Tech Chirp 216	4
GeoMarine Geo Spark 2000 (400 tip)	141
Applied Acoustics AA 251 Boomer	178

Marine Mammal Occurrence

In this section, we provide the information about presence, density, or group dynamics of marine mammals that will inform the take calculations.

Habitat-based density models produced by the Duke University Marine Geospatial Ecology Laboratory (Roberts *et al.,* 2016, 2017, 2018, 2021) represent the best available information regarding marine mammal densities in the survey area. The density data presented by Roberts *et al.* (2016, 2017, 2018, 2021) incorporates aerial and shipboard line-transect survey data from NMFS and other organizations and incorporates data from 8 physiographic and 16 dynamic oceanographic and biological covariates, and controls for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. These density models were originally developed for all cetacean taxa in the U.S. Atlantic (Roberts *et al.,* 2016). In subsequent years, certain models have been updated based on additional data as well as certain methodological improvements. More information is available online at: *seamap.env.duke.edu/models/Duke-EC/.*

Density estimates for all marine mammal species within the survey area were obtained using the most recent model results by Roberts *et al.* (2016; 2017; 2018; 2021). Those data provide density estimates for a species or guild within 10 km × 10 km grid cells (100 km²) or, in the case of NARW densities, within 5 km × 5 km grid cells (25 km²), on a monthly or annual basis, depending on the species. Using a GIS (ESRI 2017), both the survey area polygon and the NARW Cape Cod Bay SMA polygon (see Figure 1 in the notice of the proposed IHA (87 FR 30872; May 20, 2022)) were used to select grid cells from the Roberts *et al.* (2016; 2017; 2018; 2021) data that contain the most recent monthly or annual estimates for each species for the months of May through December. For the months of January through April, only the survey area polygon was used to select density grid cells since it excludes waters within Cape Cod Bay, where no surveys will occur while the Cape Cod Bay SMA is active from January 1 through May 15. The average monthly abundance for each species was calculated as the mean value of all grid cells within the survey area and then converted to density (individuals/1 km²) by dividing by 100 km². Finally, an average annual density was calculated by taking the mean across all 12 months for each species. See Table 8 in Vineyard Northeast's IHA application for all density information. When determining requested take numbers, Vineyard Northeast also considered average group sizes based on PSO sighting reports from previous surveys in the region.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate. In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in harassment, radial distances to predicted isopleths corresponding to harassment thresholds are calculated, as described above. The maximum distance (*i.e.,* 178 m distance associated with boomers) to the Level B harassment criterion and the estimated trackline distance traveled per day by a given survey vessel (*i.e.,* 80 km) are then used to calculate the daily ensonified area, or zone of influence (ZOI) around the survey vessel.

The ZOI is a representation of the maximum extent of the ensonified area around a HRG sound source over a 24-hr period. The ZOI for each piece of equipment operating at or below 180 kHz was calculated per the following formula:

$$ZOI = (Distance/day \times 2r) + \pi r^2$$

Where r is the linear distance from the source to the harassment isopleth.

The largest daily ZOI (28.6 km²), associated with the proposed use of boomers, was applied to all planned survey days.

Potential Level B density-based harassment exposures are estimated by multiplying the average annual density of each species within the survey area by the daily ZOI. That product is then multiplied by the number of planned survey days (869), and the product is rounded to the nearest whole number. These results are shown in Table 5.

For other less common species, the predicted densities from Roberts *et al.* (2016; 2017; 2018; 2021) are very low and the resulting density-based estimate is less than a single animal or a typical group size for the species. In such cases, the density-based exposure estimate is increased to the mean group size for the species to account for a chance

encounter during an activity. Mean group sizes for each species were calculated from recent aerial and/or vessel-based surveys (Kraus *et al.,* 2016; Palka *et al.,* 2017) as shown in Table 5 (below) and Table 10 of the IHA application.

The larger of the two estimates from the approaches described above, density-based exposure estimates or mean group size, was selected as the amount of authorized take as shown in Table 5. However, based on observational data collected during prior HRG surveys in this area, the density of common dolphins predicted by the Roberts *et al.* (2018) model does not appear to adequately reflect the number of common dolphins that may be encountered during the planned surveys. Data collected by PSOs on survey vessels operating in 2020–2021 showed that an average of approximately 16 common dolphins may be observed within 200 m of a vessel (the approximate Level B harassment isopleth distance) per survey day (Vineyard-Wind 2021). Multiplying the anticipated 869 survey days by 16 common dolphins per day results in an estimated take of 13,904 common dolphins, the amount of authorized take of common dolphins shown in Table 5.

The estimated monthly density of seals provided in Roberts *et al.* (2018) includes all seal species present in the region as a single guild. To split the resulting ''seal'' density-based exposure estimate by species, Vineyard Northeast multiplied the estimate by the proportion of the combined abundance attributable to each species. Specifically, Vineyard Northeast summed the SAR N_{best} abundance estimates (Hayes *et al.* 2021) for the two species (gray seal = 27,300, harbor seal = 61,336; total = 88,636) and divided the total by the estimate for each species to get the proportion of the total for each species (gray seal = 0.308; harbor seal = 0.692). The total estimated exposure from the ''seal'' density provide by Roberts *et al.* (2018) was then multiplied by these proportions to get the species-specific density-based exposure estimates.

Bottlenose dolphins encountered in most of the survey area would belong to the Western North Atlantic Offshore stock. However, approximately 21 percent of the survey area is located south of New York Harbor where members of the North Atlantic Northern Migratory Coastal stock may be present. Therefore, NMFS assumes that 21 percent (151 individuals) of the authorized bottlenose dolphin take would be from the North Atlantic Northern Migratory Coastal stock while the remaining 79 percent (569 individuals) would likely be from the Western North Atlantic Offshore stock.

Similarly, the distributions of short- and long-finned pilot whales are described in Hayes *et al.* (2020, 2021) as likely overlapping in the southern portion of the survey area off New Jersey. However, a review of sightings data available on the Ocean Biodiversity Information System (OBIS) data portal (*http://seamap.env.duke.edu*) that were positively identified to either species showed only long-finned pilot whale sightings occurring in the survey area, while the vast majority of short-finned pilot whale sightings occurred well to the south of the survey area. For that reason, all authorized pilot whale take is of long-finned pilot whales.

Species considered to be rare or not expected to occur in the survey area were not included in Vineyard Northeast's previous density-based exposure estimates because the densities would be too low to provide meaningful results. Nonetheless, species considered to be rare are occasionally encountered. For example, white-beaked dolphins were observed in both 2019 and 2020 during marine site characterization surveys in the survey area (Vineyard Wind 2019, 2020), with the sighting of white-beaked dolphins in 2019 consisting of 30 animals. Other rare species encountered in the survey area during previous surveys include the false killer whale in 2019 (five individuals) and 2021 (one individual) (Vineyard Wind 2019, 2021), and killer whale in 2022 (two individuals; data not yet submitted). Vineyard Northeast is requesting take of each of these three species, based on the largest number of individuals observed within 1 year (Table 5).

Finally, recent deployments of passive acoustic devices in the New York Bight yielded detections of blue whale vocalizations approximately 20 nautical miles (nm) (37 km) southeast of the entrance to New York Harbor during the months of January, February, and March (Muirhead *et al.* 2018); blue whale vocalizations have also been recorded off the coast of Rhode Island during acoustic surveys (Kraus *et al.* 2016). More recently, during 3 years of monthly aerial surveys in the New York Bight (2017–2020), Zoidis *et al.* (2021) reported 3 sightings of blue whales, totaling 5 individuals. Although sightings of blue whales in the survey area are rare, in light of these recent observations of blue whales, Vineyard Northeast requested, and NMFS has authorized, take of one blue whale based on the average group size (Palka *et al.,* 2017) (Table 5).

TABLE 5—SUMMARY OF AUTHORIZED TAKE

Species	Density-based exposure estimate	Mean group size [1]	Take by Level B harassment requested	Abundance	Authorized take as percent of stock
Blue whale [2]	0.2	1.0	1	402	0.2
Fin whale	76.7	1.8	77	6,802	1.1
Humpback whale	46.2	2.0	47	1,396	3.4
Minke whale	41.2	1.2	42	21,968	0.2
North Atlantic right whale	39.4	2.4	40	368	10.9
Sei whale	4.8	1.6	5	6,292	0.1
Sperm whale	11.9	1.5	12	4,349	0.3
Killer whale [2]	.....	.....	2	Unk	0.0
False killer whale [2]	.....	.....	5	1,791	0.3
Atlantic spotted dolphin	19.3	29.0	29	39,921	0.1
Atlantic white-sided dolphin	1,123.3	27.9	1,124	92,233	1.2
Bottlenose dolphin (Western North Atlantic offshore stock)	720	7.8	569	62,851	0.9
Bottlenose dolphin (Western North Atlantic northern migratory coastal stock)	.....	.....	151	6,639	2.3
Common dolphin	1,159.3	34.9	13,904	172,974	8.0
Long-finned pilot whale	404.8	8.4	405	39,215	1.0

TABLE 5—SUMMARY OF AUTHORIZED TAKE—Continued

Species	Density-based exposure estimate	Mean group size [1]	Take by Level B harassment requested	Abundance	Authorized take as percent of stock
White-beaked dolphin [2]	.....	.....	30	536,016	0.0
Risso's dolphin	100.1	5.4	101	35,215	0.3
Harbor porpoise	2,032.4	2.7	2,033	95,543	2.1
Gray seal	417.8	0.4	418	27,300	1.5
Harbor seal	938.7	1.0	939	61,336	1.5

[1] Mean group size based on Kraus *et al.,* 2016 (fin, humpback, minke, North Atlantic right, sei, and pilot whales; Atlantic white-sided, bottlenose, and common dolphins; harbor porpoise) or Palka *et al.,* 2017 (blue and sperm whales; Atlantic spotted and Risso's dolphin; harbor and gray seals).
[2] Rare (or unlikely to occur) species.

Table 5 provides the total amount of take authorized in the IHA.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

Mitigation for Marine Mammals and Their Habitat

The following mitigation measures must be implemented during Vineyard Northeast's planned marine site characterization surveys.

Pre-Start Clearance

Marine mammal clearance zones (CZs) must be established around the HRG survey equipment:

- 500-m SZ for NARWs; and
- 100-m SZ for all other marine mammal species.

Vineyard Northeast must implement a 30-minute monitoring period of the CZs prior to initiation of ramp-up of HRG equipment. During this period, CZs will be monitored by PSOs, using the appropriate visual technology.

Ramp-Up

Where technically feasible (*e.g.,* equipment is not on a binary on/off switch), a ramp-up procedure will be used for HRG survey equipment capable of adjustment of energy levels at the start or restart of survey activities. This procedure will be used at the beginning of HRG survey activities to provide additional protection to marine mammals near the survey area by allowing them to vacate the area prior to the commencement of survey equipment operation at full power. A ramp-up procedure, involving a gradual increase in source level output, is required at all times as part of the activation of the acoustic sources, when technically feasible. Operators must ramp up sources to half power for five minutes and then proceed to full power. A 30-minute pre-start clearance observation period must occur prior to the start of ramp up (or initiation of source used if ramp up is not technically feasible). If a marine mammal is observed within its CZ during the pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting its respective CZ or until an additional time has elapsed with no further sighting (*i.e.,* 15 minutes for small dolphins and seals, and 30 minutes for all other marine mammal species). In addition, activation of survey equipment through ramp-up procedures is not permitted when visual observation of the pre-start clearance/shutdown zone is not expected to be effective using the appropriate visual technology (*i.e.,* during inclement conditions such as heavy rain or fog).

Shutdown Procedures

Marine mammal shutdown zones (SZs) must established around the HRG survey equipment:

- 500-m SZ for NARWs; and
- 100-m SZ for all other marine mammal species.

The vessel operator must comply immediately with any call for shutdown by a PSO. Any disagreement between the PSO and vessel operator should be discussed only after shutdown has occurred. Subsequent restart of the survey equipment can be initiated if the animal has been observed exiting its respective SZ or the relevant time has elapsed without redetection (*i.e.,* 15 minutes for harbor porpoise, 30 minutes for all other species).

The shutdown requirement is waived for pinnipeds and for small delphinids of the following genera: *Delphinus, Lagenorhynchus, Stenella* (*frontalis* only), and *Tursiops.* If there is uncertainty regarding identification of a marine mammal species (*i.e.,* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived), PSOs must use best professional judgement in making the decision to call for a shutdown. Additionally, shutdown is required if a delphinid or pinniped detected in the shutdown zone and belongs to a genus other than those specified.

If the acoustic source is shut down for reasons other than mitigation (*e.g.,*

mechanical difficulty) for less than 30 minutes, it may be activated again without ramp-up only if PSOs have maintained constant observation and the SZs are clear of marine mammals. If the acoustic source is turned off for more than 30 minutes, it may only be restarted after PSOs have cleared the SZs for 30 minutes. If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the applicable Level B harassment zone (178 m), shutdown is required. Shutdown, pre-start clearance, and ramp-up procedures are not required during HRG survey operations using only non-impulsive sources (*e.g.,* echosounders), other than non-parametric sub-bottom profilers (*e.g.,* CHIRP SBPs).

Vessel Strike Avoidance

Vineyard Northeast must ensure that vessel operators and crew maintain a vigilant watch for marine mammals and slow down or stop their vessels to avoid striking these species. All personnel responsible for navigation and marine mammal observation duties will receive site-specific training on marine mammals sighting/reporting and vessel strike avoidance measures. Vessel strike avoidance measures include the following, except under circumstances when complying with these requirements would put the safety of the vessel or crew at risk:

- Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammal. A visual observer aboard the vessel must monitor a vessel strike avoidance zone based on the appropriate separation distance around the vessel (distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.,* PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish protected species from other phenomena and (2) broadly to identify a marine mammal as a NARW, other whale (defined in this context as sperm whales or baleen whales other than NARWs), or other marine mammal.
- Members of the monitoring team will consult NMFS North Atlantic right whale reporting system and Whale Alert at the start of every PSO shift, for situational awareness regarding the presence of NARWs throughout the survey area, and for the establishment of Slow Zones (including visual-detection-triggered dynamic management areas (DMAs) and acoustically-triggered slow zones) within or near the survey area.
- All survey vessels, regardless of size, must observe a 10-kn (2.1 m/s) speed restriction in specific areas designated by NMFS for the protection of NARW from vessel strikes, including SMAs and DMAs, when in effect;
- Vessel speeds must be reduced to 10 kn (5.1 m/s) or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel;
- All vessels must maintain a minimum separation distance of 500-m from NARWs and other ESA-listed species. If an ESA-listed species is sighted within the relevant separation distance, the vessel must steer a course away at 10 kn (5.1 m/s) or less until the 500-m separation distance has been established. If a whale is observed but cannot be confirmed as a species that is not ESA-listed, the vessel operator must assume that it is an ESA-listed species and take appropriate action.
- All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 100-m from all non-ESA listed whales,
- All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50-m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel).
- When marine mammals are sighted while a vessel is underway, the vessel must take action as necessary to avoid violating the relevant separation distance (*e.g.,* attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If marine mammals are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

Seasonal Restrictions

Survey activities using HRG equipment operating at or below 180 kHz are prohibited from January 1 through May 15 within the NARW SMA in Cape Cod Bay.

Crew Training

Project-specific training will be conducted for all vessel crew prior to the start of a survey and during any changes in crew such that all survey personnel are fully aware and understand the mitigation, monitoring, and reporting requirements. Prior to implementation with vessel crews, the training program will be provided to NMFS for review and approval. Confirmation of the training and understanding of the requirements will be documented on a training course log sheet. Signing the log sheet will certify that the crew member understands and will comply with the necessary requirements throughout the survey activities. In addition to the aforementioned measures, Kitty Hawk will abide by all marine mammal relevant conditions in the Greater Atlantic Regional Office's (GARFO) informal programmatic consultation, dated June 29, 2021 (revised September 2021), pursuant to section 7 of the ESA. These include the relevant best management practices of project design criteria (PDCs) 4, 5, and 7.

Based on our evaluation of the measures contained in the IHA, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical to both compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life

history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);

- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Monitoring Measures

Visual monitoring will be performed by qualified, NMFS-approved PSOs, the resumes of whom will be provided to NMFS for review and approval prior to the start of survey activities. Vineyard Northeast must employ independent, dedicated, trained PSOs, meaning that the PSOs must (1) be employed by a third-party observer provider, (2) have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements (including brief alerts regarding maritime hazards), and (3) have successfully completed an approved PSO training course appropriate for their designated task. As described previously, on a case-by-case basis, non-independent observers may be approved by NMFS for limited, specific duties (*i.e.,* stand watch while an independent NMFS-approved PSO takes the required 2-hour break between 4-hour shifts) on the smaller (~50 ft or 15 m), nearshore survey vessel that can only accommodate the captain, a 4-member survey team, an independent PSO, and a project overseer. During these 12-hr daylight-only surveys, the project overseer will serve as the non-independent observer; they must receive training in protected species detection and identification, vessel strike minimization procedures, and the reporting requirements in this IHA, and must have no other duties other than marine mammal monitoring while on watch. Finally, should the non-independent observer observe a whale that cannot be confirmed to species, they must assume that it is a right whale and take the appropriate action (*i.e.,* call for a delay or shutdown). Section 5 of the IHA contains further details regarding PSO approval.

The PSOs will be responsible for monitoring the waters surrounding each survey vessel to the farthest extent permitted by sighting conditions, including shutdown zones, during all HRG survey operations. PSOs will visually monitor and identify marine mammals, including those approaching or entering the established shutdown zones during survey activities. It will be the responsibility of the Lead PSO on duty to communicate the presence of marine mammals to the vessel operator as well as to communicate the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

During all HRG survey operations (*e.g.,* any day on which use of a specified HRG source is planned to occur), a minimum of one PSO must be on duty during daylight operations on each survey vessel, conducting visual observations at all times on all active survey vessels during daylight hours (*i.e.,* from 30 minutes prior to sunrise through 30 minutes following sunset). Two PSOs will be on watch during nighttime operations. The PSO(s) would ensure 360° visual coverage around the vessel from the most appropriate observation posts and would conduct visual observations using binoculars and/or night vision goggles and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least 2 hours between watches and may conduct a maximum of 12 hours of observation per 24-hr period. In cases where multiple vessels are surveying concurrently, any observations of marine mammals would be communicated to PSOs on all nearby survey vessels.

PSOs must be equipped with binoculars and have the ability to estimate distance and bearing to detect marine mammals, particularly in proximity to shutdown zones. Reticulated binoculars must also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine mammals. During nighttime operations, night-vision goggles with thermal clip-ons and infrared technology would be used. Position data would be recorded using hand-held or vessel GPS units for each sighting.

During good conditions (*e.g.,* daylight hours; Beaufort Sea State (BSS) 3 or less), to the maximum extent practicable, PSOs would also conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the active acoustic sources. Any observations of marine mammals by crew members aboard any vessel associated with the survey would be relayed to the PSO team.

Data on all PSO observations would be recorded based on standard PSO collection requirements. This would include dates, times, and locations of survey operations; dates and times of observations, location and weather; details of marine mammal sightings (*e.g.,* species, numbers, behavior); and details of any observed marine mammal behavior that occurs (*e.g.,* noted behavioral disturbances).

Reporting Measures

Within 90 days after completion of survey activities or expiration of this IHA, whichever comes sooner, a final technical report will be provided to NMFS that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, summarizes the number of marine mammals observed during survey activities (by species, when known), summarizes the mitigation actions taken during surveys (including what type of mitigation and the species and number of animals that prompted the mitigation action, when known), and provides an interpretation of the results and effectiveness of all mitigation and monitoring. A final report must be submitted within 30 days following resolution of any comments on the draft report. All draft and final marine mammal monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov, nmfs.gar.incidental-take@noaa.gov,* and *ITP.Esch@noaa.gov.* The report must contain at minimum, the following:

- PSO names and affiliations;
- Dates of departures and returns to port with port name;
- Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort;
- Vessel location (latitude/longitude) when survey effort begins and ends; vessel location at beginning and end of visual PSO duty shifts;
- Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change;
- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including wind speed and direction, Beaufort sea state, Beaufort wind force, swell height, weather conditions, cloud cover, sun glare, and overall visibility to the horizon;

• Factors that may be contributing to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.,* vessel traffic, equipment malfunctions); and

• Survey activity information, such as type of survey equipment in operation, acoustic source power output while in operation, and any other notes of significance (*i.e.,* pre-start clearance survey, ramp-up, shutdown, end of operations, etc.).

If a marine mammal is sighted, the following information should be recorded:

• Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);

• PSO who sighted the animal;

• Time of sighting;

• Vessel location at time of sighting;

• Water depth;

• Direction of vessel's travel (compass direction);

• Direction of animal's travel relative to the vessel;

• Pace of the animal;

• Estimated distance to the animal and its heading relative to vessel at initial sighting;

• Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified); also note the composition of the group if there is a mix of species;

• Estimated number of animals (high/low/best);

• Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);

• Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);

• Detailed behavior observations (*e.g.,* number of blows, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);

• Animal's closest point of approach and/or closest distance from the center point of the acoustic source;

• Platform activity at time of sighting (*e.g.,* deploying, recovering, testing, data acquisition, other); and

• Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up, speed or course alteration, etc.) and time and location of the action.

If a NARW is observed at any time by PSOs or personnel on any survey vessels, during surveys or during vessel transit, Vineyard Northeast must immediately report sighting information to the NMFS North Atlantic Right Whale Sighting Advisory System (866) 755–6622. NARW sightings in any location may also be reported to the U.S. Coast Guard via channel 16.

In the event that Vineyard Northeast personnel discover an injured or dead marine mammal, Vineyard Northeast must report the incident as soon as feasible to the NMFS Office of Protected Resources (OPR) and the NMFS New England/Mid-Atlantic Stranding Network by phone (866–755–6622) and by email (*nmfs.gar.stranding@noaa.gov* and *PR.ITP.MonitoringReports@noaa.gov).* The report must include the following information:

1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

2. Species identification (if known) or description of the animal(s) involved;

3. Condition of the animal(s) (including carcass condition if the animal is dead);

4. Observed behaviors of the animal(s), if alive;

5. If available, photographs or video footage of the animal(s); and

6. General circumstances under which the animal was discovered.

In the unanticipated event of a ship strike of a marine mammal by any vessel involved in the activities covered by the IHA, Vineyard Northeast must report the incident to NMFS OPR and the NMFS Office of Protected Resources and the NMFS New England/Mid-Atlantic Stranding Network by phone (866–755–6622) and by email (*nmfs.gar.stranding@noaa.gov* and *PR.ITP.MonitoringReports@noaa.gov*) as soon as feasible but within 24 hours. The report must include the following information:

• Time, date, and location (latitude/longitude) of the incident;

• Species identification (if known) or description of the animal(s) involved;

• Vessel's speed during and leading up to the incident;

• Vessel's course/heading and what operations were being conducted (if applicable);

• Status of all sound sources in use;

• Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;

• Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;

• Estimated size and length of animal that was struck;

• Description of the behavior of the marine mammal immediately preceding and following the strike;

• If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;

• Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and

• To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to the species listed in Table 5, given that many of the anticipated effects of the survey to be similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of the authorized take on the population due to differences in population status, or impacts on habitat, they are included in a separate subsection. NMFS does not anticipate that mortality, serious injury, or injury

would occur for any species as a result from HRG surveys, even in the absence of mitigation, and no serious injury or mortality is authorized.

As discussed in the Potential Effects of Specified Activities on Marine Mammals and their Habitat section above, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that all potential takes would be in the form of short-term Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007). As described above, Level A harassment is not expected to occur given the nature of the operations, the estimated size of the Level A harassment zones, and the required shutdown zones for certain activities.

In addition to being temporary, the maximum harassment zone around a survey vessel is 178 m from use of the Applied Acoustics AA251 Boomer. When estimating Level B harassment take numbers, Vineyard Northeast made the conservative assumption that this maximum zone size applied to all 869 survey days when, in reality, the Applied Acoustics AA251 Boomer will not be used throughout the entire 24 hours of every survey day. The other acoustic sources with the potential to result in take of marine mammals are expected to produce harassment zones with even smaller radii (141 m, Edge Tech CHIRP 216; 4 m, GeoMarine Geo Spark 2000). The ensonified area surrounding each acoustic source is relatively small compared to the overall distribution of the animals in the area and their use of the habitat.

In addition, feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations. There are no rookeries, mating or calving grounds known to be biologically important to marine mammals within the survey area.

North Atlantic Right Whales

The status of the NARW population is of heightened concern and, therefore, merits additional analysis. As described in the **Federal Register** notice of the proposed IHA (87 FR 30872; May 20, 2022), elevated NARW mortalities began in June 2017 and there is currently an active UME. Overall, preliminary findings support human interactions, specifically vessel strikes and entanglements, as the cause of death for the majority of NARWs.

The survey area partially overlaps with the migratory corridor BIA (Figure 2.5 in LaBrecque *et al.,* 2015) and migratory route SMA for NARWs, which extends from Massachusetts to Florida, and from the coast to beyond the shelf break. That the spatial extent of the sound produced by the survey would be very small relative to the spatial extent of the available migratory habitat in the BIA supports the expectation that NARW migration will not be impacted by the survey.

The northernmost and northeastern portions of the survey area overlap with the Cape Cod Bay (January 1–May 15), Off Race Point (March 1–April 30), and Great South Channel (April 1–July 31) SMAs. There is also a partial overlap between the eastern edge of survey area and the western-most portion of the Great South Channel feeding BIA (April 1 to June 30) and a feeding BIA within and north of Cape Cod Bay (February 1 to April 30) (Figure 2.5 in LaBrecque *et al.,* 2015). The seasonal restriction on survey activities in Cape Cod Bay (which is also part of a feeding BIA (February 1–April 30) and ESA-designated critical foraging habitat for NARWs) when the SMA is active minimizes potential impacts on the species' foraging when densities of NARWs and their prey are expected to be highest in that section of the survey area. The seasonal restriction also minimizes the likelihood that survey activities would occur during the period when the Off Race Point SMA is effective, which overlaps in time with and is in close proximity to the Cape Cod Bay SMA.

The slow survey speed (approximately 4 kn (2.1 m/s)) and required vessel strike avoidance measures will decrease the risk of ship strike such that no ship strike is expected to occur during Vineyard Northeast's survey activities. Additionally, although take by Level B harassment of NARWs has been authorized by NMFS, we anticipate a very low level of harassment, should it occur, because Vineyard Northeast is required to maintain a shutdown zone of 500 m if a NARW is observed. The authorized take accounts for any missed animals wherein the survey equipment is not shutdown immediately. Because shutdown would be called for immediately upon detection (if the whale is within 500 m), it is likely the exposure time would be very limited and received levels would not be much above the harassment threshold. Further, the 500-m shutdown zone for right whales is conservative, considering the distance to the Level B harassment isopleth for the most impactful acoustic source (*i.e.,* Applied Acoustics AA251 Boomer—which may not be used on all survey days) is estimated to be 178 m, and thereby minimizes the potential for behavioral harassment of this species. Last, the authorized take of 40 represents instances of takes, and while it is possible that one individual could incur more than one of those 40 takes (*i.e.,* on multiple days), given the mobile nature of the surveys and the whales, there is no reason to think that any individual whale would accrue more than 2 or 3 within the year. The small magnitude and severity of take by Level B harassment is not expected to impact the reproduction or survival and any individuals.

As noted previously, Level A harassment is not expected due to the characteristics of the signals produced by the acoustic sources planned for use; this finding is further enforced by the mitigation measures. NMFS does not anticipate NARW takes that would result from Vineyard Northeast's activities would impact annual rates of recruitment or survival. Thus, any takes that occur will not result in population level impacts.

Other Marine Mammal Species With Active UMEs

There are several active UMEs occurring in the vicinity of Vineyard Northeast's survey area. Elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida since January 2016. Of the cases examined, approximately half had evidence of human interaction (ship strike or entanglement). The UME does not yet provide cause for concern regarding population-level impacts. Despite the UME, the relevant population of humpback whales (the West Indies breeding population, or DPS) remains stable at approximately 12,000 individuals.

Beginning in January 2017, elevated minke whale strandings have occurred along the Atlantic coast from Maine through South Carolina, with highest

numbers in Massachusetts, Maine, and New York. This event does not provide cause for concern regarding population level impacts, as the likely population abundance is greater than 20,000 whales, and the total numbers of stranded individuals (123) from 2017–2022 is below the Potential Biological Removal for the species (170). The status of common minke whales relative to Optimal Sustainable Yield (OSP) in the U.S. Atlantic EEZ is unknown. Common minke whales are not listed as threatened or endangered under the Endangered Species Act, and the Canadian East Coast stock is not considered strategic under the Marine Mammal Protection Act. It is expected that the uncertainties described above will have little effect on the designation of the status of the entire stock.

The required mitigation measures are expected to reduce the number and/or severity of the authorized takes for all species listed in Table 5, including those with active UMEs, to the level of least practicable adverse impact. In particular, ramp-up procedures would provide animals in the vicinity of the survey vessel the opportunity to move away from the sound source before HRG survey equipment reaches full energy, thus preventing them from being exposed to sound levels that have the potential to cause injury (Level A harassment) or more severe Level B harassment. No Level A harassment is anticipated, even in the absence of mitigation measures, or authorized.

NMFS expects that takes would be in the form of short-term behavioral harassment by way of temporary vacating of the area, or decreased foraging (if such activity was occurring)—reactions that (at the scale and intensity anticipated here) are considered to be of low severity, with no lasting biological consequences. Since both the sources and marine mammals are mobile, animals would only be exposed briefly to a small ensonified area that might result in take. Additionally, required mitigation measures would further reduce exposure to sound that could result in more severe behavioral harassment.

Biologically Important Areas for Other Species

Biologically Important Areas for Fin Whales

A small fin whale feeding BIA (March–October) located east of Montauk Point, New York (Figure 2.3 in LaBrecque *et al.,* 2015), is fully encompassed by the survey area (see Figure 1 in the **Federal Register** notice of the proposed IHA (87 FR 30872, May 20, 2022)). A second larger yearlong feeding BIA extends from the Great South Channel (east of the smaller fin whale feeding BIA) north to southern Maine, and partially overlaps the northernmost portion of the survey area. The surveys will cover 69,529 km (43,203 miles) of trackline throughout 24,836 square kilometers (*i.e.,* total survey area; 9,597 square miles), of which the BIA just east of Montauk Point occupies a small proportion (2,933 km^2). The amount of time Vineyard Northeast will survey in the area overlapping this small BIA will also be a fraction of the 869 planned survey days and, when surveys do occur, the ensonified Level B harassment zone will be limited to a maximum 178-m radius from the boomer. Any disruption of feeding behavior or avoidance of the western BIA by fin whales on survey days from March to October is expected to be temporary, with habitat utilization by fin whales returning to baseline once the disturbance ceases. In addition, the larger fin whale feeding BIA will provide suitable alternate habitat and ample foraging opportunities consistently throughout the year, rather than seasonally like the smaller, western BIA. Because of the temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts of these surveys to fin whales and the food sources that they utilize are not expected to cause significant or long-term consequences for individual fin whales or their population.

Biologically Important Area for Sei Whales

An extensive sei whale feeding BIA (May–November) stretching from the 25-m depth contour off central Maine and Massachusetts to the 200-m contour in central Gulf of Maine, including the northern shelf break of Georges Bank (see Figure 2.2 in LaBrecque *et al.,* 2015). This BIA also includes the southern shelf break area of Georges Bank from depths of 100 m to 2,000 m and the Great South Channel. Similar to NARWs, the most northern and eastern parts of the survey area overlaps the western side of this BIA (just to the east and north of Cape Cod). However, this very limited overlap is sufficiently small that feeding opportunities for sei whales are not expected to be reduced appreciably, if at all.

Biologically Important Area for Minke Whales

LaBrecque *et al.* (2015) define a vast minke whale feeding BIA (March-November) in waters less than 200 m, extending throughout the southern and southwestern section of the Gulf of Maine, including George's Bank, the Great South Channel, Cape Cod Bay and Massachusetts Bay, Stellwagen Bank, Cape Anne, and Jeffreys Ledge (Figure 2.1 in LaBrecque *et al.,* 2015). Relative to the size of this BIA, the very small overlap of its western side and the survey area (including waters just east of Cape Cod, Cape Cod Bay and Massachusetts Bay), coupled with the small ensonified zone when surveys do occur in this overlapping area, is not expected to limit access to suitable habitat or deter foraging behavior for minke whales in any perceptible way.

Biologically Important Area for Humpback Whales

A humpback whale feeding BIA (March–December; Figure 2.8 in LaBrecque *et al* .2015) spans the Gulf of Maine, Stellwagen Bank, and the Great South Channel. As is the case for fin, sei, and minke whales, this large BIA overlaps only the most northern and northeastern portion of Vineyard Northeast's survey area. Even if humpback whales completely avoided this overlapping area while the acoustic sources used during surveys were active, nearby suitable habitat would be easily accessible as would their primary prey (herring and capelin). Alternatively, if humpback whales were present while acoustic sources were active, any disturbance is expected to be temporary and minor, such that foraging behavior (if it were previously occurring) would resume once the use of active acoustics ceases.

As previously discussed, impacts from the surveys are expected to be localized to the specific area of activity and only during periods of time where Vineyard Northeast's acoustic sources are active. While areas of biological importance to foraging fin whales, sei whales, minke whales, and humpback whales exist within the survey area, NMFS does not expect this specified activity to affect these areas or any species' ability to utilize prey resources within the BIAs, given the nature of the survey activity, and the combination of the mitigation and monitoring measures being required of Vineyard Northeast.

Several major haul-out sites exist for harbor seals within the survey area along the New Jersey coast (*e.g.,* Great Bay, Sandy Hook, and Barnegat Inlet), New York Coast (*e.g.,* Montauk Island), and Rhode Island coast (*e.g.,* Narragansett Bay), and for gray and harbor seals along the Massachusetts coast (*e.g.,* Cape Cod, Monomoy Island) (DiGiovanni and Sabrosky 2010). However, as hauled-out seals would be

out of the water, no in-water effects are expected.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or authorized;
- No Level A harassment (PTS) is anticipated, even in the absence of mitigation measures, or authorized;
- Foraging success is not likely to be significantly impacted as effects on species that serve as prey species for marine mammals from the survey are expected to be minimal;
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the planned survey to avoid exposure to sounds from the activity;
- Take is anticipated to be by Level B behavioral harassment only, consisting of brief startling reactions and/or temporary avoidance of the survey area;
- While the survey area overlaps with a portion of the NARW migratory BIA, the survey activities will occur in such a comparatively small area that any avoidance of the survey area due to activities will not affect migration. The survey area also overlaps a foraging BIA that includes Cape Cod Bay; however, a seasonal restriction on survey activities (see below) will limit any survey impacts on NARW foraging in the Bay. In addition, the requirement to shut down at 500 m to minimize potential for Level B behavioral harassment will limit the effects of the action on migratory or feeding behavior of the species. Furthermore, NMFS has analyzed the potential for ship strike resulting from Vineyard Northeast's activity and has determined that, based on the extensive suite of required mitigation measures specific to vessel strike avoidance included in the IHA, the potential for vessel strike is so low as to be discountable;
- Due to the relatively small footprint of the survey activities in relation to the size of foraging BIAs for fin, sei, minke, and humpback whales, survey activities are not expected to affect foraging behavior of these species;
- As no injury or mortality is expected or authorized, and Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures, the authorized number of takes for North Atlantic right, humpback, and minke whales would not exacerbate or compound the effects of the ongoing UMEs in any way;
- A seasonal restriction on survey activities in Cape Cod Bay (January 1 through May 15), when NARW occurrence is highest in this ESA-designated critical foraging habitat and the Cape Cod Bay SMA is active, will minimize the likelihood that NARW foraging behavior would be affected by survey activities; and
- The mitigation measures, including visual monitoring and shutdowns, are expected to minimize the intensity of potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take the activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is less than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities. For this IHA, take of all species or stocks is below one third of the estimated stock abundance (*i.e.,* less than 11 percent for all stocks, equal to or less than 8 percent for 19 stocks, and less than 4 percent for 18 stocks (Table 5)).

Based on the analysis contained herein of the proposed activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

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. To ensure ESA compliance for the issuance of IHAs, NMFS Office of Protected Resources (OPR) consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS is authorizing take, by Level B harassment only, of a NARWs, fin whales, sei whales, and a blue whale which are all species listed under the ESA. On June 29, 2021 (revised September 2021), GARFO completed an informal programmatic consultation on the effects of certain site assessment and site characterization activities to be carried out to support the siting of offshore wind energy development projects off the U.S. Atlantic coast. Part of the activities considered in the consultation are geophysical surveys such as those proposed by Vineyard Northeast and for which we are authorizing take. GARFO concluded site assessment surveys are not likely to adversely affect endangered species or adversely modify or destroy critical habitat. NMFS has determined issuance of the IHA is covered under the programmatic consultation; therefore, ESA consultation has been satisfied.

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 action (*i.e.,* the issuance of an IHA) 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 IHA qualifies to be categorically excluded from further NEPA review.

Authorization

As a result of these determinations, NMFS is issuing an IHA to Vineyard Northeast for the potential harassment of small numbers of 19 marine mammal species (with 20 managed stocks) incidental to conducting marine site characterization surveys offshore from Massachusetts to New Jersey, in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Areas OCS–A 0522 and OCS–A 0544 and along OECC routes to landfall locations, provided the previously mentioned mitigation, monitoring, and reporting requirements are followed. The final IHA and supporting documents can be found at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.*

Dated: August 23, 2022.

Catherine Marzin,

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

[FR Doc. 2022–18602 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC296]

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 MAFMC's Spiny Dogfish Monitoring Committee will meet via webinar to develop recommendations for 2023 Spiny Dogfish specifications.

DATES: The meeting will be held on Friday, September 16, 2022, from 9 a.m. to 11 a.m.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the calendar prior to the meeting at *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *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: The Spiny Dogfish Monitoring Committee will meet to review annual specifications and management measures and make any appropriate recommendations for future Spiny Dogfish specifications.

Special Accommodations

The meeting is 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 25, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18662 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC297]

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 MAFMC's Spiny Dogfish Committee will meet via webinar to develop recommendations for 2023 Spiny Dogfish specifications.

DATES: The meeting will be held on Tuesday, September 20, 2022, from 10 a.m. to noon.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the calendar prior to the meeting at *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *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: The purpose of the meeting is for the Spiny Dogfish Committee to provide recommendations regarding future specifications, including potential federal trip limit modifications.

Special Accommodations

The meeting is 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 25, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18663 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC293]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). This meeting will be held both in-person and with a webinar option. Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, September 15, 2022, at 9 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn, 100 Boardman Street, Boston, MA 02129; phone: (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Groundfish Committee will meet to discuss: Framework Adjustment 65/Specifications and Management Measures—status determination criteria, Gulf of Maine (GOM) cod and Southern New England/Mid-Atlantic (SNE/MA)

winter flounder rebuilding plans, FY2023–FY2024 US/CA total allowable catches, FY2023–FY2024 specifications: Georges Bank (GB) yellowtail flounder and GB cod (including a catch target for the recreational fishery), FY2023–FY2025 specifications for 14 stocks, additional measures to promote stock rebuilding for GB cod, GOM cod and SNE/MA winter flounder, and revised acceptable biological catch (ABC) control rules, in consultation with the Scientific and Statistical Committee. They also plan to discuss Amendment 23 Review Metrics—progress on the development of metrics. The committee will discuss Atlantic Cod Management—the development of a draft white paper on potential approaches to allocate ''GB cod'' to the recreational fishery delivered in 2022 to inform the 2023 priorities discussion, and presentation by Gulf of Maine Research Institute staff on their Atlantic cod Management Strategy Evaluation. They will discuss possible Council 2023 Priorities—possible groundfish priorities for 2023. Also on the agenda is NOAA's National Saltwater Recreational Fisheries Policy—provide input to the Council on updating NOAA's National Saltwater Recreational Fisheries Policy; Consider recommendations from the Groundfish Plan Development Team, Recreational Advisory Panel, and Groundfish Advisory Panel; make recommendations to the Council, as appropriate. Other business as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: August 24, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18599 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC310]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). This meeting will be held in-person with a webinar option. Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This hybrid meeting will be held on Tuesday, September 20, 2022, at 9 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/3769599075171418896*.

ADDRESSES: This meeting will be held at the Hilton Garden Inn Boston Logan Airport, 100 Boardman Street, Boston, MA 02128; telephone: (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Advisory Panel plans to discuss Framework 36—review results of 2022 scallop surveys, and preliminary projections. The primary focus of this meeting will be to develop input on the range of potential specification alternatives for FY 2023 and FY 2024. The action will set ABC/ACLs, days-at-sea, access area allocations, total allowable landings for the Northern Gulf of Maine (NGOM) management area, targets for General Category incidental catch, General Category access area trips and trip accounting, and set-asides for the observer and research programs for fishing year 2023 and default specifications for fishing year 2024. They also plan to review work priorities—receive updates on the progress toward 2022 work priorities and Committee tasking. Provide input on the range of possible 2023 scallop work priorities. Also, on the agenda is Scoping for Limited Access Leasing—review input gathered through the scoping process and recommend whether the Council should initiate an amendment to develop measures that would allow leasing in the Limited Access component of the fishery. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 25, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18664 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC311]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a joint public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). This meeting will be held in-person with a webinar option. Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Wednesday, September 21, 2022, at 9 a.m.

Webinar registration URL information: *https://attendee.gotowebinar.com/register/3533410783385643788.*

ADDRESSES: This meeting will be held at the Hilton Garden Inn Boston Logan Airport, 100 Boardman Street, Boston, MA 02128; telephone: (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee will discuss Framework 36—review results of 2022 scallop surveys, and preliminary projections. The primary focus of this meeting will be to develop input on the range of potential specification alternatives for FY 2023 and FY 2024. The action will set ABC/ACLs, days-at-sea, access area allocations, total allowable landings for the Northern Gulf of Maine (NGOM) management area, targets for General Category incidental catch, General Category access area trips and trip accounting, and set-asides for the observer and research programs for fishing year 2023 and default specifications for fishing year 2024. They also plan to review work priorities—receive updates on the progress toward 2022 work priorities and Committee tasking. Provide input on the range of possible 2023 scallop work priorities. Also, on the agenda is Scoping for Limited Access Leasing—review input gathered through the scoping process and recommend whether the Council should initiate an amendment to develop measures that would allow leasing in the Limited Access component of the fishery. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: August 25, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18696 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC315]

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 three-day in-person meeting of its Standing, Reef Fish, Socioeconomic, and Ecosystem Scientific and Statistical Committees (SSC).

DATES: The meeting will be held Wednesday, September 21 through Friday, September 23, 2022. Meeting times are scheduled as follows: Wednesday, from 1 p.m. to 5 p.m.; Thursday, from 9 a.m. to 5 p.m.; and Friday, from 9 a.m. to 12 noon, EDT.

ADDRESSES: The meeting will take place at the Gulf Council office. If you are unable to attend in-person, the public may listen-in to the meeting via webinar. Registration information will be available on the Council's website by visiting *www.gulfcouncil.org* and clicking on the ''meeting tab''.

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: Mr. Ryan Rindone, Lead Fishery Biologist, Gulf of Mexico Fishery Management Council; *ryan.rindone@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Wednesday, September 21, 2022; 1 p.m.–5 p.m., EDT

The meeting will begin with Introductions and Adoption of Agenda, Approval of Verbatim Minutes and Meeting Summary from the July 7–8, 2022, meeting, and review of Scope of Work. The Committees will select an SSC Representative for the October 24–27, 2022, Gulf Council Meeting. Following, the Committees will review a presentation and report on the Socioeconomic Stock Assessment Workshop Report, including other background materials for SSC discussion. The Committees will then review the Essential Fish Habitat Dashboard, including background material and discussion. Public comment will be heard at the end of the day.

Thursday, September 22, 2022; 9 a.m.–5 p.m., EDT

The Committees will receive presentations on Alternative Practicable Approaches to Sector Allocation Determinations, and the SEDAR 68 Operational Assessment for Gulf of Mexico Scamp, including background materials and SSC discussion; and will receive public comment at the end of the day, if any.

Friday, September 23, 2022; 9 a.m.–1 p.m., EDT

The Committees will review and discuss the Scopes of Work for 2024's Operational Assessments of Lane Snapper, Gag Grouper and Gulf King Mackerel, including background materials. Following, the Committees will review Updated Projections for Gulf of Mexico Gag Grouper using the State Reef Fish Survey (SRFS), including a presentation, background materials and SSC discussion.

Lastly, the Committees will receive public comment before addressing any items under Other Business.

Meeting Adjourns

The meeting will be also be broadcast via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the SSC 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 as they become available.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the Scientific and Statistical Committee 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.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Kathy Pereira, (813) 348–1630, at least 5 days prior to the meeting date.

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

Dated: August 25, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18697 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC271]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 77 Highly Migratory Species (HMS) Hammerhead Sharks Assessment Webinar IV.

SUMMARY: The SEDAR 77 assessment of the Atlantic stock of hammerhead sharks will consist of a stock identification (ID) process, data webinars/workshop, a series of assessment webinars, and a review workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 77 HMS Hammerhead Sharks Assessment Webinar IV is scheduled for Friday, September 16, 2022, from 10 a.m. until 1 p.m., Eastern Time. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Registration for the webinar is available by contacting the SEDAR coordinator via email at *Kathleen.Howington@safmc.net.*

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4371; email: *Kathleen.Howington@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the SEDAR 77 HMS Hammerhead Shark Assessment Webinar IV are as follows: discuss any leftover data issues that were not cleared up during the data process, answer any questions that the analysts have, and discuss model development and model setup.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 24, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18600 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC299]

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 Mid-Atlantic Fishery Management Council's Protected Resources Committee will hold a public meeting via webinar.

DATES: The meeting will be held on Wednesday, September 14, 2022, from 1 p.m. to 4:30 p.m. See **SUPPLEMENTARY INFORMATION** for agenda details.

ADDRESSES: The meeting will be held via webinar. Details on the agenda, webinar listen-in access, and briefing materials will be posted at the MAFMC's website: *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *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: The Mid-Atlantic Fishery Management Council's Protected Resources Committee will meet to review materials for phase two of the Atlantic Large Whale Take Reduction Plan which focuses on reducing the risk of entanglement to right, humpback, and fin whales in U.S. East Coast gillnet, Atlantic mixed species trap/pot, and Mid-Atlantic lobster and Jonah crab trap/pot fisheries. The measures developed in phase two of this plan have the potential to impact several Council managed fisheries and the Protected Resources Committee will develop recommendations and guidance for the Council's representation on the Atlantic Large Whale Take Reduction Team. This team is making final recommendations at their September 19 and 22, 2022 meetings. The Protected Resources Committee will also review and provide comments on the proposed North Atlantic Right Whale Vessel Strike Reduction Rule. The Committee may address other protected resources issues as they arise.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: August 24, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18596 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC264]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 82 South Atlantic Gray Triggerfish Data Workshop.

SUMMARY: The SEDAR 82 assessment of the South Atlantic stock of Gray Triggerfish will consist of a data workshop, a series of assessment webinars, and a review workshop. A SEDAR 82 Data Workshop is scheduled for September 19–23, 2022. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 82 South Atlantic Gray Triggerfish Data Workshop is scheduled from 1 p.m. until 5 p.m. (ET) on September 19, 2022; 8:30 a.m. until 5 p.m. on September 20–22, 2022; and from 8:30 a.m. until 1 p.m. on September 23, 2022. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES:

Meeting address: The meeting will be held at the Embassy Suite Charleston Airport & Convention Center, 5055 International Boulevard, North Charleston, SC 29418. The meeting is open to members of the public.

Council address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4371; email: *Kathleen.Howington@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Data Workshop are as follows:

An assessment data set and associated documentation will be developed during the workshop. Participants will evaluate proposed data and select appropriate sources for providing information on life history characteristics, catch statistics, discard estimates, length and age composition, and fishery dependent and fishery independent measures of stock abundance.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council

office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 24, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18597 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC314]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of web conference.

SUMMARY: The North Pacific Fishery Management Council (Council) Bering Sea Fishery Ecosystem Plan Climate Change Taskforce (BSFEP CC) will meet September 15, 2022.

DATES: The meeting will be held on Thursday, September 15, 2022, from 9 a.m. to 5 p.m. Alaska Time.

ADDRESSES: The meeting will be a web conference. Join online through the link at *https://meetings.npfmc.org/Meeting/Details/2951*.

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Dr. Diana Stram, Council staff; phone; (907) 271–2809 and email: *diana.stram@noaa.gov.* For technical support, please contact our administrative staff; email: *npfmc.admin@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Agenda

Thursday, September 15, 2022

The agenda will include: (a) provide feedback on the Climate Readiness Synthesis report; (b) discuss rankings; (c) plan next steps for CCTF work in 2022–23; (d) and other business. The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/2951* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone; or by phone only. Connection information will be posted online at: *https://meetings.npfmc.org/Meeting/Details/2951.*

Public Comment

Public comment letters will be accepted and should be submitted electronically to *https://meetings.npfmc.org/Meeting/Details/2951.*

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

Dated: August 25, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–18665 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Patent and PTAB Pro Bono Programs

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0082 Patent and PTAB Pro Bono Programs. The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before October 31, 2022.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email: InformationCollection@uspto.gov.* Include ''0651–0082 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Stacey G. White, Lead Administrative Patent Judge, USPTO—Patent Trial and Appeal Board, Texas Regional Office; 207 S Houston St., Dallas, TX 75202 by telephone at (469) 295–9061; or by email to *Stacey.White@uspto.gov* with ''0651–0082 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The Leahy-Smith America Invents Act (AIA), Public Law 112–29 § 32 (2011) directs the USPTO to work with and support intellectual property law associations across the country in the establishment of pro bono programs designed to assist financially under-resourced independent inventors and small businesses. To support this, the USPTO—in collaboration with various non-profit organizations—implemented the Patent Pro Bono program; a series of autonomous regional hubs that act as matchmakers to help connect low-income inventors with volunteer patent attorneys across the United States. The Patent Pro Bono program comprises a network of regional hubs organized by various bar associations, law school IP clinics, and lawyer referral services that provide services across all fifty states, the District of Columbia, and Puerto Rico.

In 2022, the Patent Trial and Appeal Board (PTAB) began coordinating *pro bono* opportunities through the newly created PTAB Pro Bono Program, having supported the establishment of a national clearinghouse that acts as a matchmaker to connect under-resourced inventors with volunteer patent practitioners across the United States for assistance in preparing and arguing *ex parte* appeals before the PTAB. The PTAB Bar Association's national clearinghouse provides access to legal representation for *pro bono ex parte* appeal services across all fifty states and the District of Columbia.

Each *pro bono* program will be requesting that their respective regional hubs and a national clearinghouse collect demographic information from those seeking assistance that will be self-identified by the applicant. The requested standardized demographic information, collected through Applicant Intake Forms, will be a

voluntary part of the overall application materials that each independent inventor fills out when seeking *pro bono* assistance. The information collected will be kept confidential by the regional hubs and the national clearinghouse and only aggregate information is shared with the USPTO. This aggregate information, will also be used to help determine the extent to which women, minorities, and veterans engage the Pro Bono Programs supported by USPTO.

This renewal of 0651–0082 broadens the scope of the information collection to include the PTAB Pro Bono Program, in addition to the Patent Pro Bono Program that was covered under this collection. The name of the information collection has been adjusted from ''Pro Bono Survey'' to ''Patent and PTAB Pro Bono Programs'' in order to include related programs under this single information collection. This information collection includes an instrument capturing data for the Patent Pro Bono program (Patent Pro Bono Survey) and its applicant participations (Patent Applicant Intake Form). The information collection also has a similar instrument that covers the collection of data for the PTAB program (PTAB Pro Bono Survey) and the applicants requesting to participate in that PTAB offering (PTAB Applicant Intake Form).

II. Method of Collection

The Pro Bono surveys will be conducted electronically through web forms created to support these surveys. Applicant Intake forms may be offered electronically or in person depending the needs of the participating organizations.

III. Data

OMB Control Number: 0651–0082.
Forms:

- USPTO/550 (Patent Pro Bono Survey)
- USPTO/551 (Patent Applicant Intake Form)
- USPTO/552 (PTAB Pro Bono Survey)
- USPTO/553 (PTAB Applicant Intake Form)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Respondent's Obligation: Required to obtain or retain benefits.

Estimated Number of Annual Respondents: 1,763 respondents.

Estimated Number of Annual Responses: 1,832 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately between 5 minutes (0.083 hours) and 2 hours to complete. This includes the time to gather the necessary information, fill out the item, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 332 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $16,329.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRO BONO PROGRAM RESPONDENTS

Item No.	Item	Respondent type	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [1] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	Patent Pro Bono Survey (PTO Form 550).	Private Sector	22	4	88	2	176	$55.41	$9,752
2	Patent Applicant Intake Form (or equivalent) (PTO Form 551).	Individuals or Households.	1,700	1	1,700	0.083 (5 minutes)	141	41.45	5,844
3	PTAB Pro Bono Survey (PTAB 552).	Private Sector	1	4	4	2	8	55.41	443
4	PTAB Applicant Intake Form (PTAB Form 553).	Individuals or Households.	40	1	40	0.17 (10 minutes)	7	41.45	290
	Totals	.....	1,763	.....	1,832	.....	332	.....	16,329

[1] The hourly rate for the survey of pro bono administrators (BLS 11–1021) is based the BLS 2021 National Occupation Employment and Wage Statistics. The hourly rate for the intake form uses the average of mean rates for Engineers (17–0000) and Scientists (19–0000).

Estimated Total Annual Respondent Non-hourly Cost Burden: $1,333. There are no maintenance costs, recordkeeping costs, filing fees, or postage costs associated with this information collection. There are startup costs for the PTAB clearinghouse to create the system required to capture information which USPTO estimates will cost $4,000. This one time cost of $4,000 is annualized over a three year period for an annual cost of $1,333.

IV. Request for Comments

The USPTO is soliciting public comments to:

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

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

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

(d) 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.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to

withhold PII from public view, USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Acting Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2022–18598 Filed 8–29–22; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2022–HQ–0006]

Submission for OMB Review; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 29, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela Duncan, 571–372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Exchange Credit Program; CRC 7429395; OMB Control Number 0702–0137.

Type of Request: Revision.

Number of Respondents: 869,231.

Responses per Respondent: 1.

Annual Responses: 869,231.

Average Burden per Response: 2 minutes.

Annual Burden Hours: 28,975.

Needs and Uses: The information collection is the basis for determining Exchange patron credit eligibility, enhancing the patron's shopping experience, determining the patron's suitability to cash checks at Exchange facilities, and collecting government debts. Allowing patrons to use credit in their shopping experience supports the efficiency and effectiveness of the Exchange's marketing programs and the mission to support the Army's Family and Morale, Welfare and Recreation Programs. Authorized patrons include individuals who are members of the uniformed services, retired members, authorized veterans, and dependents of members of the Armed Forces, commissioned officers of the Public Health Service, and commissioned officers of the National Oceanic and Atmospheric Administration. Other individuals may meet the requirements of being patrons as mandated by regulation. The Exchange offers ''personal credit'' accounts to service members for purchases of military clothing and to all authorized patrons a private label Military Star credit card for retail purchases. Patrons deciding to apply for credit may voluntarily complete the application form online, through a local Exchange facility by completing the Exchange paper form CRC 7429395 ''Military Star Credit Paper Application'', or by supplying information to an authorized Exchange cashier at the Point of Sale. Account holders requesting to update information on their account may do so electronically by visiting *https://www.myecp.com/,* or by contacting the Exchange MILITARY STAR department at 1–877–891–7827. Information collected from the patron allows the Exchange to address their credit worthiness, and supply monthly statements and debt communication, to include wage garnishments.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

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

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: August 24, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–18609 Filed 8–29–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0109]

Proposed Collection; Comment Request

AGENCY: Under Secretary of Defense (Comptroller), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Contract Audit Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 31, 2022.

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

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

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

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://*

www.regulations.gov as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Contract Audit Agency, 8725 John J. Kingman Road, Fort Belvoir, Virginia 22060, ATTN: Ms. Kimberly Litherland, 571–448–5157.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Contract Audit Agency Customer Relationship Management Tool; OMB Control Number 0704–DCRM.

Needs and Uses: The purpose of this collection is to conduct recruitment, marketing, outreach, and advertising to prospective applicants for employment positions within the DoD, to manage tracking and communications with potential leads and conduct outreach to retain applicants during the hiring process, reengage qualified potential applicants who do not initially apply or are not selected or hired the first time they apply, and conduct data analytics for recruitment strategies, to measure the effectiveness of outreach campaigns and other recruiting activities. The intent of the collection is to make it easy for structured data on a candidate to be entered into the system in addition to the collection of a resume such that a candidate's eligibility and qualifications can easily be assessed.

Affected Public: Individuals or households.

Annual Burden Hours: 83.33 hours.

Number of Respondents: 500.

Responses per Respondent: 1.

Annual Responses: 500.

Average Burden per Response: 10 minutes.

Frequency: On occasion.

Dated: August 24, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–18616 Filed 8–29–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0110]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 31, 2022.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05, Alexandria, VA 22350, LaTarsha Yeargins, 571–372–2089.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Department of Defense Survivor Family Member Survey; OMB Control Number 0704–SFMS.

Needs and Uses: The National Defense Authorization Act of 2006 (Pub. L. 109–163) requires data to be collected on the quality of casualty assistance provided to next of kin of military decedents. Beginning in early 2010, the DoD began inviting all primary next of kin to participate in a survey that is designed to measure the effectiveness of its casualty assistance program and the degree of satisfaction of those family members provided such assistance. In 2019, DoD began surveying secondary next of kin, which accounts for the increase in parent and guardian participation. Family responses are held confidentially and will not be reported individually, unless specifically requested by the respondent, but rather are combined with the responses of other survey participants. The aggregate findings from the survey are reported to senior leadership along with recommendations on how we might better serve those who are receiving assistance.

Affected Public: Individuals or households.

Annual Burden Hours: 270 hours.

Number of Respondents: 540.

Responses per Respondent: 1.

Annual Responses: 540.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Dated: August 24, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–18621 Filed 8–29–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0108]

Proposed Collection; Comment Request

AGENCY: Cost Assessment and Program Evaluation (CAPE), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* CAPE announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the

agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 31, 2022.

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

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

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to OSD CAPE, 1800 Defense Pentagon, Room BE798, Washington, DC 20301–1800, Kelly Hazel, or call (703)–614–5397.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Cost and Software Data Report; Forms DD–1921, DD–1921–1, DD–1921–2, DD–1921–3, DD–1921–5, DD–2794; OMB Control Number 0704–CSDR.

Needs and Uses: Cost and Software Data Report (CSDR) data collection is the primary means that DoD uses to collect actual cost and related business data on acquisition programs over 100 million dollars. Program Managers use the CSDR system to report data on contractor development, production and sustainment costs and resource usage incurred in performing DoD programs. The CSDR is also used to ensure the reporting requirements and structures are properly defined for cost, software, and technical data reporting.

Affected Public: Businesses or other for-profit; Not-for-profit Institutions.

Contractor Work Breakdown Structure

Annual Burden Hours: 30,552.
Number of Respondents: 228.
Responses per Respondent: 4.
Annual Responses: 912.
Average Burden per Response: 33.5 hours.

Cost Data Summary Report DD–1921

Annual Burden Hours: 17,753.1.
Number of Respondents: 228.
Responses per Respondent: 4.4.
Annual Responses: 1,003.
Average Burden per Response: 17.7 hours.

Functional Cost and Hours Report DD–1921–1

Annual Burden Hours: 44,198.
Number of Respondents: 228.
Responses per Respondent: 3.6.
Annual Responses: 820.
Average Burden per Response: 53.9 hours.

Progress Curve Report DD–1921–2

Annual Burden Hours: 56,088.
Number of Respondents: 228.
Responses per Respondent: 1.
Annual Responses: 228.
Average Burden per Response: 246 hours.

Contractor Business Data Report DD–1921–3

Annual Burden Hours: 16,330.
Number of Respondents: 115.
Responses per Respondent: 1.
Annual Responses: 115.
Average Burden per Response: 142 hours.

Sustainment Functional Cost-Hour Report DD–1921–5

Annual Burden Hours: 5,676.
Number of Respondents: 40.
Responses per Respondent: 2.2.
Annual Responses: 88.
Average Burden per Response: 64.5 hours.

Cost and Software Data Reporting DD–2794

Annual Burden Hours: 23,712.
Number of Respondents: 228.
Responses per Respondent: 1.
Annual Responses: 228.
Average Burden per Response: 104 hours.

Frequency: Annually.

CAPE is statutorily required by Title 10, United Stated Code in Section 2334(g), to ''develop policies, procedures, guidance and a collection method to ensure that quality acquisition cost data are collected to facilitate cost estimation and comparison across acquisition programs.'' Section 2334(g) also contains a 100-million-dollar threshold statutory requirement for providing cost data from each acquisition program that exceeds this amount.

Dated: August 24, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–18615 Filed 8–29–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0088]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Health Education Assistance Loan (HEAL) Program Regs

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before September 29, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its

information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed ICR that is described below. The Department is especially interested in public comments addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public record.

Title of Collection: Health Education Assistance Loan (HEAL) Program Regs.

OMB Control Number: 1845–0125.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Individuals and Households; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 129,945.

Total Estimated Number of Annual Burden Hours: 24,120.

Abstract: This is a request for an extension of OMB approval of information collection requirements associated with the Health Education Assistance Loan (HEAL) Program regulations for reporting, recordkeeping and notifications, currently approved under OMB No. 1845–0125. There has been no change to the regulatory language. The previous filing totals were incorrectly summed and the correct totals are presented here.

Dated: August 24, 2022.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–18591 Filed 8–29–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Inviting Publishers To Submit Tests for a Determination of Suitability for Use in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary of Education invites publishers to submit tests for review and approval for use in the National Reporting System for Adult Education (NRS) and announces the date by which publishers must submit these tests. This notice relates to the approved information collection under OMB control number 1830–0567.

DATES: *Deadline for transmittal of applications:* October 1, 2022.

ADDRESSES: Submit your application by email to *NRS@air.org.*

FOR FURTHER INFORMATION CONTACT: John LeMaster, U.S. Department of Education, 400 Maryland Avenue SW, Room 11152, Potomac Center Plaza, Washington, DC 20202–7240. Telephone: (202) 245–6218. Email: *John.LeMaster@ed.gov.*

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

SUPPLEMENTARY INFORMATION: The Department's regulations for Measuring Educational Gain in the National Reporting System for Adult Education, 34 CFR part 462 (NRS regulations), include the procedures for determining the suitability of tests for use in the NRS.

There is a review process that will begin on October 1, 2022. Only tests submitted by the due date will be reviewed in that review cycle. If a publisher submits a test after October 1, 2022, the test will not be reviewed until the review cycle that begins on October 1, 2023.

Criteria the Secretary Uses: In order for the Secretary to consider a test suitable for use in the NRS, the test must meet the criteria and requirements established in 34 CFR 462.13.

Submission Requirements:

(a) In preparing your application, you must comply with the requirements in 34 CFR 462.11.

(b) In accordance with 34 CFR 462.10, the deadline for transmittal of applications in this fiscal year is October 1, 2022.

(c) You must retain a copy of your sent email message and the email attachments as proof that you submitted your application by 11:59 p.m. local time on October 1, 2022.

(d) We do not consider applications submitted after the application deadline date to be timely for the October 1, 2022, review cycle. If an application is submitted after the October 1, 2022, deadline date, the application will be considered timely for the October 1, 2023, deadline date.

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

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

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

Authority: 29 U.S.C. 3292.

Amy Loyd,

Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2022–18624 Filed 8–29–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Debt Cancellation Legal Memorandum

AGENCY: Office of the General Counsel, Department of Education.

ACTION: Notice.

SUMMARY: The Department publishes this memorandum on the Secretary's legal authority to cancel student debt on a categorical basis.

FOR FURTHER INFORMATION CONTACT: Brian Siegel, U.S. Department of Education, Office of the General Counsel, 400 Maryland Avenue SW,

room 6E–105, Washington, DC 20202. Telephone: (202) 987–1508. Email: *brian.siegel@ed.gov.*

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

SUPPLEMENTARY INFORMATION: The Department publishes this memorandum on the Secretary's legal authority to cancel student debt on a categorical basis. The debt relief memorandum is in Appendix A of this notice.

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

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

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

Miguel A. Cardona,

Secretary of Education.

Appendix A—Debt Cancellation Legal Memorandum

TO: Miguel A. Cardona Secretary of Education
FROM: Lisa Brown General Counsel
DATE: August 23, 2022
SUBJECT: The Secretary's Legal Authority for Debt Cancellation

Introduction

For the past year and a half, the Office of General Counsel (''OGC''), in consultation with our colleagues at the Department of Justice Office of Legal Counsel, has conducted a review of the Secretary's legal authority to cancel student debt on a categorical basis. This review has included assessing the analysis outlined in a publicly disseminated January 2021 memorandum signed by a former Principal Deputy General Counsel. As detailed below, we have determined that the Higher Education Relief Opportunities for Students (''HEROES'') Act of 2003 grants the Secretary authority that could be used to effectuate a program of targeted loan cancellation directed at addressing the financial harms of the COVID–19 pandemic. We have thus determined that the January 2021 memorandum was substantively incorrect in its conclusions.

Given the significant public interest in this issue, and the potential for public confusion caused by the public availability of the January 2021 memorandum, I recommend making this memorandum publicly available and publishing it in the **Federal Register**, so as to provide the general public with notice of the Department's interpretation of the HEROES Act, consistent with statutory requirements. *See* 5 U.S.C. 552(a).[1]

I. The Secretary's HEROES Act Authority

The HEROES Act, first enacted in the wake of the September 11 attacks, provides the Secretary broad authority to grant relief from student loan requirements during specific periods (a war, other military operation, or national emergency, such as the present COVID–19 pandemic) and for specific purposes (including to address the financial harms of such a war, other military operation, or emergency). The Secretary of Education has used this authority, under both this and every prior administration since the Act's passage, to provide relief to borrowers in connection with a war, other military operation, or national emergency, including the ongoing moratorium on student loan payments and interest.[2]

Specifically, the HEROES Act authorizes the Secretary to ''waive or modify any statutory or regulatory provision applicable to the student financial assistance programs'' if the Secretary ''deems'' such waivers or modifications ''necessary to ensure'' at least one of several enumerated purposes, including that borrowers are ''not placed in a worse position financially'' because of a national emergency. 20 U.S.C. 1098bb(a)(1), (2)(A).

Several provisions of the HEROES Act indicate that Congress intended the Act to confer broad authority under the circumstances, and for the purposes, specified by the Act. First, the Act grants authority ''[n]otwithstanding any other provision of law, unless enacted with specific reference to this section.'' *Id.* § 1098bb(a)(1). Second, the Act authorizes the Secretary to waive or modify ''any'' statutory or regulatory provision applicable to the student financial assistance programs. *Id.* § 1098bb(a)(1), (a)(2). Third, the Act expressly authorizes the Secretary to issue such waivers and modifications as he ''deems necessary in connection with a war or other military operation or national emergency.'' *Id.* § 1098bb(a)(1). The Supreme Court has recognized that, in empowering a federal official to act as that official ''deems necessary'' in circumstances specified by a statute, Congress has granted the official broad discretion to take such action.[3] This authority is not, however, boundless: it is limited, *inter alia,* to periods of a war, other military operation, or national emergency (*id.* § 1098bb(a)(1)), to certain categories of eligible individuals or institutions (*id.* § 1098ee(2)), and to a defined set of purposes (*id.* § 1098bb(a)(2)(A)–(E)).

In present circumstances, this authority could be used to effectuate a program of categorical debt cancellation directed at addressing the financial harms caused by the COVID–19 pandemic. The Secretary could waive or modify statutory and regulatory provisions to effectuate a certain amount of cancellation for borrowers who have been financially harmed because of the COVID–19 pandemic. The Secretary's determinations regarding the amount of relief, and the categories of borrowers for whom relief is necessary, should be informed by evidence regarding the financial harms that borrowers have experienced, or will likely experience, because of the COVID–19 pandemic. But the Secretary's authority can be exercised categorically to address the situation at hand; it does not need to be exercised ''on a case-by-case basis.'' *Id.* § 1098bb(b)(3). That is, he is not required to determine or show that any individual borrower is entitled to a specific amount of relief, and he instead may provide relief on a categorical basis as necessary to address the financial harms of the pandemic.

II. The January 2021 Memorandum

On January 7, 2021, Secretary DeVos resigned from her position as Secretary of Education, effective January 8, 2021. On January 13, a news outlet published a memorandum signed January 12 by the then-Principal Deputy General Counsel, addressed to ''Betsy DeVos[,] Secretary of Education.''[4]

[1] The Office of Legal Counsel has made its own analysis of the Secretary's authority, which will be published in tandem with this memorandum's recommended publication.

[2] *See* Federal Student Aid Programs (Student Assistance General Provisions, Federal Perkins Loan Program, William D. Ford Federal Direct Loan Program, and Federal-Work Study Programs), 85 FR 79,856, 79,856 (Dec. 11, 2020) (''Secretary [DeVos] is issuing these waivers and modifications under the authority of the HEROES Act[.]''); Federal Student Aid Programs (Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and the Federal Direct Loan Program), 77 FR 59,311, 59,312 (Sept. 27, 2012) (''In accordance with the HEROES Act, . . . Secretary [Duncan] is providing the waivers and modifications of statutory and regulatory provisions applicable to the student financial assistance programs[.]''); Federal Student Aid Programs (Student Assistance General Provisions, Federal Perkins Loan Program, Federal Direct Loan Program, Federal Family Education Loan Program and the Federal Pell Grant Program), 68 FR 69,312, 69,312 (Dec. 12, 2003) (''Secretary [Paige] is issuing these waivers and modifications under the authority of section 2(a) of the Higher Education Relief Opportunities for Students (HEROES) Act of 2003[.]'').

[3] *Webster* v. *Doe,* 486 U.S. 592, 600 (1988) (statute authorizing action when an agency head ''shall *deem* such [action] *necessary* or advisable'' ''fairly exudes deference'' to agency head and ''strongly suggests that its implementation was 'committed to agency discretion by law' '' (second emphasis added) (some quotation marks omitted)).

[4] Michael Stratford, Trump Administration Tries to Hamstring Biden on Student Loan Forgiveness, Politico (Jan. 13, 2021).

Two substantively identical versions of that memorandum were posted to the website of the Office of Postsecondary Education, dated January 12 and January 18 (collectively, the ''January 2021 memorandum''). Having reviewed the memorandum in consultation with the Office of Legal Counsel, we have determined that although it accurately describes the core features of the HEROES Act, its ultimate conclusions are unsupported and incorrect.[5] As such, it should be rescinded.

As an initial matter, the bulk of the January 2021 memorandum's discussion of HEROES Act authority describes and quotes the key provisions of the HEROES Act. The memorandum explains that the HEROES Act provides the Secretary ''authority to provide specified [6] waivers or modifications to Title IV federal financial student aid program statutory and regulatory requirements because of the declared National Emergency,'' identifies that declared emergency as the COVID–19 national emergency declared on March 18, 2020, and characterizes this authority as ''narrowly cabined'' to achieving five enumerated purposes, including ''ensur[ing] that . . . recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals.'' Jan. 2021 Mem. at 5–6.

The memorandum goes on to read in purported limitations on the scope of relief that may be afforded that are contrary to the clear text of the Act. The memorandum advances three primary arguments in support of a conclusion that ''Congress never intended the HEROES Act as authority for mass cancellation, compromise, discharge, or forgiveness of student loan principal balances, and/or to materially modify repayment amounts or terms.'' Jan. 2021 Mem. at 6.

First, the memorandum recites certain statutory limits on the Secretary's authority, including the HEROES Act's statutory definition of individuals eligible for relief, 20 U.S.C. 1098ee(2), and the enumerated purposes for which waivers or modifications may be issued, *id.* § 1098bb(a)(2).

The memorandum is correct that such statutory provisions exist but provides no support for the suggestion that these provisions impose limitations beyond their clear terms. *See* Jan. 2021 Mem. at 6.

Second, the memorandum points to the HEROES Act's references to avoiding ''defaults'' and a ''cross-cite'' to a separate provision of the Higher Education Act relating to the ''return'' of student loan funds, concluding that these provisions ''provide a strong textual basis for concluding Congress intended loans to be repaid.'' *Id.* But these provisions—which identify as allowable purposes issuing waivers or modifications to avoid defaults and granting relief from certain requirements that borrowers return certain payments—in no way impose a requirement that any exercise of HEROES Act authority must ensure that every borrower is left with a remaining balance on their loan. The reference to ''defaults'' authorizes the Secretary to ''avoid'' defaults; it does not require that he preserve their possibility. And the Higher Education Act provisions regarding the ''return'' of overpayments relate only to specific processes and calculations under which students are required to return grant and loan assistance if they withdraw from their school, *see* 20 U.S.C. 1091b; there is no conceivable reading of this provision that reflects a congressional intent that all borrowers, including those not covered by the section 1091b overpayment provisions, are required to repay their loans in full.

Third, the memorandum concludes that the authority to ''waive or modify any statutory or regulatory provision'' is limited to the definition of ''modify'' that was adopted for an unrelated telecommunications statute, and ''does not authorize major changes.'' Jan. 2021 Mem. at 6. The memorandum draws its definition of modify from *MCI Telecomms. Corp.* v. *Am. Telephone & Telegraph Co.,* 512 U.S. 218, 225 (1994). In that case, the statutory provisions under review applied no clear limiting principle to a grant of modification authority to the FCC; the statute allowed modifications ''in [the FCC's] discretion and for good cause shown.'' *Id.* at 224 (quoting 47 U.S.C. 203 (1988 ed. and Supp. IV)). Here, the HEROES Act itself clearly speaks to the scope of modification authority: the Secretary may make those modifications as may be ''necessary to ensure'' specific enumerated purposes. 20 U.S.C. 1098bb. The Secretary may not make modifications going beyond that limit, but nor is he restricted to a degree of modifications that would fall short of ''ensur[ing]'' the enumerated purposes are achieved. Moreover, the HEROES Act broadly authorizes the Secretary to act as he ''deems necessary'' to ''waive or modify'' any statutory or regulatory provision applicable to the student aid program. The January 2021 memorandum's interpretation of ''modify'' would read the Act to authorize the Secretary to waive entirely or to make non-major changes in the relevant statutory or regulatory provisions, but not authorize the Secretary to do anything in between. That interpretation is illogical, and nothing in the HEROES Act's broad grant of authority supports such a reading.

We have discussed these and other aspects of the January 2021 memorandum with the Office of Legal Counsel, and we further find persuasive the discussion of the January 2021 memorandum offered in the Office of Legal Counsel's memorandum, which will be published in tandem with this memorandum's recommended publication.

Conclusion

For the reasons detailed above, I recommend that you (1) determine that the January 2021 memorandum is formally rescinded as substantively incorrect and (2) authorize publication in the **Federal Register** and public posting of this memorandum as the Department's interpretation of the HEROES Act.

[FR Doc. 2022–18731 Filed 8–29–22; 8:45 am]

BILLING CODE 4000–01–P

[5] In addition to determining that the conclusions contained in the January 2021 memorandum were substantively incorrect, we have determined that the memorandum was issued in contravention of then-effective Department processes for issuing significant guidance. An Interim Final Rule issued by the Department on October 5, 2020, pursuant to Executive Order 13,891, established additional procedures for the issuance of guidance documents. *See* Rulemaking and Guidance Procedures, 85 FR 62,597 (Oct. 5, 2020); *see also* Exec. Order No. 13,891, 84 FR 55,235 (Oct. 9, 2019). That rule established new requirements for the issuance of guidance and ''significant guidance,'' defining the latter term to include guidance documents that ''[r]aise novel, legal, or policy issues arising out of legal mandates [or] the President's priorities.'' 85 FR at 62,608. The public dissemination of the January 2021 memorandum violated a number of provisions of this rule, including that guidance must be ''accessible through the Department's guidance portal,'' and that, barring compelling cause, all significant guidance may be published only after a 30-day public comment period and review by the Office of Management and Budget under Executive Order 12,866 of September 30, 1993. *Id.* That rule was rescinded in September 2021, 86 FR 53,863 (Sept. 29, 2021), but it was in effect at the time of the January 2021 memorandum's publication. Thus, OGC has determined that the January 2021 memorandum was not properly promulgated.

[6] We read the term ''specified'' as acknowledging statutory limits on HEROES Act authority, including the enumerated purposes of 20 U.S.C. 1098bb(b)(1), and not as suggesting any atextual limitations on the Act's clear grant of authority to waive or modify ''any'' statutory or regulatory provision applicable to student aid programs, provided other HEROES Act requirements are met.

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: Bonneville Power Administration, Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE), Bonneville Power Administration (BPA), invites public comment on a collection of information that BPA is developing for submission to OMB pursuant to the Paperwork Reduction Act of 1995. The proposed collection, Contractor Safety, will be used to manage portions of the Safety program that are related to contractors. These collection instruments allow for compliance with Occupational Safety and Health Administration (OSHA) requirements.

DATES: Comments regarding this proposed information collection must be received on or before October 31, 2022. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent

within 60 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 60 day Review—Open for Public Comments'' or by using the search function. Written comments may be sent to Bonneville Power Administration, Attn: Stephanie Noell, Privacy Program, CGI–7, PO Box 3621, Portland, OR 97208–3621, or by email at *privacy@bpa.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Attn: Stephanie Noell, Privacy Program, by email at *privacy@bpa.gov,* or by phone at (503) 230–3881.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* New;

(2) *Information Collection Request Titled:* Contractor Safety;

(3) *Type of Review:* New;

(4) *Purpose:* This information collection will be used to manage BPA safety programs that relate to contractors: BPA F 5480.28e, Excavation/Trenching Permit, BPA F 6410.15e, Contractor's Report of Injury or Illness, BPA F 6410.18e, Contractor's Report of Incident/Near-Hit, BPA F 6410.42e, Contract Energized Electrical Work Permit;

(5) *Annual Estimated Number of Respondents:* 190;

(6) *Annual Estimated Number of Total Responses:* 190;

(7) *Annual Estimated Number of Burden Hours:* 50;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $0.

Statutory Authority: The Bonneville Project Act of 1937, 16 U.S.C 832a; and the following additional authorities: 42 U.S.C. 7101; 5 U.S.C. 301; E.O. 12009; 29 U.S.C. 657 and 29 CFR part 1926.

Signing Authority

This document of the Department of Energy was signed on August 8, 2022, by Candice D. Palen, Information Collection Clearance Manager, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 25, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–18716 Filed 8–29–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Extension of a Currently Approved Information Collection for the Weatherization Assistance Program

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

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE or the Department), pursuant to the Paperwork Reduction Act of 1995), intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). The information collection request, Historic Preservation for Energy Efficiency Programs, was initially approved on December 1, 2010, under OMB Control No. 1910–5155 and expired on September 30, 2015. The information collection request was previously approved on February 24, 2020 under OMB Control No. 1910–5155 and its current expiration date is February 28, 2023. This extension will allow DOE to continue data collection on the status of the Weatherization Assistance Program (WAP), the State Energy Program (SEP), and the Energy Efficiency and Conservation Block Grant (EECBG) Program. Program activities will ensure compliance with the National Historic Preservation Act (NHPA).

DATES: Comments regarding this propose information collection must be received on or before October 31, 2022. If you anticipate difficulty in submitting comments within that period, contact the person listed **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments may be sent to Michael Tidwell by email to the following address: *michael.tidwell@ee.doe.gov* with the subject line ''Historic Preservation for Energy Efficiency Programs (OMB No. 1910–5155)'' included in the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption. No telefacsimiles (faxes) will be accepted. For detailed instructions on submitting comments, see **ADDRESSES** section of this document. Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid–19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact the DOE staff person listed in this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Michael Tidwell, EE–5W, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585–0121 or by email or phone at *michael.tidwell@ee.doe.gov,* (240) 285–8937.

Additional information and reporting guidance concerning the Historic Preservation reporting requirement for the WAP, SEP, and EECBG programs are available for review at: *www.energy.gov/eere/wipo/downloads/wpn-10-12-historic-preservation-implementation.*

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended 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, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information

on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains: (1) *OMB No.:* 1910–5155; (2) *Information Collection Request Title:* ''Historic Preservation for Energy Efficiency Programs''; (3) *Type of Review:* Extension of a Currently Approved Information Collection; (4) *Purpose:* To collect information on the status of the Weatherization Assistance Program, State Energy Program, and Energy Efficiency and Conservation Block Grant Program activities. *State Energy Program (SEP):* This ICR will include Historic Preservation reporting for SEP Annual Appropriations, Infrastructure Investment and Jobs Act (IIJA) appropriations for SEP, and two new sub-programs of SEP established by IIJA—the Energy Efficiency Revolving Loan Program and the Energy Auditor Training Grant Program. *SEP Annual Appropriations:* On March 15, 2022, the President signed the Consolidated Appropriations Act of 2021, which appropriated $63,000,000 to SEP. As noted in SEP Program Notice 10–008E and 10–008F, SEP Grantees are required to complete Annual Historic Preservation Reports. *SEP IIJA Appropriations:* On November 15, 2021, the President signed the Infrastructure Investment and Jobs Act (IIJA), which appropriated $500,000,000 for SEP to provide Formula Grants to its Grantees (State Energy Offices). Grantees will use Formula Grants for similar activities as their Annual Appropriations grants, and Grantees will similarly be required to submit Annual Historic Preservation Reports for these IIJA grants. *Energy Efficiency Revolving Loan Fund Capitalization Grant Program:* The IIJA appropriated $250,000,000 to SEP to establish the Energy Efficiency Revolving Loan Fund Capitalization Grant Program, through which SEP will provide Capitalization Grants to SEP Grantees to establish revolving loan fund financing programs for energy efficiency projects in residential and commercial buildings. The grants will be allocated in part according to SEP's existing allocation formula, and development and implementation of financing programs are already a subset of activities for which Grantees can and have used Annual Appropriations grants. *Energy Auditor Training Grant Program:* The IIJA appropriated $40,000,000 to SEP to establish the Energy Auditor Training Grant Program, through which SEP will provide grants to certain SEP Grantees to train individuals to conduct energy audits or surveys of commercial and residential buildings. *Energy Efficiency and Conservation Block Grant (EECBG):* This ICR will also include Historic Preservation reporting for the financing programs funded by the EECBG Program under the American Recovery and Reinvestment Act (ARRA) that grantees are required to report on into perpetuity. Through section 40552(b) of IIJA, Congress appropriated $550,000,000 to the EECBG Program for fiscal year 2022, to remain available until expended. The EECBG Program provides Federal grants to states, units of local government, and Indian tribes to assist eligible entities in implementing strategies to reduce fossil fuel emissions, to reduce total energy use, and to improve energy efficiency as outlined by the Program's authorizing legislation, Title V, Subtitle E of the Energy Independence, and Security Act of 2007 (EISA). EECBG Program grantees will be required to submit Annual Historic Preservation Reports. EECBG does not receive annual appropriations but was previously funded by ARRA in 2009. A portion of ARRA EECBG Program grantees that chose to fund and administer financing programs continue to report annually on Historic Preservation and are included in this ICR. *Weatherization Assistance Program (WAP):* The third and final component of this ICR is the Historic Preservation Reporting for the WAP Formula and Competitive Grant activities. On March 15, 2022, the President signed the Consolidated Appropriations Act of 2021, which appropriated $334,000,000 to the WAP. These funds are available for WAP formula activities along with WAP competitive grant recipients, all of which will be required to complete annual Historic Preservation Reports.

(5) *Annual Estimated Number of Respondents:* 2,863; (6) *Annual Estimated Number of Total Responses:* 3,105; (7) *Annual Estimated Number of Burden Hours:* 9,661; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $436,691.62.

Statutory Authority: Title V, National Historic Preservation Act of 1966, Pub. L. 89–665 as amended (16 U.S.C. 470 *et seq.*).

Signing Authority

This document of the Department of Energy was signed on August 12, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 25, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–18635 Filed 8–29–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–496]

Application To Export Electric Energy; Command Power Corp.

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Command Power Corp. (Applicant) has applied for authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before September 29, 2022.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to (202) 586–8008.

FOR FURTHER INFORMATION CONTACT: Steven Blazek, 720–962–7265, *steven.blazek@hq.doe.gov*

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 42 U.S.C. 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On June 7, 2022, Applicant filed an application with DOE (Application or App.) ''for authority to transmit electric energy from the United States to Canada for a period of five (5) years.'' App. at 2. Applicant states that it is ''a Canadian company with its principal place of business in Douro-Dummer, Ontario.'' *Id.* at 2. Applicant adds that ''Command Power is a private corporation organized under the Business Corporations Act (Ontario, Canada). The company is a

direct, wholly owned subsidiary of HJ&J Enterprises Ltd., which is 100 percent owned by an individual, Jonathan Nikkel.'' *Id.* at 2–3. Applicant represents that it ''does not have any affiliates or upstream owners that possess any ownership interest or involvement in any other company that is a traditional utility or that owns, operates, or controls any electric generation, transmission or distribution facilities.'' *Id.*

Applicant further claims that it would ''purchase power to be exported from a variety of sources such as power marketers, independent power producers, or U.S. electric utilities and federal power marketing entities as those terms are defined in sections 3(22) and 3(19) of the FPA.'' App. at 3. Applicant contends that ''by definition, such power is surplus to the system of the generator and, therefore, the electric power that Command Power will export on either a firm or interruptible basis will not impair the sufficiency of the electric power supply within the U.S. *Id.* at 3.

The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Command Power Corp.'s application to export electric energy to Canada should be clearly marked with OE Docket No. EA–496. Additional copies are to be provided directly to Ruta Kalvaitis Skučas and Maeve C. Tibbetts, K&L Gates LLP, 1601 K St, NW, Washington, DC 20006, *ruta.skucas@klgates.com; maeve.tibbetts@klgates.com;* and Jonathan Nikkel, President, Command Power Corp., 293 Douro Second Line, Douro-Dummer, ON, K0L2B0 Canada, *jnikkel@commandpower.ca.* A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of the Application will be made available, upon request, by accessing the program website at *https://energy.gov/node/11845,* or by emailing Steven Blazek at *Steven.Blazek@hq.doe.gov*.

Signed in Washington, DC, on August 25, 2022.

Christopher Lawrence,

Management and Program Analyst, Electricity Delivery Division, Office of Electricity.

[FR Doc. 2022–18721 Filed 8–29–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–384–B]

Application To Export Electric Energy; NRG Power Marketing LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: NRG Power Marketing LLC (Applicant or NRGPML) has applied for authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before September 14, 2022.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to (202) 586–8008.

FOR FURTHER INFORMATION CONTACT: Steven Blazek, 720–962–7265, *steven.blazek@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 42 U.S.C. 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On May 25, 2022, NRGPML filed an application with DOE (Application or App.) for ''its blanket authority to transmit electric energy from the United States to Mexico.'' App. at 1. NRGPML states that it ''is a Delaware limited liability corporation with a principal place of business in Princeton, New Jersey,'' adding that it ''is a power marketer authorized by the Federal Energy Regulatory Commission (FERC) to make sales of electric power at wholesale in interstate commerce at market-based rates.'' *Id.* NRGPML represents that it ''does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area.'' *Id.*

NRGPML further claims that it would ''purchase the energy to be exported from wholesale generators, electric utilities, and federal power marketing agencies.'' App. at 2. NRGPML contends that it ''will purchase the energy to be exported from wholesale generators, electric utilities, and federal power marketing agencies. By definition, such energy is surplus to the system of the generator and thus, exportation of said energy will not impair the adequacy of electric power supply within the United States.'' App. at 3.

NRGPML applied to renew the authorization granted in DOE Order No. EA–384–A, which expired on June 11, 2022.

The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at the address provided above. Protests should be filed in accordance with Rule 211 of the FERC Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning NRGPML's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–384–B. Additional copies are to be provided directly to Alan Johnson, Managing Director Regulatory Compliance, NRG Energy, Inc., 804 Carnegie Center, Princeton, NJ 08540, *Alan.Johnson@nrg.com;* and Michael A. Yuffee, Baker Botts LLP, 700 K Street NW, Washington, DC 20001, *michael.yuffee@bakerbotts.com.* A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of

supply or reliability of the U.S. electric power supply system.

Copies of the Application will be made available, upon request, by accessing the program website at *https://energy.gov/node/11845,* or by emailing Steven Blazek at *Steven.Blazek@hq.doe.gov.*

Signed in Washington, DC, on August 25, 2022.

Christopher Lawrence,

Management and Program Analyst, Electricity Delivery Division, Office of Electricity.

[FR Doc. 2022–18720 Filed 8–29–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2790–074]

Boott Hydropower, LLC; Notice of Settlement Agreement and Soliciting Comments

Take notice that the following settlement agreement has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Settlement Agreement.

b. *Project No.:* 2790–074.

c. *Date Filed:* August 22, 2022.

d. *Applicant:* Boott Hydropower, LLC (Boott).

e. *Name of Project:* Lowell Hydroelectric Project (project).

f. *Location:* The existing project is located on the Merrimack River in Middlesex County, Massachusetts and Hillsborough County, New Hampshire. The project does not occupy any federal land but is located within the administrative boundary of the Lowell National Historical Park.

g. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

h. *Applicant Contact:* Kevin Webb, Licensing Manager, Boott Hydropower, LLC, 670 N Commercial Street, Suite 204, Manchester, NH 03101; (978) 935–6039 or *kwebb@centralriverspower.com.*

i. *FERC Contact:* Bill Connelly, (202) 502–8587 or *william.connelly@ferc.gov.*

j. *Deadline for Filing Comments:* September 23, 2022. Reply comments due October 8, 2022.

The Commission strongly encourages electronic filing. Please file comments 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 at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2790–074.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Boott filed the Settlement Agreement on behalf of itself, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the New Hampshire Fish and Game Department, the Massachusetts Division of Marine Fisheries, and the Massachusetts Division of Fisheries and Wildlife. The purpose of the Settlement Agreement is to resolve, among the signatories, issues related to minimum flows in the project's bypassed reach and fish passage associated with the issuance of any new license and fishway prescriptions under Section 18 of the FPA for the project. Specifically, the Settlement Agreement includes, but is not limited to, proposed measures for minimum flows in the bypassed reach, modifications to existing upstream and downstream fish passage facilities, modifications to the project's bypassed reach for upstream fish passage, installation of an upstream fish passage facility in the project tailrace, fish passage studies and effectiveness testing, fish passage protection, and fish passage facility operation. Boott requests that the Commission incorporate the proposed measures into any new license issued.

l. A copy of the settlement agreement may be viewed on the Commission's website 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 (*i.e.,* P–2790). 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 Online Support.

You may also 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.

Dated: August 24, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18656 Filed 8–29–22; 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: RP22–1141–000.

Applicants: Viking Gas Transmission Company.

Description: § 4(d) Rate Filing: Update Part 8.26 GT&C Sec 26.2.4 Determination of FLRPs to be effective 9/23/2022.

Filed Date: 8/23/22.

Accession Number: 20220823–5041.

Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: RP22–1142–000.

Applicants: Equitrans, L.P.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements—9/1/2022 to be effective 9/1/2022.

Filed Date: 8/24/22.

Accession Number: 20220824–5021.

Comment Date: 5 p.m. ET 9/6/22..

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 24, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18654 Filed 8–29–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2703–000]

Pattern Energy Management Services LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Pattern Energy Management Services LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 13, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: August 24, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18653 Filed 8–29–22; 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: EC22–113–000.

Applicants: Titan Solar 1, LLC, Helios Solar Capital, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Titan Solar 1, LLC, et al.

Filed Date: 8/23/22.

Accession Number: 20220823–5105.

Comment Date: 5 p.m. ET 9/13/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–556–006; ER17–104–008; ER17–105–008; ER10–1362–008; ER12–2639–011; ER21–2330–001; ER21–2331–001; ER21–2333–001; ER21–2336–001.

Applicants: Tecolote Wind LLC, Red Cloud Wind LLC, Duran Mesa LLC, Clines Corners Wind Farm LLC, Ocotillo Express LLC, Hatchet Ridge Wind, LLC, Broadview Energy JN, LLC, Broadview Energy KW, LLC, Grady Wind Energy Center, LLC

Description: Supplement to June 30, 2022 Triennial Market Power Analysis for Southwest Region of Grady Wind Energy Center, LLC, et al.

Filed Date: 8/24/22.

Accession Number: 20220824–5018.

Comment Date: 5 p.m. ET 9/14/22.

Docket Numbers: ER22–2707–000.

Applicants: Gulf Power Company.

Description: Notice of Cancellation of Market Based Rate Tariff of Florida Power & Light Company.

Filed Date: 8/23/22.

Accession Number: 20220823–5107.

Comment Date: 5 p.m. ET 9/13/22.

Docket Numbers: ER22–2708–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6582; Queue No. AE2–333 to be effective 7/25/2022.

Filed Date: 8/24/22.

Accession Number: 20220824–5012.

Comment Date: 5 p.m. ET 9/14/22.

Docket Numbers: ER22–2709–000.

Applicants: Tampa Electric Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 104_Osprey Interconnection Agreement to be effective 10/24/2022.

Filed Date: 8/24/22.

Accession Number: 20220824–5031.

Comment Date: 5 p.m. ET 9/14/22.

Docket Numbers: ER22–2710–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2022–08–24_SA 3261 Termination of MidAmerican-Bridges Wind Energy GIA (J528) to be effective 4/14/2020.

Filed Date: 8/24/22.

Accession Number: 20220824–5035.

Comment Date: 5 p.m. ET 9/14/22.

Docket Numbers: ER22–2711–000.

Applicants: PacifiCorp.

Description: Tariff Amendment: Termination of Engineering and Procurement Agreement—Copco No. 1 to be effective 10/24/2022.

Filed Date: 8/24/22.

Accession Number: 20220824–5066.

Comment Date: 5 p.m. ET 9/14/22.

Docket Numbers: ER22–2712–000.

Applicants: PacifiCorp.

Description: Tariff Amendment: Termination of Engineering and Procurement Agreement—Copco No. 2 to be effective 10/24/2022.

Filed Date: 8/24/22.

Accession Number: 20220824–5067.

Comment Date: 5 p.m. ET 9/14/22.

Docket Numbers: ER22–2713–000.

Applicants: Parkway Generation Sewaren Urban Renewal Entity LLC.

Description: Compliance filing: Notice of Succession—Market-Based Rate Tariff to be effective 8/25/2022.

Filed Date: 8/24/22.

Accession Number: 20220824–5070.

Comment Date: 5 p.m. ET 9/14/22.

Docket Numbers: ER22–2714–000.

Applicants: Parkway Generation Sewaren Urban Renewal Entity LLC.

Description: Compliance filing: Notice of Succession—Reactive Service Tariff to be effective 8/25/2022.

Filed Date: 8/24/22.

Accession Number: 20220824–5072.

Comment Date: 5 p.m. ET 9/14/22.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR22–4–000

Applicants: North American Electric Reliability Corporation

Description: Request of North American Electric Reliability Corporation for Acceptance of 2023 Business Plans and Budgets of NERC and Regional Entities and for Approval of Proposed Assessments to Fund Budgets.

Filed Date: 8/23/22

Accession Number: 20220823–5101

Comment Date: 5 p.m. ET 9/13/22.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385211 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 24, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18655 Filed 8–29–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–33–000]

Commission Information Collection Activities (FERC–547); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–547 (Gas Pipeline Rates: Refund Report Requirements).

DATES: Comments on the collection of information are due October 31, 2022.

ADDRESSES: Send written comments on FERC–547 (IC22–33–000) to the Commission. You may submit copies of your comments by one of the following methods:

Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.
  - *Mail via U.S. Postal Service Only Addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (including courier) Delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: FERC submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov/ferc-online/overview.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: Gas Pipeline Rates: Refund Report Requirements.

OMB Control No.: 1902–0084.

Type of Request: Three-year extension of the FERC–547 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses FERC–547 (Gas Pipeline Rates: Refund Report Requirements) to implement the statutory refund provisions governed by Sections 4, and 16 of the Natural Gas Act (NGA).[1] Section 4 authorizes the Commission to order a refund (with interest) for any portion of a natural gas company's increased rate or charge found to be unjust or unreasonable. Refunds may also be instituted by a natural gas company as a stipulation to a Commission-approved settlement agreement or a provision under the company's tariff. Section 16 of the NGA authorizes the Commission to prescribe rules and regulations necessary to administer its refund mandates. The Commission's refund reporting requirements are located in 18 CFR 154.501 (Refund Obligations) and 154.502 (Reports).

The Commission uses the data collected in FERC–547 to monitor refunds owed by natural gas companies to ensure that the flow-through of refunds owed by these companies are made as expeditiously as possible and to assure that refunds are made in compliance with the Commission's regulations.

Type of Respondents: Natural gas companies.

Estimate of Annual Burden:[2] Refund obligations occur following a Commission determination of unjust or unreasonable rates. Due to the nature of determinations on an ad hoc basis, the Commission estimate is based on the average number of refund obligations. The Commission estimates the annual public reporting burden for the information collection as:

[1] 15 U.S.C. 717–717w.

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 CFR 1320.3.

FERC–547: GAS PIPELINE RATES: REFUND REPORT REQUIREMENTS

Number of respondents	Number of responses per respondent	Total number of responses	Average burden hours & average cost [3] per response ($)	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
(1)	(2)	(1) × (2) = (3)	(4)	(3) × (4) = (5)	(5) ÷ (1) = (6)
22	2	44	2 hrs.; $182	88 hrs.; $8,008	$364

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 24, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18652 Filed 8–29–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Southeastern Power Administration

Notice of Interim Approval of Rate Schedules for the Georgia-Alabama-South Carolina Projects

AGENCY: Southeastern Power Administration, DOE.

ACTION: Notice of interim approval.

SUMMARY: The Administrator for the Southeastern Power Administration (Southeastern) has confirmed and approved, on an interim basis, rate schedules SOCO–1–G, SOCO–2–G, SOCO–3–G, SOCO–4–G, Duke–1–G, Duke–2–G, Duke–3–G, Duke–4–G, Santee–1–G, Santee–2–G, Santee–3–G, Santee–4–G, SCE&G–1–G, SCE&G–2–G, SCE&G–3–G, SCE&G–4–G, Pump–1–A, and Replacement–1. These rate schedules are applicable to Southeastern power sold to existing preference customers in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina. The rate schedules are approved on an interim basis through September 30, 2027, and are subject to confirmation and approval by the Federal Energy Regulatory Commission (FERC) on a final basis.

DATES: Approval of rates on an interim basis is effective October 1, 2022.

FOR FURTHER INFORMATION CONTACT: Virgil G. Hobbs, Administrator, Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, Georgia 30635–4578, (706) 213–3800.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission, by Order issued January 25, 2018, in Docket No. EF17–5–000 (162 FERC ¶ 62,059), confirmed and approved Wholesale Power Rate Schedules SOCO–1–F, SOCO–2–F, SOCO–3–F, SOCO–4–F, ALA–1–O, Duke–1–F, Duke–2–F, Duke–3–F, Duke–4–F, Santee–1–F, Santee–2–F, Santee–3–F, Santee–4–F, SCE&G–1–F, SCE&G–2–F, SCE&G–3–F, SCE&G–4–F, Pump–1–A, and Replacement–1 through September 30, 2022. This order replaces these rate schedules on an interim basis, subject to final approval by FERC.

Department of Energy

Administrator, Southeastern Power Administration

In the Matter of:

Southeastern Power Administration

Rate Order No. SEPA–62

Georgia-Alabama-South Carolina System Power Rates

Order Confirming And Approving

Power Rates on an Interim Basis

Rate Order No. SEPA–62 and associated rate schedules are applicable to Southeastern Power Administration (Southeastern) power sold to existing preference customers in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina. The rate schedules are approved on an interim basis, effective October 1, 2022, through September 30, 2027, and are subject to confirmation and approval by the Federal Energy Regulatory Commission (FERC) on a final basis.

Background

Power from the Georgia-Alabama-South Carolina Projects is presently sold under Wholesale Power Rate Schedules SOCO–1–F, SOCO–2–F, SOCO–3–F, SOCO–4–F, ALA–1–O, Duke–1–F, Duke–2–F, Duke–3–F, Duke–4–F, Santee–1–F, Santee–2–F, Santee–3–F, Santee–4–F, SCE&G–1–F, SCE&G–2–F, SCE&G–3–F, SCE&G–4–F, Pump–1–A, and Replacement–1. These rate schedules were approved by the FERC in docket number EF17–5–000 on January 25, 2018, for a period ending September 30, 2022 (162 FERC ¶ 62,059).

Public Notice and Comment

Notice of a proposed rate adjustment was published in the **Federal Register** March 25, 2022 (87 FR 17080). The notice advised interested parties of a proposed reduction in the capacity rates of approximately one percent (1%) and an increase of four percent (4%) for energy. The proposed increase in the revenue requirement was about two percent (2%). A public information and comment forum was held April 26, 2022, in Atlanta, Georgia. Written comments were accepted through June 23, 2022. Comments were received from two parties at the forum. Written comments were received from twelve interested parties.

Comments received from interested parties are summarized below. Southeastern's responses are also provided.

Oral Comment 1: In reviewing the public notice and the materials submitted to date, it appears that the rates as proposed are entirely consistent with Section 5 of the Flood Control Act of 1944 and the administrator has used his discretion to set the rates as low as possible consistent with sound business principles, and the Southeastern Federal Power Customers support that approach and continued diligence by the administrator. There are perhaps a couple of questions that the materials raise that we will follow up in further inquiries in terms of Corps revenue and Corps O&M projections, but at this time

[3] FERC staff estimates that industry costs for salary plus benefits are similar to Commission costs. The cost figure is the FY2022 FERC average annual salary plus benefits ($188,992/year or $91/hour).

that's the sum and total of our comments right now.

Oral Comment 2: We would like to add that as we've most recently reviewed potential costs associated with stimulus dollars, that those stimulus dollars monies not be included in any future rate study. With that, that concludes my report.

Written Comment 1: The public notice represents that SEPA has proposed a de minimis rate increase to account increases in the costs of providing the hydropower. We appreciate the efforts of the SEPA staff to develop a rate that provides the lowest possible increase in the face of rising costs. Furthermore, we understand that the proposed rate does not include amounts for stimulus funds that Congress provided to the Corps in 2021. We support this decision and resulting rate.

Response to Oral Comments 1 and 2, and Written Comment 1: Southeastern continues to work with preference customers and the Corps to review operation and maintenance actual costs and estimates to ensure accuracy of cost assignment and projections to establish the lowest possible rates consistent with sound business principles within the meaning of Section 5 of the Flood Control Act of 1944. Southeastern will continue to monitor costs and processes to ensure only appropriate hydropower program related costs are reflected in power rates charged to customers.

Written Comment 2: SeFPC supports the proposed rate adjustment for the GA-AL-SC system of projects. SeFPC also comments on the authority of the Administrator to set the rates under Section 5 of the Flood Control Act of 1944. SeFPC further comments on the discretion SEPA enjoys in determining how to structure the recovery of prospective costs associated with the federal hydropower purpose. At heart of the SeFPC's comments is the assertion that stimulus funding provided to the US Army Corps of Engineers in IIJA and DRSA laws should only be included in SEPA rates to the extent that the expenditure is attributable to hydropower purposes, regardless of Corps cost accounting.

Response to Written Comment 2: Southeastern has a statutory duty to balance the recovery of costs of the Corps projects in a reasonable number of years while providing the lowest possible rates to preference customers consistent with sound business principles. Southeastern has received no financial documents from the Corps regarding the assignment of costs to the hydropower purpose related to the funding referenced in the comment. As Southeastern receives updated data, the Administrator will determine the appropriate costs that are subject to recovery though the rate in future actions.

Discussion

System Repayment

An examination of Southeastern's revised system power repayment study, prepared in December 2021, for the Georgia-Alabama-South Carolina System shows that with the proposed rates, all system power costs are paid within the appropriate repayment period required by existing law and DOE Order RA 6120.2. The Administrator, Southeastern Power Administration has certified that the rates are consistent with applicable law and that they are the lowest possible rates to customers consistent with sound business principles.

Legal Authority

Pursuant to Section 302(a) of the Department of Energy Organization Act (Pub. L. 95–91, 42 U.S.C. 7152(a)), the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), relating to Southeastern, were transferred to and vested in the Secretary of Energy. By Delegation Nos. S1–DEL–RATES–2016 and S1–DEL–RATES–1993, effective November 19, 2016, and November 4, 1993, respectively, the Secretary of Energy delegated to the Administrator, Southeastern Power Administration, the authority to develop power and transmission rates, to the Deputy Secretary of Energy the authority to confirm, approve, and place such rates into effect on an interim basis, and to FERC the authority to confirm, approve, and place into effect on a final basis or to disapprove rates developed by the Administrator under the delegation. By Delegation No. S1–DEL–S3–2022–2, effective June 13, 2022, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary (for Infrastructure). By Redelegation No. S3–DEL–SEPA1–2022, effective June 13, 2022, the Secretary of Energy, for the Under Secretary (for Infrastructure), redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Administrator, Southeastern Power Administration, under which this rate is confirmed, approved, and placed into effect on an interim basis by the Administrator, Southeastern Power Administration.

Environmental Impact

Southeastern has reviewed the possible environmental impacts of the rate adjustment under consideration and has concluded that, because the adjusted rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, as amended, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Determination Under Executive Order 12866

Southeastern has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Availability of Information

Information regarding these rates, including studies, and other supporting materials, is available for public review in the offices of Southeastern Power Administration, 1166 Athens Tech Road, Elberton, Georgia 30635–6711.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective October 1, 2022, attached Wholesale Power Rate Schedules SOCO–1–G, SOCO–2–G, SOCO–3–G, SOCO–4–G, Duke-1–G, Duke-2–G, Duke-3–G, Duke-4–G, Santee-1–G, Santee-2–G, Santee-3–G, Santee-4–G, SCE&G–1–G, SCE&G–2–G, SCE&G–3–G, SCE&G–4–G, Pump-1–A, and Replacement-1. The rate schedules shall remain in effect on an interim basis through September 30, 2027, unless such period is extended or until the FERC confirms and approves them or substitute rate schedules on a final basis.

Signing Authority

This document of the Department of Energy was signed on August 22, 2022, by Virgil G. Hobbs III, Administrator for Southeastern Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters

the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 25, 2022.

Treena V. Garrett,

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

Wholesale Power Rate Schedule SOCO–1–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Georgia, Alabama, Mississippi, and Florida to whom power may be transmitted and scheduled pursuant to contracts between the Government and Southern Company Services, Incorporated (hereinafter called the Company) and the Customer. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission

$4.08 per kilowatt of total contract demand per month estimated as of January 2022 is presented for illustrative purposes.

The initial transmission charge will be the Customer's ratable share of the transmission and distribution charges paid by the Government. The transmission charges are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's Open Access Transmission Tariff (OATT). The distribution charges may be modified by FERC pursuant to application by the Company under Section 205 of the Federal Power Act or the Government under Section 206 of the Federal Power Act.

Proceedings before FERC involving the OATT or the distribution charges may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer.

Scheduling, System Control and Dispatch Service

$0.0806 per kilowatt of total contract demand per month.

Reactive Supply and Voltage Control From Generation Sources Service

$0.11 per kilowatt of total contract demand per month.

Regulation and Frequency Response Service

$0.0483 per kilowatt of total contract demand per month.

Transmission, System Control, Reactive, and Regulation Services

The charges for Transmission, System Control, Reactive, and Regulation Services shall be governed by and subject to refund based upon the determination in the proceeding involving Southern Companies' OATT.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system.

As of March 2017, applicable energy losses are as follows:

Transmission facilities 2.2%
Sub-transmission 2.0%
Distribution Substations 0.9%
Distribution Lines 2.25%

These losses shall be effective until modified by FERC, pursuant to application by Southern Companies under Section 205 of the Federal Power Act or SEPA under Section 206 of the Federal Power Act or otherwise.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule SOCO–2–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Georgia, Alabama, Mississippi, and Florida to whom power may be transmitted pursuant to contracts between the Government and Southern Company Services, Incorporated (hereinafter called the Company) and the Customer. The Customer is responsible for providing a scheduling arrangement with the Government. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission

$4.08 per kilowatt of total contract demand per estimated as of January 2022 is presented for illustrative purposes.

The initial transmission charge will be the Customer's ratable share of the transmission and distribution charges paid by the Government. The transmission charges are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's Open Access Transmission Tariff (OATT). The distribution charges may be modified by FERC pursuant to application by the Company under Section 205 of the Federal Power Act or the Government under Section 206 of the Federal Power Act.

Proceedings before FERC involving the OATT or the distribution charges may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer.

Reactive Supply and Voltage Control From Generation Sources Service

$0.11 per kilowatt of total contract demand per month.

Transmission, System Control, Reactive, and Regulation Services

The charges for Transmission, System Control, Reactive, and Regulation Services shall be governed by and subject to refund based upon the determination in the proceeding involving Southern Companies' OATT.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. As of March 2017, applicable energy losses are as follows:

Transmission facilities 2.2%
Sub-Transmission 2.0%
Distribution Substations 0.9%
Distribution Lines 2.25%

These losses shall be effective until modified by FERC, pursuant to application by Southern Companies under Section 205 of the Federal Power Act or SEPA under Section 206 of the Federal Power Act or otherwise.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule SOCO–3–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Georgia, Alabama, Mississippi, and Florida to whom power may be scheduled pursuant to contracts between the Government and Southern Company Services, Incorporated (hereinafter called the Company) and the Customer. The Customer is responsible for providing a transmission arrangement. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects (hereinafter referred to collectively as the Projects) and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission of the Company's rate.

Scheduling, System Control and Dispatch Service

$0.0806 per kilowatt of total contract demand per month.

Regulation and Frequency Response Service

$0.0483 per kilowatt of total contract demand per month.

Transmission, System Control, Reactive, and Regulation Services

The charges for Transmission, System Control, Reactive, and Regulation Services shall be governed by and subject to refund based upon the determination in the proceeding involving Southern Companies' Open Access Transmission Tariff.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses).

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule SOCO–4–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Georgia, Alabama, Mississippi, and Florida served through the transmission facilities of Southern Company Services, Inc. (hereinafter called the Company) or the Georgia Integrated Transmission System. The Customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects (hereinafter referred to collectively as the Projects) and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission of the Company's rate.

Transmission, System Control, Reactive, and Regulation Services

The charges for Transmission, System Control, Reactive, and Regulation Services shall be governed by and subject to refund based upon the determination in the proceeding involving Southern Companies' Open Access Transmission Tariff.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract that the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses).

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule Duke–1–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in North Carolina and South Carolina to whom power may be transmitted and scheduled pursuant to contracts between the Government and Duke Energy Company (hereinafter called the Company) and the Customer. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission

$1.51 per kilowatt of total contract demand per month is presented for illustrative purposes.

The initial transmission charge will be the Customer's ratable share of the transmission and distribution charges paid by the Government. The transmission charges are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT may result in the separation

of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses of three percent (3%) as of January 2022). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. These losses shall be effective until modified by FERC, pursuant to application by the Company under Section 205 of the Federal Power Act or SEPA under Section 206 of the Federal Power Act or otherwise.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule Duke–2–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in North Carolina and South Carolina to whom power may be transmitted pursuant to contracts between the Government and Duke Energy Company (hereinafter called the Company) and the Customer. The Customer is responsible for providing a scheduling arrangement with the Government. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission

$1.51 per kilowatt of total contract demand per month is presented for illustrative purposes.

The initial transmission charge will be the Customer's ratable share of the transmission and distribution charges paid by the Government. The transmission charges are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses of three per cent (3%) as of January 2022). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system. These losses shall be effective until modified by the Federal Energy Regulatory Commission, pursuant to application by the Company under Section 205 of the Federal Power Act or SEPA under Section 206 of the Federal Power Act or otherwise.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule Duke–3–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in North Carolina and South Carolina to whom power may be scheduled pursuant to contracts between the Government and Duke Energy Company (hereinafter called the Company) and the Customer. The Customer is responsible for providing a transmission arrangement. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the Savannah River Projects

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission of the Company's rate.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses).

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule Duke–4–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in North Carolina and South Carolina served through the transmission facilities of Duke Energy Company (hereinafter called the Company) and the Customer. The Customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement with the Company. Nothing in this rate schedule shall preclude modifications to the aforementioned contracts to allow an eligible customer to elect service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the Savannah River Projects.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission of the Company's rate.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses).

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule Santee–1–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter call the Customer) in South Carolina to whom power may be wheeled and scheduled pursuant to contracts between the Government and South Carolina Public Service Authority (hereinafter called the Authority). Nothing in this rate schedule shall preclude an eligible customer from electing service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Authority's transmission and distribution system.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Authority. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Authority's rate.

Transmission

$1.88 per kilowatt of total contract demand per month as of January 2022 is presented for illustrative purposes.

The initial transmission rate is subject to annual adjustment on July 1 of each year, and will be computed subject to the formula contained in Appendix A to the Government-Authority Contract.

Proceedings before FERC involving the Authority's Open Access Transmission Tariff may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Authority (less applicable losses of two per cent (2%) as of January 2022). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Authority's system.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Service Interruption

When energy delivery to the Customer's system for the account of the Government is reduced or interrupted, and such reduction or interruption is not due to conditions on the Customer's system, the demand charge for the month shall be appropriately reduced as to kilowatts of such capacity which have been interrupted or reduced for each day in accordance with the following formula:

$$\left(\begin{array}{c}\text{Number of kilowatts unavailable}\\ \text{for at least 12 hours in}\\ \text{any calendar day}\end{array}\right) \times \left(\frac{\text{Monthly Capacity Charge}}{\text{Number of Days in Billing Month}}\right)$$

Wholesale Power Rate Schedule Santee–2–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter call the Customer) in South Carolina to whom power may be wheeled pursuant to contracts between the Government and South Carolina Public Service Authority (hereinafter called the Authority). The customer is responsible for providing a scheduling arrangement with the Government. Nothing in this rate schedule shall preclude an eligible customer from electing service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Authority's transmission and distribution system.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Authority. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Authority's rate.

Transmission

$1.88 per kilowatt of total contract demand per month as of January 2022 is presented for illustrative purposes.

The initial transmission rate is subject to annual adjustment on July 1 of each year, and will be computed subject to the formula contained in Appendix A to the Government-Authority Contract.

Proceedings before FERC involving the Authority's Open Access Transmission Tariff may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract that the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Authority (less applicable losses of two percent (2%) as of January 2022). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Authority's system.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Service Interruption

When energy delivery to the Customer's system for the account of the Government is reduced or interrupted, and such reduction or interruption is not due to conditions on the Customer's system, the demand charge for the month shall be appropriately reduced as to kilowatts of such capacity which have been interrupted or reduced for each day in accordance with the following formula:

$$\left(\begin{array}{c}\text{Number of kilowatts unavailable}\\ \text{for at least 12 hours in}\\ \text{any calendar day}\end{array}\right) \times \left(\frac{\text{Monthly Capacity Charge}}{\text{Number of Days in Billing Month}}\right)$$

Wholesale Power Rate Schedule Santee–3–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter call the Customer) in South Carolina to whom power may be scheduled pursuant to contracts between the Government and South Carolina Public Service Authority (hereinafter called the Authority). The customer is responsible for providing a transmission arrangement. Nothing in this rate schedule shall preclude an eligible customer from electing service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Authority. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission of the Authority's rate.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract that the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Authority (less applicable losses).

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Service Interruption

When energy delivery to the Customer's system for the account of the Government is reduced or interrupted, and such reduction or interruption is not due to conditions on the Customer's system, the demand charge for the month shall be appropriately reduced as to kilowatts of such capacity which have been interrupted or reduced for each day in accordance with the following formula:

$$\left(\begin{array}{c}\text{Number of kilowatts unavailable}\\ \text{for at least 12 hours in}\\ \text{any calendar day}\end{array}\right) \times \left(\frac{\text{Monthly Capacity Charge}}{\text{Number of Days in Billing Month}}\right)$$

Wholesale Power Rate Schedule Santee–4–G

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter call the Customer) in South Carolina served through the transmission facilities of South Carolina Public Service Authority (hereinafter called the Authority). The customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement. Nothing in this rate schedule shall preclude an eligible customer from electing service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Authority. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission of the Authority's rate.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract that the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Authority (less applicable losses).

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Service Interruption

When energy delivery to the Customer's system for the account of the Government is reduced or interrupted, and such reduction or interruption is not due to conditions on the Customer's system, the demand charge for the month shall be appropriately reduced as to kilowatts of such capacity which have been interrupted or reduced for each day in accordance with the following formula:

$$\left(\begin{array}{c}\text{Number of kilowatts unavailable}\\ \text{for at least 12 hours in}\\ \text{any calendar day}\end{array}\right) \times \left(\frac{\text{Monthly Capacity Charge}}{\text{Number of Days in Billing Month}}\right)$$

Wholesale Power Rate Schedule SCE&G–1–G

Availability

This rate schedule shall be available public bodies and cooperatives (any one of which is hereinafter called the Customer) in South Carolina to whom power may be wheeled and scheduled pursuant to contracts between the Government and the Dominion Energy South Carolina, Inc. (hereinafter called the Company). Nothing in this rate schedule shall preclude an eligible customer from electing service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission

$5.07 per kilowatt of total contract demand per month as of January 2022 is presented for illustrative purposes.

The initial transmission charge will be the Customer's ratable share of the transmission and distribution charges paid by the Government. The transmission charges are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Conditions of Service

The Customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Company on its side of the delivery point.

Wholesale Power Rate Schedule SCE&G–2–G

Availability

This rate schedule shall be available public bodies and cooperatives (any one of which is hereinafter called the Customer) in South Carolina to whom power may be wheeled pursuant to contracts between the Government and the Dominion Energy South Carolina, Inc. (hereinafter called the Company). The customer is responsible for providing a scheduling arrangement with the Government. Nothing in this rate schedule shall preclude an eligible customer from electing service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the delivery points of the Customer on the Company's transmission and distribution system.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission (FERC) of the Company's rate.

Transmission

$5.07 per kilowatt of total contract demand per month as of January 2022 is presented for illustrative purposes.

The initial transmission charge will be the Customer's ratable share of the transmission and distribution charges paid by the Government. The transmission charges are governed by and subject to refund based upon the determination in proceedings before FERC involving the Company's Open Access Transmission Tariff (OATT).

Proceedings before FERC involving the OATT may result in the separation of charges currently included in the transmission rate. In this event, the Government may charge the Customer for any and all separate transmission and distribution charges paid by the Government in behalf of the Customer.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract that the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Conditions of Service

The Customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Company on its side of the delivery point.

Wholesale Power Rate Schedule SCE&G–3–G

Availability

This rate schedule shall be available public bodies and cooperatives (any one of which is hereinafter called the Customer) in South Carolina to whom power may be scheduled pursuant to contracts between the Government and the Dominion Energy South Carolina, Inc. (hereinafter called the Company). The customer is responsible for providing a transmission arrangement. Nothing in this rate schedule shall preclude an eligible customer from electing service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon

acceptance for filing by the Federal Energy Regulatory Commission of the Company's rate.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract that the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses).

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Conditions of Service

The Customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Company on its side of the delivery point.

Wholesale Power Rate Schedule SCE&G–4–G

Availability

This rate schedule shall be available public bodies and cooperatives (any one of which is hereinafter called the Customer) in South Carolina served through the transmission facilities of Dominion Energy South Carolina, Inc. (hereinafter called the Company). The customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement. Nothing in this rate schedule shall preclude an eligible customer from electing service under another rate schedule.

Applicability

This rate schedule shall be applicable to the sale at wholesale of power and accompanying energy generated at the Allatoona, Buford, J. Strom Thurmond, Walter F. George, Hartwell, Millers Ferry, West Point, Robert F. Henry, Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. This rate schedule does not apply to energy from pumping operations at the Carters and Richard B. Russell Projects.

Character of Service

The electric capacity and energy supplied hereunder will be delivered at the Projects.

Monthly Rate

The monthly rate for capacity, energy, and generation services provided under this rate schedule for the period specified shall be:

Capacity Charge

$4.04 per kilowatt of total contract demand per month.

Energy Charge

12.80 Mills per kilowatt-hour.

Generation Services

$0.12 per kilowatt of total contract demand per month.

Additional rates for Transmission, System Control, Reactive, and Regulation Services provided under this rate schedule shall be the rates charged Southeastern Power Administration by the Company. Future adjustments to these rates will become effective upon acceptance for filing by the Federal Energy Regulatory Commission of the Company's rate.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract that the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the company (less applicable losses).

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Conditions of Service

The Customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Company on its side of the delivery point.

Wholesale Power Rate Schedule Pump–1–A

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Georgia, Alabama, Mississippi, Florida, South Carolina, or North Carolina to whom power is provided pursuant to contracts between the Government and the Customer.

Applicability

This rate schedule shall be applicable to the sale at wholesale energy generated from pumping operations at the Carters and Richard B. Russell Projects and sold under appropriate contracts between the Government and the Customer. The energy will be segregated from energy from other pumping operations.

Character of Service

The energy supplied hereunder will be delivered at the delivery points provided for under appropriate contracts between the Government and the Customer.

Monthly Rate

The rate for energy sold under this rate schedule for the months specified shall be:

$EnergyRate = (C_{wav} \div F_{wav}) \div (1 - L_d)$

[computed to the nearest $.00001 (1/100 mill) per kWh]

(The weighted average cost of energy for pumping divided by the energy conversion factor, quantity divided by one minus losses for delivery.)

Where:

$C_{wav} = C_{T1} \div E_{T1}$

(The weighted average cost of energy for pumping for this rate schedule is equal to the cost of energy purchased or supplied for the benefit of the customer for pumping divided by the total energy for pumping.)

$C_{T1} = C_p + C_s$

(Cost of energy for pumping for this rate schedule is equal to the cost of energy purchased or supplied for the benefit of the customer plus the cost of energy in storage carried over from the month preceding the specified month.)

$E_{T1} = E_p x\ (1 - L_p) + E_s^{t-1}$

(Energy for pumping for this rate schedule is equal to the energy purchased or supplied for the benefit of the customer, after losses, plus the energy for pumping in storage as of the end of the month preceding the specified month.)

$C_s = C^{t-1}{}_{wav}\ x\ E^{t-1}{}_s$

(Cost of energy in storage is equal to the

weighted average cost of energy for pumping for the month preceding the specified month times the energy for pumping in storage at the end of the month preceding the specified month.)

C_p = Dollars cost of energy purchased or supplied for the benefit of the customer for pumping during the specified month, including all direct costs to deliver energy to the project.

E_p = Kilowatt-hours of energy purchased or supplied for the benefit of the customer for pumping during the specified month.

L_p = Energy loss factor for transmission on energy purchased or supplied for the benefit of the customer for pumping (Expected to be .03 or three percent.)

E_s^{t-1} = Kilowatt-hours of energy in storage as of the end of the month immediately preceding the specified month.

C^{t-1}_{wav} = Weighted average cost of energy for pumping for the month immediately preceding the specified month.

$F_{wav} = E_G \div E_T$

(Weighted average energy conversion factor is equal to the energy generated from pumping divided by the total energy for pumping.)

E_G = Energy generated from pumping.

L_d = Weighted average energy loss factor on energy delivered by the facilitator to the customer.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Facilitator (less any losses required by the Facilitator). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Facilitator's system.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Wholesale Power Rate Schedule Replacement–1

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of whom is hereinafter called the Customer) in Georgia, Alabama, Mississippi, Florida, South Carolina, or North Carolina to whom power is provided pursuant to contracts between the Government and the Customer.

Applicability

This rate schedule shall be applicable to the sale at wholesale energy purchased to meet contract minimum energy and sold under appropriate contracts between the Government and the Customer.

Character of Service

The energy supplied hereunder will be delivered at the delivery points provided for under appropriate contracts between the Government and the Customer.

Monthly Rate

The rate for energy sold under this rate schedule for the months specified shall be:

$EnergyRate = C_{wav} \div (1 - L_d)$

[computed to the nearest $.00001 (1/100 mill) per kWh]

(The weighted average cost of energy for replacement energy divided by one minus losses for delivery.)

Where:

$C_{wav} = C_p \div (E_p x (1 - L_p))$

(The weighted average cost of energy for replacement energy is equal to the cost of replacement energy purchased divided by the replacement energy purchased, net losses.)

C_p = Dollars cost of energy purchased for replacement energy during the specified month, including all direct costs to deliver energy to the project.

E_p = Kilowatt-hours of energy purchased for replacement energy during the specified month.

L_p = Energy loss factor for transmission on replacement energy purchased (Expected to be 0 or zero percent.)

L_d = Weighted average energy loss factor on energy delivered by the facilitator to the customer.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a percentage specified by contract of the energy made available to the Facilitator (less any losses required by the Facilitator). The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Facilitator's system.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

[FR Doc. 2022–18686 Filed 8–29–22; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0105; FRL–10176–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Renewable Fuel Standard (RFS) Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''Renewable Fuel Standard (RFS) Program'' (EPA ICR Number 2546.03, OMB Control Number 2060–0725) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2022. Public comments were previously requested via the **Federal Register** on February 11, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before September 29, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2020–0105 online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information

collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Anne-Marie Pastorkovich, Mail Code 6405A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–343–9623 ; email address: *pastorkovich.anne-marie@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This ICR package is a renewal of an existing collection. The Renewable Fuel Standard (RFS) regulations are in 40 CFR part 80, subpart M. Because it is more efficient and easier for regulated parties to understand, we seek to consolidate the following approved ICRs into this collection: ''Modifications to Fuel Regulations to Provide Flexibility for E15; Modifications to RFS RIN Market Regulations (Final Rule),'' OMB Control Number 2060–0723, expiring November 30, 2022; and ''Renewable Fuel Standard Program: Standards for 2020 and Biomass-Based Diesel Volume for 2021, Response to the Remand of the 2016 Standards, and Other Changes (Final Rule),'' OMB Control Number 2060–0728, expiring December 31, 2023.

What is the RFS Program?

The RFS program was created under the Energy Policy Act of 2005 (EPAct), which amended the Clean Air Act (CAA). The Energy Independence and Security Act of 2007 (EISA) further amended the CAA by expanding the RFS program. The RFS program is a national policy that requires a certain volume of renewable fuel to replace or reduce the quantity of petroleum-based transportation fuel, heating oil or jet fuel.

What are the Recordkeeping and Reporting Requirements Associated with the RFS Program?

The reporting requirements of the RFS program typically fall under registration and compliance reporting. Recordkeeping requirements include product transfer documents (PTDs) and retention of records that support items reported. Because RFS relies upon a marketplace of RINs, EPA has created and maintains the EPA Moderated Transaction System (EMTS) capable of handling a high volume of RIN trading activities.

Who are the Respondents for the RFS Program?

The respondents to this ICR are RIN Generators (producers and importers of renewable fuel), Obligated Parties (refiners and importers of gasoline and diesel), Exporters, RIN Owners, independent third-party Quality Assurance Plan (QAP) Providers, Third Parties (Auditors who submit reports on behalf of other respondents), and certain petitioners under the international aggregate compliance approach (such petitions are infrequent).

Respondents/affected entities: RIN Generators, Obligated Parties, RIN Owners, Exporters, QAP Providers, Third Parties (Auditors) and Petitioners under the international aggregate compliance approach. These parties include producers and importers of renewable fuels and refiners and importers of gasoline and diesel transportation fuels.

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 45,558 (total).

Frequency of response: On occasion/daily, quarterly, annual.

Total estimated burden: 860,971 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $23,039,905 (per year),[1] all of which is purchased services, and includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is net decrease of 66,917 hours in the total estimated respondent burden compared with the ICRs (as discussed above, this ICR combines three ICRs in the renewal of 2060–0725; these three total 927,888 hours) currently approved by OMB. This decrease is due to several factors. Certain reporting burdens (*e.g.,* initial registration or initial programming of product codes) are one-time and front-loaded as far as their hourly burden; and this leads to a decrease in total hours upon renewal in subsequent years. The number of parties participating in various recordkeeping and reporting activities based upon their roles in the program is somewhat fluid, and activity varies with economic conditions, and we tended to be overly generous in our initial estimates. Upon renewal, we use the actual number of registrants, by role; this ICR renewal uses the total number of parties registered in October 2021. Finally, we showed our estimates to industry representatives who are actual respondents (to perform industry consultations) and made adjustments to the hours spent in recordkeeping and reporting, and to the hourly rates used to estimate cost, based upon their feedback, and as described in the docketed supporting statement.

[1] The total labor and non-labor cost of this collection is estimated at $93,160,406; only non-labor costs are reflected in the OMB inventory. The supporting statement and detailed burden estimate tables explain these costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–18708 Filed 8–29–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2019–0370; FRL–OP–OFA–032]

Proposed Information Collection Request; Comment Request; Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Renewal)'' (EPA ICR No. 1808.09, OMB Control No. 2020–0007) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through April 30, 2023. An Agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before October 31, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OA–2019–0296, online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

The EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Julie Roemele, NEPA Compliance Division, Office of Federal Activities, Mail Code 2501G, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–5632; email address: *roemele.julie@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about the EPA's public docket, visit *https://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The EPA's regulations at 40 CFR part 8, Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Rule), were promulgated pursuant to the Antarctic Science, Tourism, and Conservation Act of 1996 (Act), 16 U.S.C. 2401 *et seq.,* as amended, 16 U.S.C. 2403a, which implements the Protocol on Environmental Protection (Protocol) to the Antarctic Treaty of 1959 (Treaty). The Rule provides for assessment of the environmental impacts of nongovernmental activities in Antarctica, including tourism, for which the United States is required to give advance notice under Paragraph 5 of Article VII of the Treaty, and for coordination of the review of information regarding environmental impact assessments received from other Parties under the Protocol. The requirements of the Rule apply to operators of nongovernmental expeditions organized or proceeding from the territory of the United States to Antarctica and include commercial and non-commercial expeditions. Expeditions may include ship-based tours; yacht, skiing or mountaineering expeditions; privately funded research expeditions; and other nongovernmental activities. The rule provides nongovernmental operators with the specific requirements they need to meet to comply with the requirements of Article 8 and Annex I to the Protocol. The provisions of the Rule are intended to ensure that potential environmental effects of nongovernmental activities undertaken in Antarctica are appropriately identified and considered by the operator during the planning process and that to the extent practicable appropriate environmental safeguards which would mitigate or prevent adverse impacts on the Antarctic environment are identified by the operator.

Environmental Documentation. Persons subject to the Rule must prepare environmental documentation to support the operator's determination regarding the level of environmental impact of the proposed expedition. Environmental documentation includes a Preliminary Environmental Review Memorandum (PERM), an Initial Environmental Evaluation (IEE), or a Comprehensive Environmental Evaluation (CEE). The environmental document is submitted to the Office of Federal Activities (OFA). If the operator determines that an expedition may have: (1) less than a minor or transitory impact, a PERM needs to be submitted no later than 180 days before the proposed departure to Antarctica; (2) no more than minor or transitory impacts, an IEE needs to be submitted no later than 90 days before the proposed departure; or (3) more than minor or transitory impacts, a CEE needs to be submitted. Operators who anticipate such activities are encouraged to consult with EPA as soon as possible regarding the date for submittal of the CEE. (Article 3(4), of Annex I of the Protocol requires that draft CEEs be distributed to all Parties and the Committee for Environmental Protection 120 days in advance of the next Antarctic Treaty Consultative Meeting at which the CEE may be addressed.)

The Protocol and the Rule also require an operator to employ procedures to assess and provide a regular and verifiable record of the actual impacts of an activity which proceeds based on an IEE or CEE. The record developed through these measures needs to be designed to: (a) enable assessments to be made of the extent to which environmental impacts of nongovernmental expeditions are consistent with the Protocol; and (b) provide information useful for minimizing and mitigating those impacts and, where appropriate, on the need for suspension, cancellation, or modification of the activity. Moreover, an operator needs to monitor key environmental indicators for an activity proceeding based on a CEE. An operator may also need to carry out monitoring to assess and verify the impact of an activity for which an IEE would be prepared. For activities that require an IEE, an operator should be able to use procedures currently being voluntarily utilized by operators to provide the required information. Should an activity require a CEE, the operator should consult with the EPA to: (a) identify the monitoring regime appropriate to that activity, and (b) determine whether and how the operator might utilize relevant monitoring data collected by the U.S. Antarctic Program. OFA would consult with the National Science Foundation (NSF) and other interested Federal agencies regarding the monitoring regime.

Environmental documents (*e.g.,* PERM, IEE, CEE) are submitted to OFA. Environmental documents are reviewed by OFA, in consultation with the NSF and other interested Federal agencies and made available to other Parties and the public as required under the Protocol or otherwise requested. OFA notifies the public of document availability at: *https://www.epa.gov/international-cooperation/receipt-environmental-impact-assessments-eias-regarding-nongovernmental.*

The types of nongovernmental activities currently being carried out (*e.g.,* ship-based tours, land-based tours, flights, and privately funded research expeditions) are typically unlikely to have impacts that are more than minor

or transitory, thus an IEE is the typical level of environmental documentation submitted. For the 1997–1998 through 2021–2022 austral summer seasons during the time the Rule has been in effect, all respondents submitted IEEs except for three PERMs. Paperwork reduction provisions in the Rule that are used by the operators include: (a) incorporation of material in the environmental document by referring to it in the IEE, (b) inclusion of all proposed expeditions by one operator within one IEE; (c) use of one IEE to address expeditions being carried out by more than one operator; and (d) use of multi-year environmental documentation to address proposed expeditions for a period of up to five consecutive austral summer seasons.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are all nongovernmental operators with activities in Antarctica, including tour operators, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Antarctic Treaty of 1959; this includes all nongovernmental expeditions to and within Antarctica organized in or proceeding from the territory of the United States.

Respondent's obligation to respond: Mandatory (40 CFR part 8).

Estimated number of respondents: 28 (total).

Frequency of response: Annual.

Total estimated burden: 2,228 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $167,100 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 684 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is the result of a change to the number of operators that the EPA anticipates will submit environmental documentation due to more operators traveling to the Antarctic.

Dated: August 24, 2022.

Robert Tomiak,

Director, Office of Federal Activities.

[FR Doc. 2022–18642 Filed 8–29–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2021–0728; FRL–10179–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Section 8 of the Toxic Substances Control Act (TSCA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Section 8 of the Toxic Substances Control Act (TSCA) (EPA ICR Number 2703.01, OMB Control Number 2070–NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a request to consolidate certain activities currently covered under other existing ICRs. Public comments were previously requested via the **Federal Register** on March 8, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before September 29, 2022.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA–HQ–OPPT–2021–0728, online using *www.regulations.gov* (our preferred method), by email to *https://www.epa.gov/dockets,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Katherine Sleasman, Regulatory Support Branch (7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–1204; email address: *sleasman.katherine@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's dockets, visit *https://www.epa.gov/dockets.*

Abstract: This new ICR consolidates information collection activities established under TSCA section 8 currently approved by OMB under Control numbers: 2070–0004; 2070–0017; 2070–0054; and 2070–0067. Although imposed for a specific chemical substance, the activities are already established and only vary based on the specific authority under TSCA section 8 and the need for the information for that chemical. EPA is consolidating the existing ICRs to streamline the presentation of paperwork burden estimates, thereby reducing the administrative burden for both the public and the Agency and allowing a better assessment of the burden and costs for reporting and recordkeeping activities under TSCA section 8.

This ICR covers reporting and recordkeeping requirements in TSCA section 8, for persons who manufacture, import, or process chemical substances, mixtures, or categories, or distribute them in commerce. The purpose of the ICR activities is to collect data that will help EPA evaluate the potential for human health and environmental risks caused by the manufacture, processing, and distribution in commerce of chemical substances, mixtures, or categories.

Under TSCA section 8(a), persons who manufacture, import, or process certain chemical substances or mixtures, or propose to manufacture, import, or process certain chemical substances or mixtures, are required to comply with the Preliminary Assessment Information Rule (PAIR)—which requires

manufacturers and importers of certain chemical substances to submit information about production, use, and/or exposure-related data—and also potentially chemical-specific ''8(a) rules'' requiring additional, more detailed, information.

Under TSCA section 8(c), persons who manufacture, import, process, or distribute in commerce any chemical substance or mixture must keep records of significant adverse reactions to health or the environment, as determined by the Administrator by rule. Allegations of adverse reactions to the health of employees be kept for thirty years, and all other allegations be kept for five years. The rule also prescribes the conditions under which a firm must submit or make the records available to a duly designated representative of the Administrator.

Finally, under TSCA section 8(d), persons, who manufacture, import, process, or distribute in commerce (or propose to manufacture, import, process, or distribute in commerce) certain chemical substances and mixtures, are required to submit to EPA lists and copies of health and safety studies which relate to health and/or environmental effects of the chemical substances and mixtures. To comply with an ''8(d)'' rule, respondents must search their records to identify any health and safety studies in their possession, make copies of relevant studies, list studies that are currently in progress, and submit this information to EPA.

Form Numbers: 7710–51; 7710–35.

Respondents/Affected entities: Manufacturers (including imports) or processors of chemical substances of mixtures, NAICS Codes 325 & 324.

Respondent's obligation to respond: Mandatory (TSCA Section 8 and 40 CFR 704; 712; 716; 717; & 766).

Estimated number of respondents: 13,294 (total).

Frequency of response: On occasion.

Total estimated burden: 26,226 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $5,109,515 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the estimates: This information collection combines the burdens from four previously approved ICRs. The total burden hours requested for this ICR is 26,226 and the total estimated cost is $5,109,515. There was an increase in the estimated number of responses for Section 8(d) Health and Safety Studies and Chemical Specific Section 8(a) because of the reinstatement of this ICR, and increased number of potential Section 8(d) submissions. The increase for these two information collections is 50 responses, 7 for Section 8(d) Health and Safety Studies and 43 Chemical Specific Section 8(a) respectively, from the two previously approved ICRs. The total combined cost burden from the Section 8(d) Health and Safety Studies and the Chemical Specific Section 8(a) currently approved ICRs is $23,501 ($23,501 + $0), respectively, and the total cost burden requested for these information collections is ICR is $56,397 ($41,607 + $14,790).

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–18709 Filed 8–29–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10170–01–OA]

Request for Nominations for the Science Advisory Board Environmental Justice Screen (EJScreen) Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to form a Panel to review the updated EJScreen methodology. EJScreen is an environmental justice mapping and screening tool that provides EPA with a nationwide consistent approach for combining environmental and demographic indicators to identify areas with potential environmental justice (EJ) concerns. The SAB EJScreen Review Panel will consider the EJScreen methodology and updated calculations for the EJ indexes released publicly in 2022, as well as other aspects of the calculations. The Panel will also be asked to provide recommendations and expert input on other components of the tool.

DATES: Nominations should be submitted by September 20, 2022 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishing further information concerning this notice may contact Dr. Zaida Figueroa, Designated Federal Officer (DFO), via telephone (202) 566–2643, or email at *figueroa.zaida@epa.gov.* General information about the SAB, as well as any updates concerning the meetings announced in this notice can be found on the SAB website at *https://sab.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2) and related regulations. The SAB Staff Office is forming an expert panel, the SAB EJScreen Review Panel, under the auspices of the Chartered SAB. The SAB EJScreen Review Panel will provide advice through the chartered SAB. The SAB and the SAB EJScreen Review Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

EJScreen is an environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators to identify areas with potential EJ concerns. The data collected and screening tool may be of interest to governmental partners, the public, communities, and a variety of stakeholders as they search for environmental or demographic information. It can also support a wide range of purposes, including scientific research and policy goals. The SAB EJScreen Review Panel will conduct a review of the updated EJScreen methodology. The current methodology underlaying EJScreen was peer reviewed in 2014. EPA is currently updating that methodology and calculations for the EJ indexes, as well as other aspects of the mapping tool calculations including the use of percentiles, representation of the scores, buffer analysis, among other topics, that will be released publicly in 2022. The Panel will also be asked to provide recommendations and expert input on these updates, as well as the demographic index and methods to consider multiple geographies.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise in the following disciplines: applications of geographic information science (GIS), including mapping and geospatial analyses; cartography; environmental justice tools; index development; modeling; screening tools; environmental pollution; environmental economics; sociology; exposure

assessment; environmental indicators; demographics; spatial mathematics or analysis; statistics and coding. Strongest consideration will be given to individuals with demonstrated experience working with overburdened and vulnerable communities, or communities with EJ concerns in addition to the disciplines listed above (as documented in their curriculum vitae, resume, and/or publication history).

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the SAB Panel. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form on the SAB website at *https://sab.epa.gov* (see the ''Public Input on Membership'' list under ''Committees, Panels, and Membership''). To be considered, nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability, or ethnicity. Nominations should be submitted in time to arrive no later than September 20, 2022. The following information should be provided on the nomination form: contact information for the person making the nomination; contact information for the nominee; and the disciplinary and specific areas of expertise of the nominee. Nominees will be contacted by the SAB Staff Office and will be asked to provide a recent curriculum vitae and a narrative biographical summary that includes: current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB website, should contact the DFO at the contact information noted above. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates for the Panel on the SAB website at *https://sab.epa.gov.* Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming the expert panel, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees'' (EPA Form 3110–48). This confidential form is required and allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB website at *https://sab.epa.gov.* This form should not be submitted as part of a nomination.

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board (EPA–SAB–EC–02–010), which is posted on the SAB website at *https://sab.epa.gov.*

Thomas H. Brennan,

Director, Science Advisory Board Staff Office.

[FR Doc. 2022–18683 Filed 8–29–22; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Monday, September 12, 2022, 12:00 p.m. Eastern Time.

PLACE: Equal Employment Opportunity Commission Headquarters, 131 M St. NE, Washington, DC 20507. The meeting will be held as a live streamed videoconference, with an option for listen-only audio dial-in by telephone. The public may observe the videoconference or connect to the audio-only dial-in by following the instructions that will be posted on *www.eeoc.gov* at least 24 hours before the meeting. Closed captioning and ASL services will be available.

MATTERS TO BE CONSIDERED: The following item will be considered at the meeting:

Strategic Enforcement Plan Listening Session II: Identifying Vulnerable Workers and Reaching Underserved Communities

Note: In accordance with the Sunshine Act, the public will be able to observe the Commission's deliberations. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides information about Commission meetings on its website, *www.eeoc.gov,* and provides a recorded announcement at least a week in advance of future Commission meetings.)

Please telephone (202) 921–2750, or email *commissionmeetingcomments@eeoc.gov* at any time for information on this meeting.

CONTACT PERSON FOR MORE INFORMATION: Shelley Kahn, Acting Executive Officer, (202) 921–3061.

Dated: August 26, 2022.

Shelley Kahn,

Acting Executive Officer Executive Secretariat.

[FR Doc. 2022–18807 Filed 8–26–22; 4:15 pm]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0325, OMB 3060–0357, OMB 3060–0768, OMB 3060–0994, OMB 3060–1029, OMB 3060–1108; FR ID 102370]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before October 31, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0325.

Title: Section 80.605, U.S. Coast Guard Coordination.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 10 respondents and 10 responses.

Estimated Time per Response: 1.1 hours.

Frequency of Response: On occasion reporting requirement and Third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 4, 303, 307(e), 309, and 332, 48 Stat. 1066, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted.

Total Annual Burden: 11 hours.

Annual Cost Burden: None.

Needs and Uses: The information collection requirements contained in Section 80.605 are necessary because applicants are required to obtain written permission from the Coast Guard in the area where radio-navigation/radio-location devices are located. This rule insures that no hazard to marine navigation will result from the grant of applications for non-selectable transponders and shore based radio-navigation aids. The Coast Guard is responsible for making this determination under 14 U.S.C. 18. Section 308(b) of the Communications Act of 1934, as amended, 47 U.S.C. 308(b) mandates that the Commission have such facts before it to determine whether an application should be granted or denied. The potential hazard to navigation is a critical factor in determining whether this type of radio device should be authorized.

OMB Control No.: 3060–0357.

Title: Recognized Private Operating Agency (RPOA), 47 CFR 63.701.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 5 respondents; 5 responses.

Estimated Time per Response: 2–5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154(j), 201, 214 and 403.

Total Annual Burden: 19 hours.

Annual Cost Burden: $8,725.

Needs and Uses: This collection will be submitted as an extension after the 60-day comment period to the Office of Management and Budget (OMB) in order to obtain the full three-year clearance.

The Commission requests this information in order to make recommendations to the U.S. Department of State for granting recognized private operating agency (RPOA) status to requesting entities. The Commission does not require entities to request RPOA status. Rather, this is a voluntary application process for use by companies that believe that obtaining RPOA status will be beneficial in persuading foreign governments to allow them to conduct business abroad. RPOA status also permits companies to join the International Telecommunication Union's (ITU's) Telecommunications Sector, which is the standards-setting body of the ITU.

The information furnished in RPOA requests is collected pursuant to 47 CFR 63.701 of the Commission's rules. Entities submit these applications on a voluntary basis. The collection of information is a one-time collection for each respondent. Without this information collection, the Commission's policies and objectives for assisting unregulated providers of enhanced services to enter the market for international enhanced services would be thwarted.

OMB Control No.: 3060–0768.

Title: 28 GHz Band Segmentation Plan Amending the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Reallocate the 29.5 to 30.0 GHz Frequency Band and to Establish Rules and Policies.

Form No.: None.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents/Responses: 17 respondents; 17 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirement; third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 154 and 303.

Total Annual Burden: 34 hours.

Annual Cost Burden: $4,950.

Needs and Uses: The Federal Communications Commission (''Commission'') is requesting an extension of the information collection titled, ''28 GHz Band'' under OMB Control No. 3060–0768 from the Office of Management and Budget (OMB).

The information collection requirements contained in this collection require are as follows: (1) Local Multipoint Distribution Systems (LMDS) licensees to serve copies of their applications on all Non-Geostationary Mobile Satellite Service (NGSO/MSS) applicants (Section 101.147) and (2) NGSO/MSS feeder link earth stations must specify a set of geographic coordinates for location of these earth stations, 15 days after the release of a public notice announcing

commencement of LMDS auctions (Section 101.147).

The information is used by the Commission and other applicants and/or licensees in the 28 GHz band to facilitate technical coordination of systems among applicants and/or licensees in the 28 GHz band. Without such information, the Commission could not implement the Commission's band plan. Affected applicants and licensees are required to provide the requested information to the Commission and other third parties whenever they seek authority to provide service in the 28 GHz band. The frequency of filing is, in general, determined by the applicant or licensees. If this information is compiled less frequently or not filed in conjunction with our rules, applicants and licensees will not obtain the authorization necessary to provide telecommunications services. Furthermore, the Commission would not be able to carry out its mandate as required by statute and applicants and licensees would not be able to provide service effectively.

OMB Control No.: 3060–0994.

Title: Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L Band, and the 1.6/2.4 GHz Band.

Form No: Not Applicable.

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

Respondents: Business or other for-profit entities.

Number of Respondents: 126 respondents; 126 responses.

Estimated Time per Response: 0.50–50 hours per response.

Frequency of Response: On occasion, one time and annual reporting requirements, third-party disclosure and recordkeeping requirements.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i), 7, 302, 303(c), 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 154(i), 157, 302, 303(c), 303(e), 303(f) and 303(r).

Total Annual Burden: 520 hours.

Annual Cost Burden: $488,360.

Needs and Uses: This collection will be submitted to the Office of Management and Budget (OMB) as an extension following the 60-day comment period in order to obtain the full three-year clearance from OMB.

The purposes of this collection are to obtain information necessary for licensing operators of Mobile-Satellite Service (MSS) networks to provide ancillary services in the U.S. via terrestrial base stations (Ancillary Terrestrial Components, or ATCs); obtain the legal and technical information required to facilitate the integration of ATCs into MSS networks in the L-Band and the 1.6/2.4 GHz Bands; and to ensure that ATC licensees meet the Commission's legal and technical requirements to develop and maintain their MSS networks and operate their ATC systems without causing harmful interference to other radio systems.

This information collection is used by the Commission to license commercial ATC radio communication services in the United States, including low-power ATC. The revised collection is to be used by the Commission to regulate equipment manufacturers and licensees of low-power ATC networks. Without the collection of information that would result from these final rules, the Commission would not have the necessary information to grant entities the authority to operate commercial ATC stations and provide telecommunications services to consumers.

OMB Control No.: 3060–1029.

Title: Data Network Identification Code (DNIC).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 2 respondents; 2 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collections is contained in 47 U.S.C. 151, 154(i)–(j), 201–205, 211, 214, 219, 220, 303(r), 309 and 403.

Total Annual Burden: 5 hours.

Annual Cost Burden: No cost.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60-day comment period to Office of Management and Budget (OMB) in order to obtain the full three-year clearance. A Data Network Identification Code (DNIC) is a unique, four-digit number designed to provide discrete identification of individual public data networks. The DNIC is intended to identify and permit automated switching of data traffic to particular networks. The FCC grants the DNICs to operators of public data networks on an international protocol. The operators of public data networks file an application for a DNIC on the internet-based, International Bureau Filing System (IBFS). The DNIC is obtained free of charge on a one-time only basis unless there is a change in ownership or the owner chooses to relinquish the code to the FCC. The Commission's lack of an assignment of DNICs to operators of public data networks would result in technical problems that prevent the identification and automated switching of data traffic to particular networks.

OMB Control No.: 3060–1108.

Title: Consummation of Assignments and Transfers of Control of Authorization.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 163 respondents; 163 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The Commission has authority for this information collection pursuant to 47 U.S.C. 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 163 hours.

Annual Cost Burden: $48,900.

Needs and Uses: This collection will be submitted to the Office of Management and Budget (OMB) as an extension after this 60 day comment period has ended in order to obtain the full three-year clearance from OMB.

Without this collection of information, the Commission would not have critical information such as a change in a controlling interest in the ownership of the licensee. The Commission would not be able to carry out its duties under the Communications Act and to determine the qualifications of applicants to provide international telecommunications service, including applicants that are affiliated with foreign entities, and to determine whether and under what conditions the authorizations are in the public interest, convenience, and necessity. Furthermore, without this collection of information, the Commission would not be able to maintain effective oversight of U.S. providers of international telecommunications services that are affiliated with, or involved in certain co-marketing or similar arrangements with, foreign entities that have market power.

Federal Communications Commission.

Sheryl Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2022–18688 Filed 8–29–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0717; FR ID 102371]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before October 31, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0717.

Title: Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92–77, 47 CFR Sections 64.703(a), 64.709, 64.710.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,418 respondents; 11,250,150 responses.

Estimated Time per Response: 1 minute (.017 hours)—50 hours.

Frequency of Response: Annual and on-occasion reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is found at 47 U.S.C. 226, Telephone Operator Services, Public Law 101–435, 104 Stat. 986, codified at 47 CFR 64.703(a) Consumer Information, 64.709 Informational Tariffs, and 64.710 Operator Services for Prison Inmate Phones.

Total Annual Burden: 205,023 hours.

Total Annual Cost: $139,500.

Needs and Uses: The information collection requirements contained in 47 CFR 64.703(a), Operator Service Providers (OSPs) are required to disclose, audibly and distinctly to the consumer, at no charge and before connecting any interstate call, how to obtain rate quotations, including any applicable surcharges. 47 CFR 64.710 imposes similar requirements on OSPs to inmates at correctional institutions. 47 CFR 64.709 codifies the requirements for OSPs to file informational tariffs with the Commission. These rules help to ensure that consumers receive information necessary to determine what the charges associated with an OSP-assisted call will be, thereby enhancing informed consumer choice in the operator services marketplace.

Federal Communications Commission.

Sheryl Todd,

Deputy Secretary. Office of the Secretary.

[FR Doc. 2022–18706 Filed 8–29–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0936 and OMB 3060–1092; FR ID 102134]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before September 29, 2022.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box,

(5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control No.: 3060–0936.

Title: Sections 95.2593, 95.2595 and 95.2509, Medical Device Radiocommunications Service (MedRadio).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and not-for-profit institutions.

Number of Respondents: 3,120 respondents; 3,120 responses.

Estimated Time per Response: 1–3 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151 and 303 of the Communications Act of 1934, as amended.

Total Annual Burden: 9,120 hours.

Total Annual Cost: No cost.

Needs and Uses: The Federal Communications Commission is requesting that the Office of Management and Budget (OMB) approve for a period of three years an extension for the information collection requirements contained in this collection.

The information collection requirements that are approved under this information collection are contained in 95.2593, 95.2595 and 95.2509 which relate to the Medical Device Radiocommunication Service (MedRadio). The former rule sections for this collection were 95.1215, 95.1217, 95.1223 and 95.1225.

The information is necessary to allow the coordinator and parties using the database to contact other users to verify information and resolve potential conflicts. Each user is responsible for determining in advance whether new devices are likely to cause or be susceptible to interference from devices already registered in the coordination database.

OMB Control Number: 3060–1092.

Title: Interim Procedures for Filing Applications Seeking Approval for Designated Entity Reportable Eligibility Events and Annual Reports.

Form Numbers: FCC Forms 609–T and 611–T.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for profit institutions; and State, Local and Tribal Governments.

Number of Respondents: 1,100 respondents; 2,750 responses.

Estimated Time per Response: .50 hours to 6 hours.

Frequency of Response: On occasion and annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 4(i), 308(b), 309(j)(3) and 309(j)(4).

Total Annual Burden: 7,288 hours.

Total Annual Cost: $2,223,375.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this comment period to obtain the three year clearance from them. FCC Form 609–T is used by Designated Entities (DEs) to request prior Commission approval pursuant to Section 1.2114 of the Commission's rules for any reportable eligibility event. The data collected on the form is used by the FCC to determine whether the public interest would be served by the approval of the reportable eligibility event.

FCC Form 611–T is used by DE licensees to file an annual report, pursuant to Section 1.2110(n) of the Commission's rules, related to eligibility for designated entity benefits.

The information collected will be used to ensure that only legitimate small businesses reap the benefits of the Commission's designated entity program. Further, this information will assist the Commission in preventing companies from circumventing the objectives of the designated entity eligibility rules by allowing us to review: (1) The FCC 609–T applications seeking approval for ''reportable eligibility events'' and (2) the FCC Form 611–T annual reports to ensure that licensees receiving designated entity benefits are in compliance with the Commission's policies and rules.

Federal Communications Commission.

Sheryl Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2022–18584 Filed 8–29–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the

standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 29, 2022.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Bancorp of New Glarus, Inc., New Glarus, Wisconsin; to acquire First National Bank at Darlington, Darlington, Wisconsin.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–18679 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–22IJ; Docket No. CDC–2022–0104]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Evaluation of Safe Spaces in CDC-directly funded Community-based Organizations (CBOs). This project is designed to collect data from persons attending safe spaces, CBO staff perceptions of safe spaces, and descriptions of those spaces selected from 10 CBOs funded through Comprehensive High-Impact HIV Prevention Programs for young men of Color who have sex with men and young transgender persons of Color.

DATES: CDC must receive written comments on or before October 31, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0104 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and

5. Assess information collection costs.

Proposed Project

Evaluation of Safe Spaces in CDC-directly funded Community-based Organizations (CBOs)—New—National Centers for HIV, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC-funded HIV prevention program for young men of Color who have sex with men (YMSM) and young transgender persons (YTG) of Color employs an innovative strategy to address the social determinants of health (*e.g.,* housing, employment) that contribute to health inequities and impact HIV outcomes: safe spaces. Safe spaces are culturally, linguistically, and age-appropriate physical spaces for engaging people who are at increased risk for HIV and providing HIV prevention and care activities. Under this program, funded community-based organizations (CBOs) must address at least two social determinants of health within their safe spaces. CBOs will employ a community-driven approach and work with people who are at increased risk for HIV to select social determinants of health with the most potential to reduce barriers to accessing HIV prevention and care services and promote health equity.

The purpose of this data collection is to assess the implementation of safe spaces, participant perceptions about the role of space spaces in addressing social determinants of health and promoting HIV prevention and care, and the association between safe space implementation and HIV process and outcome indicators. The primary objectives of this data collection are to obtain data to: (a) describe the implementation of safe spaces; (b) to describe the impact on participants served; and (c) identify successful models for safe spaces to inform other CBOs and CDC.

By describing safe spaces and their impact on HIV-related outcomes, this data collection provides an important data source for evaluating a public

health strategy aimed at reducing new infections, increasing HIV testing, and prioritizing populations at high risk for acquiring HIV.

The CDC requests approval for a two-year information collection. Data are collected through surveys with participants of the safe spaces and phone-based interviews conducted with safe space staff. Persons attending the safe spaces are young men who have sex with men and young transgender persons of Color over the age of 18. A brief eligibility screener will be used to determine eligibility for participation in the participant survey. No other federal agency systematically collects this type of information from persons attending safe spaces. These data may inform prevention program development and monitoring at both the local and national levels.

CDC estimates that this data collection will involve, eligibility screening for 1,250 persons, and a participant survey for 1,000 eligible respondents at 10 CBOs, annually. At each CBO, two staff members will be interviewed about their perceptions of safe spaces, totaling 20 staff interviews. CDC requests OMB approval for an estimated 369 annual burden hours. Participation of respondents is voluntary and there is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Persons Screened	Eligibility Screener	1,250	1	5/60	104
Eligible Participants	Participant survey	1,000	1	15/60	250
Community-based organization staff	Staff interview	20	1	45/60	15
Total					369

Jeffery M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–18583 Filed 8–29–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, Maryland 20857; (301) 443–6593, or visit our website at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on July 1, 2022, through July 31, 2022. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction. Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom

or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Health Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, Maryland 20857. The Court's caption (*Petitioner's Name* v. *Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Carole Johnson,

Administrator.

List of Petitions Filed

1. James Shapouri, Valencia, California, Court of Federal Claims No: 22–0736V
2. Christopher D. Beckner, Salem, Virginia, Court of Federal Claims No: 22–0737V
3. Beatrice Cain, Helotes, Texas, Court of Federal Claims No: 22–0739V
4. Kristin Burger on behalf of S. B., Harrodsburg, Kentucky, Court of Federal Claims No: 22–0740V
5. Rita Martins on behalf of Z. M., Phoenix, Arizona, Court of Federal Claims No: 22–0742V
6. Douglas Pierce, Dartmouth, Massachusetts, Court of Federal Claims No: 22–0743V
7. Jonathan McWaters on behalf of D. M., Phoenix, Arizona, Court of Federal Claims No: 22–0744V
8. Nadia Baksh, Phoenix, Arizona, Court of Federal Claims No: 22–0746V
9. Susan Demilt, Manahawkin, New Jersey, Court of Federal Claims No: 22–0747V
10. Annalyse Treat, Reading, Pennsylvania, Court of Federal Claims No: 22–0748V
11. Kerry Ann Fletcher, Wilmington, Delaware, Court of Federal Claims No: 22–0752V
12. Megan Hydutsky, Phoenixville, Pennsylvania, Court of Federal Claims No: 22–0753V
13. Jeffrey Struiksma, Tukwila, Washington, Court of Federal Claims No: 22–0754V
14. Michael Smith, Boston, Massachusetts, Court of Federal Claims No: 22–0757V
15. Cole Henshaw, Boston, Massachusetts, Court of Federal Claims No: 22–0758V
16. Jeannie Delacour, Seattle, Washington, Court of Federal Claims No: 22–0759V
17. John Fallstead, Mountain View, California, Court of Federal Claims No: 22–0760V
18. Charles Tillman, Pittsburgh, Pennsylvania, Court of Federal Claims No: 22–0762V
19. Melissa McCall, Baltimore, Maryland, Court of Federal Claims No: 22–0763V
20. Eliza Welder, Victoria, Texas, Court of Federal Claims No: 22–0764V
21. Sherrie Nguyen on behalf of N. N., Auburn, Washington, Court of Federal Claims No: 22–0765V
22. Debra Powers, Dresher, Pennsylvania, Court of Federal Claims No: 22–0766V
23. Marni Schmidt, New York, New York, Court of Federal Claims No: 22–0772V
24. Steven Santineau and Melinda Santineau on behalf of E. S., Boston, Massachusetts, Court of Federal Claims No: 22–0773V
25. Mary M. Wyckoff, Sacramento, California, Court of Federal Claims No: 22–0774V
26. James Tyree, Seattle, Washington, Court of Federal Claims No: 22–0776V
27. Andrew Eberling, Marlton, New Jersey, Court of Federal Claims No: 22–0778V
28. Tammy Wilcoxon on behalf of A. T., Phoenix, Arizona, Court of Federal Claims No: 22–0779V
29. Melanie Fata, Peoria, Illinois, Court of Federal Claims No: 22–0781V
30. Valerie Allen on behalf of K. A., Phoenix, Arizona, Court of Federal Claims No: 22–0783V
31. Janelle Hill, Madison, Wisconsin, Court of Federal Claims No: 22–0785V
32. Brian Bugge, New York, New York, Court of Federal Claims No: 22–0786V
33. David Mosher, Portland, Maine, Court of Federal Claims No: 22–0788V
34. Jennifer Nolte on behalf of C. W., Phoenix, Arizona, Court of Federal Claims No: 22–0789V
35. Leroy Alston, Boston, Massachusetts, Court of Federal Claims No: 22–0790V
36. Carole Hillard, West Reading, Pennsylvania, Court of Federal Claims No: 22–0791V
37. Marco DeLeon, Anaheim, California, Court of Federal Claims No: 22–0792V
38. Craig Mendenhall, Greenville, Ohio, Court of Federal Claims No: 22–0793V
39. Lesley Koski, Hancock, Michigan, Court of Federal Claims No: 22–0794V
40. Warren Erbsen, Denver, Colorado, Court of Federal Claims No: 22–0795V
41. Gerry Scott, Overland Park, Kansas, Court of Federal Claims No: 22–0796V
42. Allison Conine, Boston, Massachusetts, Court of Federal Claims No: 22–0799V
43. Daniel Lefkowitz, New York, New York, Court of Federal Claims No: 22–0801V
44. Tammy Zollman, Phoenix, Arizona, Court of Federal Claims No: 22–0802V
45. Braelyn Caton Cates, Phoenix, Arizona, Court of Federal Claims No: 22–0803V
46. Mark Hernandez, York, Pennsylvania, Court of Federal Claims No: 22–0805V
47. Meliss Langert, Fairfax, Virginia, Court of Federal Claims No: 22–0809V
48. Katherine Nottenburg, New York City, New York, Court of Federal Claims No: 22–0810V
49. Humberto Donato-Brugueras, San Juan, Puerto Rico, Court of Federal Claims No: 22–0812V
50. Herminio L. Irizarry, Miami, Florida, Court of Federal Claims No: 22–0813V
51. Jerry Roberts, Hodges, South Carolina, Court of Federal Claims No: 22–0817V
52. Scott Chovanec, Boston, Massachusetts, Court of Federal Claims No: 22–0818V
53. Jaclyn Vanacore, New Fairfield, Connecticut, Court of Federal Claims No: 22–0819V
54. Joseph Schmucker, Warner Robins, Georgia, Court of Federal Claims No: 22–0822V
55. Patti Paez, Hoffman Estates, Illinois, Court of Federal Claims No: 22–0823V
56. Jonathan Simpson, New York, New York, Court of Federal Claims No: 22–0825V
57. Phillip R. Sims, Boca Raton, Florida, Court of Federal Claims No: 22–0826V
58. Benjamin Gootee, New Orleans, Louisiana, Court of Federal Claims No: 22–0827V
59. John Marlowe and Pasha Marlowe on behalf of J. M., Phoenix, Arizona, Court of Federal Claims No: 22–0829V
60. Osmyn Lavor Deuel, St. George, Utah, Court of Federal Claims No: 22–0830V
61. Steven Mills on behalf of Barbara Mills, Deceased, San Mateo, California, Court of Federal Claims No: 22–0831V

[FR Doc. 2022–18632 Filed 8–29–22; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Individual Training Grant K99 Applications.

Date: October 6, 2022.

Time: 8:30 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jeanette M Hosseini, Ph.D., Scientific Review Officer, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892, (301) 451–2020, *jeanetteh@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: August 25, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18702 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Cellular, Molecular, and Immunobiology Study Section.

Date: September 26–27, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: George M Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov*.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroscience of Basic Visual Processes Study Section.

Date: September 29, 2022.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *kgt@mail.nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Interdisciplinary Clinical Care in Specialty Care Settings Study Section.

Date: September 29–30, 2022.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Washington DC/Vermont Ave. 1199 Vermont Avenue NW, Washington, DC 20005.

Contact Person: Abu Saleh Mohammad Abdullah, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–4043, *abuabdullah.abdullah@nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Services: Quality and Effectiveness Study Section.

Date: September 29–30, 2022.

Time: 9:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Angela Denise Thrasher, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000J, Bethesda, MD 20892, (301) 480–6894, *thrasherad@csr.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Kidney and Urological Systems Function and Dysfunction Study Section.

Date: October 13–14, 2022.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Santanu Banerjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2106, Bethesda, MD 20892, (301) 435–5947, *banerjees5@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Cancer Nanotechnology.

Date: October 13–14, 2022.

Time: 9:30 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Raj K Krishnaraju, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301–435–1047, *kkrishna@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 25, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18704 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Clinical Trial Network Review.

Date: September 19, 2022.

Time: 10:00 a.m. to 12:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Brian Hoshaw, Ph.D., Chief, Scientific Review Branch, National Eye Institute, National Institutes of Health, Division of Extramural Research, 6700B Rockledge Drive, Suite 3400, Rockville, MD 20892, (301) 451–2020, *hoshawb@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: August 19, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18703 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel—Team-Based Design (R25) Review.

Date: October 26, 2022.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ruixia Zhou, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Suite 957, Bethesda, MD 20892, (301) 496–4773, *zhour@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health.)

Dated: August 19, 2022.

Victoria E. Townsend

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18700 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed 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 Allergy and Infectious Diseases Special Emphasis Panel; Host Immunity and Novel Immunization Strategies for Clostridioides difficile Infection (CDI) (U19 Clinical Trial Not Allowed).

Date: September 29–30, 2022.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F21B, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Maryam Feili-Hariri, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F21B, Rockville, MD 20852, 240–669–5026, *haririmf@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 24, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18650 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the Pediatrics Study Section.

The meeting will be closed to the public in accordance with the provisions set forth in section 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 Child Health and Human Development Initial Review Group; Pediatrics Study Section.

Date: October 20, 2022.

Closed: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, Room 2137B, 6710B Rockledge Drive, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Joanna Kubler-Kielb, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, MD 20892, 301–435–6916, *kielbj@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/org/der/srb,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.865, Research for Mothers and Children, National Institutes of Health.)

Dated: August 24, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18648 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Deafness and Other Communication Disorders Advisory Council, September 08, 2022, 10:00 a.m. to September 09, 2022, 01:00 p.m., PORTER NEUROSCIENCE RESEARCH CENTER, Building 35A, 35 Convent Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on July 13, 2022, 87 FR 41732.

This notice is being amended to change the meeting location from Building 35 to a virtual meeting. The URL link to the meeting is *https://videocast.nih.gov/watch=45775 (9/8)*

and *https://videocast.nih.gov/watch=45777 (9/9)*. The meeting is partially Closed to the public.

Dated: August 25, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18705 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Application and Impact of Clinical Research Training on Healthcare Professionals in Academia and Clinical Research (Office of the Director)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the Office of Clinical Research (OCR), Office of the Director (OD), National Institutes of Health, will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Anne Zajicek, M.D., Pharm.D., Deputy Director, Office of Clinical Research, NIH Office of the Director, Building 1, Room 208A, MSC–0155, Bethesda, Maryland, 20892 or call non-toll-free number (301) 480–9913 or Email your request, including your address to: *zajiceka@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimizes the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Application and Impact of Clinical Research Training on Healthcare Professionals in Academia and Clinical Research, 0925–0764, exp., date 11/30/2022, Office of Clinical Research (OCR), National Institutes of Health (NIH), Office of the Director (OD).

Need and Use of Information Collection: The purpose of this survey is to assess the long-term impact and outcomes of clinical research training programs provided by the OCR located in the NIH OD over a ten-year follow-up period. The information received from respondents will provide insight on the following: impact of the courses on (a) promotion of professional competence, (b) research productivity and independence, and (c) future career development within clinical, translational and academic research settings. These surveys will provide preliminary data and guidance in (1) developing recommendations for collecting outcomes to assess the effectiveness of the training courses, and (2) tracking the impact of the curriculum on participants' ability to perform successfully in academic, non-academic, research, and non-research settings.

OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 3,674.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Estimated number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
OCR Learning Portal Registration	Healthcare Professionals	2,000	1	10/60	333
	Students	3,000	1	10/60	500
	General Public	1,000	1	10/60	167
Introduction to the Principles and Practice of Clinical Research (IPPCR) Lecture Evaluation.	Healthcare Professionals	1,000	1	10/60	167
	Students	2,000	1	10/60	333
	General Public	1,000	1	10/60	167
IPPCR Final Course Evaluation	Healthcare Professionals	1,000	1	10/60	167
	Students	2,000	1	10/60	333
	General Public	1,000	1	10/60	167
Principles of Clinical Pharmacology (PCP) Lecture Evaluation.	Healthcare Professionals	1,000	1	10/60	167
	Students	2,000	1	10/60	333
	General Public	1,000	1	10/60	167
PCP Final Course Evaluation	Healthcare Professionals	1,000	1	10/60	167
	Students	2,000	1	10/60	333
	General Public	1,000	1	10/60	167
NIH Summer Course in Clinical and Translational Research Course Evaluation.	Healthcare Professionals	20	1	10/60	3
Sabbatical in Clinical Research Management Course Evaluation.	Healthcare Professionals	20	1	10/60	3
	Total	22,040	22,040		3,674

Dated: August 22, 2022.

Tara A. Schwetz,

Acting Principal Deputy Director, National Institutes of Health.

[FR Doc. 2022–18593 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meetings

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Advisory Council, September 13, 2022, 09:00 a.m. to September 13, 2022, 05:00 p.m., National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on August 22, 2022, 87 FRN 51436.

This notice is being amended to remove the visitor testing requirement for entering NIH facilities due to CDC updates published August 11, 2022, regarding screening testing. The meeting is open to the public.

Dated: August 24, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18649 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Lipids and Brain Aging.

Date: October 25, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Greg Bissonette, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–1622, *bissonettegb@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 25, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18732 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Behavioral Neuroendocrinology, Neuroimmunology, Rhythms, and Sleep Study Section.

Date: October 6–7, 2022.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5164, MSC 7844, Bethesda, MD 20892, 301–435–1119, *selmanom@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Sensory-Motor Neuroscience Study Section.

Date: October 6–7, 2022.

Time: 10 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alena Valeryevna Savonenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892, (301) 594–3444, *savonenkoa2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Learning, Memory, Language, Communication and Related Neuroscience.

Date: October 12–13, 2022.

Time: 8:30 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jyothi Arikkath, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, Bethesda, MD 20892, (301) 435–1042, *arikkathj2@mail.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurotoxicology and Alcohol Study Section.

Date: October 13–14, 2022.

Time: 8 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

Contact Person: Sepandarmaz Aschrafi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040D, Bethesda, MD 20892, (301) 451–4251, *Armaz.aschrafi@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 25, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18699 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Institutional Training Grants and Conference Grants.

Date: October 27, 2022.

Time: 10:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Brian Hoshaw, Ph.D., Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Rockville, MD 20892, (301) 451–2020, *hoshawb@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: August 25, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18701 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed 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 Allergy and Infectious Diseases Special Emphasis Panel; Partnerships for Rapid Diagnostics and Phenotypic Antibacterial Susceptibility Testing for Bacteremia or Hospital Acquired Pneumonia (R01 Clinical Trial Not Allowed).

Date: September 29, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Soheyla Saadi, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E70A, Rockville, MD 20892, (240) 669–5178, *saadisoh@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 24, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18658 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; National Institutes of Health (NIH) Loan Repayment Programs, (Office of the Director)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Matthew Lockhart, Director, Division of Loan Repayment, National Institutes of Health, 6700B Rockledge Dr., Room 2300 (MSC 6904), Bethesda, Maryland 20892–6904 or email your request, including your address to *matthew.lockhart@nih.gov* or call (240) 380–3062. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on May 25, 2022, page numbers 31896–31897 (87 FR 31896) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The NIH may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Loan Repayment Programs (LRP), 0925–0361, expiration date 10/31/22, EXTENSION, Office of the Director (OD), National Institutes of Health.

Need and Use of Information Collection: The NIH makes available financial assistance, in the form of educational loan repayment, to M.D., Ph.D., Pharm.D., Psy.D., D.O., D.D.S., D.M.D., D.P.M., DC, N.D., O.D., D.V.M, or equivalent doctoral degree holders who perform biomedical or behavioral research in NIH intramural laboratories or as extramural grantees or scientists funded by domestic non-profit organizations for a minimum of two years (three years for the General Research subcategory) in research areas supporting the mission and priorities of the NIH. The information proposed for collection will be used by the DLR to determine an applicant's eligibility for the program.

OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 23,952.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
Initial Extramural Applicants	1,300	1	8	10,400
Renewal Extramural Applicants	1,000	1	8	8,400
Initial Intramural Applicants	40	1	8	320
Renewal Intramural Applicants	40	1	8	320
Recommenders	9,300	1	30/60	4,680
Institutional Contacts	2,300	1	5/60	192
NIH LRP Coordinators	80	1	30/60	40
Total	14,120	14,120	.....	23,952

Dated: August 22, 2022.

Tara A. Schwetz,

Acting Principal Deputy Director, National Institutes of Health.

[FR Doc. 2022–18592 Filed 8–29–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of January 26, 2023 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Indian River County, Florida and Incorporated Areas Docket No.: FEMA–B–1849	
City of Fellsmere	City Hall, 22 South Orange Street, Fellsmere, FL 32948.
City of Sebastian	City Hall, 1225 Main Street, Sebastian, FL 32958.
City of Vero Beach	Planning and Development Department, 1053 20th Place, Vero Beach, FL 32960.
Town of Indian River Shores	Town Hall, 6001 North Highway A1A, Indian River Shores, FL 32963.
Town of Orchid	Orchid Town Hall, 7707 U.S. Highway 1, Suite 1, Vero Beach, FL 32967.
Unincorporated Areas of Indian River County	Indian River County Planning Department, Administration Building, 1801 27th Street, Building A, Vero Beach, FL 32960.

Community	Community map repository address
Hancock County, Georgia and Incorporated Areas Docket No.: FEMA–B–2169	
Unincorporated Areas of Hancock County	Hancock County Planning and Zoning, 40 Courthouse Square, Sparta, GA 31087.
Morgan County, Georgia and Incorporated Areas Docket No.: FEMA–B–2169	
City of Bostwick	City Hall, 5941 Bostwick Road, Bostwick, GA 30623.
City of Madison	Planning Department, 162 North Main Street, Madison, GA 30650.
City of Rutledge	City Hall, 105 Newborn Road, Rutledge, GA 30663.
Town of Buckhead	Town Hall, 4741 Buckhead Road, Buckhead, GA 30625.
Unincorporated Areas of Morgan County	Morgan County Planning and Development, 150 East Washington Street, Madison, GA 30650.
Putnam County, Georgia and Incorporated Areas Docket No.: FEMA–B–2169	
City of Eatonton	City Hall, 201 North Jefferson Avenue, Eatonton, GA 31024.
Unincorporated Areas of Putnam County	Putnam County Administration, 117 Putnam Drive, Suite B, Eatonton, GA 31024.
Lake County, Indiana and Incorporated Areas Docket No.: FEMA–B–2031	
City of East Chicago	City Hall, 4525 Indianapolis Boulevard, East Chicago, IN 46312.
City of Gary	City Hall, 401 Broadway, Gary, IN 46402.
City of Hammond	City Hall, 5925 Calumet Avenue, Hammond, IN 46320.
City of Whiting	City Hall, 1443 119th Street, Whiting, IN 46394.
Unincorporated Areas of Lake County	County Building, 2293 North Main Street, Crown Point, IN 46307.

[FR Doc. 2022–18712 Filed 8–29–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2266]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before November 28, 2022.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2266, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report

that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Falls Church, Virginia, Independent City Project: 14–03–3327S Preliminary Date: April 29, 2022	
City of Falls Church	City Hall: The Harry E. Wells Municipal Building, 300 Park Avenue, Falls Church, VA 22046.

[FR Doc. 2022–18714 Filed 8–29–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2268]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or

pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama: Mobile ...	City of Mobile (22–04–0855P).	The Honorable William Stimpson, Mayor, City of Mobile, P.O. Box 1827, Mobile, AL 36633.	City Clerk's Office, 205 Government Street, Mobile, AL 36633.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 12, 2022	015007
Arkansas: Garland	City of Hot Springs (22–06–0650P).	The Honorable Pat McCabe, Mayor, City of Hot Springs, 133 Convention Boulevard, Hot Springs, AR 71901.	Garland County Library, 1427 Malvern Avenue, Hot Springs, AR 71901.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 21, 2022	050084
Florida:						
Columbia	Unincorporated areas of Columbia County (21–04–5275P).	David Kraus, Manager, Columbia County, 135 Northeast Hernando Avenue, Suite 203, Lake City, FL 32056.	Columbia County, Building Department, 135 Northeast Hernando Avenue, Suite 203, Lake City, FL 32056.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2022	120070
Flagler	City of Palm Coast (21–04–6036P).	The Honorable David Alfin, Mayor, City of Palm Coast, 160 Lake Avenue, Palm Coast, FL 32164.	City Hall, 160 Lake Avenue, Palm Coast, FL 32164.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2022	120684
Hillsborough ...	Unincorporated areas of Hillsborough County (21–04–3149P).	Bonnie Wise, Hillsborough County Administrator, 601 East Kennedy Boulevard, 26th Floor, Tampa, FL 33602.	Hillsborough County Center, 601 East Kennedy Boulevard, 22nd Floor, Tampa, FL 33602.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 21, 2022	120112
Monroe	Unincorporated areas of Monroe County (22–04–2673P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highways, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 21, 2022	120129
Monroe	Unincorporated areas of Monroe County (22–04–3487P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highways, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2022	120129
Monroe	Unincorporated areas of Monroe County (22–04–3491P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highways, Suite 300, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2022	120129
Monroe	Village of Islamorada (22–04–4369P).	The Honorable Pete Bacheler, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 12, 2022	120424
Orange	City of Orlando (22–04–0539P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works Department, Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 25, 2022	120186
Palm Beach ...	Unincorporated areas of Palm Beach County (21–04–1899P).	Verdenia C. Baker, Palm Beach County Administrator, 301 North Olive Avenue, West Palm Beach, FL 33401.	Palm Beach County Building Division, 2300 North Jog Road, West Palm Beach, FL 33411.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2022	120192
Polk	Unincorporated areas of Polk County (21–04–0198P).	Bill Beasley, Polk County Manager, 330 West Church Street, Bartow, FL 33831.	Polk County Board of Commissioners, 330 West Church Street, Bartow, FL 33831.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2022	120161

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Sarasota	Unincorporated areas of Sarasota County (22–04–3339P).	The Honorable Alan Maio, Chair, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 28, 2022	125144
Georgia:						
Bryan	Unincorporated areas of Bryan County (22–04–1572P).	The Honorable Carter Infinger, Chair, Bryan County Board of Commissioners, 66 Captain Matthew Freeman Drive, Suite 201, Richmond Hill, GA 31324.	Bryan County Department of Public Works, 51 North Courthouse Street, Pembroke, GA 31321.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 2, 2022	130016
Gwinnett	Unincorporated areas of Gwinnett County (21–04–4015P).	The Honorable Nicole L. Hendrickson, Chair, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30046.	Gwinnett County Department of Planning and Development, 446 West Crogan Street, Suite 300, Lawrenceville, GA 30046.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 3, 2022	130323
Kentucky: Hardin	City of Elizabethtown (22–04–1909P).	The Honorable Jeff H. Gregory, Mayor, City of Elizabethtown, 200 West Dixie Avenue, Elizabethtown, KY 42701.	Stormwater Department, 200 West Dixie Avenue, Elizabethtown, KY 42701.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 1, 2022	210095
Louisiana:						
Lafayette	City of Youngsville (21–06–3256P).	The Honorable Ken Ritter, Mayor, City of Youngsville, 305 Iberia Street, Youngsville, LA 70592.	City Hall, 305 Iberia Street, Youngsville, LA 70592.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 14, 2022	220358
Lafayette	Lafayette City-Parish Consolidated Government (21–06–3256P).	The Honorable Josh Guillory, Mayor-President, Lafayette City-Parish Consolidated Government, 705 West University Avenue, Lafayette, LA 70502.	Development and Planning Department, 220 West Willow Street, Building B, Lafayette, LA 70501.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 14, 2022	220101
Massachusetts:						
Middlesex	City of Woburn (21–01–1457P).	The Honorable Scott Galvin, Mayor, City of Woburn, 10 Common Street, Woburn, MA 01801.	Engineering Department, 10 Common Street, Woburn, MA 01801.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 28, 2022	250229
Plymouth	Town of Marion (22–01–0616P).	The Honorable Randy L. Parker, Chair, Town of Marion Board of Selectmen, 2 Spring Street, Marion, MA 02738.	Building Department, 2 Spring Street, Marion, MA 02738.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 21, 2022	255213
Montana: Lewis and Clark.	Unincorporated areas of Lewis and Clark County (22–08–0043P).	The Honorable Jim McCormick, Chair, Lewis and Clark County Board of Commissioners, 316 North Park Avenue, Room 345, Helena, MT 59623.	Lewis and Clark County, Disaster and Emergency Services Department, 316 North Park Avenue, Room 230, Helena, MT 59623.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2022	300038
North Carolina:						
Wake	Town of Fuquay-Varina (21–04–4032P).	The Honorable Blake Massengill, Mayor, Town of Fuquay-Varina, 134 North Main Street, Fuquay-Varina, NC 27526.	Engineering Department, 134 North Main Street, Fuquay-Varina, NC 27526.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 30, 2022	370368
Wake	Unincorporated areas of Wake County (21–04–4032P).	The Honorable Sig Hutchinson, Chair, Wake County Board of Commissioners, P.O. Box 550, Raleigh, NC 27602.	Wake County Environmental Services Department, 337 South Salisbury Street, Raleigh, NC 27601.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 30, 2022	370368
Ohio:						
Putnam	Unincorporated areas of Putnam County (21–05–3623P).	The Honorable Michael Lammers, Chair, Putnam County Board of Commissioners, 245 East Main Street, Suite 101, Ottawa, OH 45875.	Putnam County Courthouse, 245 East Main Street, Suite 101, Ottawa, OH 45875.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2022	390465

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Putnam	Village of Glandorf (21–05–3623P).	The Honorable Charles R. Schroeder, Mayor, Village of Glandorf, P.O. Box 131, Glandorf, OH 45848.	Village Hall, 203 North Main Street, Glandorf, OH 45848.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2022	390470
Putnam	Village of Ottawa (21–05–3623P).	The Honorable J. Dean Meyer, Mayor, Village of Ottawa, 136 North Oak Street, Ottawa, OH 45875.	Village Hall, 136 North Oak Street, Ottawa, OH 45875.	*https://msc.fema.gov/portal/advanceSearch.*	Nov. 25, 2022	390472
Tennessee: Williamson.	Unincorporated areas of Williamson County (22–04–1913P).	The Honorable Rogers Anderson, Mayor, Williamson County, 1320 West Main Street, Suite 125, Franklin, TN 37064.	Williamson County Community Development Department, 1320 West Main Street, Suite 400, Franklin, TN 37064.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 21, 2022	470204
Texas:						
Collin	City of McKinney (21–06–1828P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 24, 2022	480135
Collin	City of McKinney (21–06–3118P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 5, 2022	480135
Collin	Unincorporated areas of Collin County (21–06–1828P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75091.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75091.	*https://msc.fema.gov/portal/advanceSearch.*	Oct. 24, 2022	480130
Johnson	City of Burleson (22–06–1762P).	The Honorable Chris Fletcher, Mayor, City of Burleson, 141 West Renfro Street, Burleson, TX 76028.	City Hall, 141 West Renfro Street, Burleson, TX 76028.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 8, 2022	485459

[FR Doc. 2022–18713 Filed 8–29–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7056–N–23]

60-Day Notice of Proposed Information Collection: Owner's Certification With HUD Tenant Eligibility and Rent Procedures; OMB Control No.: 2502–0204

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 31, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in section A.

A. Overview of Information Collection

Title of Information Collection: Owner Certification with HUD's Tenant Eligibility and Rent Procedures.

OMB Approval Number: 2502–0204.

Type of Request: Reinstatement, with change, of previously approved collection for which approval has expired.

Form Number: HUD–50059, HUD–50059–A, HUD–9887/9887–A, HUD–27061–H, HUD–90100, HUD–90101, HUD–90102, HUD–90103, HUD–90104, HUD–90105–a, HUD–90105-b, HUD–90105–c, HUD–90105–d, HUD–90106, HUD–91067 and new forms, HUD–90011 (Enterprise Income Verification (EIV) System Multifamily Housing Coordinator Access Authorization Form) and HUD–90012 (Enterprise Income Verification (EIV) System User Access Authorization Form).

Description of the Need for the Information and Proposed Use: The Department needs to collect this information in order to establish an applicant's eligibility for admittance to subsidized housing, specify which eligible applicants may be given priority over others, and prohibit racial discrimination in conjunction with

selection of tenants and unit assignments. The Department must specify tenant eligibility requirements as well as how tenants' incomes, rents and assistance must be verified and computed so as to prevent the Department from making improper payments to owners on behalf of assisted tenants. The Department also must provide annual reports to Congress and the public on the race/ethnicity and gender composition of subsidy program beneficiaries. This information is essential to maintain a standard of fair practices in assigning tenants to HUD Multifamily properties.

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, Federal Government and State, Local or Tribal Government.

Estimated Number of Respondents: 2,850,895.

Estimated Number of Responses: 3,050,117.

Frequency of Response: 1.

Average Hours per Response: 3.25.

Total Estimated Burden: 1,439,460.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Julia R. Gordon,

Assistant Secretary for Housing and Federal Housing Commissioner.

[FR Doc. 2022–18627 Filed 8–29–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–N–48]

14-Day Notice of Emergency Approval of an Information Collection: Thriving Communities Technical Assistance NOFO

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Announcement notice.

SUMMARY: In accordance with the Paperwork Reduction Act, HUD has requested from the Office of Management and Budget (OMB) emergency approval of the information collection described in this notice. HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 14 days of public comment.

DATES: *Comments Due Date:* September 13, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna Guido, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535 for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in section A.

A. Overview of Information Collection

Title of Information Collection: Thriving Communities Technical Assistance NOFO.

OMB Approval Number: Pending.

Type of Request: New Collection.

Form Number: Application for Federal Assistance, SF424; Disclosure of Lobbying Activities, SFLLL; Disclosure/Update Report, HUD–2880; and NOFO narrative.

Description of the Need for the Information and Proposed Use: Application information is needed to determine the competition winner, *i.e.,* the technical assistance provider best able to help jurisdictions ensure housing needs are considered as part of their larger infrastructure investment plan while supporting equitable development and local economic ecosystems. Additional information is needed during the life of the award from the competition winner, *i.e.,* the technical assistance providers, to fulfill the administrative requirements of the award.

Respondents: Organizations.

Estimated Number of Respondents: 10.

Estimated Number of Responses: 10.

Frequency of Response: 1.

Average Hours per Response: 44.5.

Estimated Total Burden: 445.

Estimated Total Annual Cost: The total estimated cost is $23,300.

The Consolidated Appropriations Act 2022 gave $25 million to the Department of Transportation (DOT) for a Thriving Communities program. HUD was directed, in the report language to the Appropriations Act, to use $5 million of its technical assistance funding to work with the Department of Transportation ''to ensure housing and infrastructure development is taken into consideration as part of the thriving communities program.''

The emergency review is needed to fulfill Congress' intent for the HUD to expeditiously provide technical assistance to jurisdictions, which are currently designing and implementing infrastructure investments, to support them in to meet critical housing needs, particularly for their low-income residents. Given the critical role housing plays in the well-being of individuals and communities, this opportunity to support more housing during this time of historic investment is essential.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2022–18684 Filed 8–29–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–C–22]

30-Day Notice of Proposed Information Collection: Neighborhood Stabilization Program 2, OMB Control No.: 2506–0185

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Correction; notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal. This notice replaces the notice that was publish on August 4, 2022.

DATES: *Comments Due Date:* September 29, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.* Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, mail to: *Colette.Pollard@hud.gov* email her at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 8, 2022, at 87 FR 7200.

A. Overview of Information Collection

Title of Information Collection: Neighborhood Stabilization Program 2 Reporting NSP2.

OMB Approval Number: 2506–0185.

Type of Request: Reinstatement with change.

Form Number: NA.

Description of the need for the information and proposed use: This information describes the reporting and recordkeeping requirements of the Neighborhood Stabilization Program 2 (NSP2). The data required includes program level, project level and beneficiary level information collected and reported on by NSP2 grantees. The data identifies who benefits from the NSP2 program and how statutory requirement are satisfied. The respondents are State, local government, non-profit and consortium applicants.

NEIGHBORHOOD STABILIZATION PROGRAM

Description of information collection	Number of respondents	Number of responses	Total number of responses	Hours per response	Total hours	Cost per response	Total cost
(Year 1)							
Online Quarterly Reporting via DRGR	42.00	4.00	168.00	4.00	672.00	38.92	$26,154.24
DRGR voucher submissions	42.00	38.00	1,596.00	0.18	287.28	38.92	11,180.94
Annual Reporting via DRGR	14.00	1.00	14.00	3.00	42.00	38.92	1,634.64
Annual Income Certification Reporting	14.00	1.00	14.00	3.00	42.00	38.92	1,634.64
Total Paperwork Burden	112.00				1,043.28	38.92	40,604.46
(Year 2)							
Online Quarterly Reporting via DRGR	32.00	4.00	128.00	4.00	512.00	38.92	19,927.04
Quarterly Voucher Submissions	32.00	38.00	1,216.00	0.18	218.88	38.92	8,518.81
Annual Reporting via DRGR	24.00	1.00	24.00	3.00	72.00	38.92	2,802.24
Annual Income Certification Reporting	24.00	1.00	24.00	3.00	72.00	38.92	2,802.24
Total Paperwork Burden	112.00				874.88	38.92	34,050.33
(Year 3)							
Online Quarterly Reporting via DRGR	22.00	4.00	88.00	4.00	352.00	38.92	13,699.84
Annual Reporting via DRGR	34.00	1.00	34.00	4.00	136.00	38.92	5,293.12
Quarterly Voucher Submissions	22.00	4.00	88.00	0.20	17.60	38.92	684.99
Annual Income Certification Reporting	34.00	1.00	34.00	3.00	102.00	38.92	3,969.84
Total Paperwork Burden	112.00				607.60	38.92	23,647.79

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) If the information will be processed and used in a timely manner;

(3) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(4) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(5) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Data Officer.

[FR Doc. 2022–18586 Filed 8–29–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7056–N–22]

60-Day Notice of Proposed Information Collection: HUD Multifamily Energy Assessment; OMB Control No.: 2502–0568

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 31, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, Office of Policy Development and Research, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: HUD Multifamily Energy Assessment.

OMB Approval Number: 2502–0568.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–9614 and Certification of Compliance.

Description of the need for the information and proposed use: The purpose of this information collection is to assist owners of multifamily housing projects with assessing energy needs in an effort to reduce energy costs and improve energy conservation.

Respondents: Business and Other for profit.

Estimated Number of Respondents: 19,079.

Estimated Number of Responses: 19,079.

Frequency of Response: 1.

Average Hours per Response: 8 hours.

Total Estimated Burdens: 99,861.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Julia R. Gordon,

Assistant Secretary for Housing and Federal Housing Commissioner.

[FR Doc. 2022–18625 Filed 8–29–22; 8:45 am]

BILLING CODE 4210–67–P

INTER-AMERICAN FOUNDATION

60-Day Notice for Soliciting and Assessing Feedback From IAF Grantees (PRA)

AGENCY: Inter-American Foundation.

ACTION: Notice.

SUMMARY: The Inter-American Foundation (IAF), as part of its continuing efforts to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps ensure that requested data is provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents is properly assessed.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**.

ADDRESSES: Send comments to Kaitlin Stastny, Inter-American Foundation, via email to *kstastny@iaf.gov.*

SUPPLEMENTARY INFORMATION: The IAF works to promote sustainable development in Latin America and the Caribbean by offering small investments directly to civil society organizations through funding actions, such as grants and cooperative agreements. By gathering perceptions from grantees on how the IAF works as a funder, the IAF is able to assess its performance and identify opportunities for improvements. The IAF seeks to work with a contractor to independently carry out this survey with IAF grantees. The contractor will use an online survey with a set of standardized questions focused primarily on grant processes, such as the approach to grant selection, the time lapse between selection and commitment, and reporting and evaluation. The contractor will also apply these standardized questions to other funders, thus providing the IAF with findings relative to that of other comparable organizations. The IAF is particularly interested in comments which:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—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

—Can help the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

A Notice by the Inter-American Foundation on August 24, 2022.

Natalia Mandrus,

Acting General Counsel.

[FR Doc. 2022–18603 Filed 8–29–22; 8:45 am]

BILLING CODE 7025–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLHQ260000.L10600000.PC0000. LXSIADVSBD00.22X]

Wild Horse and Burro Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Wild Horse and Burro Advisory Board (Board) will hold a public meeting.

DATES: October 4–6, 2022, from 8:00 a.m. to 5:30 p.m. Pacific Time (PT).

ADDRESSES: The Board will meet in-person in Phoenix, Arizona at the BLM National Training Center located at 9828 N 31st Avenue. This meeting is open to the public. Members of the public are invited to attend in-person or virtually. The virtual platform will be held via the Zoom Webinar. Information on how to register, login, and participate in the virtual platform will be announced at least 15 days in advance of the meeting at *www.blm.gov/programs/wild-horse-and-burro/get-involved/advisory-board.*

The final agenda will also be posted 2 weeks prior to the meeting and can be found on the following website: *www.blm.gov/programs/wild-horse-and-burro/get-involved/advisory-board.*

FOR FURTHER INFORMATION CONTACT: Dorothea Boothe, Wild Horse and Burro Program Coordinator: telephone: (602) 906–5543, email: *dboothe@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Board advises the Secretary of the Interior, through the BLM Director, and the Secretary of Agriculture, through the Chief of the U.S. Forest Service on matters pertaining to the management and protection of wild, free-roaming horses and burros on the Nation's public lands. The Board operates under the authority of 43 CFR 1784.

Advisory Board Meeting Agenda

Tuesday, October 4, 2022

Session 1—8:00 a.m. to 9:30 a.m. PT

- Advisory Board subcommittee meeting on Collaboration with BLM and U.S. Forest Service

Break—9:30 a.m. to 9:45 a.m. PT

Session 2—9:45 a.m. to 11:15 a.m. PT

- Advisory Board subcommittee meeting on Comprehensive Ecosystem Approach to Management

Lunch—11:15 a.m. to 12:45 p.m. PT

Session 3—12:45 p.m. to 2:45 p.m. PT

- Advisory Board subcommittee meeting on Humane Treatment and Communication

Break—2:45 p.m. to 3:00 p.m. PT

Session 4—3:00 p.m. to 4:00 p.m. PT

- Public comment period (first)

Wednesday, October 5, 2022

Session 5—8:00 a.m. to 9:30 a.m. PT

- Meeting called to order
- Welcome remarks and administrative announcements
- Approval of minutes: June/July 2021
- BLM and U.S. Forest Service responses to Board recommendations from June/July 2021 Board meeting
- BLM Arizona welcome and Wild Horse and Burro Program overview

Break—9:30 a.m. to 9:45 a.m. PT

Session 6—9:45 a.m. to 12:15 p.m. PT

- BLM and U.S. Forest Service program updates
- BLM budget update for FY2023

Lunch Break—12:15 p.m. to 1:30 p.m. PT

Session 7—1:30 p.m. to 2:30 p.m. PT

- Public comment period (second)

Break—2:30 p.m. to 2:45 p.m. PT

Session 8—2:45 p.m. to 5:30 p.m. PT

- Comprehensive Animal Welfare Program update
- Animal health and preventative care panel discussion

Thursday, October 6, 2022

Session 9—8:00 a.m. to 9:30 a.m. PT

- BLM research program update
- BLM Arizona wild burro pilot project

Break—9:30 a.m. to 9:45 a.m. PT

Session 10—9:45 a.m. to 10:45 a.m. PT

- BLM Adoption Incentive Program update

Session 11—10:45 a.m. to 12:00 p.m. PT

- Advisory Board subcommittee discussions and draft recommendations

Lunch—12:00 p.m. to 1:30 p.m. PT

Session 12—1:30 p.m. to 3:30 p.m. PT

- Public comment period (third)

Break—3:30 p.m. to 3:45 p.m.

Session 13—3:45 p.m. to 5:30 p.m. PT

- Advisory Board discussion and finalize recommendations (Board vote)

Adjournment

Agenda may be subject to change.

Beyond live captioning, any person(s) with special needs, such as for an auxiliary aid, interpreting service, assistive listening device, or materials in an alternate format, must notify Ms. Boothe 2 weeks before the scheduled meeting date. It is important to adhere to the 2-week notice to allow enough time to arrange for the auxiliary aid or special service.

Public Comment Procedures

The BLM and the U.S. Forest Service (USFS) welcome comments from all interested parties. Members of the public participating virtually and in-person will have opportunities to make comments to the Board regarding the Wild Horse and Burro Program on Tuesday, October 4, from 3:00 p.m. to 4:00 p.m. PT, Wednesday, October 5, from 1:30 p.m. to 2:30 p.m. PT, and on Thursday, October 6, from 1:30 p.m. to 3:30 p.m. PT. To accommodate all individuals interested in providing comments, individuals must register with the BLM at least 3 days in advance of the meetings. To register, please go to the website listed in the **ADDRESSES** section. Individuals who have not registered in advance but would like to offer comments will be permitted if time allows. The Board may limit the length of comments, depending on the number of participants who register in advance. Written comments should be emailed to *BLM_WO_Advisory_Board_Comments@blm.gov* and include ''Advisory Board Comment'' in the subject line of your email at least 3 days prior to the meeting. All written comments will be provided to the Board for consideration during the meeting. The BLM will record the entire meeting, including the allotted public comment sessions. Comments should be specific and explain the reason for the recommendation(s). Comments supported by quantitative information, studies, or those that include citations and analysis of applicable laws and regulations are most beneficial, more useful, and likely to assist the decision-making process for the management and protection of wild horses and burros.

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, the BLM cannot guarantee that it will be able to do so.

(Authority: 43 CFR 1784.4–2)

Brian St. George,

Deputy Assistant Director, Resources and Planning.

[FR Doc. 2022–18631 Filed 8–29–22; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[223.LLUTY02000.L16100000.DQ0000.LXLUBENM0000]

Notice of Intent To Prepare a Resource Management Plan for the Bears Ears National Monument in Utah and an Associated Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior. USDA Forest Service, Agriculture.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the National Forest Management Act of 1976 (NFMA), and Presidential Proclamation 10285, the Bureau of Land Management (BLM) Utah State Director and the U.S. Department of Agriculture Forest Service (USDA Forest Service) Manti-La Sal National Forest Supervisor intend to revise a resource management plan (RMP) with an associated environmental impact statement (EIS) for the Bears Ears National Monument (BENM) and by this notice announce the beginning of the scoping period to solicit public comments and identify issues, provide the planning criteria for public review, and issue a call for nominations for areas of critical environmental concern (ACECs) on lands managed by the BLM. The BLM is leading the NEPA process in partnership with the USDA Forest Service, which will make a decision for the USDA Forest Service-managed lands based on the analysis in the EIS. The Bears Ears Commission will play an integral role in the development of the EIS and RMP. The RMP revision would replace the BLM Indian Creek and Shash Jáa Monument Management Plans (2020) and the Approved Plan Amendment for the Manti-La Sal National Forest Bears Ears National Monument Shash Jáa Unit (2020). The RMP revision would also replace the applicable portions of the BLM's Monticello RMP (2008) and Moab RMP (2008) and Manti-La Sal National Forest's Land and Resource Management Plan (1986).

DATES: The BLM requests the public submit comments concerning the scope of the analysis, potential alternatives and identification of relevant information, studies, and ACEC nominations by October 31, 2022. To afford the BLM the opportunity to consider this information and ACEC nominations raised by commenters in the Draft RMP/EIS, 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.

The BLM also requests the public submit comments on the planning criteria by the same date identified above. The planning criteria will be made available to the public within the first 30 days of the 60-day comment period to ensure the public has at least 30 days to comment on the planning criteria as required by the planning regulations listed in 43 CFR 1610.2(e). To afford the BLM the opportunity to consider comments on the planning criteria in the Draft RMP/EIS, 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.

ADDRESSES: You may submit comments on issues and planning criteria related to the BENM RMP and nominations of new ACECs by any of the following methods:

- *Website: https://eplanning.blm.gov/eplanning-ui/project/2020347/510.*
- *Mail:* ATTN: Monument Planning, BLM Monticello Field Office, 365 North Main, Monticello, UT 84535.

Documents pertinent to this proposal may be examined online at *https://eplanning.blm.gov/eplanning-ui/project/2020347/510* and at the BLM Monticello Field Office, 365 North Main, Monticello, UT 84535.

FOR FURTHER INFORMATION CONTACT: Scott M. Whitesides, Project Manager, telephone (801) 539–4054; address Bureau of Land Management Utah, 440 West 200 South Suite 500, Salt Lake City, Utah 84101; email *swhitesides@blm.gov.* Contact Mr. Whitesides 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: This document provides notice that the BLM Utah State Director and USDA Forest Service Manti-La Sal National Forest Supervisor intend to prepare an RMP with an associated EIS for the BENM, announces the beginning of the scoping process, seeks public input on issues and relevant planning criteria, and invites the public to nominate ACECs on lands administered by the BLM. The planning area is located in San Juan County, Utah, and encompasses approximately 1.36 million acres of Federally administered lands between the BLM (1,074,908 acres) and the USDA Forest Service (289,040 acres). While most of the BLM-adminstered lands are within the BLM Monticello Field Office planning area, approximately 8,835 acres are located within the BLM Moab Field Office planning area. Within the exterior boundary of the BENM, there are private inholdings, land owned by the State of Utah School and Institutional Trust Lands Administration (SITLA), and the entirety of Natural Bridges National Monument of the National Park Service. These lands are not part of the Bears Ears National Monument and are not included in the planning effort.

Purpose and Need for the Resource Management Plan

This Resource Management Plan will provide a management framework, including goals, objectives, and management direction, to guide Monument management. Purposes and needs serve to frame issue identification, alternatives development, and effects analyses. The following purposes and desired outcomes are set forward explicitly in Presidential Proclamation 10285 or have been identified based on key present and historical BENM management challenges. Planning for these desired outcomes will be crucial for development of an RMP that provides direction for addressing critical management challenges. Associated needs and challenges that the RMP will address are also summarized.

1. Protect, restore, and enhance the Monument's objects and values in large, remote, rugged, and connected landscapes. This includes the entire landscape within the Monument and the objects and values Proclamations 10285 and 9558 established the Monument to protect.

Needs and challenges: BENM is a place that holds deep cultural and spiritual connections for many communities. BENM includes a diversity of ecotypes, geological and paleontological resources, vegetation, and wildlife. During the last century, uranium mining activities and livestock grazing have been common activities in this part of Southeast Utah. Mining activity within BENM is rare today, but livestock grazing remains an important local economic use of the landscape.

Recreational visitation is an important driver of the local economy, with the Indian Creek area becoming world-famous for rock climbing and the increased popularity of off-highway vehicle use, cultural tourism, and other forms of recreation. The increased demand on BENM's resources, and subsequently, the Monument's objects and values, poses a challenge to balance the wide variety of uses of the landscape with the protection of the Monument's objects and values. Planning decisions can define resource uses and land designations to help resolve conflicts between various uses and resource protection.

2. Protect and/or restore the historical and cultural significance of this landscape. This includes objects identified in the Proclamations such as numerous archaeological sites, modern tribal uses, other traditional descendant community uses, historic routes and trails, historic inscriptions, and historic sites.

Needs and challenges: Public visitation, permitted activities, and climate change have the potential to impact cultural resources. Traditional knowledge, interpretation, and management guidance to help inform the public and protect various cultural resources and traditional uses are needed. Planning decisions can help provide management direction to protect cultural resources and traditional uses and provide direction for a lasting and effective partnership with Tribal Nations and the Bears Ears Commission.

3. Protect and/or restore the unique and varied natural and scientific resources of these lands. This includes objects identified in the Proclamations such as biological resources including various plant communities, relic and endemic plants, diverse wildlife including unique species, and habitat for Endangered Species Act (ESA) listed species.

Needs and challenges: Increasing uses of the landscape such as rock climbing, off-highway vehicle use, and cultural tourism, whether through an organized or commercial event with a special recreation permit or by the public in general, can impact various plant and wildlife communities and habitats. Planning decisions can help reevaluate and balance the trade-offs for the desired uses of the landscape with the need to protect the Monument's biological resources identified as objects.

4. Protect and/or restore scenic qualities including night skies; natural soundscapes; diverse, visible geology; and unique areas and features.

Needs and challenges: Bears Ears National Monument is surrounded by various National Park Service and Utah State Park units designated as Dark Sky Parks, and the region is recognized for its uniquely dark night sky. Additionally, the remoteness of the region provides the opportunity for a quiet, natural soundscape and the varied geologic features provide incredibly unique scenic qualities. Planning decisions should reflect the need to protect these visual and scenic qualities identified as objects and values for Bears Ears National Monument.

5. Protect and/or restore important paleontological resources.

Needs and challenges: Bears Ears National Monument is becoming an increasingly important region for the study of paleontological resources. These resources also have ties to the stories and cultures of Tribal Nations. To protect these important resources, planning decisions should be made to support appropriate access, use, and protection of paleontological resources.

6. Ensure that management of these lands will incorporate traditional and historical knowledge related to the use and significance of the landscape.

Needs and challenges: Tribal Nations and descendant communities not only care about and learn from the cultural resources found in Bears Ears National Monument, but many of them still use portions of the landscape for traditional cultural and spiritual needs, as well as for necessary subsistence purposes. Any BLM or USDA Forest Service action has the potential to impact spiritual, traditional, or subsistence uses of the BENM landscape; therefore, it is critical that planning decisions reflect traditional knowledge and provide a framework to incorporate traditional knowledge into any future implementation activities. However, some traditional uses, such as the annual collection of firewood for personal use, may in some cases cause negative impacts to cultural resources, sensitive soils, and the woodland

resource itself. Firewood collection is an important traditional use, and the planning decisions should consider how to address the potential negative impacts, while also balancing the positive aspects like fuel load reduction and subsistence needs.

7. Provide for a variety of uses on Monument lands, so long as those uses are consistent with the protection of the BENM's identified objects and values.

Needs and challenges: Public land uses within BENM, such as livestock grazing and recreation, are important to the economic opportunities and quality of life of the local communities surrounding BENM. These two uses account for the majority of visitation to BENM. Although these two uses are not identified in Presidential Proclamation 10285 as objects or values, these are discussed as important land uses in the area. Planning decisions should consider how to protect Monument objects and values with consideration of other uses of the landscape, such as livestock grazing and recreation.

Preliminary Alternatives

The BLM and USDA Forest Service will analyze alternatives that explore and evaluate different ways of achieving the purpose and need listed above. The alternatives will explore different outcomes to be addressed during this planning effort to understand the trade-offs of different land management approaches. The BLM and USDA Forest Service welcome comments on all preliminary alternatives, as well as suggestions for additional alternatives.

Planning Criteria

The 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 BLM and USDA Forest Service personnel and from early engagement conducted for this planning effort with Federal, State, and local agencies, Tribal Nations, and stakeholders. The BLM and USDA Forest Service have identified several preliminary issues for this planning effort's analysis and will provide them for public review as part of the planning criteria within the timeframe identified in **DATES** above. The planning criteria are available for public review and comment at the ePlanning website (see **ADDRESSES**).

Summary of Expected Impacts

Consistent with protection of BENM objects and values identified in Proclamation 10285, implementation of a new RMP may impact—either beneficially or adversely—resources and uses within the BENM, including recreation, livestock grazing, soils, water, vegetation, cultural and historic resources, paleontological resources, visual resources, designated areas, social and economic values, and other human and environmental resources.

Schedule for the Decision-Making Process

The BLM and USDA Forest Service will provide additional opportunities for public participation consistent with NEPA and BLM and USDA Forest Service land use planning processes, including a 90-day comment period on the Draft RMP/EIS, then a 30-day public protest period, as well as a concurrent 60-day Governor's consistency review, on the Proposed RMP. The Draft RMP/EIS is anticipated to be ready for public review in spring 2023, and the Proposed RMP/Final EIS is anticipated to be available for public protest in winter 2024, with an Approved RMP and Record of Decision (ROD) completed in spring 2024.

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 Draft RMP/EIS.

The BLM and USDA Forest Service will hold a total of five scoping meetings. Two scoping meetings will be held virtually. Three scoping meetings will be conducted in-person: one in Blanding, Utah, one in Monument Valley, Navajo Nation, and one in Farmington, New Mexico. Details of all meetings will be announced once known. In compliance with Department of the Interior public health guidelines, the BLM and USDA Forest Service may need to hold public meetings in a virtual format if county-level transmission of COVID–19 is ''high'' at the time of the public meetings. In that case, the BLM and USDA Forest Service will hold five virtual public meetings.

The specific dates and locations of these scoping meetings will be announced at least 15 days in advance through local media, social media, newspapers, and the ePlanning website (see **ADDRESSES**).

The ePlanning website (see **ADDRESSES**) also includes, or will include, background information on the BENM, planning process overview, preliminary planning criteria, and interim management guidance. You may submit comments on issues, potential alternatives, relevant information and analyses, and the preliminary planning criteria in writing to the BLM and USDA Forest Service at any public scoping meeting, or to the BLM and USDA Forest Service using one of the methods listed in the **ADDRESSES** section.

Areas of Critical Environmental Concern (ACECs)

There are five ACECs within BENM: San Juan, Lavender Mesa, Shay Canyon, Indian Creek, and Valley of the Gods.

This notice invites the public to comment on whether to retain the existing ACECs and whether to nominate areas on BLM-administered lands for ACEC consideration. To assist the BLM in evaluating nominations for consideration in the Draft RMP/EIS, please provide supporting descriptive materials, maps, and evidence of the relevance and importance of resources or hazards by the close of the public scoping period to facilitate timely evaluation (see **DATES** and **ADDRESSES**). The BLM has identified the anticipated issues related to the consideration of ACECs in the planning criteria.

Tribal Coordination

The Monument planning process will provide Tribal Nations multiple ways to engage, including, but not limited to, through government-to-government coordination and consultation, consultation under section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108), participation as cooperating agencies, and through the Bears Ears Commission. Presidential Proclamation 10285 reconstituted the Bears Ears Commission with the terms, conditions, and obligations identified in Presidential Proclamation 9558 to provide guidance and recommendations for the development of the management plan and incorporate traditional and historical knowledge. The Bears Ears Commission is a self-governed commission consisting of one elected officer each from the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah and Ouray Reservation, and Pueblo of Zuni, designated by the officers' respective Tribes. On June 18, 2022, the BLM, USDA Forest Service, and the five Tribal Nations of the Bears Ears Commission signed an inter-governmental cooperative agreement to obtain input from the Commission for the development and implementation of the Monument Management Plan. The agreement also facilitates coordination and cooperative management of the federal lands within the BENM to provide consistent, effective, and collaborative management of the lands and resources. The BLM and USDA Forest Service anticipate engagement

with the Bears Ears Commission during each stage of the RMP/EIS process consistent with the roles and responsibilities identified in the intergovernmental cooperative agreement. The Bears Ears Commission may also assist with developing a Tribal collaboration framework.

Cooperating Agencies

Federal, State, and local agencies, along with Tribal Nations, may request or be asked by the BLM to participate as cooperating agencies. At this time, the BLM has identified the following potential cooperating agencies:

- National Park Service,
- U.S. Fish and Wildlife Service,
- U.S. Army Corps of Engineers,
- U.S. Bureau of Reclamation,
- U.S. Department of Energy,
- Utah's Public Lands Policy Coordinating Office,
- SITLA,
- Utah State Historic Preservation Office,
- San Juan County,
- Grand County,
- City of Blanding,
- Town of Bluff,
- City of Monticello, and
- All 32 affiliated Tribal Nations that wish to participate.

Responsible Official

The Utah State Director and the Manti-La Sal National Forest Supervisor are the deciding officials for this planning effort.

Nature of Decision To Be Made

The nature of the decision to be made will be the State Director's and the Forest Supervisor's selection of land use planning decisions for managing BLM- and USDA Forest Service-administered lands, respectively, within the BENM that protect the objects and values identified in Proclamation 10285. Uses on the BENM may be allowed to the extent they are consistent with Proclamation 10285 and the protection of the objects and values within the BENM.

The USDA Forest Service gives notice that it intends to use the BLM's administrative review procedures, as provided by the USDA Forest Service 2012 Planning Rule, at 36 CFR 219.59(b). The review procedures would include a joint response from BLM and the USDA Forest Service to those who file for administrative review. If any project or site-specific decision is made in the RMP, such decision would be subject to the USDA Forest Service project-level administrative review process at 36 CFR 218.

Interdisciplinary Team

The BLM and USDA Forest Service will use an interdisciplinary approach in developing the RMP/EIS to consider the variety of resource issues and concerns identified. Specialists with expertise in various disciplines, such as cultural resources, Native American concerns, paleontology, minerals, lands/access, recreation, special designations, wildlife, livestock grazing, soils, water resources, vegetation, rangeland management, fisheries, fire management, woodlands/forestry, socioeconomics, environmental justice, visual resources, night sky, soundscapes, air quality, and climate change will be involved in the planning process.

Additional Information

The BLM and USDA Forest Service will identify, analyze, and consider mitigation to address the reasonably foreseeable impacts to resources from the proposed RMP and all analyzed alternatives and, in accordance with 40 CFR 1502.14(e), include appropriate mitigation measures not already included in the proposed plan or alternatives. Mitigation may include avoidance, minimization, rectification, reduction or elimination over time, and compensation, and may be considered at multiple scales, including the landscape scale.

The BLM and USDA Forest Service 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 NHPA, as provided in 36 CFR 800.2(d)(3), including the public involvement requirements of section 106. Information about historic and cultural resources and threatened and endangered species within the area potentially affected by the proposed plan will assist the BLM and USDA Forest Service in identifying and evaluating impacts to such resources.

The BLM and USDA Forest Service will consult with Tribal Nations on a government-to-government basis in accordance with Executive Order 13175 and applicable Departmental policies. Tribal concerns, including impacts on American Indian trust assets and potential impacts on cultural resources, will be given due consideration. The BLM and USDA Forest Service intend to hold a series of government-to-government consultation meetings beginning during the public scoping period. The BLM and USDA Forest Service will send invitations to potentially affected Tribal Nations at least 30-days prior to the meetings. The BLM and USDA Forest Service will provide additional opportunities for government-to-government consultation during the NEPA process.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1501.9 and 43 CFR 1610.2)

Gregory Sheehan,

BLM Utah State Director.

[FR Doc. 2022–18693 Filed 8–29–22; 8:45 am]

BILLING CODE 4331–25–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034424; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Alabama Museums, Tuscaloosa, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Alabama Museums has completed an inventory of human remains and associated funerary objects from the Moundville archeological site (1Tu500) in Hale County, AL, as well as adjacent archeological sites in Hale and Tuscaloosa Counties, AL. In consultation with the appropriate Indian Tribes, the University of Alabama Museums has determined, pursuant to NAGPRA, that there is a cultural affiliation between these human remains and associated funerary objects and the present-day Muskogean-speaking Indian Tribes. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of Alabama Museums. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes listed in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of Alabama Museums at the address in this notice by September 29, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. William Bomar, Executive Director, University of Alabama Museums, Box 870340, Tuscaloosa, AL 35487, telephone (205) 348–7551, email *bbomar@ua.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Alabama Museums, Tuscaloosa, AL. The human remains and associated funerary objects were removed from sites in Hale and Tuscaloosa Counties, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Alabama Museums professional staff in consultation with representatives of the Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Seminole Tribe of Florida (*previously* listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood, & Tampa Reservations)); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; and The Seminole Nation of Oklahoma with letters of support from the Alabama-Coushatta Tribe of Texas (*previously* listed as Alabama-Coushatta Tribes of Texas) and the Jena Band of Choctaw Indians.

History and Description of the Remains

The human remains and associated funerary objects from Moundville and other sites in Hale and Tuscaloosa Counties, Alabama, that are in the possession of the University of Alabama Museums derive from various investigations and private collection donations primarily dating to the period 1930 to 2008. During its Native American occupation, the Moundville site and the surrounding area were inhabited by several thousand people in a relatively dense occupancy, and over a prolonged period of time. The large-scale excavations undertaken at Moundville, resulted in large numbers of human remains and associated funerary objects removed from their original burial locations, which are currently in the University's possession. The work of subsequent investigations at Moundville contributed to this number, as did excavations at associated sites in Hale and Tuscaloosa Counties, AL.

At an unknown date, human remains representing, at minimum, two individuals were removed from an unknown location in Hale County, AL. The collection contains no additional information as to the origin of the human remains and is simply designated as ''1Ha.'' Based on morphological characteristics identified through osteological analysis, the human remains are Native American. No known individuals are identified. No associated funerary objects are present.

In the 1930s, human remains representing, at minimum, nine individuals were excavated and removed from Site 1Ha7, the White site, as part of the Black Warrior River Basin Survey conducted by Walter B. Jones of the Alabama Museum of Natural History. The site consists of a mound and associated village with Late Woodland, Miller III and Mississippian, Moundville II phase occupations. No known individuals were identified. No associated funerary objects are present.

In the 1930s, human remains representing, at minimum, one individual were excavated and removed from Site 1Ha11, the Powers site, by the University of Alabama. The site includes evidence of Late Woodland, Miller III phase, and Mississippian occupations. No known individual was identified. The three associated funerary objects include bones and ceramics.

Beginning in 1949, and continuing as part of the program of field work and collections research on the Protohistoric period, human remains representing, at minimum, 33 individuals were excavated and removed from Site 1Ha19, the Big Prairie Creek site, under the direction of Cailup B. Curren, Jr. The work was carried out initially through the University of Alabama Department of Anthropology and subsequently through the University of Alabama Museums. The site is attributed to the Late Mississippian/Protohistoric and Moundville IV phase occupations. No known individuals were identified. The 43 lots of associated funerary objects include burial urns, ceramic vessels, ceramic sherds, lithics, faunal bones, daub, and shells.

In the 1930s and again in 1997, human remains representing, at minimum, 13 individuals were excavated and removed from Site 1Tu1, the Pride Place site. The site dates from Late Woodland, West Jefferson phase to the Moundville III phase. No known individuals were identified. The three lots of associated funerary objects include ceramic vessels, ceramic sherds, lithics, red ochre, discoidals, fired clay, sandstone fragments, and a large stone.

In 1932, human remains representing, at minimum, 16 individuals were excavated and removed from Site 1Tu2, the Snows Bend site, as part of the Black Warrior River Basin Survey. The site consists of a large village and is associated with an adjacent mound (Site 1Tu3). It dates to the Late Woodland West Jefferson and Mississippian Moundville II and III phases. No known individuals were identified. The eight lots of associated funerary objects include ceramic vessels and ceramic sherds.

Beginning in 1932 and continuing as part of the program of field work and collections research on the Protohistoric period, human remains representing, at minimum, 81 individuals were excavated and removed from Site 1Tu4, the Moody Slough site, under the direction of Cailup B. Curren, Jr. The work was carried out initially through the University of Alabama Department of Anthropology and subsequently through the University of Alabama Museums. The site is attributed to the Late Mississippian/Protohistoric and Moundville IV phase occupations. No known individuals were identified. The 69 lots of associated funerary objects include burial urns, faunal and botanical remains, pottery sherds, incised sandstone, shell ornaments, daub, and lithics.

Beginning in 1931–1932 and continuing as part of the program of field work and collections research on the Protohistoric period, human remains representing, at minimum, 26 individuals were excavated and removed from Site 1Tu5, the Lon Robertson site, under the direction of Cailup B. Curren, Jr. The work was carried out initially through the University of Alabama Department of Anthropology and subsequently through the University of Alabama Museums. Curren identified the site as 1Tu93/5, thereby combining two sites in his description. The site is attributed to the

Late Mississippian/Protohistoric and Moundville IV phase occupations. No known individuals were identified. The one lot of associated funerary objects includes ceramic vessels, such as burial urns, and a stone axe.

In 1933, human remains representing, at minimum, eight individuals were excavated and removed from Site 1Tu20, the Barger Bluff Shelter site, as part of the Black Warrior River Basin Survey. The site, consisting of a shelter above the Black Warrior River, is likely related to Site 1Tu17, a Mississippian Stage occupation located on the terrace below it. No known individuals were identified. No associated funerary objects are present.

In the 1930s, human remains representing, at minimum, one individual were excavated and removed from Site 1Tu34, an unnamed site on the Black Warrior River. The site is believed to be related to the Moundville (1Tu500), Snows Bend (1Tu2), and 1Tu7 sites. No known individual was identified. No associated funerary objects are present.

Beginning in the 1930s and continuing as part of the program of field work and collections research on the Protohistoric period, human remains representing, at minimum, 15 individuals were excavated and removed from Site 1Tu42 (1Tu42/43), the Moon Lake site, under the direction of Cailup B. Curren, Jr. The work was carried out initially through the University of Alabama Department of Anthropology and subsequently through the University of Alabama Museums. The site consists of a Mississippian village (originally identified by Curren as the Wiggins site [1984] and denoted 1Tu43) and a mound (originally documented by Clarence B. Moore (1905) and denoted 1Tu42). Nine of the individuals were excavated and removed from the village area (1Tu43) and six were excavated and removed from the mound (1Tu42). No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, nine individuals were excavated and removed from Site 1Tu44 (also known as 1Tu346 and 1Tu45), the Jones Ferry site. This site was investigated by Clarence B. Moore in 1905 and documented by the University of Alabama in 1932. In 1979, it was reinvestigated as part of a University of Michigan survey. In the 1980s, it was further reinvestigated by Cailup B. Curren, Jr., at which time it was given the number 1Tu346. The site is comprised of a mound (1Tu44) and the associated village (1Tu45). It is attributed to the Late Woodland, West Jefferson phase and the subsequent Mississippian, Moundville I phase. No known individuals were identified. The three lots of associated funerary objects include ceramics, daub, animal bones, lithic debris, shells, and soil.

Beginning in 1933 and continuing as part of the program of field work and collections research on the Protohistoric period, human remains representing, at minimum, 49 individuals were excavated and removed from Site 1Tu49, the Fosters Ferry site, also known as the Baker site, under the direction of Cailup B. Curren, Jr. The work was carried out initially through the University of Alabama Department of Anthropology and subsequently through the University of Alabama Museums. The site is attributed to the Late Mississippian/Protohistoric and Moundville IV phase occupations. No known individuals were identified. The 16 lots of associated funerary objects include ceramic vessels and sherds, many of them attributable to burial urns.

Beginning in the 1930s and continuing as part of the program of field work and collections research on the Protohistoric period, human remains representing, at minimum, four individuals were excavated and removed from Site 1Tu93, an unnamed site on the Black Warrior River, under the direction of Cailup B. Curren, Jr. The work was carried out initially through the University of Alabama Department of Anthropology and subsequently through the University of Alabama Museums. Curren identified the site as 1Tu93/5, thereby combining two sites in his description. The site is attributed to the Late Mississippian/Protohistoric, Moundville IV phase occupations. No known individuals were identified. No associated funerary objects are present.

In 1936, human remains representing, at minimum, two individuals were excavated and removed by a member of the Pate family from Site 1Tu103, a feature he identified in a plowed field on a bend in the North River. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual buried in a ceramic urn were discovered and removed from Site 1Tu235, a plowed field on Big Sandy Creek near Moundville (1Tu500). The site was documented by Steve Wimberly in 1948. The urn indicates a Late Mississippian/Protohistoric, Moundville IV phase occupation. No known individual was identified. The one associated funerary object is the burial urn.

At an unknown date, human remains representing, at minimum, one individual were removed from Site 1Tu267 on the University of Alabama campus. The collection includes one proximal femur with no additional provenience information. No known individual was identified. No associated funerary objects are present.

In 1976, as part of the program of field work and collections research on the Protohistoric period, human remains representing, at minimum, 18 individuals were excavated and removed from Site 1Tu277 (also identified as 1Tu343), the Phillips site, under the direction of Cailup B. Curren, Jr. The work was carried out initially through the University of Alabama Department of Anthropology and subsequently through the University of Alabama Museums. The site is attributed to the Late Mississippian/Protohistoric and Moundville IV phase occupations. No known individuals were identified. The two associated funerary objects are two burial urns.

Sometime during the period 1977–2003, human remains representing, at minimum, one individual were excavated and removed from Site 1Tu338, an unnamed site located in Big Sandy Bottoms upstream of Moundville. The site was recorded in 1977 and investigated on multiple occasions by the University of Alabama and Panamerican Consultants until 2003. No known individual was identified. No associated funerary objects are present.

During a period from the 1930s to the late 1980s, human remains representing, at minimum, 9,954 individuals were excavated and removed from Site 1Tu500, the Moundville site, during various excavations, including field schools conducted by the University of Alabama, and in the course of efforts to stabilize the shoreline abutting the site. Moundville, a large mound complex on the banks of the Black Warrior River whose occupation spans the Late Woodland and the West Jefferson phase through the Moundville I, II, and III phases, and terminates in the Late Mississippian/Protohistoric Moundville IV phase, has been the subject of two centuries of archeological inquiry. No known individuals were identified. The 1,371 lots of associated funerary objects include pottery vessels, pottery sherds, greenstone celts, stone and copper discoidals, projectile points, beads, graphite, paint, and copper and stone ornaments. Of those lots, 318 lots are currently missing and 264 lots were stolen in 1980.

During the 2000–2003 Black Warrior Valley Survey, human remains representing, at minimum, one

individual were excavated and removed from Site 1Tu876, the Fitts site, a small Mississippian farmstead. No known individual was identified. No associated funerary objects are present.

Determinations Made by the University of Alabama Museums

Officials of the University of Alabama Museums have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 10,245 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 1,520 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Alabama-Coushatta Tribe of Texas (*previously* listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Jena Band of Choctaw Indians; Seminole Tribe of Florida (*previously* listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood, & Tampa Reservations)); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; and The Seminole Nation of Oklahoma (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. William Bomar, Executive Director, University of Alabama Museums, Box 870340, Tuscaloosa, AL 35487, telephone (205) 348–7551, email *bbomar@ua.edu,* by September 29, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The University of Alabama Museums is responsible for notifying The Tribes that this notice has been published.

Dated: August 24, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–18741 Filed 8–29–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034428; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Michigan State University, East Lansing, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Michigan State University has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Michigan State University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Michigan State University at the address in this notice by September 29, 2022.

FOR FURTHER INFORMATION CONTACT: Judith Stoddart, Associate Provost, University Arts and Collections, Michigan State University, 287 Delta Court, East Lansing, MI 48824, telephone (517) 432–2524, email *stoddart@msu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Michigan State University, East Lansing, MI. The human remains were removed from Kite Pueblo, Torrance County, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Michigan State University professional staff in consultation with representatives of the Hopi Tribe of Arizona; Pueblo of Acoma, New Mexico; and the Ysleta del Sur Pueblo of Texas. In addition, the following Indian Tribes were invited to consult but did not participate: Ohkay Owingeh, New Mexico (*previously* listed as Pueblo of San Juan); Pueblo of Cochiti, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Santo Domingo Pueblo (*previously* listed as Kewa Pueblo, New Mexico, and as Pueblo of Santo Domingo); and the Zuni Tribe of the Zuni Reservation, New Mexico. Hereafter, all the Indian Tribes listed in this section are referred to as ''The Tribes.''

History and Description of the Remains

In 1994, human remains representing, at minimum, three individuals were removed from Kite Pueblo (LA–199) in Torrance County, NM. Excavations were conducted by Michigan State University (MSU) under the direction of Dr. Alison Rautman. Kite Pueblo is a 50-room masonry-and-adobe pueblo organized around a central plaza that was occupied from A.D. 1250 to 1350. Excavations conducted in the northwest corner of the plaza located a fetal burial, likely around 9.5 lunar months of age. No funerary objects were found in association with the burial. In addition to the burial, isolated human remains belonging to at least two individuals—an adult and juvenile—were recovered from midden and room fill across the site.

The landowner signed a letter requesting the human remains not be reinterred on their property and donating the collections from the site to MSU; however, they were not accessioned into the MSU Museum system. Kite Pueblo was occupied by Ancestral Puebloan people from approximately A.D. 1250 to 1350.

All the individuals listed in this notice are reasonably believed to be Ancestral Puebloan based on the

provenience and documentation associated with the human remains. A relationship of shared group identity can be traced between Ancestral Puebloan people and modern Puebloan groups, based on oral tradition, historical evidence, folkloric, archeological, geographical, linguistic, kinship, and scientific studies.

Determinations Made by Michigan State University

Officials of Michigan State University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Judith Stoddart, Associate Provost, University Arts and Collections, Michigan State University, 287 Delta Court, East Lansing, MI 48824, telephone (517) 432–2524, email *stoddart@msu.edu,* by September 29, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

Michigan State University is responsible for notifying The Tribes that this notice has been published.

Dated: August 24, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–18737 Filed 8–29–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–34417; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before August 20, 2022, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by September 14, 2022.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before August 20, 2022. Pursuant to section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

NEW HAMPSHIRE

Grafton County

Lower Intervale Grange #321, 471 Daniel Webster Hwy., Plymouth, SG100008224

OHIO

Cuyahoga County

Sidaway Bridge (Twentieth-Century African American Civil Rights Movement in Ohio MPS), Sidaway Avenue over Kingsbury Run, connecting Sidaway Ave., and East 67th and Sidaway Ave., near Berwick Rd., Cleveland, MP100008227

VERMONT

Windham County

Broad Brook Grange Hall, 3940 Guilford Center Rd., Guilford, SG10000822

WASHINGTON

Franklin County

Morning Star Baptist Church, (The Black American Experience in Pasco, Washington MPS), 631 South Douglas Ave., Pasco, MP100008226

WISCONSIN

St. Croix County

New Richmond East Side Historic District, Bounded by South Arch Ave., the rear of properties facing East 2nd St., South Starr Ave., and East 3rd St., New Richmond, SG100008225

WYOMING

Hot Springs County

Downtown Thermopolis Historic District (Boundary Increase), 531–541 Broadway, 109 South 6th St., Thermopolis, BC100008220

Authority: Section 60.13 of 36 CFR part 60.

Dated: August 23, 2022.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2022–18682 Filed 8–29–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034425; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion Amendment: U.S. Army Corps of Engineers, Mobile District, Mobile, AL

AGENCY: National Park Service, Interior.

ACTION: Notice; amendment.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Army Corps of Engineers, Mobile District, has amended a Notice of Inventory Completion published in the **Federal Register** on April 5, 2016. This notice amends the previously reported minimum number of 21 individuals and 5,281 associated funerary objects in a collection removed from the Burnt Village Site 9TP9, Troup County, GA.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 29, 2022.

ADDRESSES: Ms. Alexandria Smith, U.S. Army Corps of Engineers, Mobile District, 109 St. Joseph Street, P.O. Box 2288, Mobile, AL 36628–0001, telephone (251) 690–2728, email *Alexandria.N.Smith@usace.army.mil.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the

National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the U.S. Army Corps of Engineers, Mobile District. The National Park Service is not responsible for the determinations in this notice. Additional information on the amendments and determinations in this notice, including the results of consultation, can be found in the inventory or related records held by the U.S. Army Corps of Engineers, Mobile District.

Amendment

This notice amends the determinations published in a Notice of Inventory Completion in the **Federal Register** (81 FR 19628–19629, April 5, 2016). Repatriation of the items in the original Notice of Inventory Completion has not occurred. This notice amends the counts of the minimum number of individuals and the number of associated funerary objects as listed in the original notice. From the Burnt Village Site 9TP9, Troup County, GA, 23 individuals were removed (previously identified as 21 individuals). The 5,297 associated funerary objects (previously identified as 5,281 associated funerary objects) are six metal armbands, 37 metal bells, five copper bracelets, 64 metal buckles and fasteners, 34 metal buttons, 14 metal rings, three metal neckbands, 33 metal cone ornaments, 31 metal ornaments, 33 metal tinklers, five metal fragments with beads, 4,067 beads (glass, shell, clay, seed), 11 lots of beads, three shell ornaments, three brass thimbles, three metal nails, two iron knife blade fragments, two horse bridle pieces, three metal tools, 28 pieces of metal/metal fragments, two ceramic balls/knobs, two ceramic bowls, 455 ceramic sherds, six clay fragments, 27 pieces of daub, 14 lithic flakes or shatter, two lithic projectile points, one stone gaming piece, four pipe stems, 19 fragments of fabric, two fragments of fabric with beads, 10 pieces of cord or thread or string, one mirror fragment, three glass fragments, one glass bottle, one cork, seven musket balls, nine gun flints, six unmodified shell pieces, one lot of modified mica, one piece of unmodified mica, 172 unmodified faunal skeletal elements, one modified faunal skeleton element, 24 fire cracked rocks, 89 rocks, four samples of botanical remains, one piece of sandstone, 29 pieces of organic materials (*e.g.,* botanicals and wood), six pieces of charcoal, two pieces of red ochre, two fired rocks, and six samples of charcoal and soil.

Determinations (as Amended)

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, the U.S. Army Corps of Engineers, Mobile District, has determined that:

- The human remains described in this amended notice represent the physical remains of 23 individuals of Native American ancestry.
- The 5,297 objects described in this amended notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the human remains and associated funerary objects described in this notice and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to Ms. Alexandria Smith, U.S. Army Corps of Engineers, Mobile District, 109 St. Joseph Street, P.O. Box 2288, Mobile, AL 36628–0001, telephone (251) 690–2728, email *Alexandria.N.Smith@usace.army.mil.* Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after September 29, 2022. If competing requests for repatriation are received, the U.S. Army Corps of Engineers, Mobile District, must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The U.S. Army Corps of Engineers, Mobile District, is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, 10.10, 10.13, and 10.14.

Dated: August 24, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–18736 Filed 8–29–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034427; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Michigan State University, East Lansing, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Michigan State University has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Michigan State University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Michigan State University at the address in this notice by September 29, 2022.

FOR FURTHER INFORMATION CONTACT: Judith Stoddart, Associate Provost, University Arts and Collections, Michigan State University, 287 Delta Court, East Lansing, MI 48824, telephone (517) 432–2524, email *stoddart@msu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Michigan State University, East Lansing, MI. The human remains were removed from Mesa Verde, Montezuma County, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Michigan State University professional staff in consultation with representatives of the Hopi Tribe of Arizona; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Santa Clara, New Mexico; and the Ute Mountain Ute Tribe (*previously* listed as Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, & Utah). In addition, the following Indian Tribes were invited to consult but did not participate: Apache Tribe of Oklahoma; Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Fort McDowell Yavapai Nation, Arizona; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Navajo Nation, Arizona, New Mexico, & Utah; Ohkay Owingeh, New Mexico (*previously* listed as Pueblo of San Juan); Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Santo Domingo Pueblo (*previously* listed as Kewa Pueblo, New Mexico, and as Pueblo of Santo Domingo); Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Tonto Apache Tribe of Arizona; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; Ysleta del Sur Pueblo (*previously* listed as Ysleta Del Sur Pueblo of Texas); and the Zuni Tribe of the Zuni Reservation, New Mexico. Hereafter, all the Indian Tribes listed in this section are referred to as ''The Tribes.''

History and Description of the Remains

At an unknown date, human remains representing, at minimum, three individuals were removed from Mesa Verde in Montezuma County, CO. They were acquired by Kalamazoo resident Donald Boudeman, who collected Native American material culture in the first half of the 20th century. In July of 1961, some years after her husband's death, Donna Boudeman donated the human remains to the Michigan State University Museum. In February of 2019, during an intertribal consultation, the remains of these individuals were found in the Michigan State University Forensic Anthropology Laboratory. The human remains belong to a child 6.5–8.5 years old and two adult females. No known individuals were identified. No associated funerary objects are present.

Mesa Verde was occupied by Ancestral Puebloan people from approximately A.D. 500 to 1200. All the individuals listed in this Notice of Inventory Completion are reasonably believed to be Puebloan, based on the provenience and documentation associated with the human remains. A relationship of shared group identity can be traced between Ancestral Puebloan people and modern Puebloan groups, based on oral tradition, historical evidence, archeological, geographical, and scientific studies.

Determinations Made by Michigan State University

Officials of Michigan State University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Judith Stoddart, Associate Provost, University Arts and Collections, Michigan State University, 287 Delta Court, East Lansing, MI 48824, telephone (517) 432–2524, email *stoddart@msu.edu,* by September 29, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

Michigan State University is responsible for notifying The Tribes that this notice has been published.

Dated: August 24, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–18740 Filed 8–29–22; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Semiconductors and Devices and Products Containing the Same, including Printed Circuit Boards, Automotive Parts, and Automobiles, DN 3637;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Katherine M. Hiner, Acting Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Daedalus Prime LLC on August 23, 2022. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into

the United States, the sale for importation, and the sale within the United States after importation of regarding certain semiconductors and devices and products containing the same, including printed circuit boards, automotive parts, and automobiles. The complainant names as respondents: Arrow Electronics, Inc. of Centennial, CO; Avent, Inc. of Phoenix, AZ; Digi-Key Electronics of Thief River Falls, MN; Future Electronics Inc. of Canada; Mazda Motor Corporation of Japan; Mazda North American Operations of Irvine, CA; Mazda Motor of America, Inc. of Irvine, CA; MediaTek Inc. of Taiwan; MediaTek USA Inc. of San Jose, CA; Mercedes-Benz Group AG of Germany; Mercedes-Benz AG of Germany; Mercedes-Benz USA, LLC of Sandy Springs, GA; Mouser Electronics of Mansfield, TX; Newark of Chicago, IL; NXP Semiconductors N.V. of Netherlands; NXP USA, Inc. of Austin, TX; Rochester Electronics, LLC of Newburyport, MA and Visteon Corporation of Van Buren Township, MI. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders and impose a bond upon respondent's alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3637'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures.[1]) Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 24, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–18607 Filed 8–29–22; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1222 (Sanctions Proceedings I and II)]

Certain Video Processing Devices, Components Thereof, and Digital Smart Televisions Containing the Same; Notice of a Commission Determination Not To Review an Order Denying Respondents' Motion for Sanctions and To Deny Complainant's Motion for Sanctions; Termination of Sanctions Proceedings

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the ''Commission'') has determined not to review an order (Order No. 75) issued by the presiding administrative law judge (''ALJ'') denying the respondents' motion for sanctions and to deny a motion for sanctions filed by complainant DivX, LLC. Both sanctions proceedings are hereby terminated.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General

Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket system (''EDIS'') at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the underlying investigation on October 19, 2020, based on a complaint, as supplemented, filed by DivX, LLC (''DivX'') of San Diego, California. 85 FR 66355 (Oct. 19, 2020). The complaint alleges a violation of section 337 of the Tariff Act, as amended, 19 U.S.C. 1337 (''Section 337''), from the importation, sale for importation, or sale in the United States after importation of certain video processing devices, components thereof, and digital smart televisions containing the same by reason of infringement of one or more asserted claims of U.S. Patent Nos. 10,212,486 (''the '486 patent''); 8,832,297; 10,412,141; and 10,484,749. *Id.* The complaint further alleges the existence of a domestic industry. *Id.*

The Commission's notice of investigation names the following respondents: Samsung Electronics Co., Ltd. of Gyeonggi-do, Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; Samsung Electronics HCMC CE Complex Co., Ltd. of Ho Chi Minh City, Vietnam (collectively, ''Samsung''); LG Electronics Inc. of Seoul, Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey (collectively ''LG''); MediaTek, Inc. of Hsinchu City, Taiwan; MediaTek USA Inc. of San Jose, California; MStar Semiconductor, Inc. of Hsinchu Hsien, Taiwan (collectively, ''MediaTek''); Realtek Semiconductor Corp. of Hsinchu, Taiwan (''Realtek''); TCL Corporation of Huizhou, Guangdong, China; TCL Technology Corporation of Huizhoug, Guangdong, China; TCL Electronics Holdings Ltd. of Shenzhen, Guangdong, China; TTE Technology, Inc. of Corona, California; Shenzhen TCL New Technologies Co. of Shenzhen, Guangdong, China; TCL King Electrical Appliances (Huizhou) Co. Ltd. of Huizhou, Guangdong, China; TCL MOKA International Ltd. of Sha Tin, New Territories, Hong Kong; and TCL Smart Device (Vietnam) Co., Ltd. of Bac Tan Uyen District, Binh Duong Province, Vietnam (collectively, ''TCL''). *Id.* at 66356. The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

The Commission partially terminated the investigation with respect to certain patents and patent claims withdrawn by DivX. Order No. 25 (Jan. 15, 2021), *unreviewed by* Comm'n Notice (Feb. 1, 2021); Order No. 34 (Feb. 19, 2021), *unreviewed by* Comm'n Notice (March 15, 2021); Order No. 49 (April 21, 2021), *unreviewed by* Comm'n Notice (May 10, 2021); Order No. 65 (June 28, 2021), *unreviewed by* Comm'n Notice (July 28, 2021). The Commission also partially terminated the investigation with respect to certain respondents due to settlement. Order No. 37 (terminating MediaTek), *unreviewed by* Comm'n Notice (March 12, 2021); Order No. 69 (Aug. 12, 2021) (terminating LG, Samsung), *unreviewed by* Comm'n Notice (Sept. 15, 2021).

On February 8, 2021, DivX served its initial infringement contentions, which included allegations that RealTek infringed the asserted '486 patent.

On March 12, 2021, the presiding administrative law judge (''ALJ'') issued a *Markman* order construing the disputed claim terms of the asserted patents. Order No. 40 (March 12, 2021).

On July 6, 2021, DivX filed an unopposed motion to terminate the investigation with respect to RealTek due to withdrawal of the complaint. The presiding ALJ orally granted DivX's motion and instructed RealTek not to participate in the evidentiary hearing. The evidentiary hearing was held from July 8–15, 2021.

On August 4, 2022, the Commission determined not to review an initial determination (Order No. 67) terminating RealTek from the investigation due to withdrawal of the complaint. Order No. 67 (July 16, 2021), *unreviewed by* Comm'n Notice (Aug. 4, 2021).

On October 4, 2021, former respondent RealTek filed a motion for sanctions against DivX, pursuant to Commission Rules 210.4 and 210.25(b) (19 CFR 210.4, 210.25(b)), for alleging misleading the ALJ and making misrepresentations regarding its infringement contentions. On October 14, 2021, DivX filed its opposition to RealTek's motion.

On April 19, 2022, DivX and TCL, the last remaining respondent, jointly moved to terminate the investigation based on a settlement agreement. On May 24, 2022, the Commission determined not to review an initial determination (Order No. 76) granting the joint termination motion. Order No. 76 (April 22, 2022), *unreviewed by* 87 FR 32184–85 (May 27, 2022).

On April 22, 2022, the ALJ issued an order denying RealTek's sanctions motion. Order No. 75 (April 22, 2022). In its May 24, 2022, notice terminating the investigation, the Commission set a briefing schedule for petitions for review of Order No. 75, pursuant to Commission Rule 210.25(d) (19 CFR 210.25(d)). 87 FR at 32185.

On June 1, 2022, RealTek filed a petition for review of Order No. 75, pursuant to the Commission's schedule. On June 8, 2022, DivX filed its opposition to RealTek's petition.

On June 16, 2022, DivX filed a motion for sanctions against RealTek stemming for its filing of its petition for review of Order No. 75. On June 27, 2022, RealTek filed its opposition to DivX's motion for sanctions.

Upon consideration of Order No. 75, the parties' submissions, and the evidence of record, the Commission has determined not to review Order No. 75. The sanctions proceeding (Sanctions Proceeding I) is hereby terminated.

Upon consideration of DivX's motion for sanctions, RealTek's opposition thereto, and the evidence of record, the Commission has also determined to deny DivX's motion for sanctions. The sanctions proceeding (Sanctions Proceeding II) is hereby terminated.

The Commission voted to approve this determination on August 24, 2022.

The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

Issued: August 24, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–18606 Filed 8–29–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—MLCommons Association

Notice is hereby given that, on July 25, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), MLCommons Association (''MLCommons'') filed written notifications simultaneously with the Attorney General and the

Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Tetra, Seattle, WA; Sapeon, Inc., Santa Clara, CA; Aimin Justin Sang (individual), Santa Clara, CA; Yuhuan Xie (individual), Sunnyvale, CA; Operartis LLC, Astoria, NY; and Victor Bittorf (individual), Mountain View, CA have joined as parties to this venture.

Also, Xilinx, San Jose, CA; and Deep AI Technologies, Caesarea, ISRAEL have withdrawn as parties from this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MLCommons intends to file additional written notifications disclosing all changes in membership.

On September 15, 2020, MLCommons filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 29, 2020 (85 FR 61032).

The last notification was filed with the Department on May 10, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 2022 (87 FR 35793).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–18685 Filed 8–29–22; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on August 1, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), TM Forum, A New Jersey Non-Profit Corporation (''The Forum'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the following entities have become members of the Forum: ONEiO, Helsinki, FINLAND; UBiqube, Dublin, IRELAND; AOE GmbH, Wiesbaden, GERMANY; Yupiik, Montpellier, FRANCE; Liberty Networks Germany GmbH, Köln, GERMANY; TDC NET A/S, København, DENMARK; Oxio, Québec, CANADA; Delta Partners FZ LLC, Dubai, UNITED ARAB EMIRATES; Liberty Latin America, Denver, CO; EXFO Inc, Québec, CANADA; VSE NET GmbH, Saarbrücken, GERMANY; Gomibo Group, Groningen, NETHERLANDS; Workato Europe SA, Barcelona, SPAIN; Arrcus Inc., San Jose, CA; PrologMobile, Louisville, CO; Shaanxi Normal University, Xi'an, PEOPLE'S REPUBLIC OF CHINA; Nanjing University, Nanjing, PEOPLE'S REPUBLIC OF CHINA; Nanjing Howso Technology Co., LTD, Nanjing, PEOPLE'S REPUBLIC OF CHINA; Beijing Tianyuan DIC Information Technology Co. Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Shanghai Fudata Technology Co. Ltd, Shanghai, PEOPLE'S REPUBLIC OF CHINA; Beijing Baidu Netcom Science Technology Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Beijing Ultrapower Software Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Business-intelligence of Oriental Nations Corporation Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Telekom Slovenije, Ljubljana, SLOVENIA; Gn0man, Glen Ellyn, IL; InCyan Ltd, Bath, UNITED KINGDOM; Separate Reality Ltd, Newcastle Upon Tyne, UNITED KINGDOM; Türkiye'nin Otomobili Girisim Grubu Sanayi ve Ticaret Anonim Sirketi, Kocaeli, TURKEY; MTN South Africa, Randburg, SOUTH AFRICA; Chorus New Zealand Limited, Wellington, NEW ZEALAND; Persistent Systems Ltd, Pune, INDIA; Mascom Wireless, Gabarone, BOTSWANA.

Also, the following members have changed their names: MetroNet, Metronet, Evansville, IN; Beyond by BearingPoint, Beyond Now, Graz, AUSTRIA; Ikanotis Partners Ltd, Datapply.ai, Nicosia, CYPRUS; Hydro One Telecom, Acronym Solutions Inc., Etobicoke, CANADA.

In addition, the following parties have withdrawn as parties to this venture: Asiainfo International (H.K.) Limited, HONG KONG-CHINA; Bulb Technologies Ltd., Zagreb, CROATIA; B–YOND, Frisco, TX; Claro Chile, Santiago, CHILE; Confluent Europe, London, UNITED KINGDOM; ETI Software Solutions, Norcross, GA; Eureka.ai, Bellevue, WA; Federos, Frisco, TX; HITSS SOLUTIONS, S.A. DE C.V., Col. Miguel Hidalgo, MEXICO; Network Operations and Management Lab, Institute for Network Sciences and Cyberspace, Tsinghua University, Beijing, PEOPLE'S REPUBLIC OF CHINA; Neural Technologies, Petersfield, UNITED KINGDOM; NewAgent Business Consulting and Solutions, Jaraguá do Sul, BRAZIL; r3., London, UNITED KINGDOM; Simeon Cloud, San Jose, CA; Srivari Incorporated DBA Viswambara Software Systems, Bellevue, WA; Tarifflex Telecom AB, Stockholm, SWEDEN; Telecom Bretagne, School of Institute Mines-Telecom, Brest Cedex 3, FRANCE; The Cure Parkinsons Trust, London, UNITED KINGDOM; Thibera Consulting GmbH, Ingbert, GERMANY; University College Cork, Cork, IRELAND; University of Applied Sciences Konstanz, Konstanz, GERMANY; Waterford Institute of Technology, Waterford, IRELAND.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and TM Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, TM Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on April 22, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 31, 2022 (87 FR 32460).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–18651 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Z-Wave Alliance, Inc.

Notice is hereby given that, on June 20, 2022, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (the ''Act''), Z-Wave Alliance, Inc. (the ''Joint Venture'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of

antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Establishment Hulul al-Manazil For Real Estate Development, Jedda City, SAUDI ARABIA; Card Access Engineering, LLC, Draper, UT; Pin Genie, Inc. DBA Lockly, St. Paul, MN; Trinitas All Electric, LLC, Opelousas, LA; and NexMetro Development, LLC, Phoenix, AZ have joined as parties to the venture.

In addition, the following existing members have made the following changes: Hogar Controls Inc., changed its name to Hogar Controls US LLC, Sterling, VA; SmartRent.com, Inc. changed its name to SmartRent Technologies, Inc., Scottsdale, AZ; and Black Nova Corp. Limited changed its name to Black Nova Italia srl, Central, HONG KONG.

No other changes have been made in either the membership or the planned activity of the venture. Membership in this venture remains open, and the Joint Venture intends to file additional written notifications disclosing all changes in membership.

On November 19, 2020, the Joint Venture filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 1, 2020 (85 FR 77241).

The last notification was filed with the Department on March 22, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 13, 2022 (87 FR 29386).

Suzanne Morris,

Chief, Premerger and Division Statistics Antitrust Division.

[FR Doc. 2022–18641 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical CRBN Defense Consortium

Notice is hereby given that, on July 6, 2022, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Medical CRBN Defense Consortium (''MCDC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Adagio Therapeutics, Inc., Waltham, MA; Neurovation Labs, Inc., New York, NY; TAMR, Inc., Cambridge, MA; and Z-Field Technologies LLC, Los Angeles, CA, have been added as parties to this venture.

Also, California Institute of Technology, Pasadena, CA; Pennsylvania State University, University Park, PA; Rector and Visitors of the University of Virginia, Charlottesville, VA; and University of Washington, Seattle, WA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MCDC intends to file additional written notifications disclosing all changes in membership.

On November 13, 2015, MCDC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 6, 2016 (81 FR 513).

The last notification was filed with the Department on April 7, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 13, 2022 (87 FR 29383).

Suzanne Morris,

Chief, Premerger and Division Statistics Antitrust Division.

[FR Doc. 2022–18643 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Fire Protection Association

Notice is hereby given that, on August 1, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Fire Protection Association (''NFPA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities.

The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, NFPA has provided an updated and current list of its standards development activities, related technical committee and conformity assessment activities. Information concerning NFPA regulations, technical committees, current standards, standards development and conformity assessment activities are publicly available at nfpa.org.

On September 20, 2004, NFPA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 21, 2004 (69 FR 61869). The last notification was filed with the Department on April 28, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 31, 2022 (86 FR 32461).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–18681 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Resilient Infrastructure + Secure Energy Consortium

Notice is hereby given that, on July 26, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Resilient Infrastructure + Secure Energy Consortium (''RISE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advanced Biomimetic Sensors, Inc., Bethesda, MD; Base Studio, Fayetteville, NC; Bloomberg Center for Public Innovation at Johns Hopkins, Baltimore, MD; Bostonia Partners LLC, Boston, MA; Canetia Analytics, Inc., Somerville, MA; Charge Collective, Los Angeles, CA; Cleantech San Diego, San Diego, CA; Current Lab, Portsmouth, RI; EV Charging LLC, West Bloomfield Township, MI; Flex Power Control, Woodland Hills, CA; Hudson Fisonic Corporation, New York, NY; iCrypto, Inc., Santa Clara, CA; Internet of Everything Corp., San Francisco, CA; InventWood, College Park, MD; KMEA,

San Diego, CA; L J Manz Consulting, San Diego, CA; Minerva Lithium LLC, Greensboro, NC; necoTECH, Delaware, OH; POLARes, Virginia Beach, VA; Powerit, Seattle, WA; Quantum Technical Associates LLC, Manassas, VA; Shasteen & Percy, PA, Tampa, FL; SMI, Inc., Washington, DC; State of Place, Inc., Natick, MA; Swan Island Networks, Portland, OR; Swift Rails, Inc., Lancaster, NY; Terra Sound, Dublin, OH; Tubular Network, Austin, TX; and ULC Technologies, Hauppauge, NY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and RISE intends to file additional written notifications disclosing all changes in membership.

On July 2, 2021, RISE filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 23, 2021 (86 FR 47155).

The last notification was filed with the Department on April 1, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 12,2022 (87 FR 29183).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–18687 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Rare Earth Technologies

Notice is hereby given that, on August 2, 2022, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Consortium for Rare Earth Technologies (''CREaTe'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, ABS, Spring, TX; Aequor, Inc., San Diego, CA; Ames Laboratory, Ames, IA; APL Engineered Materials, Inc., Urbana, IL; Battelle Memorial Institute, Columbus, OH; BD Consulting and Investigations, Inc., San Jose, CA; Booz Allen Hamilton, McLean, VA; Cambria County Association for the Blind and Handicapped, Johnstown, PA; Christopher Wnuk, Reston, VA; College of Earth and Mineral Sciences, The Pennsylvania State University, State College, PA; Colorado School of Mines, Golden, CO; Concurrent Technologies Corporation, Johnstown, PA; Cornerstone Research Group, Miamisburg, OH; EGOR R&D, Inc., Corsicana, TX; ENIF Consulting LLC, Potomac, MD; EWI, Columbus, OH; Exergy Systems, Inc., Irvine, CA; Freedom Technologies, Inc., Arlington, VA; General Atomics Electromagnetic Systems, San Diego, CA; Ginkgo Bioworks, Boston, MA; GlobalNow and VERSO, Dallas, TX; Greentech Minerals Advisory Group, Alexandria, VA; Guided Particle Systems, Inc., Pensacola, FL; ICD Alloys and Metals LLC, Winston-Salem, NC; II–VI Aerospace & Defense, Murrieta, CA; IM Technologies LLC, Shoreham, NY; J.A. Green & Company, Washington, DC; Katz Water Technologies, Houston, TX; Kearney, Dallas, TX; Lawrence Livermore National Laboratory, Livermore, CA; Leonardo DRS, Fitchburg, MA; Life Cycle Engineering, Inc., North Charleston, SC; Lynntech, Inc., College Station, TX; Materials Research LLC, Palo Alto, CA; Materion Corp., Mayfield Heights, OH; Messaginglab, Brooklyn, NY; Minerva Lithium, Greensboro, NC; Molten Salt Solutions, Santa Fe, NM; MP Materials Corp., Las Vegas, NV; NGC, Plymouth, MN; NuMat Technologies, Skokie, IL; Orbital Sidekick, Inc., San Francisco, CA; Parallax Advanced Research, Beavercreek, OH; PerkinElmer, Austin, TX; Physical Sciences, Inc., Andover, MA; Polaris Alpha Advanced Systems, Inc., Fredericksburg, VA; Polykala Technologies LLC, San Antonio, TX; Powdermet, Inc., Euclid, OH; PRD Tech, Inc., Cincinnati, OH; QuesTek Innovations, Evanston, IL; REECCycling, Inc., Boone, IA; Rensselaer Polytechnic Institute, Troy, NY; Savengy Technologies LLC, Orlando, FL; SimBlocks LLC, Orlando, FL; Skuld LLC, London, OH; Smardt Chiller Group, Inc., Plattsburgh, NY; SMI, Inc., Washington, DC; SNJ LLC, Johns Island, SC; Southern Company Services, Inc., Birmingham, AL; SRI International, Menlo Park, CA; Strategic Control Sciences, Inc., Gaithersburg, MD; ThREE Consulting, St. Louis, MO; Tusaar Corp., Westminster, CO; UNandUP, Saint Louis, MO; Universal Achemetal Titanium LLC, Butte, MT; University of North Dakota, College of Engineering and Mines, Grand Forks, ND; University of Tennessee, Knoxville, Knoxville, TN; Urban Mining Company, San Marcos, TX; VPI Technology, Draper, UT; Weinberg Medical Physics, Inc., North Bethesda, MD; Western Rare Earths, Phoenix, AZ; Wyonics, Laramie, WY; Xlight Corporation, Mendham, NJ; and XSB, Inc., Setauket, NY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CREaTe intends to file additional written notifications disclosing all changes in membership.

On April 22, 2022, CREaTe filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 13, 2022 (87 FR 29384).

Suzanne Morris,

Chief, Premerger and Division Statistics Antitrust Division.

[FR Doc. 2022–18676 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on August 1, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Open Group, L.L.C. (''TOG'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Agile Architects NV, Kontich, BELGIUM; Akridata, Inc., Los Altos, CA; arcasg, Bogota, COLOMBIA; Buurst, Inc., Houston, TX; CAE USA, Inc., Arlington, TX; CommandPrompt, Inc., Bellingham, WA; Craytive Technologies BV, Vlaardingen, THE NETHERLANDS; Elsevier, Inc., New York, NY; Epirus Inc., Hawthorne, CA; Exebenus AS, Stavanger, NORWAY; Green Horizon AS, Sandnes, NORWAY; Infinite Dimensions Integration, Inc., West Plains, MO; Jio Systems, Inc., The Woodlands, TX; Magseis Fairfield ASA, Lysaker, NORWAY; Mathtech, Inc., Falls Church, VA; MTN Group Management Services, Johannesburg,

SOUTH AFRICA; Mundo Cognito Ltd., Penn, UNITED KINGDOM; North Oil Company, Doha, QATAR; Norwegian University of Science and Technology, Trondheim, NORWAY; Ovation Data, Houston, TX; Pason Systems Corp, Calgary, CANADA; Petrosoft Design Desenvolvimento de Software LTDA, Rio de Janeiro, BRAZIL; Planckton Data, Sugarland, TX; Rebellion Defense, Inc., Washington, DC; Roke USA, Salem, NH; Sharp Reflections GmbH, Kaiserslautern, GERMANY; Shearwater GeoServices, Bregen, NORWAY; Sistemas Avanzados de Tecnologia S.A., Madrid, SPAIN; Sprintzeal, Americas Inc., Las Vegas, NV; The Board of Supervisors of Louisiana State University, Baton Rouge, LA; The MathWorks, Inc., Natick, MA; Versatile Technology, Al Qibla, KUWAIT; Virginia Department of Social Services—ITS, Richmond, VA; Visure Solutions, Inc., San Francisco, CA; W–IE–NE–R Power Electronics Corp., Springfield, OH; and Wakefield Thermal, Nashua, NH, have been added as parties to this venture.

Also, AeroVironment Inc., Simi Valley, CA; Anurag Group of Institutions, Hyderabad, INDIA; Asia eHealth Information Network, Kowloon, PEOPLE'S REPUBLIC OF CHINA; D3 Clarity, Inc., Austin, TX; Digital India Corporation—NeGD, New Delhi, INDIA; FEI-Elcom Tech, Inc, Northvale, NJ; Geoprovider AS, Stavanger, NORWAY; Intellicess, Inc., Austin, TX; Oliasoft AS, Oslo, NORWAY; ORSYS Formation, Paris, FRANCE; Parasoft Corporation, Monrovia, CA; Primesource AS, Oslo, NORWAY; Reliance Industries Limited, Navi Mumbai, INDIA; Reveal Energy, Services, LLC, Houston, TX; Richfit Information Technology Co. Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; SizweNtsalubaGobodo, Johannesburg, SOUTH AFRICA; Snowflake Inc., San Mateo; CA; Softing Industrial Automation GmbH, Haar, GERMANY; Stratus Technologies, Inc., Maynard, MA; SYRACOM Consulting AG, Wiesbaden, GERMANY; The HDF Group, Champaign, IL; The University of Reading, Reading, UNITED KINGDOM; University of Texas at Austin—RAPID Consortium, Austin, TX; ValueFlow IT Pty Ltd., Cattai, AUSTRALIA; Vanke Service Co., Ltd, Shenzhen, PEOPLE'S REPUBLIC OF CHINA; and Vector North America, East Greenwich, RI, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on May 23, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 2022 (87 FR 35794).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–18647 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc

Notice is hereby given that, on July 27, 2022, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Interchangeable Virtual Instruments Foundation, Inc. (''IVI Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Acqiris SA, Plan-les-Ouates, SWITZERLAND, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IVI Foundation intends to file additional written notifications disclosing all changes in membership.

On May 29, 2001, IVI Foundation filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on May 6, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 1, 2022 (87 FR 47008).

Suzanne Morris,

Chief, Premerger and Division Statistics Antitrust Division.

[FR Doc. 2022–18646 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Execution of Rendezvous and Servicing Operations

Notice is hereby given that, on July 26, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Consortium for Execution of Rendezvous and Servicing Operations (''CONFERS'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Axiom Space, Inc., Houston, TX; ExoAnalytic Solutions, Inc., Foothill Ranch, CA; Exotrail, Massy, FRANCE; IHI AEROSPACE Corp., Ltd., Tomioka, JAPAN; Impulse Space, Inc., El Segundo, CA; Infinite Orbits, Toulouse, FRANCE; Moog, Inc., Elma, NY; PIAP Space Sp. z.o.o., Warsaw, UPOLAND; and Sierra Space, Broomfield, CO have been added as parties to this venture. Also, Altius Space Machines, Inc., Broomfield, CO; Chandah Space Technologies, Houston, TX; and Thornton Tomasetti, Inc., Washington, DC have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CONFERS intends to file additional written notifications disclosing all changes in membership.

On September 10, 2018, CONFERS filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 19, 2018 (83 FR 53106).

The last notification was filed with the Department on January 1, 2022. A notice was published in the **Federal**

Register pursuant to Section 6(b) of the Act on March 11, 2022 (87 FR 14045).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–18671 Filed 8–29–22; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Source Imaging Consortium, Inc.

Notice is hereby given that, on July 13, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open Source Imaging Consortium, Inc. (''Open Source Imaging Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, PMX, Inc., Palatine, IL, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Open Source Imaging Consortium intends to file additional written notifications disclosing all changes in membership.

On March 20, 2019, Open Source Imaging Consortium filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 12, 2019 (84 FR 14973).

The last notification was filed with the Department on March 11, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 3, 2022 (87 FR 26226).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–18645 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Countering Weapons of Mass Destruction

Notice is hereby given that, on July 6, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Countering Weapons of Mass Destruction (''CWMD'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Calgon Carbon Corporation, Moon Township, PA; Chenega Reliable Services LLC, San Antonio, TX; Data Systems Analysts, Inc., Feasterville Trevose, PA; Vectrus Systems Corporation, Colorado Springs, CO; Wasatch Photonics, Inc., Logan, UT; and Z-Field Technologies LLC, Los Angeles, CA have been added as parties to this venture.

Also, Alqimi National Security, Inc., Rockville, MD; FORSUGO Hi-Cell, Inc., Marrero, LA; and Kopis Mobile LLC, Flowood, MS have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CWMD intends to file additional written notifications disclosing all changes in membership.

On January 31, 2018, CWMD filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 12, 2018 (83 FR 10750).

The last notification was filed with the Department on April 1, 2022. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 12, 2022 (87 FR 29184).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–18644 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Information Warfare Research Project Consortium

Notice is hereby given that, on July 29, 2022, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Information Warfare Research Project Consortium (''IWRP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aalyria Technologies, Inc, Livermore, CA; acuCyber LLC, Mount Pleasant, SC; AMP Research, Inc., Naples, FL; Aperio Global, LLC, Reston, VA; Apogee Applied Research, Inc., Dayton, OH; ASEG, Inc., San Diego, CA; BrainGu, LLC, Grand Rapids, MI; Caliola Engineering LLC, Colorado Springs, CO; Cummings Aerospace, Inc., Huntsville, AL; Cynnovative LLC, Arlington, VA; Datalytica LLC, Laurel, MD; DEL REY Systems and Technology, Inc., San Diego, CA; Dignitas Technologies, Orlando, FL; Disruptiv Technologies LLC, Edgewater, MD; DZYNE Technologies Incorporated, Fairfax, VA; Epirus, Inc., Hawthorne, CA; Fairwinds Technologies LLC, Annapolis, MD; Fathom5 Corp., Austin, TX; Federal Resources Corp., Erie, PA; GreenSight, Inc., Boston, MA; Hefring, Inc., Gloucester, MA; ISPA Technology LLC, Lithia, FL; Koniag Services, Inc., Chantilly, VA; Mainstream Engineering Corp., Rockledge, FL; Meridian Technologies I, LLC., Jacksonville, FL; Metamagnetics, Inc., Westborough, MA; Naval Systems, INC., Lexington Park, MD; NetImpact Strategies, Inc., Falls Church, VA; OASYS, Inc., Huntsville, AL; Platform Systems, Incorporated, Hollywood, MD; Polaron Analytics, Beavercreek, OH; Qualcomm Technologies, Inc., San Diego, CA; QuesTek Innovations, Evanston, IL; RackTop Systems, Inc., Fulton, MD; Ravn, Inc., San Francisco, CA; Sage Analysis Group, Inc., Boston, MA; SMS Data Products Group, Inc., McLean, VA; Software AG Government Solutions, Inc., Herndon, VA; Summit2Sea Consulting, LLC., Arlington, VA; Tesla Government Inc., Falls Church, VA; Trusted Science and Technology, Inc., Bethesda, MD; VAE, Inc., Springfield,

VA; Vana Solutions, LLC., Beavercreek, OH; VG IT Services, Inc., Ashburn, VA; and W5 Technologies, Inc., Scottsdale, AZ have been added as parties to this venture.

Also, 1901 Group LLC, Reston, VA; Alteryx, Inc., Irvine, CA; Aptima, Inc., Woburn, MA; Assured Wireless Corp., San Diego, CA; AT&T Government Solutions, Inc., Vienna, VA; Broadband Antenna Tracking Systems, Inc., Indianapolis, IN; Clemson University, Clemson, SC; Decisive Analytics Corp., Arlington, VA; Dover Microsystems, Inc., Waltham, MA; EPS Corp., Tinton Falls, NJ; Global Planning Initiatives LLC, Virginia Beach, VA; HigherEchelon, Inc., Huntsville, AL; Inonde, McLean, VA; IT Partners, Inc., Herndon, VA; KNC Strategic Services, Oceanside, CA; Kopis Mobile LLC, Flowood, MS; Kudu Dynamics LLC, Chantilly, VA; L3Harris Technologies, Palm Bay, FL; Lexington Solutions Group LLC, Lexington, VA; Motorola Solutions, Inc. US Federal Markets Division, Linthicum, MD; NewSat North America LLC, Indian Harbour Beach, FL; Nobletech Solutions, Huntsville, AL; Poplicus, Inc. dba Govini, Arlington, VA; ProSync Technology Group, Ellicott City, MD; Rincon Research Corp., Tucson, AZ; SafeFlights, Inc. dba 14bis Supply Tracking, Burlington, MA; Shield AI, Inc., San Diego, CA; Shift5, Inc., Rosslyn, VA; Si2 Technologies, Inc., North Billerica, MA; Southern Methodist University, Dallas, TX; Streif Enterprise, Inc. dba ibeeto, El Cajon, CA; Taurean General Services, Boerne, TX; XATOR Corp., Reston, VA; and XR 2 LEAD LLC, Dumfries VA have withdrawn from this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IWRP intends to file additional written notifications disclosing all changes in membership.

On October 15, 2018, IWRP filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 23, 2018 (83 FR 53499).

The last notification was filed with the Department on April 6, 2022. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 13, 2022 (87 FR 29385).

Suzanne Morris,

Chief, Premerger and Division Statistics Antitrust Division.

[FR Doc. 2022–18695 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1061]

Bulk Manufacturer of Controlled Substances Application: Purisys, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Purisys, LLC, has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 31, 2022. Such persons may also file a written request for a hearing on the application on or before October 31, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on June 6, 2022, Purisys, LLC, 1550 Olympic Drive, Athens, Georgia 30601–1602, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Ibogaine	7260	I
5-Methyoxy-N,N-diisopropyltryptamine.	7439	I
Cocaine	9041	II
Ecgonine	9180	II
Meperidine	9230	II
Meperidine intermediate-A.	9232	II
Meperidine intermediate-B.	9233	II
Meperidine intermediate-C.	9234	II

The company plans to bulk manufacture the listed controlled substances for the production of active pharmaceutical ingredients (API) and analytical reference standards for sale to its customers. The company plans to manufacture the above listed controlled substances as clinical trial and starting materials to make compounds for distribution to its customers. No other activities for these drug codes are authorized for this registration.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–18739 Filed 8–29–22; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1069]

Importer of Controlled Substances Application: Caligor Coghlan Pharma Services

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Caligor Coghlan Pharma Services has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplementary Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 29, 2022. Such persons may also file a written request for a hearing on the application on or before September 29, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If

you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on June 1, 2022, Caligor Coghlan Pharma Services, 1500 Business Park Drive, Unit B, Bastrop, Texas 78602, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Lysergic acid diethylamide.	7315	I
Tapentadol	9780	II

The company plans to import the listed controlled substances as finished dosage units for use in clinical trials. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–18742 Filed 8–29–22; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJA) Docket No. 1805]

Meeting of the Public Safety Officer Medal of Valor Review Board

AGENCY: Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA).

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting (via WebEx/conference call-in) of the Public Safety Officer Medal of Valor Review Board to consider nominations for the 2021–2022 Medal of Valor, and to make a limited number of recommendations for submission to the U.S. Attorney General to be cited. Additional issues of importance to the Board may also be discussed.

DATES: October 5, 2022, 12:30 p.m. to 3:00 p.m. EDT.

ADDRESSES: This meeting will be held virtually using web conferencing technology. The public may hear the proceedings of this virtual meeting/conference call by registering with Gregory Joy at least seven (7) days in advance with Gregory Joy (contact information below).

FOR FURTHER INFORMATION CONTACT: Gregory Joy, Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, by telephone at (202) 514–1369, toll free (866) 859–2687, or by email at *Gregory.joy@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The Public Safety Officer Medal of Valor Review Board carries out those advisory functions specified in 42 U.S.C. 15202. Pursuant to 42 U.S.C. 15201, the President of the United States is authorized to award the Public Safety Officer Medal of Valor, the highest national award for valor by a public safety officer.

This virtual meeting/conference call is open to the public to participate remotely. For security purposes, members of the public who wish to participate must register at least seven (7) days in advance of the meeting/conference call by contacting Mr. Joy.

Access to the virtual meeting/conference call will not be allowed without prior registration. Please submit any comments or written statements for consideration by the Review Board in writing at least seven (7) days in advance of the meeting date.

Gregory Joy,

Policy Advisor/Designated Federal Officer, Bureau of Justice Assistance.

[FR Doc. 2022–18710 Filed 8–29–22; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection for the Employment and Training Administration Quick Turnaround Surveys; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a revision of a currently approved collection for the authority to conduct the information collection request (ICR) titled, ''Employment and Training Administration Quick Turnaround Surveys and Site Visits.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by October 31, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Charlotte Schifferes by telephone at (202) 693–3655 (this is not a toll-free number), TTY (202) 693–7755, (this is not a toll-free number) or by email at *schifferes.charlotte@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Policy Development and Research, Attention: Charlotte Schifferes, 200 Constitution Avenue NW, Room N–5641, Washington, DC 20210; by email: *schifferes.charlotte@dol.gov;* or by Fax (202) 693–2766.

FOR FURTHER INFORMATION CONTACT: Charlotte Schifferes by telephone at (202) 693–3655 (this is not a toll-free number) or by email at *schifferes.charlotte@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

ETA is soliciting comments regarding a revision and extension of a currently approved generic information collection. The collection would allow for a quick review process by OMB of a series of 8 to 20 short surveys or site visit protocols relevant to the broad spectrum of programs administered by

ETA, including those authorized by the Workforce Innovation and Opportunity Act (WIOA) of 2014 and other statutes. The surveys and interviews would cover a variety of issues, including but not limited to governance, administration, funding, service design and delivery, and participant experiences. Each survey and site visit protocol would be short (typically 10–30 questions for different groups of respondents). Depending on the purpose for collecting the information, these may be conducted with state workforce agencies, local workforce development boards, American Job Centers, partner programs, other entities involved in activities relevant to ETA, and customers of the workforce system and related programs. Each survey instrument and site visit protocol will be designed on an ad hoc basis and will focus on topics of pressing policy or research interest. Examples of broad topic areas include but are not limited to:

- State and local management information systems,
- New processes and procedures,
- Services to, and their effectiveness with, different target groups,
- Integration and coordination with other programs, and
- Local workforce investment board membership and training.

ETA is seeking an extension and revision of the current collection to be able to obtain quick approval to conduct surveys and site visits so that it can collect and analyze, on a timely basis, information on various programs, practices, or problems, and to meet its obligations to develop high quality policy, research, administrative guidance, regulations, and technical assistance. ETA will request information in these surveys and site visits that is not otherwise available. Other research and evaluation efforts, including long-range evaluations, take many years for data to be gathered and analyzed. Administrative information, including quarterly or annual data reported by states and local areas, do not provide sufficient information on key operational practices, staff, or participant perspectives, and new or rapidly emerging issues. ETA will make every effort to coordinate the ''quick turnaround'' surveys and site visits with other data collections in ETA or other parts of the Department of Labor, in order to ease the burden on local, state, and other respondents, to avoid duplication, and to fully explore how data and information from each study can be used to inform other studies. Information from the quick turnaround surveys will thus complement but not duplicate other ETA reporting requirements or evaluation studies.

Section 169 of WIOA, Public Law 113–128, authorizes this information collection for both evaluations (section 169(a)) and research activities (section 169(b)).

This information collection is subject to the PRA. A federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Control No. 1205–0436.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Employment and Training Administration Quick Turnaround Surveys.

Form: Not Applicable.

OMB Control Number: 1205–0436.

Affected Public: State, Local, and Tribal Governments; Private Sector businesses or other for-profit and not-for profit institutions; customers of the workforce system and other programs.

Estimated Number of Respondents: 7,000.

Frequency: Various.

Total Estimated Annual Responses: 2,333.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 2,500 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–18619 Filed 8–29–22; 8:45 am]

BILLING CODE 4510–FM–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Confidentiality and Disclosure of State Unemployment Compensation Information Final Rule and State Income and Eligibility Verification Provisions of the Deficit Reduction Act of 1984

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Confidentiality and Disclosure of State Unemployment Compensation Information Final Rule and State Income and Eligibility Verification Provisions of the Deficit Reduction Act of 1984.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by October 31, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely

respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting John Schuettinger by telephone at 202–693–2680 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *Schuettinger.John@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Ave. NW, Room S–4524, Washington, DC 20210; by email: *Schuettinger.John@dol.gov;* or by 202–693–2680.

FOR FURTHER INFORMATION CONTACT: Michelle Beebe by telephone at 202–693–3029 (this is not a toll-free number) or by email at *Beebe.Michelle.e@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The Deficit Reduction Act of 1984 (DEFRA) established an Income and Eligibility Verification System (IEVS) for the exchange of information for specific programs administered by state agencies. The programs include Temporary Assistance for Needy Families, Medicaid, Food Stamps, Supplemental Security Income, Unemployment Compensation, and any state program approved under Titles I, X, XIV, or XVI of the Social Security Act. Under the DEFRA, participating programs must exchange information to the extent that it is useful and productive in verifying eligibility and benefit amounts to assist the child support program and the Secretary of Health and Human Services in verifying eligibility and benefit amounts under Titles II and XVI of the Social Security Act.

On September 27, 2006, ETA issued a final rule regarding the Confidentiality and Disclosure of State Unemployment Compensation Information (71 FR 56842). This final rule includes a requirement for states to operate an income and eligibility verification system that meets the requirements of section 1137 of the Social Security Act (*see* Subpart C of 20 CFR part 603). This rule supports and expands upon the requirements of the DEFRA and subsequent regulatory changes. The DEFRA authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0238.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA–OUI.

Type of Review: Extension without changes.

Title of Collection: Confidentiality and Disclosure of State Unemployment Compensation Information Final Rule and State Income and Eligibility Verification Provisions of the Deficit Reduction Act of 1984.

Form: Not Applicable.

OMB Control Number: 1205–0238.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: Varies.

Total Estimated Annual Responses: 738,808.

Estimated Average Time per Response: 1 minute.

Estimated Total Annual Burden Hours: 16,164 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–18620 Filed 8–29–22; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Dislocated Workers Emergency Grant Application and Reporting Procedures

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 29, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is

necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The information collection is necessary for the DOL's award of National Dislocated Worker Grants (NDWGs), which are discretionary grants intended to temporarily expand the service capacity at the state and local area levels by providing funding assistance in response to major economic dislocations or other events, as defined in the Workforce Innovation and Opportunity Act (WIOA). Funds are available for obligation by the Secretary under Sections 132 and 170 of WIOA. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 9, 2022 (87 FR 13329).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: National Dislocated Workers Emergency Grant Application and Reporting Procedures.

OMB Control Number: 1205–0439.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 951.

Total Estimated Number of Responses: 951.

Total Estimated Annual Time Burden: 768 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: August 24, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–18617 Filed 8–29–22; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks Claimed

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 29, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Federal-State Extended Unemployment Compensation Act of 1970 section 203, as amended, provides for extended benefits to be paid to claimants exhausting regular benefits in a state if that state is experiencing high unemployment as measured by a thirteen-week moving average of the insured unemployment rate. The ETA 539 report is the vehicle states use to report weekly insured unemployment and other information necessary to calculate the trigger rate. The ETA 538 report permits DOL to report data five days after the week of reference. This data is released as an ''advance'' figure to the ETA 539 economic data. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 21, 2022 (87 FR 16030).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks Claimed.

OMB Control Number: 1205–0028.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 5,512.

Total Estimated Annual Time Burden: 3,675 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: August 24, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–18613 Filed 8–29–22; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Required Elements of an Unemployment Insurance Reemployment Services and Eligibility Assessment Grant State Plan

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 29, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Bipartisan Budget Act of 2018 included amendments to the Social Security Act (SSA) creating a permanent authorization for the Reemployment Services and Eligibility Assessment (RESEA) program. Section 306(e) of the SSA provides the authorization and specific requirements for an annual RESEA state plan. In 2019, the Department developed this state plan data collection to closely align with the statutory annual report requirements detailed in the SSA, and the essential administrative information necessary to complete the review, execution, and oversight of RESEA grants. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 14, 2022 (87 FR 22234).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Required Elements of an Unemployment Insurance (UI) Reemployment Services and Eligibility Assessment (RESEA) Grant State Plan.

OMB Control Number: 1205–0538.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 53.

Total Estimated Annual Time Burden: 2,120 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: August 24, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–18622 Filed 8–29–22; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 29, 2022.

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

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2022–0040.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any

mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2022–014–C.

Petitioner: Peabody Southeast Mining LLC, 701 Market Street, St. Louis, Missouri 63101.

Mine: Shoal Creek Mine, MSHA ID No. 01–02901, located in Tuscaloosa and Walker Counties, Alabama.

Regulation Affected: 30 CFR 75.503, Permissible electric face equipment; maintenance.

Modification Request: The petitioner requests a modification of 30 CFR 75.503 as it pertains to increasing the length of trailing cables used on low and medium voltage shuttle cars, auxiliary face ventilation fans, and roof bolting machines to 1,000 feet in length.

The petitioner states that:

(a) The Shoal Creek Mine utilizes continuous mining and longwall methods of mining.

(b) The operator uses cables up to 700 feet in length on its development sections and utilizes pillars 150 feet in length.

(c) For ground control purposes, the length of the pillars left for roof support during development at the mine may need to exceed the current 150 feet length.

(d) Without the requested modification, the inability to increase the length of the pillars will prevent an improved system of roof control.

(e) Increase in the length of the pillar without the requested modification makes cable handling and the section layout difficult for shuttle cars, auxiliary fans, and roof bolting machines.

(f) Increase in the length of cables will permit improved roof control and more efficient and safer cable handling.

The petitioner proposes the following alternative method:

(a) The maximum length of the low and medium trailing cables shall be 1,000 feet. The 1,000 feet trailing cables shall only be used on the section shuttle cars, roof bolters, and auxiliary ventilation fans.

(b) The low and medium voltage trailing cables shall not be smaller than No. 2 American Wire Gauge (AWG).

(c) All circuit breakers used to protect the No. 2 AWG trailing cables exceeding 700 feet in length shall have instantaneous trip units calibrated to trip at 800 amperes +/−10%. The trip settings of these circuit breakers shall be sealed or locked so the settings cannot be changed, and these circuit breakers shall have permanent, legible labels. Each label shall identify the circuit breaker as being suitable for protecting No. 2 AWG cables.

(d) Calibration, sealing, and labeling of circuit breakers and replacement units shall be performed by the circuit breaker manufacturer or an authorized repair facility outfitted with calibrated test equipment. Each label shall identify the circuit breaker as being suitable for protecting No. 2 AWG cable.

(e) Replacement circuit breakers and/or instantaneous trip units used to protect the No. 2 AWG trailing cables shall be calibrated to trip at 800 amperes +/−10%, and they shall be sealed.

(f) All components that provide short-circuit protection shall have a sufficient interruption rating in accordance with the minimum and maximum calculated fault currents available. Minimum and maximum calculated fault currents shall be made available by the operator.

(g) Prior to putting the equipment noted in item (a) of this section into service for each shift, persons designated by the mine operator shall visually examine the trailing cables to ensure that the cables are in safe operating condition. The instantaneous settings of the specially calibrated circuit breakers shall also be visually examined to ensure that the seals or locks have not been removed and that they do not exceed the settings stipulated in item (c) of this section.

(h) Permanent warning labels shall be installed and maintained on the cover(s) of the power center identifying the location of each sealed or locked short-circuit protective device. These labels shall warn miners not to change or alter the short-circuit settings. If any labels or settings on circuit breakers are altered or changed, the labels and/or short-circuit protective devices shall be changed.

(i) If the mining methods or operating procedures cause or contribute to the damage of any trailing cable, the cable shall be removed from service immediately and repaired or replaced. Each splice or repair in the trailing cables shall be made in a workmanlike manner and in accordance with the instructions of the manufacturer of the splice or repair materials. The splice or repair shall comply with 30 CFR 75.603 and 75.604. Additional precautions shall be taken to ensure that haulage roads and trailing cable storage areas are situated to minimize contact of the trailing cable with continuous mining equipment, haulage systems, scoops, and roof bolters.

(j) The petitioner's alternative method shall not be implemented until all miners designated to examine the integrity of seals or locks verify the short-circuit settings and proper procedures for examining trailing cables for defects or damage and to examine the designated operations of the section shuttle cars, roof bolters, and auxiliary ventilation fans have received the training specified in item (m).

(k) Prior to implementation of this petition, the circuit breakers shall be inspected by MSHA to ensure their conformity with the terms and conditions of this petition.

(l) Within 60 days after this petition becomes final, the operator shall submit proposed revisions for the approved 30 CFR part 48 training plan to the Coal Mine Safety and Health District Manager for the area in which the mine is located. The training shall include the following elements:

(1) Training in mining methods and operating procedures that will protect the trailing cables against damage.

(2) The proper procedure for examining the trailing cable to ensure that the cable(s) are in safe operating condition by a visual inspection of the entire cable, observing the insulation and the integrity of the splices, nicks, and abrasions.

(3) Training in hazards of setting the short-circuit interrupting device(s) too high to adequately protect the trailing cables.

(4) Training in how to verify that the circuit interrupting device(s) protecting the trailing cable(s) are properly set and maintained.

(5) On each production shift, the person designated by the operator to examine the trailing cable shall ensure that only the amount of the trailing cable needed for the shift is stored on the cable reel to prevent cable overheating. All excess cable shall be stored in a safe location.

(m) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted at the mine for a period of not less than 60 consecutive days.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same

measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2022–18610 Filed 8–29–22; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 29, 2022.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2022–0039 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2022–0039.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2022–013–C.

Petitioner: Harrison County Coal Resources, Inc., 464 North Portal Road, Wallace, West Virginia 26448.

Mine: Harrison County Mine, MSHA ID No. 46–01318, located in Harrison County, West Virginia.

Regulation Affected: 30 CFR 75.1700, Oil and gas wells.

Modification Request: The petitioner requests a modification of 30 CFR 75.1700 to permit mining within a 300 feet barrier of slant directionally drilled (SDD) wells and through coalbed methane (CBM) gas wells.

The petitioner states that:

(a) The proposed alternative method has been successfully used to prepare CBM wells for safe intersection by using one or more of the following methods: cement plug, polymer gel, bentonite gel, active pressure management and water infusion, and remedial work.

(b) The proposed alternative method will prevent the CBM well methane from entering the underground mine.

(c) An existing Petition for Modification (Docket No. M–2016–019–C granted on June 30, 2017) allows the plugging methods outlined in the proposed alternative method to be used at the Harrison County Mine for vertical oil and gas wells.

The petitioner proposes the following alternative method:

(a) District Manager approval required:

(1) A minimum working barrier of 300 feet in diameter shall be maintained around all SDD wells until approval to proceed with mining has been obtained from the District Manager. This barrier extends around all vertical and horizontal branches drilled in the coal seam. This barrier also extends around all vertical and horizontal branches within overlying coal seams subject to caving or subsidence from the coal seam being mined when methane leakage through the subsidence zone is possible.

(2) The District Manager may choose to approve each well or a group of wells as applicable to the conditions. To prepare the SDD wells for intersection, the District Manager may require a certified review by a professional engineer to assess the applicability of the proposed system(s) to the mine-specific conditions.

(b) Mandatory computations and administrative procedures prior to plugging or replugging SDD wells after District Manager approval has been obtained:

(1) Probable Error of Location—Directional drilling systems rely on sophisticated angular measurement systems and computer models to calculate the estimated location of the well bore. This estimated hole location is subject to cumulative measurement errors so that the distance between actual and estimated location of the well bore increases with the depth of the hole. Modern directional drilling systems are typically accurate within one or two degrees depending on the specific equipment and techniques.

(i) The Probable Error of Location ($EE\rho\rho$) is defined by a cone described by the average accuracy of angular measurement ($\alpha\alpha$) around the length of the hole (*LLHH*), calculated by the following equation: $EE\rho\rho = LLHH \times \sin \alpha\alpha$. For example, mining projected to intersect a well at a point 4,000 feet from the collar, measured along the well path, would consider a probable error radius of 69.8 feet about the projected point of intersection. $EE\rho\rho = 4{,}000 \times \sin(1°) = 69.8$.

(ii) In addition to the Probable Error of Location, the true point of intersection may be affected by underground survey errors, surface survey errors, and survey errors.

(2) Minimum Working Barrier Around Well—The minimum working barrier around any CBM well or branches of a CBM well in the coal seam is 50 feet greater than the calculated Probable Error of Location.

(i) For example, mining projected to intersect a well at a point 4,000 feet from the collar, measured along the well path, would consider a probable error radius of 69.8 feet about the projected point of intersection. Therefore, the minimum working barrier around this point of the well bore is 120 feet. The additional 50 feet is a reasonable

separation between the probable location of the well and mining operations.

(ii) When mining is within the minimum working barrier distance from a CBM well or branch, the operator must comply with the provisions of the Proposed Decision and Order.

(iii) The District Manager may require a greater minimum working barrier around CBM wells where geologic conditions, historical location errors, or other factors warrant a greater barrier.

(3) Ventilation Plan Requirements—The Ventilation Plan shall identify SDD CBM wells within the active mining area and any projected mining area as specified in 30 CFR 75.372(b)(14) and, where intersection is projected, note the well casing type, diameter, and preparation method for the defined working barrier. If the well has not been prepared for intersection, the techniques which the operator plans to implement shall also be included. Actions necessary to implement such techniques, as well as required operational precautions for mining within the minimum working barrier shall also be included. Further operational precautions to be taken when mining within the minimum working barrier may be required by the District Manager.

(4) Ventilation Map—The ventilation map specified in 30 CFR 75.372 shall contain the following information:

(i) The surface location of all CBM wells in the active mining area and any projected mining area as specified in 30 CFR 75.372(b)(14);

(ii) Identifying information of CBM wells (American Petroleum Institute or equivalent);

(iii) The coal seam intersection of all CBM wells;

(iv) The horizontal extents in the coal seam of all CBM wells and branches;

(v) If intersected, the date of mine intersection and the location of such intersection relative to the expected point.

(c) Mandatory procedures for plugging or replugging SDD wells:

(1) The operator shall include in the mine ventilation plan one or more of the following methods specified in sections (c)(3) through (c)(7) to prepare SDD wells for safe intersection.

(2) The methods approved in the ventilation plan must be completed on each SDD well before mining encroaches on the minimum working barrier around the well or branch of the well in the coal seam being mined. If methane leakage through subsidence cracks is a problem when retreat mining, the minimum working barrier must be maintained around wells and branches in overlying coal seams or the wells and branches must be prepared for safe intersection as specified in the mine ventilation plan.

(3) Cement Plug—Cement may be used to fill the entire SDD hole system.

(i) Squeeze cementing techniques are necessary for SDD plugging due to the lack of tubing in the hole. Cement should fill void spaces and eliminate methane leakage along the hole. Once the cement has cured, the SDD system may be intersected multiple times without further hole preparation.

(ii) Gas cutting occurs if the placement pressure of the cement is less than the methane pressure in the coal seam. Under these conditions, gas will bubble out of the coal seam and into the unset cement creating a pressurized void or a series of interconnected pressurized voids. Water cutting occurs when formation water and standing water in the hole invades or displaces the unset cement. Standing water must be bailed out of the hole or driven into the formation with compressed gas to minimize water cutting. The cement pressure must be maintained higher than the formation pressure until the cement sets to minimize both gas and water cutting. The cementing program in the ventilation plan must address both gas and water cutting.

(iii) Due to the large volume to be cemented and potential problems with cement setting prior to filling the entire SDD system, adequately sized pumping units with back-up capacity must be used. Various additives such as retarders, lightweight extenders, viscosity modifiers, thixotropic modifiers, and fly ash may be used in the cement mix. The volume of cement pumped should exceed the estimated hole volume to ensure the complete filling of all voids.

(iv) The complete cementing program, including hole dewatering, cement, additives, pressures, pumping times and equipment must be specified in the ventilation plan. The safety data sheets (SDSs) for all cements, additives, and components and details regarding personal protective equipment and techniques to protect workers from the potentially harmful effects of the cement and cement components shall be included in the ventilation plan.

(v) Records of cement mixes, cement quantities, pump pressures, and flow rates and times should be retained for each hole plugged. SDD holes may be plugged with cement years in advance of mining. The District Manager shall require suitable documentation of the cement plugging to approve mining within the minimum working barrier around CBM wells.

(4) Polymer Gel—Polymer gels start out as low viscosity, water-based mixtures of organic polymers that are crosslinked using time-delayed activators to form a water-insoluble, high-viscosity gel after being pumped into the SDD system.

(i) Although polymer gel systems never solidify, the activated gel should develop sufficient strength to resist gas flow. A gel that is suitable for treating SDD wells for mine intersection will reliably fill the SDD system and prevent gas-filled voids. Any gel chemistry used for plugging SDD wells should be resistant to bacterial and chemical degradation and remain stable for the duration of mining through a SDD system.

(ii) Water may dilute the gel mixture to the point where it will not set to the required strength. Thus, water in the holes must be removed before injecting the gel mixture. Water removal can be accomplished by conventional bailing and then injecting compressed gas to squeeze the water that accumulates in low spots back into the formation. Gas pressurization should be continued until the hole is dry.

(iii) Dissolved salts in the formation waters may interfere with the cross-linking reactions. Any proposed gel mixtures must be tested with actual formation waters.

(iv) Equipment to mix and pump gels should have adequate capacity to fill the hole before the gel sets. Back-up units should be available while pumping.

(v) The volume of gel pumped should exceed the estimated hole volume to ensure the complete filling of all voids and allow for gel to infiltrate the joints in the coal seam surrounding the hole. Gel injection and setting pressures should be specified in the ventilation plan.

(vi) To reduce the potential for an inundation of gel, the final level of gel should be close to the level of the coal seam and the remainder of the hole should remain open to the atmosphere until mining in the vicinity of the SDD system is completed. Packers may be used to isolate portions of the SDD system.

(vii) The complete polymer gel program, including the advance testing of the gel with formation water, dewatering systems, gel specifications, gel quantities, gel placement, pressures, and pumping equipment must be specified in the ventilation plan. The SDSs for all gel components and details regarding personal protective equipment and techniques to protect workers from the potentially harmful effects of the gel and gel components shall be included in the ventilation plan. A record of the

calculated hole volume, gel quantities, gel formulation, pump pressures, and flow rates and times should be retained for each hole that is treated with gel. Other gel chemistries other than organic polymers may be included in the ventilation plan with appropriate methods, parameters, and safety precautions.

(5) Bentonite Gel—High-pressure injection of bentonite gel into the SDD system will infiltrate the cleat and butt joints of the coal seam near the well bore and effectively seal these conduits against the flow of methane.

(i) Bentonite gel is a thixotropic fluid that sets when it stops moving. Bentonite gel has a significantly lower setting viscosity than polymer gel. While the polymer gel fills and seals the borehole, the lower strength bentonite gel must penetrate the fractures and jointing in the coal seam to be effective in reducing formation permeability around the hole. The use of bentonite gel is restricted to depleted CBM applications with low abandonment pressures and limited recharge potential. In general, these applications will be in mature CBM fields with long production histories.

(ii) A slug of water should be injected prior to the bentonite gel to minimize moisture-loss bridging near the well bore. The volume of gel pumped should exceed the estimated hole volume to ensure that the gel infiltrates the joints in the coal seam for several feet surrounding the hole. Due to the large gel volume and potential problems with premature thixotropic setting, adequately sized pumping units with back-up capacity are required.

(iii) Additives to the gel may be required to modify viscosity, reduce filtrates, reduce surface tension, and promote sealing of the cracks and joints around the hole. To reduce the potential for an inundation of bentonite gel, the final level of gel should be approximately the elevation of the coal seam and the remainder of the hole should remain open to the atmosphere until mining in the vicinity of the SDD system is completed. If a water column is used to pressurize the gel, it must be bailed down to the coal seam elevation prior to intersection.

(iv) The complete bentonite gel program, including formation infiltration and permeability reduction data, hole pretreatment, gel specifications, additives, gel quantities, flow rates, injection pressures, and infiltration times, must be specified in the ventilation plan. The ventilation plan should list the equipment used to prepare and pump the gel. The SDSs for all gel components and details regarding personal protective equipment and techniques to protect workers from the potentially harmful effects of the gel and additives shall be included in the ventilation plan. A record of hole preparation, gel quantities, gel formulation, pump pressures, and flow rates and times should be retained for each hole that is treated with bentonite gel.

(6) Active Pressure Management and Water Infusion—Reducing the pressure in the hole to less than atmospheric pressure by operating a vacuum blower connected to the wellhead may facilitate safe intersection of the hole by a coal mine. The negative pressure in the hole will limit the quantity of methane released into the higher pressure mine atmosphere. If the mine intersection is near the end of a horizontal branch of the SDD system, air will flow from the mine into the upstream side of the hole and be exhausted through the blower on the surface. On the downstream side of the intersection, if the open hole length is short, the methane emitted from this side of the hole may be diluted to safe levels with ventilation air. Conversely, safely intersecting this system near the bottom of the vertical hole may not be possible because the methane emissions from the multiple downstream branches may be too great to dilute with ventilation air. The methane emission rate is directly proportional to the length of the open hole.

(i) Successful application of vacuum systems may be limited by caving of the hole or water collected in dips in the SDD system. Another important factor in the success of vacuum systems is the methane liberation rate of the coal formation around the well; older, more depleted wells that have lower methane emission rates are more amenable to this technique. The remaining methane content and the formation permeability shall be addressed in the ventilation plan.

(ii) Packers may be used to reduce methane inflow into the coal mine after intersection. All packers on the downstream side of the hole must be equipped with a center pipe so that the inby methane pressure may be measured or so that water may be injected. Subsequent intersections shall not take place if pressure in a packer-sealed hole is excessive.

(iii) Alternatively, methane produced by the downstream hole may be piped to an in-mine degas system to safely transport the methane out of the mine or may be piped to the return air course for dilution. In-mine methane piping shall be protected as stipulated in ''Piping Methane in Underground Coal Mines,'' MSHA IR1094 (1978). Protected methane diffusion zones may be established in return air courses if needed.

(iv) Detailed sketches and safety precautions for methane collection, piping, and diffusion systems must be included in the ventilation plan per 30 CFR75.371(ee).

(v) Water infusion prior to intersecting the well will temporarily limit methane flow. Water infusion may also help control coal dust levels during mining. High water infusion pressures may be obtained prior to the initial intersection by the hydraulic head resulting from the hole depth or by pumping. Water infusion pressures for subsequent intersections are limited by leakage around in-mine packers and limitations of the mine water distribution system. If water is infused prior to the initial intersection, the water level in the hole must be lowered to the coal seam elevation before the intersection.

(vi) The ventilation plan should include/address the following:

(A) The complete pressure management strategy including negative pressure application, wellhead equipment, use of packers, in-mine piping, methane dilution, and water infusion.

(B) Procedures for controlling methane in the downstream hole.

(C) Remaining methane content and formation permeability.

(D) Potential for the coal seam to cave into the well.

(E) Dewatering methods.

(F) Record of the negative pressures applied to the system, methane liberation, use of packers, any water infusion pressures, and application time should be retained for each intersection.

(7) Remedial work—If problems are encountered in preparing the holes for safe intersection, remedial measures must be taken to protect the miners. For example, if only one-half of the calculated hole volume of cement could be placed into a SDD well due to hole blockage, holes should be drilled near each branch that will be intersected and squeeze cemented using pressures sufficient to fracture into the potentially empty SDD holes. The District Manager approval of the ventilation plan for remedial +work shall be obtained on a case-by-case basis.

(d) Mandatory procedures after District Manager approval to mine within the minimum working barrier around the well or branch of the well:

(1) The operator, the District Manager, the miners' representative, or the State may request a conference prior to any intersection or after any intersection to discuss issues or concerns. Upon receipt

of any such request, the District Manager shall schedule a conference. The party requesting the conference shall notify all other parties listed above within a reasonable time prior to the conference to provide opportunity for participation.

(2) The operator must notify the District Manager, the State, and the miners' representative at least 48 hours prior to the intended intersection of any CBM well.

(3) The initial intersection of a well or branch of a well typically has a higher risk than subsequent intersections and indicates if the well preparation is sufficient to prevent the inundation of methane. For the initial intersection of a well or branch, the following procedures are mandatory:

(i) Entries that will intersect either vertical segments or branches of a well shall be noted with a readily visible marking that notes the distance to the well. Such marking shall be located in the last open crosscut when mining is within 100 feet of the well.

(ii) When a segment of a well will be intersected by a longwall, drivage sights shall be installed on 10 feet centers starting 50 feet in advance of the anticipated intersection. Drivage sights shall be installed in the headgate entry of the longwall and note the shield number at which the anticipated intersection is expected to occur or begin in the case of a horizontal branch.

(iii) The operator shall ensure that fire-fighting equipment, including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the mine-through (when either the conventional or the continuous mining method is used), is available and operable during all well mine-throughs. The fire hose shall be located in the last open crosscut of the entry or room. The operator shall maintain the water line to the belt conveyor tailpiece along with a sufficient amount of fire hose to reach the farthest point of penetration on the section. When the longwall mining method is used, a hose to the longwall water supply is sufficient. All fire hoses shall be connected and ready for use, but do not have to be charged with water, during the cut-through.

(iv) The operator shall ensure that sufficient supplies of roof support and ventilation materials are available at the working section. In addition, emergency plugs, packers, and setting tools to seal both sides of the well or branch shall be available in the immediate area of the cut-through.

(v) When mining advances within the minimum working barrier distance from the well or branch of the well, the operator shall service all equipment and check for permissibility at least once daily. Daily permissibility examinations must continue until the well or branch is intersected or until mining exits the minimum working barrier around the well or branch.

(vi) When mining advances within the minimum working barrier distance from the well or branch of the well, the operator shall calibrate the methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine at least once daily. Daily methane monitor calibration must continue until the well or branch is intersected or until mining exits the minimum working barrier around the well or branch.

(vii) When mining is in progress, the operator shall perform tests for methane with a handheld methane detector at least every 10 minutes from when the mining with the continuous mining machine or longwall face is within the minimum working barrier around the well or branch. During the cutting process, no individual shall be allowed on the return side until the mine-through has been completed and the area has been examined and declared safe. The shearer must be idle when any miners are inby the tail drum.

(viii) When using continuous or conventional mining methods, the working place shall be free from accumulations of coal dust and coal spillages, and rock dust shall be placed on the roof, rib, and floor within 20 feet of the face when mining through the well or branch. On longwall sections, rock dust shall be applied on the roof, rib, and floor up to both the headgate and tailgate pillared area.

(ix) Immediately after the well or branch is intersected, the operator shall de-energize all equipment, and the certified person shall thoroughly examine and determine the working place safe before mining is resumed.

(x) After a well or branch has been intersected and the working place determined safe, mining shall continue in by the well at a sufficient distance to permit adequate ventilation around the area of the well or branch.

(xi) No open flame shall be permitted in the area until adequate ventilation has been established around the well bore or branch. Any casing, tubing, or stuck tools will be removed using the methods approved in the ventilation plan.

(xii) No person except those directly engaged in the operation shall be permitted in the working place of the mine-through operation during active mining.

(xiii) The operator shall warn all personnel directly engaged in the operation of the planned intersection of the well or branch prior to going underground if the intersection is to occur during their shift.

(xiv) The mine-through operation shall be under the direct supervision of a certified person. Instructions concerning the mine-through operation shall be issued only by the certified person in charge.

(xv) All miners shall be in known locations and stay in communication with the responsible person, in accordance with the site-specific approved Emergency Response Plan, when active mining occurs within the minimum working barrier of the well or branch.

(xvi) The responsible person required under 30 CFR 75.1501 is responsible for well intersection emergencies. The well intersection procedures must be reviewed by the responsible person prior to any planned intersection.

(xvii) A copy of the Decision and Order shall be maintained at the mine and be available to the miners.

(xviii) The provisions of the Decision and Order do not impair the authority of representatives of MSHA to interrupt or halt the mine through operation and to issue a withdrawal order when they deem it necessary for the safety of the miners. MSHA may order an interruption or cessation of the mine-through operation and/or a withdrawal of personnel by issuing either an oral or a written order to a representative of the operator, which shall include the basis for the order. Operations in the affected area of the mine may not resume until a representative of MSHA permits resumption of mine-through operations. The operator and miners shall comply with verbal or written MSHA orders immediately. All oral orders shall be committed to writing within a reasonable time as conditions permit.

(xix) For subsequent intersections of branches of a well, appropriate procedures to protect the miners shall be specified in the ventilation plan.

(e) Mandatory procedures after SDD intersections:

(1) All intersections with SDD wells and branches that are in intake air courses shall be examined as part of the pre-shift examinations required under 30 CFR 75.360.

(2) All other intersections with SDD wells and branches shall be examined as part of the weekly examinations required under 30 CFR 75.364.

(f) Other requirements:

(1) A minimum working barrier of 300 feet in diameter shall be maintained around all SDD wells until the operator submits proposed revisions for its approved 30 CFR part 48 training plan

to the District Manager. These proposed revisions shall include initial and refresher training regarding compliance with the terms and conditions stated in the Decision and Order. The operator shall provide all miners involved in the mine-through of a well or branch with training regarding the requirements of the Decision and Order prior to mining within the minimum working barrier of the next well or branch intended to be mined through.

(2) A minimum working barrier of 300 feet in diameter shall be maintained around all SDD wells until the operator has submitted proposed revisions for its approved mine emergency evacuation and firefighting program of instruction required by 30 CFR 75.1502. The operator shall revise the program to include the hazards and evacuation procedures to be used for well intersections. All underground miners shall be trained in this revised program according to the revised mine emergency evacuation and firefighting program of instruction prior to mining within the minimum working barrier.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2022–18618 Filed 8–29–22; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0020]

Process Safety Management (PSM); Stakeholder Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of stakeholder meeting.

SUMMARY: OSHA invites interested parties to participate in an informal stakeholder meeting concerning the rulemaking project for OSHA's Process Safety Management (PSM) standard, at which OSHA will provide a brief overview of its work on the PSM rulemaking project to date. Additionally, OSHA invites participants to provide public comments related to potential changes to the standard that OSHA is considering.

DATES: The stakeholder meeting will be held from 10:00 a.m. to 4:00 p.m. ET, on Wednesday, September 28, 2022. Registration to participate in or observe the stakeholder meeting will be open until all spots are full. Written comments must be submitted by October 28, 2022.

ADDRESSES: *Registration:* The stakeholder meeting will be held virtually on WebEx. If you wish to attend the meeting or provide public comment, please register online as soon as possible at *https://www.osha.gov/process-safety-management/background/2022stakeholdermtg.* If you are interested in providing public comments at the meeting, you must indicate that while registering. In order to accommodate many speakers, public commenters will be allowed approximately three minutes to speak. Although OSHA welcomes all comments and seeks to accommodate as many speakers as possible, it may not be possible to accommodate all stakeholder requests to speak at the meeting. Stakeholders who register to speak in advance of the meeting will receive confirmation and a schedule of speakers via email prior to the event. Those who cannot attend the meeting and those who are unable or choose not to make verbal comments during the meeting are invited to submit their comments in writing (see instructions in Section III below).

FOR FURTHER INFORMATION CONTACT:

Press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Ms. Lisa Long, Director, Office of Engineering Safety, OSHA Directorate of Standards and Guidance, Room N–3621, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693–2222, email: *long.lisa@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

OSHA published the PSM standard, 29 CFR 1910.119,[1] in 1992 in response to several catastrophic chemical-release incidents that occurred worldwide. The PSM standard requires employers to implement safety programs that identify, evaluate, and control highly hazardous chemicals. Unlike some of OSHA's standards, which prescribe precisely what employers must do to comply, the PSM standard is ''performance-based,'' and outlines 14 management system elements for controlling highly hazardous chemicals. Under the standard, employers have the flexibility to tailor their PSM programs to the unique conditions at their facilities. For more information on the PSM standard, please visit *https://osha.gov/process-safety-management/background.*

Since its publication in 1992, the PSM standard has not been updated. The 2013 ammonium nitrate explosion at a fertilizer storage facility in West, Texas renewed interest in PSM. In response to this incident, on August 1, 2013, Executive Order (E.O.) 13650, *Improving Chemical Facility Safety and Security,* was signed. The E.O. directed OSHA and several other federal agencies to, among other things, modernize policies, regulations, and standards to enhance safety and security in chemical facilities by completing certain tasks, including: coordinating with stakeholders to develop a plan for implementing improvements to chemical risk managements practices, developing proposals to improve the safe and secure storage handling and sale of ammonium nitrate, and reviewing the PSM and Risk Management Plan (RMP) rules to determine if their covered hazardous chemical lists should be expanded. For more specifics on the Executive Order and OSHA's collaboration with other government agencies and stakeholders, please visit *https://www.osha.gov/chemical-executive-order.*

Additionally, the E.O. directed that within 90 days, OSHA should publish a Request for Information (RFI) to identify issues related to modernization of its PSM standard and related standards necessary to meet the goal of preventing major chemical accidents. OSHA published the RFI in December 2013, and subsequently initiated and completed a Small Business Advocacy Review Panel (SBAR) in June 2016. Following the SBAR panel, PSM was moved to the Long-Term Actions list on the Unified Agenda. OSHA has continued to work on the PSM standard rulemaking and PSM was placed back on the Unified Agenda in the spring of 2021. OSHA is holding this stakeholder meeting to reengage stakeholders and solicit comments on the modernization topics mentioned in the RFI and SBAR panel report, as well as any additional PSM-related issues stakeholders would like to raise. The list of modernization topics is listed below in Section II.

The Environmental Protection Agency (EPA) has a separate, pending proposal addressing RMP requirements. In the Clean Air Act Amendments of 1990, Congress required OSHA to adopt the

[1] Section 1910.119 is made applicable to construction work through 29 CFR 1926.64.

PSM standard to protect workers and required EPA to protect the community and environment by issuing the RMP rule. The PSM and RMP rules were written to complement each other in accomplishing these Congressional goals. Since the E.O. 13650, EPA has published amendments to the RMP rule in 2017 and 2019. Any comments on the EPA's RMP proposal should be submitted in writing to the docket for that rulemaking and will not be discussed during OSHA's stakeholder meeting. More information regarding the RMP rule is available at *https://www.epa.gov/rmp.* OSHA and EPA will continue to coordinate as both agencies consider revisions to their respective rules.

II. Stakeholder Meeting

The meeting will feature a brief presentation from OSHA on the background of the PSM standard and some of the issues outlined in this notice. After the presentation, there will be time for registered commenters to provide verbal comments. PSM rulemaking topics are outlined in the lists below, but commenters may provide feedback on additional PSM-related issues. More information on most of the topics in the lists below can be found in the Small Entity Representative (SER) Background Document (docket no. OSHA–2013–0020–0107) and SER Issues Document (docket no. OSHA–2013–0020–0108) located on the PSM SBAR web page, *https://www.osha.gov/process-safety-management/sbrefa.* The purpose of the meeting is to gather information from stakeholders, and OSHA will not be responding to the comments during the meeting. The public may also submit written comments to the rulemaking docket (see Section III for instructions). More information on registration is provided above. The meeting will be recorded.

The potential changes to the scope of the current PSM standard that OSHA is considering include:

1. Clarifying the exemption for atmospheric storage tanks;
2. Expanding the scope to include oil- and gas-well drilling and servicing;
3. Resuming enforcement for oil and gas production facilities;
4. Expanding PSM coverage and requirements for reactive chemical hazards;
5. Updating and expanding the list of highly hazardous chemicals in Appendix A;
6. Amending paragraph (k) of the Explosives and Blasting Agents Standard (§ 1910.109) to extend PSM requirements to cover dismantling and disposal of explosives and pyrotechnics;
7. Clarifying the scope of the retail facilities exemption; and
8. Defining the limits of a PSM-covered process.

The potential changes to particular provisions of the current PSM standard that OSHA is considering include:

1. Amending paragraph (b) to include a definition of RAGAGEP;
2. Amending paragraph (b) to include a definition of critical equipment;
3. Expanding paragraph (c) to strengthen employee participation and include stop work authority;
4. Amending paragraph (d) to require evaluation of updates to applicable recognized and generally accepted as good engineering practices (RAGAGEP);
5. Amending paragraph (d) to require continuous updating of collected information;
6. Amending paragraph (e) to require formal resolution of Process Hazard Analysis team recommendations that are not utilized;
7. Expanding paragraph (e) by requiring safer technology and alternatives analysis;
8. Clarifying paragraph (e) to require consideration of natural disasters and extreme temperatures in their PSM programs, in response to E.O. 13990;
9. Expanding paragraph (j) to cover the mechanical integrity of any critical equipment;
10. Clarifying paragraph (j) to better explain ''equipment deficiencies''
11. Clarifying that paragraph (l) covers organizational changes;
12. Amending paragraph (m) to require root cause analysis;
13. Revising paragraph (n) to require coordination of emergency planning with local emergency-response authorities;
14. Amending paragraph (o) to require third-party compliance audits;
15. Including requirements for employers to develop a system for periodic review of and necessary revisions to their PSM management systems (previously referred to as ''Evaluation and Corrective Action''); and
16. Requiring the development of written procedures for all elements specified in the standard, and to identify records required by the standard along with a records retention policy (previously referred to as ''Written PSM Management Systems'').

III. Submitting and Accessing Comments

Regardless of attendance at the stakeholder meeting, interested persons may submit written comments electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal. All comments, attachments, and other material must identify the agency's name and the docket number for this stakeholder meeting (OSHA–2013–0020). You may supplement electronic submissions by uploading document files electronically. All comments and additional materials must be submitted by October 28, 2022. All comments, including any personal information, are placed in the public docket without change and may be made available online at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as Social Security Numbers and dates of birth.

To read or download comments or other material in the docket, go to *https://www.regulations.gov,* and search for docket no. OSHA–2013–0020. All documents in the docket are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Information on using the *https://www.regulations.gov* website to submit comments and access the docket is available at *https://www.regulations.gov/faq.*

Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of document under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 08–2020 (85 FR 58393); and 29 CFR part 1911.

Signed at Washington, DC.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–18614 Filed 8–29–22; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collections, Bank Conversions and Mergers

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following extension of a currently approved collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before October 31, 2022 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street, Suite 6032, Alexandria, Virginia 22314; email at *PRAComments@NCUA.gov. Given the limited in-house staff because of the COVID–19 pandemic, email comments are preferred.*

FOR FURTHER INFORMATION CONTACT: Address requests for additional information to Dawn Wolfgang at the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0182.

Title: Bank Conversions and Mergers, 12 CFR part 708a.

Type of Review: Extension of a currently approved collection.

Abstract: Part 708a of NCUA's Rules and Regulations covers the conversion of federally insured credit unions (credit unions) to mutual savings banks (MSBs) and mergers of credit unions into both mutual and stock banks (banks). Part 708a requires credit unions that intend to convert to MSBs or merge into banks to provide notice and disclosure of their intent to convert or merge to their members and NCUA, and to conduct a membership vote. In addition, Subpart C requires credit unions that intend to merge into banks to determine the merger value of the credit union. The information collection allows NCUA to ensure compliance with statutory and regulatory requirements for conversions and mergers and ensures that members of credit unions have sufficient and accurate information to exercise an informed vote concerning a proposed conversion or merger.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated No. of Respondents: 1.

Estimated No. of Responses per Respondent: 13.

Estimated Total Annual Responses: 13.

Estimated Burden Hours per Response: 30.

Estimated Total Annual Burden Hours: 391.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper execution of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Melane Conyers-Ausbrooks, Secretary of the Board, the National Credit Union Administration, on August 24, 2022.

Dated: August 25, 2022.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2022–18629 Filed 8–29–22; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before September 29, 2022 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dawn Wolfgang at (703) 548–2279, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0039.

Type of Review: Extension of a currently approved collection.

Title: Borrowed Funds from Natural Persons, 12 CFR 701.38.

Abstract: Section 701.38 of the NCUA regulations grants federal credit unions the authority to borrow funds from a natural person as long as they maintain a signed promissory note which includes the terms and conditions of maturity, repayment, interest rate, method of computation and method of payment; and the promissory note and any advertisements for borrowing have clearly visible language stating that the note represents money borrowed by the credit union and does not represent shares and is not insured by the National Credit Union Insurance Fund (NCUSIF). NCUA will use this information to ensure a credit union's natural person borrowings are in compliance and address all regulatory and safety and soundness requirements.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 31.

OMB Number: 3133–0129.

Type of Review: Extension of a currently approved collection.

Title: Corporate Credit Union, 12 CFR 704.

Abstract: Part 704 of NCUA's regulations established the regulatory framework for corporate credit unions. This includes various reporting and recordkeeping requirements as well as safety and soundness standards. NCUA has established and regulates corporate credit unions pursuant to its authority under §§ 120, 201, and 209 of the Federal Credit Union Act, 12 U.S.C. 1766(a), 1781, and 1789. The collection of information is necessary to ensure that corporate credit unions operate in a safe and sound manner by limiting risk to their natural person credit union members and the National Credit Union Share Insurance Fund.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 230.

By Melane Conyers-Ausbrooks, Secretary of the Board, the National Credit Union Administration, on August 24, 2022.

Dated: August 25, 2022.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2022–18633 Filed 8–29–22; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register**, and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAmain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Comments: Comments regarding (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to the points of contact in the **FOR FURTHER INFORMATION CONTACT** section.

Copies of the submission may be obtained by calling 703–292–7556. NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number, and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: Reporting Requirements for the National Science Foundation (NSF) Innovation Corps (I-Corps) Hubs Program.

OMB Number: 3145–0258.

Expiration Date of Approval: August 31, 2024.

Type of Request: Intent to seek approval on revising an existing information collection.

Abstract

Proposed Project

The National Science Foundation (NSF) Innovation Corps (I-Corps™), herein known as I-Corps program, was established at NSF in Fiscal Year (FY) 2012 to equip scientists with the entrepreneurial tools needed to transform discoveries with commercial realization potential into innovative technologies. The goal of the I-Corps Program is to use experiential education to help researchers reduce the time necessary to translate a promising idea from the laboratory to the marketplace. In addition to accelerating technology translation, NSF seeks to reduce the risk associated with technology development conducted without insight into industry requirements and challenges. The I-Corps Program uses a lean startup approach to encourage scientists to think like entrepreneurs through intensive workshop training and ongoing support.

In FY 2017, the American Innovation and Competitiveness Act (AICA), Public Law 114–329, Sec 601, formally authorized and directed the expansion of NSF I-Corps Program to increase the economic competitiveness of the United States, enhance partnerships between academia and industry, develop an American STEM workforce that is globally competitive, and support female entrepreneurs and individuals from historically underrepresented groups in STEM through mentorship, education, and training.

Under AICA, NSF has built and expanded the I-Corps Program through the National Innovation Network (NIN) model. NIN is a collection of NSF I-Corps Nodes and Sites that, together with NSF, implement the I-Corps program to grow and sustain the national innovation ecosystem. I-Corps Nodes are typically large, multi-institutional collaborations that deliver the NSF National I-Corps Teams training curriculum and recruit and train the National I-Corps instructors. I-Corps Sites are entrepreneurial centers located at individual colleges and universities that catalyze potential I-Corps teams within their local institutions. Together, the Nodes and Sites have served as the backbone of the NIN.

In 2020, NSF published the Program Solicitation, NSF 20–529, to formalize the launching of the NSF I-Corps Hubs Program, which further expands and strengthens the NIN. The I-Corps Hubs are designed to support inclusive, regional communities of innovators, in that teams are encouraged to recruit diverse members at all levels. In addition, the I-Corps Hubs Program also provides new pathways for teams to qualify for the participation in the National I-Corps ™ Teams program. Through the I-Corps Hubs solicitation, NSF seeks to evolve the current NIN structure, into a more integrated model capable of sustained operation at the scope and scale required to support the expansion of the NSF I-Corps Program as directed by AICA.

Under AICA, NSF is directed to collect data and information pertaining to the characteristics, outputs, and outcomes from the teams as well as individuals funded by the NSF I-Corps™ Program. The collection of this information will enable the evaluation of and reporting on the four themes as outlined in the FY 2021 NSF I-Corps Biennial Report to Congress:

1. Technology Translation
2. Entrepreneurial Training and Workforce Development
3. Economic Impact
4. Collaboration and Inclusion

Recently, NSF published a new I-Corps Hubs Solicitation, NSF 22–566, that supplants the now archived NSF 20–529. The new solicitation contains a set of modified grantee reporting requirements. In response to these modifications, NSF requests the revision

of the previously cleared grantee reporting requirements under 3145–0258 to reflect the updates in NSF 22–566. NSF will modify the awards made under NSF 20–529 to comply with the new reporting requirements outlined in NSF 22–566 once this Paperwork Reduction Act request is approved by the OMB.

Under the new reporting requirements outlined in NSF 22–566, each Hub is required to provide data and documentation to demonstrate the progress of the six (6) required activities:

1. Team Expansion
2. I-Corps Training
3. Institutional Expansion of the Hub
4. Evaluation of Hubs
5. Entrepreneurial Research
6. Broadening Participation

More concretely, each Hub is asked to report on the following:

1. Results from surveys that were designed to track the entrepreneurial progress of Program Participants
2. Results from a survey gauging the level of Participants' satisfaction with the Program (customer feedback)
3. Records on the Hub:
   a. Institution name
   b. Role (Lead or Partner)
   c. Year joined the Hub
   4. Records on the personnel working at the Lead and Partner institutions within the Hub:

a. Name
b. Role (Director, Coordinator, Evaluation Lead, etc)
c. Contact Information for each individual in 4.a

5. Records on cohorts of teams trained during a FY:

a. Date
b. Location

6. Records on the instructors by cohort:

a. Instructor's name
b. Instructor's affiliation
c. A brief bio of the instructor
d. Contact information

7. Records of all the teams and individuals participating in the Program

a. Teams –
i. Name of the Team
ii. Participation Date
iii. Mentor Assigned
iv. Contact Information of the Mentor
b. Participants –
i. Team Name
ii. Current occupation (faculty member, student, post-doc, or others)
iii. Institution Affiliation
iv. Location (State)

v. Gender, Demographics, Disability, and Veteran Status

8. Outcomes of the team:

a. I-Corps National Teams Program Pathway

i. Whether the Team has Applied and/or Been Accepted Into the NSF National I-Corps Program

1. If Applicable, the Team Number in the National Program

b. Funding/Investment Records, Obtained From Third-Party Subscription Data, for the Teams or Startups That Have Participated in the Program

The reporting requirements listed above are in addition to the data collected by the agency's annual report and final report requirements for the grantees. The information will help NSF report on NIN activities in the Biennial Report to Congress (as mandated by the AICA), and will provide managing Program Directors a means to monitor the progresses of these I-Corps Hubs. Finally, in compliance with the Evidence Act of 2019, information collected will be used to satisfy other Congressional requests, support the agency's policymaking and internal evaluation and assessment needs, and respond to inquiries from the public, NSF's external merit reviewers who serve as advisors, and NSF's Office of the Inspector General.

Information collected will include the names of the participants, their affiliated organizations, email addresses, and home states. These personally identifiable information (PII) are collected primarily to track recipients in their roles in the I-Corps Teams, and to allow NSF to perform due diligence and quality control on the data provided by the grantees. In addition, other requested information includes the participants' self-reporting of: occupation, gender, demographics, disability status, and veteran status. This information is collected primarily for Congressional reporting purposes. These PII data will be accessed only by the I-Corps Hubs, the managing I-Corps Program Directors, NSF senior management, and supporting staff conducting analyses using the data as authorized by NSF. Any public reporting of data will be in aggregate form, and any personal identifiers will be removed.

Use of the Information: The information collected is primarily for the agency's AICA Reporting requirements, and other Congressional requests.

Estimate burden on the public: Estimated to be no more than 300–400 hours per award, per year, for the life of the award.

Respondents: I-Corps Hubs Grantees (Each Hub reports one set of data on behalf of the Lead and partner institutions of that Hub).

Estimated number of respondents: 10–15 hubs.

Frequency: Twice per year for the first year, then once per year thereafter.

Dated: August 25, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–18725 Filed 8–29–22; 8:45 am]

BILLING CODE 7555–01–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 30, 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 23, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 758 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–101, CP2022–105.

Sarah Sullivan,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2022–18730 Filed 8–29–22; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Sunshine Act Meetings

TIME AND DATE: September 9, 2022, at 10:00 a.m.

PLACE: Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Friday, September 9, 2022, at 10:00 a.m.

1. Financial and Operational Issues.
2. Administrative Items.

General Counsel Certification: The General Counsel of the United States

Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Michael J. Elston, Secretary of the Board of Governors, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Michael J. Elston,

Secretary.

[FR Doc. 2022–18851 Filed 8–26–22; 4:15 pm]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95590; File No. SR–ISE–2022–16]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Options 7

August 24, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 9, 2022, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule at Options 7, as described further below.[3]

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Pricing Schedule at Options 7. Each change is described below.

Price Improvement Auctions, Options 7, Sections 3 and 6

Currently, for Regular Orders[4] in Select[5] and Non-Select Symbols,[6] the Exchange assesses all non-Priority Customer market participants a Fee for PIM[7] Orders of $0.10 per contract.[8] Additionally, today, for Regular Orders in Select Symbols, the Exchange assesses all market participants a Fee for Responses to PIM Orders of $0.50 per contract. Finally, today, for Regular Orders in Non-Select Symbols, the Exchange assesses all market participants a Fee for Responses to PIM Orders of $1.10 per contract.[9]

Similar to break-up rebates for the Exchange's Facilitation Mechanism and Solicited Order Mechanism,[10] the Exchange proposes to pay Electronic Access Members[11] that utilize PIM to execute more than 0.75% of Priority Customer[12] volume of Regular Orders, calculated as a percentage of Customer Total Consolidated Volume (''TCV'') per day in a given month, a PIM Break-Up Rebate of $0.25 per contract for Select Symbols and $0.60 per contract for Non-Select Symbols for Priority Customer Orders under 100 contracts that are submitted to PIM and do not trade with their contra order except when those contracts trade against unrelated quotes or orders.[13]

The Exchange seeks to incentivize Electronic Access Members to submit a greater amount of smaller, more typically sized Priority Customer orders into PIM for price improvement with the proposed pricing. The Exchange believes the 100 contract threshold represents such small-sized orders.

Today, the Exchange offers a PIM Rebate within Options 7, Section 6, Other Options Fees and Rebates. Specifically, Options 7, Section 6B pays a rebate to Electronic Access Members utilizing either the Facilitation Mechanism or PIM for unsolicited Crossing Orders, whereby the contra-side party of the Crossing Order (1) is either Firm Proprietary or Broker-Dealer and (2) has total affiliated Average Daily Volume (''ADV'') of 250,000 or more contracts. Electronic Access Members that qualify for this rebate are eligible to earn the following rebates during a given month:

Originating contract sides	Rebate
0 to 199,999	($0.02)
200,000 or more	(0.03)

Once a Member reaches or exceeds the volume threshold to qualify for a $0.03 per originating contract side rebate during a given month, then the Member will receive the $0.03 per contract rebate for all of its originating contract sides that qualify for the PIM and Facilitation Rebate during that month, including for the Member's first

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange originally filed SR–ISE–2022–15 on August 1, 2022. On August 9, 2022, the Exchange withdrew SR–ISE–2022–15 and submitted this rule change.

[4] A ''Regular Order'' is an order that consists of only a single option series and is not submitted with a stock leg.

[5] ''Select Symbols'' are options overlying all symbols listed on the Nasdaq ISE that are in the Penny Interval Program. *See* Options 7, Section 1(c).

[6] ''Non-Select Symbols'' are options overlying all symbols excluding Select Symbols. *See* Options 7, Section 1(c).

[7] PIM is the Exchange's Price Improvement Auction as described in Options 3, Section 13. A PIM is comprised of the order the Electronic Access Member represents as agent (the ''Agency Order'') and a counter-side order for the full size of the Agency Order (the ''Counter-Side Order''). Responses, including the Counter-Side Order, and Improvement Orders may be entered during the exposure period. *See* Options 3, Section 13.

[8] Priority Customers are not assessed a Fee for PIM Orders. Also, Fees for PIM Orders apply to the originating and contra order. Further, other than for Priority Customer orders, this fee is $0.05 per contract for orders executed by Members that execute an ADV of 7,500 or more contracts in the PIM in a given month. Members that execute an ADV of 12,500 or more contracts in the PIM are charged $0.02 per contract. The discounted fees are applied retroactively to all eligible PIM volume in that month once the threshold has been reached. *See* notes 2 and 13 within the Pricing Schedule at Options 7, Section 3.

[9] PIM pricing is specified in Options 7, Section 3, Regular Order Fees and Rebates.

[10] *See* Options 3, Section 11(b) and (d).

[11] The term ''Electronic Access Member'' or ''EAM'' means a Member that is approved to exercise trading privileges associated with EAM Rights. *See* General 1, Section 1(a)(6).

[12] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq ISE Options 1, Section 1(a)(37). Unless otherwise noted, when used in this Pricing Schedule the term ''Priority Customer'' includes ''Retail'' as defined below. *See* Options 7, Section 1(c).

[13] The applicable fee would be applied to any contracts for which a rebate is provided.

qualifying 0–199,999 originating contract sides. Further, Electronic Access Members that qualify for the PIM rebates on their unsolicited Crossing Orders [14] may also earn additional rebates.[15]

At this time, the Exchange proposes to offer another rebate to Electronic Access Members that utilize PIM to execute more than 0.75% of Priority Customer volume in Regular Orders, calculated as a percentage of Customer TCV per day in a given month. The Exchange proposes to pay these Electronic Access Members a rebate of $0.11 per contract for Priority Customer Regular Orders under 100 contracts that are submitted to PIM. The rebate would be paid to the Agency Order as that term is defined within Options 3, Section 13. Eligible volume from Affiliated Members [16] would be aggregated in calculating the percentage. Additionally, the Exchange proposes to pay this rebate in lieu of other PIM rebates within Options 7, Section 6B, provided this rebate is higher than other rebates within Options 7, Section 6B. In the event a Crossing Transaction consists of two Priority Customer Orders, the Exchange would not pay this rebate.

As noted above, the Exchange seeks to incentivize Electronic Access Members to submit a greater amount of smaller sized Priority Customer orders into PIM for price improvement with the proposed pricing and, therefore, is proposing to pay the proposed rebate on orders under 100 contracts.

The Exchange notes that all Electronic Access Members may participate in a PIM.[17] Accordingly, the proposed rebates are designed to incentivize Electronic Access Members to submit a greater amount of Regular Orders executed in PIM to the Exchange, particularly Priority Customer PIM volume.

Priority Customer Complex Order Rebates, Options 7, Section 4

Currently, the Exchange provides rebates to Priority Customer complex orders based on the volume that a Member traded as provided for within Options 7, Section 4, Complex Order Fees and Rebates. Specifically, the Exchange calculates Total Affiliated Member or Affiliated Entity [18] Complex Order Volume (excluding Crossing Orders and Responses to Crossing Order) as a percentage of Customer TCV to determine the rebate amount.[19] The Exchange pays Priority Customer complex orders rebates based on a ten-tier pricing model. The rebates for Select Symbols and Non-Select Symbols are paid to Members based on the percentage of Customer TCV executed in a particular symbol. The current rebate tiers are as follows:

PRIORITY CUSTOMER REBATES

Priority customer complex tier (7) (13) (16)	Total affiliated member or affiliated entity complex order volume (excluding crossing orders and responses to crossing orders) calculated as a percentage of customer total consolidated volume	Rebate for select symbols (1)	Rebate for non-select symbols (1) (4)
Tier 1	0.000%–0.200%	($0.25)	($0.40)
Tier 2	Above 0.200%–0.400%	(0.30)	(0.55)
Tier 3	Above 0.400%–0.450%	(0.35)	(0.70)
Tier 4	Above 0.450%–0.750%	(0.40)	(0.75)
Tier 5	Above 0.750%–1.000%	(0.45)	(0.80)
Tier 6	Above 1.000%–1.350%	(0.47)	(0.80)
Tier 7	Above 1.350%–2.000%	(0.48)	(0.80)
Tier 8	Above 2.000%–2.750%	(0.52)	(0.85)
Tier 9	Above 2.750%–4.500%	(0.52)	(0.86)
Tier 10	Above 4.500%	(0.53)	(0.88)

The Exchange offers the Priority Customer complex order rebates to encourage Members to bring complex volume to the Exchange, including incentivizing Members to bring Priority Customer complex orders specifically to earn the associated rebates.

[14] A ''Crossing Order'' is an order executed in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Price Improvement Mechanism (''PIM'') or submitted as a Qualified Contingent Cross order. For purposes of this Pricing Schedule, orders executed in the Block Order Mechanism are also considered Crossing Orders. *See* Options 7, Section 1(c).

[15] Members that achieve combined Qualified Contingent Cross (''QCC'') and Solicitation Originating Contracts Sides of more than 1,000,000 during a given month can earn an additional rebate of ($0.01) per originating contract side on their unsolicited Crossing Orders that qualify for the PIM and Facilitation Rebate program. Also, Members that achieve Priority Customer Complex Order ADV of between 100,000–224,999 contracts can earn an additional rebate of ($0.01) per originating contract side on all of their unsolicited Crossing Orders that qualify for the PIM and Facilitation Rebate program; however, this additional rebate will be ($0.02) per originating contract on all unsolicited Crossing Orders that qualify for the PIM and Facilitation Rebate Program to the extent that Members achieve Priority Customer Complex Order ADV of 225,000 or more contracts. *See* Options 7, Section 6B.

[16] An ''Affiliated Member'' is a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A. *See* Options 7, Section 1(c).

[17] Any solicited Counter-Side Orders submitted by an Electronic Access Member to trade against Agency Orders may not be for the account of a Nasdaq ISE Market Maker assigned to the options class. *See* Supplementary Material .06 to Options 3, Section 13.

[18] An ''Affiliated Entity'' is a relationship between an Appointed Market Maker and an Appointed OFP for purposes of qualifying for certain pricing specified in the Schedule of Fees. Market Makers and OFPs are required to send an email to the Exchange to appoint their counterpart, at least 3 business days prior to the last day of the month to qualify for the next month. The Exchange will acknowledge receipt of the emails and specify the date the Affiliated Entity is eligible for applicable pricing, as specified in the Pricing Schedule. Each Affiliated Entity relationship will commence on the 1st of a month and may not be terminated prior to the end of any month. An Affiliated Entity relationship will automatically renew each month until or unless either party terminates earlier in writing by sending an email to the Exchange at least 3 business days prior to the last day of the month to terminate for the next month. Affiliated Members may not qualify as a counterparty comprising an Affiliated Entity. Each Member may qualify for only one (1) Affiliated Entity relationship at any given time. *See* Options 7, Section 1(c).

[19] The rebate for the highest tier volume achieved is applied retroactively to all eligible Priority Customer Complex volume once the threshold has been reached. Members do not receive rebates for net zero complex orders. For purposes of determining which complex orders qualify as ''net zero'' the Exchange counts all complex orders that leg in to the Regular Order book and are executed at a net price per contract that is within a range of $0.01 credit and $0.01 debit.

All Complex Order volume executed on the Exchange, including volume executed by Affiliated Members, is included in the volume calculation, except for volume executed as Crossing Orders and Responses to Crossing Orders. Affiliated Entities may aggregate their Complex Order volume for purposes of calculating Priority Customer Rebates. The Appointed OFP would receive the rebate associated with the qualifying volume tier based on aggregated volume. *See* notes 7, 13 and 16 within the Pricing Schedule at Options 7, Section 4.

The Exchange proposes to amend the volume requirement for Priority Customer complex order Tier 7 from the current level of ''above 1.350%–2.00%'' to ''above 1.350%–1.750%.'' The Exchange also proposes to adjust Priority Customer complex order Tier 8 from the current level of ''above 2.000%–2.750%'' to ''above 1.750%–2.750%.'' [20] By lowering the qualification for Priority Customer complex order Tier 8, which offers a higher rebate of $0.52 per contract for Select Symbols as compared to $0.48 per contract for Priority Customer complex order Tier 7 and a higher rebate of $0.85 per contract for Non-Select Symbols as compared to $0.80 per contract for Priority Customer complex order Tier 7, the Exchange seeks to incentivize Members to continue to bring Priority Customer complex orders specifically to earn the higher Priority Customer complex order Tier 8 associated rebates.

The Exchange notes that all Members may elect to qualify for the Priority Customer complex rebates by submitting complex order flow to the Exchange and earn a rebate on their Priority Customer complex volume. Accordingly, the proposed changes are designed to increase the amount of complex order flow Members bring to the Exchange, particularly Priority Customer complex volume, and further encourage them to contribute to a deeper, more liquid market to the benefit of all market participants.

Technical Amendments

The Exchange proposes to make technical amendments to Options 7, Section 6B to remove the words ''Price Improvement Mechanism'' and the parenthesis around the word ''PIM'' because this term is already defined within the term ''Crossing Order'' at Options 7, Section 1(c).

The Exchange proposes to capitalize the work ''affiliated'' in Options 7, Section 6B because the term ''Affiliated Member'' is defined within Options 7, Section 1(c).

The Exchange proposes to remove the phrase ''provided there is at least 75% common ownership between the Members as reflected on each Member's Form BD, Schedule A'' because the term ''Affiliated Member'' is defined in Options 7, Section 1(c) as a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A.

Finally, the Exchange proposes to remove the extra period at the end of Options 7, Section 6B.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[22] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Proposal Is Reasonable

The proposed changes to its Pricing Schedule are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission* [23] (''NetCoalition''), the D.C. Circuit stated, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [24]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options transaction services. The Exchange is only one of sixteen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. Within the foregoing context, the proposal represents a reasonable attempt by the Exchange to attract additional order flow to the Exchange and increase its market share relative to its competitors.

Price Improvement Auctions, Options 7, Sections 3 and 6

The Exchange's proposal to pay Priority Customer PIM Break-Up Rebates of $0.25 per contract for Select Symbols and $0.60 per contract for Non-Select Symbols to Electronic Access Members that utilize PIM to execute more than 0.75% of Priority Customer volume in Regular Orders, which would be calculated as a percentage of Customer TCV per day in a given month, for orders under 100 contracts is reasonable because it is designed to incentivize additional participation in PIM by encouraging market participants to send additional order flow to the Exchange in order to benefit from the increased rebates. In particular, the Exchange believes that this proposal will incentivize Electronic Access Members to submit a greater amount of smaller Priority Customer orders into PIM for price improvement with the proposed pricing. The Exchange believes it is reasonable to pay the rebate for orders of 100 contracts or less because the Exchange seeks to incentivize small-sized orders to be solicited for entry into PIM for price improvement.

The Exchange's proposal to pay Priority Customer PIM Break-Up Rebates of $0.25 per contract for Select Symbols and $0.60 per contract for Non-Select Symbols to Members that utilize PIM to execute more than 0.75% of Priority Customer volume in Regular Orders, which would be calculated as a percentage of Customer TCV per day in a given month, for orders under 100 contracts is equitable and not unfairly discriminatory because any Electronic Access Member may participate in a PIM.[25] While only Electronic Access Members may initiate a PIM, Market Makers may respond to a PIM. While this incentive is specifically targeted towards Priority Customer orders, the Exchange does not believe that this is unfairly discriminatory. Of note, today, Priority Customers pay no Fees for PIM Orders. Priority Customer liquidity benefits all market participants by providing more trading opportunities which attracts market makers. An increase in the activity of these market participants (particularly in response to pricing) in turn facilitates tighter spreads which may cause an additional

[20] Currently no Member qualifies for Priority Customer complex order Tier 8.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(4) and (5).

[23] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[24] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[25] Any solicited Counter-Side Orders submitted by an Electronic Access Member to trade against Agency Orders may not be for the account of a Nasdaq ISE Market Maker assigned to the options class. *See* Supplementary Material .06 to Options 3, Section 13.

corresponding increase in order flow from other market participants. Attracting more liquidity from Priority Customers will benefit all market participants that trade on the ISE. Also, the 100 contracts threshold would be uniformly applied in paying the rebate.

The Exchange's proposal to offer another rebate for PIM executions to Electronic Access Members that utilize PIM to execute more than 0.75% of Priority Customer volume in Regular Orders, calculated as a percentage of Customer TCV per day in a given month, for Priority Customer Regular Orders executed in PIM under 100 contracts is reasonable because it is designed to incentivize additional participation in PIM by encouraging market participants to send additional order flow to the Exchange in order to benefit from the increased rebates. In particular, the Exchange believes that this additional rebate will incentivize Electronic Access Members to submit a greater amount of smaller-sized orders to be solicited for entry into PIM for price improvement. Aggregating volume from Affiliated Members in calculating the percentage will allow Electronic Access Members to obtain greater rebates and, thereby, should attract additional Priority Customer order flow to the Exchange. Not paying the $0.11 per contract rebate in the event a Crossing Transaction consists of two Priority Customer Orders is reasonable because Priority Customers pay no fees for PIM.

The Exchange's proposal to offer another rebate for PIM executions to Electronic Access Members that utilize PIM to execute more than 0.75% of Priority Customer volume in Regular Orders, calculated as a percentage of Customer TCV per day in a given month, for Priority Customer Regular Orders executed in PIM under 100 contracts is equitable and not unfairly discriminatory because any Electronic Access Member may enter orders into PIM.[26] While only Electronic Access Members may initiate a PIM, the Exchange notes that Market Makers may respond to a PIM. While this incentive is specifically targeted towards Priority Customer orders, the Exchange does not believe that this is unfairly discriminatory. Of note, today, Priority Customers pay no Fees for PIM Orders. Priority Customer liquidity benefits all market participants by providing more trading opportunities which attracts market makers. An increase in the activity of these market participants (particularly in response to pricing) in turn facilitates tighter spreads which may cause an additional corresponding increase in order flow from other market participants. Attracting more liquidity from Priority Customers will benefit all market participants that trade on the ISE. Also, the 100 contracts threshold would be uniformly applied in paying the rebate. All Electronic Access Members may aggregate volume from Affiliated Members to receive the rebate. It is not novel to limit a rebate by contract size. For example, ISE currently pays a reduced complex order rebate in Select Symbols where the largest leg of the Complex Order is under fifty (50) contracts and trades with quotes and orders on the Regular Order book.[27] Additionally, Cboe Exchange, Inc. (''Cboe'') has a similar concept of limiting certain fee incentives in its Fees Schedule for smaller sized customer orders.[28]

Priority Customer Complex Order Rebates, Options 7, Section 4

The Exchange's proposal to amend the volume requirement for Priority Customer complex order Tier 7 from the current level of ''above 1.350%–2.00%'' to ''above 1.350%–1.750%'' and amend Priority Customer complex order Tier 8 from the current level of ''above 2.000%–2.750%'' to ''above 1.750%–2.750%'' is reasonable because by lowering the qualification for Priority Customer complex order Tier 8, which offers a higher rebate of $0.52 per contract for Select Symbols as compared to $0.48 per contract for Priority Customer complex order Tier 7 and a higher rebate of $0.85 per contract for Non-Select Symbols as compared to $0.80 per contract for Priority Customer complex order Tier 7, the Exchange seeks to incentivize Members to continue to bring Priority Customer complex orders specifically to earn the higher Priority Customer complex order Tier 8 associated rebates.[29] The ability to earn a higher rebate as a result of the lower volume requirement is intended to further incentivize Members to bring additional complex order flow, including Priority Customer complex order flow, to the Exchange. The proposed changes are designed to make the rebates more achievable and attractive to existing and potential market participants. The Priority Customer complex rebate program is optional and available to all Members that choose to send complex order flow to the Exchange to earn a rebate on their Priority Customer complex volume. To the extent the program, as modified, continues to attract complex volume to the Exchange, the Exchange believes that the proposed changes would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants.

The Exchange's proposal to amend the volume requirement for Priority Customer complex order Tier 7 from the current level of ''above 1.350%–2.00%'' to ''above 1.350%–1.750%'' and amend Priority Customer complex order Tier 8 from the current level of ''above 2.000%–2.750%'' to ''above 1.750%–2.750%'' is equitable and not unfairly discriminatory because any Member who brings complex order flow to the Exchange may qualify for the rebates. The Exchange believes that the proposed changes to Priority Customer complex order Tiers 7 and 8 are an equitable allocation of rebates because the Exchange seeks to further incentivize all Members to bring a significant amount of complex volume to the Exchange in order to earn the highest range of Priority Customer complex rebates offered by the Exchange. Accordingly, the Exchange believes that the changes to Priority Customer complex order Tiers 7 and 8 are reasonably designed to provide further incentives for all Members interested in meeting the tier criteria to submit additional Priority Customer complex volume to achieve the higher rebates. Further, any Member may choose to qualify for the rebate program by sending complex order flow to the Exchange. By encouraging all Members to bring significant amounts of complex order flow (*i.e.,* to qualify for the higher tiers) in order to earn a rebate on their Priority Customer complex orders, the Exchange seeks to provide more trading opportunities for all market participants, promote price discovery,

[26] Any solicited Counter-Side Orders submitted by an Electronic Access Member to trade against Agency Orders may not be for the account of a Nasdaq ISE Market Maker assigned to the options class. See Supplementary Material .06 to Options 3, Section 13.

[27] ISE's rebate is paid per contract per leg if the order trades with non-Priority Customer orders in the Complex Order Book. This rebate is reduced by $0.15 per contract in Select Symbols where the largest leg of the Complex Order is under fifty (50) contracts and trades with quotes and orders on the Regular Order book. Further, no Priority Customer Complex Order rebates are provided in Select Symbols if any leg of the order that trades with interest on the Regular Order book is fifty (50) contracts or more. Also, no Priority Customer Complex Order rebates are provided in Non-Select Symbols if any leg of the order trades with interest on the Regular Order book, irrespective of order size. *See* note 1 of ISE Options 7, Section 4.

[28] *See* Cboe Fees Schedule at footnote 9. Cboe waives transaction fees for customer orders removing liquidity that are of 99 contracts or less in ETF and ETN options.

[29] Currently no Member qualifies for Priority Customer complex order Tier 8.

and improve the overall market quality of the Exchange.

Technical Amendments

The technical amendments proposed herein are non-substantive because these amendments remove redundant defined terms, capitalize a defined term, and correct a grammatical error.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited because other options exchanges offer similar price improvement auctions as well as break-up rebates and customer complex order rebates.

Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and rebate changes. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

Intramarket Competition

The proposal is designed to attract additional liquidity to ISE. Specifically, amending the Priority Customer complex order rebates and adopting two new PIM rebates will incentivize market participants to direct liquidity to the Exchange. All market participants will benefit from any increase in market activity that the proposal effectuates.

Price Improvement Auctions, Options 7, Sections 3 and 6

The Exchange's proposal to pay Priority Customer PIM Break-Up Rebates within Options 7, Section 3, and offer another rebate for PIM executions within Options 7, Section 6B, do not impose an undue burden on competition because any Electronic Access Member may enter orders into PIM.[30] While only Electronic Access Members may initiate a PIM, the Exchange does not believe that this creates an undue burden on competition because Market Makers may respond to a PIM. While this incentive is specifically targeted towards Priority Customer orders, the Exchange does not believe that this is unfairly discriminatory. Today, Priority Customers pay no fees for PIM Orders. Priority Customer liquidity benefits all market participants by providing more trading opportunities which attracts market makers. An increase in the activity of these market participants (particularly in response to pricing) in turn facilitates tighter spreads which may cause an additional corresponding increase in order flow from other market participants. Attracting more liquidity from Priority Customers will benefit all market participants that trade on the ISE.

Priority Customer Complex Order Rebates, Options 7, Section 4

The Exchange's proposal to amend the volume requirement for Priority Customer complex order Tier 7 from the current level of ''above 1.350%–2.00%'' to ''above 1.350%–1.750%'' and amend Priority Customer complex order Tier 8 from the current level of ''above 2.000%–2.750%'' to ''above 1.750%–2.750%'' does not impose an undue burden on competition because it will not place any category of Exchange participant at a competitive disadvantage. Any Member who brings complex order flow to the Exchange may qualify for the rebates. The Exchange seeks to further incentivize all Members to bring a significant amount of complex volume to the Exchange in order to earn the highest range of Priority Customer complex rebates offered by the Exchange. Further, any Member may choose to qualify for the rebate program by sending complex order flow to the Exchange.

[30] Any solicited Counter-Side Orders submitted by an Electronic Access Member to trade against Agency Orders may not be for the account of a Nasdaq ISE Market Maker assigned to the options class. *See* Supplementary Material .06 to Options 3, Section 13.

Technical Amendments

The technical amendments proposed herein are non-substantive because these amendments remove redundant defined terms, capitalize a defined term, and correct a grammatical error.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[31] and Rule 19b–4(f)(2)[32] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2022–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2022–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/*

[31] 15 U.S.C. 78s(b)(3)(A)(ii).

[32] 17 CFR 240.19b–4(f)(2).

rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2022–16 and should be submitted on or before September 20, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18587 Filed 8–29–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–11095; 34–95597/August 25, 2022]

Order Making Fiscal Year 2023 Annual Adjustments to Registration Fee Rates

I. Background

The Commission collects fees under various provisions of the securities laws. Section 6(b) of the Securities Act of 1933 (''Securities Act'') requires the Commission to collect fees from issuers on the registration of securities.[1] Section 13(e) of the Securities Exchange Act of 1934 (''Exchange Act'') requires the Commission to collect fees on specified repurchases of securities.[2] Section 14(g) of the Exchange Act requires the Commission to collect fees on specified proxy solicitations and statements in corporate control transactions.[3] These provisions require the Commission to make annual adjustments to the applicable fee rates.

II. Fiscal Year 2023 Annual Adjustment to Fee Rates

Section 6(b)(2) of the Securities Act requires the Commission to make an annual adjustment to the fee rate applicable under Section 6(b).[4] The annual adjustment to the fee rate under Section 6(b) of the Securities Act also sets the annual adjustment to the fee rates under Sections 13(e) and 14(g) of the Exchange Act.[5]

Section 6(b)(2) sets forth the method for determining the annual adjustment to the fee rate under Section 6(b) for fiscal year 2023. Specifically, the Commission must adjust the fee rate under Section 6(b) to a ''rate that, when applied to the baseline estimate of the aggregate maximum offering prices for [fiscal year 2023], is reasonably likely to produce aggregate fee collections under [Section 6(b)] that are equal to the target fee collection amount for [fiscal year 2023].'' That is, the adjusted rate is determined by dividing the ''target fee collection amount'' for fiscal year 2023 by the ''baseline estimate of the aggregate maximum offering prices'' for fiscal year 2023.

III. Target Fee Collection Amount for FY 2023

The statutory ''target fee collection amount'' for fiscal year 2021 and ''each fiscal year thereafter'' is ''an amount that is equal to the target fee collection amount for the prior fiscal year, adjusted by the rate of inflation.'' [6] Consistent with the fiscal year 2021 calculation, the Commission has determined that it will use an approach similar to one that it uses to annually adjust civil monetary penalties by the rate of inflation.[7] Under this approach, the Commission will use the year-over-year change, rounded to five decimal places, in the Consumer Price Index for All Urban Consumers (''CPI–U''), not seasonally adjusted, in calculating the target fee collection amount, which is then rounded to the nearest whole dollar. The calculation for the fiscal year 2023 target fee collection amount is described in more detail below.

The most recent CPI–U index value, not seasonally adjusted, available for use by the Commission at the time this fee rate update was prepared was for June 2022. This value is 296.311.[8] The CPI–U index value, not seasonally adjusted, for June 2021 is 271.696.[9] Dividing the June 2022 value by the June 2021 value and rounding to five decimal places yields a multiplier value of 1.09060. Multiplying the fiscal year 2022 target fee collection amount of $747,806,372 [10] by the multiplier value of 1.09060 and rounding to the nearest whole dollar yields a fiscal year 2023 target fee collection amount of $815,557,629.

Section 6(b)(6)(B) defines the ''baseline estimate of the aggregate maximum offering prices'' for fiscal year 2023 as ''the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during [fiscal year 2023] as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget . . . .''

To make the baseline estimate of the aggregate maximum offering prices for fiscal year 2023, the Commission is using the methodology it has used in prior fiscal years and that was developed in consultation with the Congressional Budget Office and OMB.[11] Using this methodology, the Commission determines the ''baseline estimate of the aggregate maximum

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 77f(b).

[2] 15 U.S.C. 78m(e).

[3] 15 U.S.C. 78n(g).

[4] 15 U.S.C. 77f(b)(2). The annual adjustments are designed to adjust the fee rate in a given fiscal year so that, when applied to the aggregate maximum offering prices at which securities are proposed to be offered for the fiscal year, it is reasonably likely to produce total fee collections under Section 6(b) equal to the ''target fee collection amount'' required by Section 6(b)(6)(A) for that fiscal year.

[5] 15 U.S.C. 78m(e)(4) and 15 U.S.C. 78n(g)(4).

[6] 15 U.S.C. 77f(b)(6)(A).

[7] The Commission annually adjusts for inflation the civil monetary penalties that can be imposed under the statutes administered by Commission, as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, pursuant to guidance from the Office of Management and Budget (''OMB''). See OMB December 16, 2019, Memorandum for the Heads of Executive Departments and Agencies,'' M–20–05, on ''Implementation of Penalty Inflation Adjustments for 2020, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.''

[8] This value was announced on July 13, 2022. See *https://www.bls.gov/news.release/archives/cpi_07132022.htm*.

[9] See ''Table 1, Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, by expenditure category, June 2022'' in the announcement referenced above.

[10] See 86 FR 47696, published August 26, 2021. (*https://www.federalregister.gov/documents/2021/08/26/2021-18402/order-making-fiscal-year-2022-annual-adjustments-to-registration-fee-rates*).

[11] Appendix A explains how we determined the ''baseline estimate of the aggregate maximum offering prices'' for fiscal year 2023 using our methodology, and then shows the arithmetical process of calculating the fiscal year 2023 annual adjustment based on that estimate. The appendix includes the data used by the Commission in making its ''baseline estimate of the aggregate maximum offering prices'' for fiscal year 2023.

offering price'' for fiscal year 2023 to be $7,398,886,333,730. Based on this estimate and the fiscal year 2023 target fee collection amount, the Commission calculates the fee rate for fiscal 2023 to be $110.20 per million. This adjusted fee rate applies to Section 6(b) of the Securities Act, as well as to Sections 13(e) and 14(g) of the Exchange Act.

IV. Effective Dates of the Annual Adjustments

The fiscal year 2023 annual adjustments to the fee rates applicable under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act will be effective on October 1, 2022.[12]

V. Conclusion

Accordingly, pursuant to Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act,[13]

It is hereby ordered that the fee rates applicable under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act shall be $110.20 per million effective on October 1, 2022.

By the Commission.

J. Matthew DeLesDernier,

Deputy Secretary.

Appendix A

Congress has established a target amount of monies to be collected from fees charged to issuers based on the value of their registrations. This appendix provides the formula for determining such fees, which the Commission adjusts annually. Congress has mandated that the Commission determine these fees based on the ''aggregate maximum offering prices,'' which measures the aggregate dollar amount of securities registered with the Commission over the course of the year. In order to maximize the likelihood that the amount of monies targeted by Congress will be collected, the fee rate must be set to reflect projected aggregate maximum offering prices. As a percentage, the fee rate equals the ratio of the target amounts of monies to the projected aggregate maximum offering prices.

For 2023, the Commission has estimated the aggregate maximum offering prices by projecting forward the trend established in the previous decade. More specifically, an auto-regressive integrated moving average (''ARIMA'') model was used to forecast the value of the aggregate maximum offering prices for months subsequent to July 2022, the last month for which the Commission has data on the aggregate maximum offering prices.

The following sections describe this process in detail.

A. Baseline Estimate of the Aggregate Maximum Offering Prices for Fiscal Year 2023

First, calculate the aggregate maximum offering prices (AMOP) for each month in the sample (July 2012–July 2022). Next, calculate the percentage change in the AMOP from month to month.

Model the monthly percentage change in AMOP as a first order moving average process. The moving average approach allows one to model the effect that an exceptionally high (or low) observation of AMOP tends to be followed by a more ''typical'' value of AMOP.

Use the [estimated moving average] [ARIMA] model to forecast the monthly percent change in AMOP. These percent changes can then be applied to obtain forecasts of the total dollar value of registrations. The following is a more formal (mathematical) description of the procedure:

1. Begin with the monthly data for AMOP. The sample spans ten years, from July 2012 to July 2022.

2. Divide each month's AMOP (column C) by the number of trading days in that month (column B) to obtain the average daily AMOP (AAMOP, column D).

3. For each month t, the natural logarithm of AAMOP is reported in column E.

4. Calculate the change in log(AAMOP) from the previous month as $\Delta_t = \log(AAMOP_t) - \log(AAMOP_{t-1})$. This approximates the percentage change.

5. Estimate the first order moving average model $\Delta_t = \alpha + \beta e_{t-1} + e_t$, where e_t denotes the forecast error for month t. The forecast error is simply the difference between the one-month ahead forecast and the actual realization of Δ_t. The forecast error is expressed as $e_t = \Delta_t - \alpha - \beta e_{t-1}$. The model can be estimated using standard commercially available software. Using least squares, the estimated parameter values are α = 0.007860021 and β =0.82732681.

6. For the month of August 2022 forecast $\Delta_{t = 8/2022} = \alpha + \beta e_{t = 7/2022}$. For all subsequent months, forecast $\Delta_t = \alpha$.

7. Calculate forecasts of log(AAMOP). For example, the forecast of log(AAMOP) for October 2022 is given by $FLAAMOP_{t = 10/2022} = \log(AAMOP_{t = 7/2022}) + \Delta_{t = 8/2022} + \Delta_{t = 9/2022} + \Delta_{t = 10/2022}$.

8. Under the assumption that e_t is normally distributed, the n-step ahead forecast of AAMOP is given by $\exp(FLAAMOP_t + \sigma_n^2/2)$, where σ_n denotes the standard error of the n-step ahead forecast.

9. For October 2022, this gives a forecast AAMOP of $28.053 billion (Column I), and a forecast AMOP of $589.112 billion (Column J).

10. Iterate this process through September 2023 to obtain a baseline estimate of the aggregate maximum offering prices for fiscal year 2023 of $7,398,886,333,730.

B. Using the Forecasts From A To Calculate the New Fee Rate

1. Using the data from Table A, estimate the aggregate maximum offering prices between 10/01/22 and 9/30/23 to be $7,398,886,333,730.

2. The rate necessary to collect the target $815,557,629 in fee revenues required by Section 6(b) of the Securities Act is then calculated as: $815,557,629 ÷ $7,398,886,333,730 = 0.0001102271.

3. Round the result to the seventh decimal point, yielding a rate of 0.0001102 (or $110.20 per million).

BILLING CODE 8011–01–P

[12] 15 U.S.C. 77f(b)(4), 15 U.S.C. 78m(e)(6), and 15 U.S.C. 78n(g)(6).

[13] 15 U.S.C. 77f(b), 78m(e), and 78n(g).

Table A. Estimation of baseline of aggregate maximum offering prices .

Fee rate calculation.

a. Baseline estimate of the aggregate maximum offering prices, 10/01/22 to 09/30/23 ($Millions)	7,398,886
b. Implied fee rate ($815,557,629 / a)	$110.20

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
Jul-12	21	170,462	8,117	22.817					
Aug-12	23	295,472	12,847	23.276	0.459				
Sep-12	19	331,295	17,437	23.582	0.305				
Oct-12	21	137,562	6,551	22.603	-0.979				
Nov-12	21	221,521	10,549	23.079	0.476				
Dec-12	20	321,602	16,080	23.501	0.422				
Jan-13	21	368,488	17,547	23.588	0.087				
Feb-13	19	252,148	13,271	23.309	-0.279				
Mar-13	20	533,440	26,672	24.007	0.698				
Apr-13	22	235,779	10,717	23.095	-0.912				
May-13	22	382,950	17,407	23.580	0.485				
Jun-13	20	480,624	24,031	23.903	0.322				
Jul-13	22	263,869	11,994	23.208	-0.695				
Aug-13	22	253,305	11,514	23.167	-0.041				
Sep-13	20	267,923	13,396	23.318	0.151				
Oct-13	23	293,847	12,776	23.271	-0.047				
Nov-13	20	326,257	16,313	23.515	0.244				
Dec-13	21	358,169	17,056	23.560	0.045				
Jan-14	21	369,067	17,575	23.590	0.030				
Feb-14	19	298,376	15,704	23.477	-0.113				
Mar-14	21	564,840	26,897	24.015	0.538				
Apr-14	21	263,401	12,543	23.252	-0.763				
May-14	21	403,700	19,224	23.679	0.427				
Jun-14	21	423,075	20,146	23.726	0.047				
Jul-14	22	373,811	16,991	23.556	-0.170				
Aug-14	21	405,017	19,287	23.683	0.127				

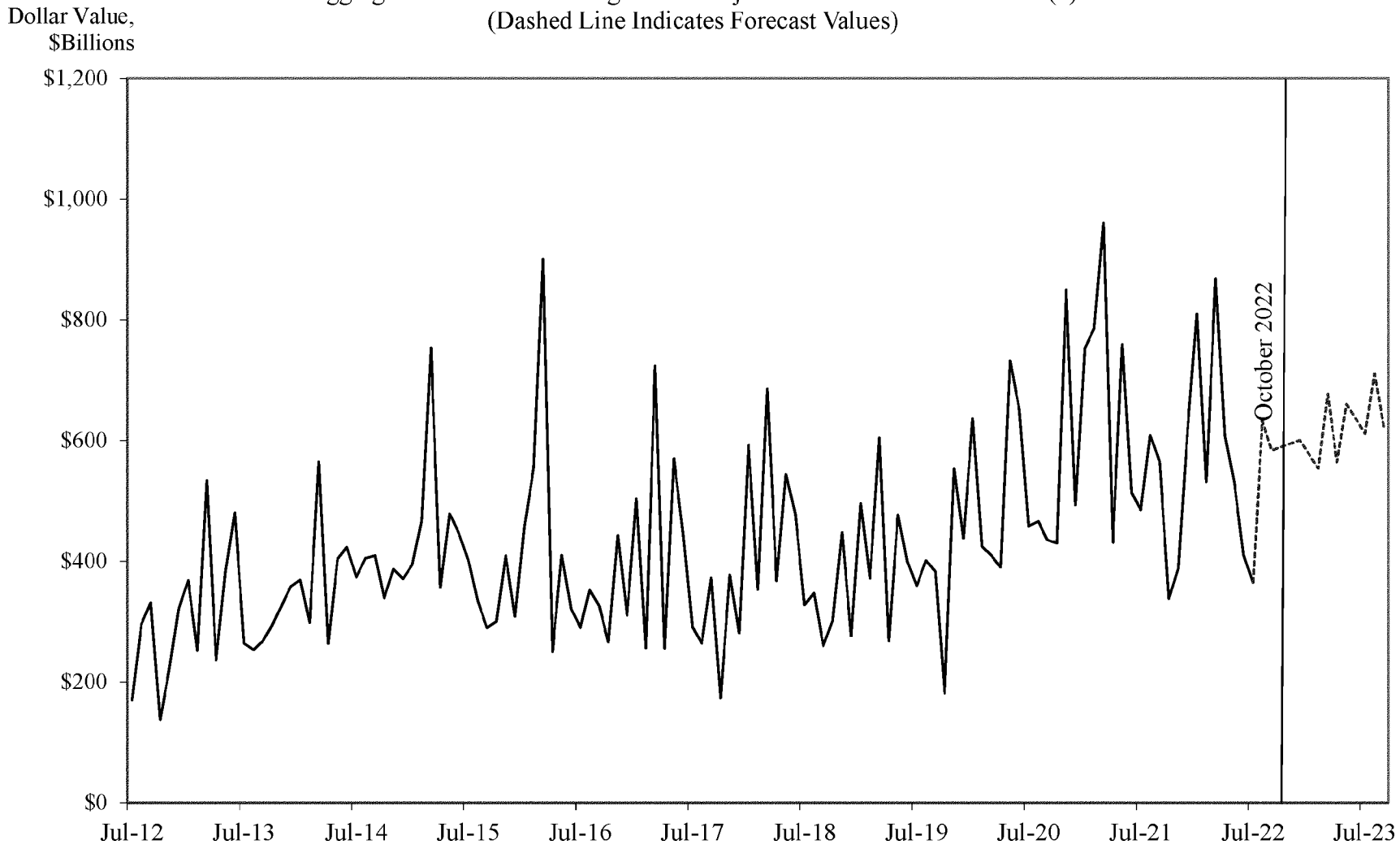
(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
Sep-14	21	409,349	19,493	23.693	0.011				
Oct-14	23	338,832	14,732	23.413	-0.280				
Nov-14	19	386,898	20,363	23.737	0.324				
Dec-14	22	370,760	16,853	23.548	-0.189				
Jan-15	20	394,127	19,706	23.704	0.156				
Feb-15	19	466,138	24,534	23.923	0.219				
Mar-15	22	753,747	34,261	24.257	0.334				
Apr-15	21	356,560	16,979	23.555	-0.702				
May-15	20	478,591	23,930	23.898	0.343				
Jun-15	22	446,102	20,277	23.733	-0.166				
Jul-15	22	402,062	18,276	23.629	-0.104				
Aug-15	21	334,746	15,940	23.492	-0.137				
Sep-15	21	289,872	13,803	23.348	-0.144				
Oct-15	22	300,276	13,649	23.337	-0.011				
Nov-15	20	409,690	20,485	23.743	0.406				
Dec-15	22	308,569	14,026	23.364	-0.379				
Jan-16	19	457,411	24,074	23.904	0.540				
Feb-16	20	554,343	27,717	24.045	0.141				
Mar-16	22	900,301	40,923	24.435	0.390				
Apr-16	21	250,716	11,939	23.203	-1.232				
May-16	21	409,992	19,523	23.695	0.492				
Jun-16	22	321,219	14,601	23.404	-0.291				
Jul-16	20	289,671	14,484	23.396	-0.008				
Aug-16	23	352,068	15,307	23.452	0.055				
Sep-16	21	326,116	15,529	23.466	0.014				
Oct-16	21	266,115	12,672	23.263	-0.203				
Nov-16	21	443,034	21,097	23.772	0.510				
Dec-16	21	310,614	14,791	23.417	-0.355				
Jan-17	20	503,030	25,152	23.948	0.531				
Feb-17	19	255,815	13,464	23.323	-0.625				
Mar-17	23	723,870	31,473	24.172	0.849				
Apr-17	19	255,275	13,436	23.321	-0.851				

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
May-17	22	569,965	25,908	23.978	0.657				
Jun-17	22	445,081	20,231	23.730	-0.247				
Jul-17	20	291,167	14,558	23.401	-0.329				
Aug-17	23	263,981	11,477	23.164	-0.238				
Sep-17	20	372,705	18,635	23.648	0.485				
Oct-17	22	173,749	7,898	22.790	-0.858				
Nov-17	21	377,262	17,965	23.612	0.822				
Dec-17	20	281,126	14,056	23.366	-0.245				
Jan-18	21	593,025	28,239	24.064	0.698				
Feb-18	19	353,182	18,589	23.646	-0.418				
Mar-18	21	685,784	32,656	24.209	0.563				
Apr-18	21	367,569	17,503	23.586	-0.624				
May-18	22	543,840	24,720	23.931	0.345				
Jun-18	21	477,967	22,760	23.848	-0.083				
Jul-18	21	327,710	15,605	23.471	-0.377				
Aug-18	23	347,239	15,097	23.438	-0.033				
Sep-18	19	259,874	13,678	23.339	-0.099				
Oct-18	23	300,814	13,079	23.294	-0.045				
Nov-18	21	447,767	21,322	23.783	0.489				
Dec-18	19	276,130	14,533	23.400	-0.383				
Jan-19	21	495,624	23,601	23.885	0.485				
Feb-19	19	372,166	19,588	23.698	-0.186				
Mar-19	21	604,813	28,801	24.084	0.385				
Apr-19	21	267,737	12,749	23.269	-0.815				
May-19	22	476,892	21,677	23.800	0.531				
Jun-19	20	399,178	19,959	23.717	-0.083				
Jul-19	22	359,438	16,338	23.517	-0.200				
Aug-19	22	401,391	18,245	23.627	0.110				
Sep-19	20	382,876	19,144	23.675	0.048				
Oct-19	23	181,113	7,874	22.787	-0.888				
Nov-19	20	553,889	27,694	24.044	1.258				
Dec-19	21	438,062	20,860	23.761	-0.283				

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
Jan-20	21	636,403	30,305	24.135	0.373				
Feb-20	19	424,133	22,323	23.829	-0.306				
Mar-20	22	409,403	18,609	23.647	-0.182				
Apr-20	21	389,821	18,563	23.644	-0.002				
May-20	20	731,835	36,592	24.323	0.679				
Jun-20	22	650,219	29,555	24.110	-0.214				
Jul-20	22	457,871	20,812	23.759	-0.351				
Aug-20	21	465,953	22,188	23.823	0.064				
Sep-20	21	435,323	20,730	23.755	-0.068				
Oct-20	22	429,638	19,529	23.695	-0.060				
Nov-20	20	849,894	42,495	24.473	0.777				
Dec-20	22	493,133	22,415	23.833	-0.640				
Jan-21	19	753,590	39,663	24.404	0.571				
Feb-21	19	785,163	41,324	24.445	0.041				
Mar-21	23	960,806	41,774	24.456	0.011				
Apr-21	21	430,803	20,514	23.744	-0.711				
May-21	20	759,512	37,976	24.360	0.616				
Jun-21	22	512,966	23,317	23.872	-0.488				
Jul-21	21	485,097	23,100	23.863	-0.009				
Aug-21	22	608,745	27,670	24.044	0.181				
Sep-21	21	565,229	26,916	24.016	-0.028				
Oct-21	21	338,100	16,100	23.502	-0.514				
Nov-21	21	387,841	18,469	23.639	0.137				
Dec-21	22	618,897	28,132	24.060	0.421				
Jan-22	20	809,773	40,489	24.424	0.364				
Feb-22	19	531,622	27,980	24.055	-0.370				
Mar-22	23	868,009	37,740	24.354	0.299				
Apr-22	20	607,591	30,380	24.137	-0.217				
May-22	21	529,417	25,210	23.951	-0.187				
Jun-22	21	410,380	19,542	23.696	-0.255				
Jul-22	20	364,895	18,245	23.627	-0.069				
Aug-22	23					23.980	0.341	27,520	632,951

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
Sep-22	21					23.988	0.346	27,785	583,485
Oct-22	21					23.996	0.351	28,053	589,112
Nov-22	21					24.003	0.356	28,323	594,793
Dec-22	21					24.011	0.361	28,597	600,529
Jan-23	20					24.019	0.366	28,872	577,448
Feb-23	19					24.027	0.371	29,151	553,866
Mar-23	23					24.035	0.375	29,432	676,936
Apr-23	19					24.043	0.380	29,716	564,601
May-23	22					24.051	0.384	30,002	660,053
Jun-23	21					24.058	0.389	30,292	636,126
Jul-23	20					24.066	0.393	30,584	611,677
Aug-23	23					24.074	0.398	30,879	710,213
Sep-23	20					24.082	0.402	31,177	623,532

Figure A
Aggregate Maximum Offering Prices Subject to Securities Act Section 6(b)
(Dashed Line Indicates Forecast Values)



[FR Doc. 2022–18668 Filed 8–29–22; 8:45 am]
BILLING CODE 8011–01–C

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95596; File No. SR–CboeBZX–2022–035]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the VanEck Bitcoin Trust Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

August 24, 2022.

On June 24, 2022, Cboe BZX Exchange, Inc. (''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the VanEck Bitcoin Trust under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. The proposed rule change was published for comment in the **Federal Register** on July 13, 2022.[3] The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is August 27, 2022. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates October 11, 2022, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2022–035).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18588 Filed 8–29–22; 8:45 am]
BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34687; File No. 812–15344–01]

CCOF II Lux Feeder, SCSp, et al.

August 24, 2022.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order (''Order'') under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to amend a previous order granted by the Commission that permits certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: CCOF II Lux Feeder, SCSp, Carlyle Secured Lending, Inc., Carlyle Credit Solutions, Inc., Carlyle Secured Lending III, Carlyle Tactical Private Credit Fund, TCG BDC SPV LLC, Carlyle Credit Solutions SPV LLC, Carlyle Credit Solutions SPV 2 LLC, OCPC Credit Facility SPV LLC, Carlyle Global Credit Investment Management L.L.C., CSL III Advisor, LLC, Carlyle CLO Management L.L.C., TCG Senior Funding L.L.C., TCG Capital Markets L.L.C., MC UNI LLC, MC UNI Subsidiary LLC, MC UNI Subsidiary II (Blocker) LLC, CPC V, LP, CPC V SPV LLC, CDL 2018–1, L.P., CDL 2018–1 SPV LLC, CDL 2018–2, L.P., Carlyle Ontario Credit Partnership, L.P., Carlyle Ontario Credit SLP L.L.C., Carlyle Ontario Credit Special Limited Partner, L.P., Carlyle Skyline Credit Fund, L.P., CDL 2020–3, L.L.C., Carlyle Ontario Credit Partnership Direct Lending SPV, L.P., Carlyle Skyline Credit Fund, AIV L.P., Carlyle Clover Partners, L.P., Carlyle Clover Partners 2, L.P., Carlyle Revolving Loan Fund, L.P., CREV Coinvestment, L.P., CREV Cayman, L.P., CREV II Cayman, L.P., Carlyle Falcon Structured Solutions, L.L.C., CREV II Coinvestment, L.P., Carlyle Aurora Revolving Loan Fund, L.P., Carlyle Direct Lending Drawdown CLO 2022–1 Partnership, L.P., Carlyle Global Market Strategies CLO 2012–3, Ltd., Carlyle Global Market Strategies CLO 2012–4, Ltd., Carlyle Global Market Strategies CLO 2013–1, Ltd., Carlyle Global Market Strategies CLO 2013–2, Ltd., Carlyle Global Market Strategies CLO 2013–3, Ltd., Carlyle Global Market Strategies CLO 2013–4, Ltd., Carlyle Global Market Strategies CLO 2014–1, Ltd., Carlyle Global Market Strategies CLO 2014–2–R, Ltd., Carlyle Global Market Strategies CLO 2014–3–R, Ltd., Carlyle Global Market Strategies CLO 2014–4–R, Ltd., Carlyle Global Market Strategies CLO 2014–5, Ltd., Carlyle Global Market Strategies CLO 2015–1, Ltd., Carlyle Global Market Strategies CLO 2015–2, Ltd., Carlyle Global Market Strategies CLO 2015–3, Ltd., Carlyle Global Market Strategies CLO 2015–4, Ltd., Carlyle Global Market Strategies CLO 2015–5, Ltd., Carlyle Global Market Strategies CLO 2016–1, Ltd., Carlyle Global Market Strategies CLO 2016–2, Ltd., Carlyle Global Market Strategies CLO 2016–3, Ltd., Carlyle US CLO 2016–4, Ltd., Carlyle US CLO 2017–1, Ltd., Carlyle US CLO 2017–2, Ltd., Carlyle US CLO 2017–3, Ltd., Carlyle US CLO 2017–4, Ltd., Carlyle US CLO 2017–5, Ltd., Carlyle US CLO 2018–1, Ltd., Carlyle US CLO 2018–2, Ltd., Carlyle US CLO 2018–3, Ltd., Carlyle US CLO 2018–4, Ltd., Carlyle US CLO 2019–1, Ltd., Carlyle US CLO 2019–2, Ltd., Carlyle US CLO 2019–3, Ltd., Carlyle US CLO 2019–4, Ltd., Carlyle US CLO 2020–1, Ltd., Carlyle US CLO 2020–A, Ltd., Carlyle CLO Fund, L.P., Carlyle CLO Equity Fund III Offshore, L.P., Carlyle CLO Equity Fund III Onshore, L.P., Carlyle CLO Equity Fund III, L.P., Carlyle C17 CLO, Ltd., Carlyle US CLO 2020–2, Ltd., Carlyle US CLO 2021–A, Ltd., Carlyle US CLO 2021–3S, Ltd., Carlyle US CLO 2021–4, Ltd., Carlyle US CLO 2021–5, Ltd., Carlyle US CLO 2021–6, Ltd., Carlyle US CLO 2021–7, Ltd., Carlyle US CLO 2021–8, Ltd., Carlyle US CLO 2021–10, Ltd., Carlyle US CLO 2021–9, Ltd., Carlyle US CLO 2021–11, Ltd., Carlyle US CLO 2021–J, Ltd., Carlyle US CLO 2022–A, Ltd., Carlyle US CLO 2022–B, Ltd., Carlyle US CLO 2022–F, Ltd., CBAM 2017–1, Ltd., CBAM 2017–2, Ltd., CBAM 2017–

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 95218 (July 7, 2022), 87 FR 41755.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

3, Ltd., CBAM 2017–4, L.L.C., CBAM 2017–4, Ltd., CBAM 2018–5, Ltd., CBAM 2018–6, Ltd., CBAM 2018–7, Ltd., CBAM 2018–8, Ltd., CBAM 2019–9, Ltd., CBAM 2019–10, Ltd., CBAM 2019–11R, Ltd., CBAM 2020–12, Ltd., CBAM 2020–13, LLC, CBAM 2020–13, Ltd., CBAM 2021–14, Ltd., CBAM 2021–15, LLC, Carlyle Structured Credit Fund, L.P., Carlyle Structured Credit Coinvestment, L.P., Carlyle Energy Mezzanine Opportunities Fund II, L.P., Carlyle Energy Mezzanine Opportunities Fund II–A, L.P., CEMOF II Coinvestment, L.P., CEMOF II Master Co-Investment Partners, L.P., CEMOF II Master Co-Investment Partners AIV One, L.P., CEMOF II Master Co-Investment Partners AIV, L.P., CEMOF–A Coinvestment Partners, L.P., CEMOF II AIV, L.P., CEMOF II AIV One, L.P., CEMOF II AIV Two, L.P., CEMOF II AIV Three, L.P., CEMOF II AIV Four, L.P., CEMOF II–A AIV, L.P., CEMOF II–A AIV One, L.P., CEMOF II–A AIV Two, L.P., CEMOF II–A AIV Three, L.P., CEMOF II–A AIV Four, L.P., CEMOF II Offshore Investors, L.P., Carlyle Credit Opportunities Fund (Parallel), L.P., Carlyle Credit Opportunities Fund, L.P., CCOF Cayman, L.P., CCOF Co-Investment, L.P., CCOF North Co-Investment, L.P., Carlyle Credit Opportunities Fund Note Issuer, L.P., Carlyle Credit Opportunities Fund (Parallel) Note Issuer, L.P., CCOF Gem Co-Investment, L.P., CCOF Master Cayman Gem Co-Investment, LTD., CCOF Onshore Co-Borrower LLC, CCOF Master Cayman, Ltd., CCOF S.à r.l., CCOF Master S.à r.l., GC Lion S.à r.l., CCOF SPV I S.à r.l., CCOF Madison JV S.a r.l., GC Orange S.à r.l., CCOF Master Co-Investment S.à r.l., CCOF Co-Investment S.à r.l., CCOF Main SPV, L.P., Carlyle Tango Re Credit, L.P., Carlyle Credit Opportunities Fund II, L.P., Carlyle Credit Opportunities Fund (Parallel) II, SCSp, Carlyle Credit Opportunities Fund Ii Note Issuer, L.P., Carlyle Credit Opportunities Fund (Parallel) II Note Issuer, L.P., CCOF II Co-Investment, L.P., CCOF II Master, L.P., CCOF II Master Cayman, Ltd., CCOF II Onshore SPV, L.P., CCOF II Master S.à r.l., CCOF II SPV S.à r.l., CCOF Master, L.P., CCOF Parallel AIV Investors, L.L.C., CCOF Parallel AIV, L.P., Carlyle Bravo Opportunistic Credit Partnership, L.P., Carlyle Bravo Opportunistic Credit Feeder, L.P., Carlyle Credit Opportunities Fund (Parallel) AIV, L.P., Carlyle Credit Opportunities Fund (Parallel) AIV Investors, L.P., Carlyle Credit Opportunities Fund (Parallel) AIV 2, L.P., Carlyle Credit Opportunities Fund (Parallel) AIV Investors 2, L.P., Carlyle Credit Opportunities Fund (Parallel) AIV 3, L.P., Carlyle Credit Opportunities Fund (Parallel) AIV 4, L.P., Carlyle Credit Opportunities Fund (Parallel) AIV Investors 3, L.L.C., Carlyle Credit Opportunities Fund (Parallel) AIV Investors 4, LLC, Carlyle Credit Opportunities Fund (Parallel) II AIV 3, L.P., Carlyle Credit Opportunities Fund (Parallel) II AIV 4, L.P., Carlyle Credit Opportunities Fund (Parallel) II AIV Investors 3, LLC, Carlyle Credit Opportunities Fund (Parallel) II AIV 2, SCSp, Carlyle Credit Opportunities Fund (Parallel) II AIV, SCSp, CCOF II Parallel AIV Investors, SCSp, Carlyle Credit Opportunities Fund (Parallel) II AIV Holdings, L.P., Carlyle Credit Opportunities Fund (Parallel) II AIV 2 Holdings, L.P. Carlyle Credit Opportunities Fund II–N, L.P., Carlyle Credit Opportunities Fund II–N Main, L.P., CCOF II Parallel Irving AIV Investors (Lux), SCSp, CCOF II Lux Feeder Irving AIV, SCSp, CCOF II Parallel Irving AIV Investors (DE), L.L.C., Carlyle Credit Opportunities Fund (Parallel) II Irving AIV 2, L.P., Carlyle Credit Opportunities Fund (Parallel) II Irving AIV, L.P., Carlyle Tango RE Credit Splitter, L.P., Project Mediaco, L.P., Carlyle Bravo Credit Investor, LLC, Project Harmony, L.P., Carlyle Spinnaker Partners 2, L.P., Carlyle Spinnaker Partners 2 Main, L.P., Carlyle Strategic Partners IV, L.P., CSP IV Coinvestment, L.P., CSP IV Coinvestment (Cayman), L.P., CSP IV (Cayman 1), L.P., CSP IV Acquisitions, L.P., CSP IV S–1 AIV, L.P., CSP IV S–1A AIV, L.P., CSP IV S–1B AIV, L.P., CREDIT Acquisitions (Cayman-3), L.P., CSP IV ARF (Cayman 3), L.P., CSP IV (Cayman 2), L.P., CSP IV (Cayman 3), L.P., Clover Financing SPV, L.P., CSP IV Brawn AIV, L.P., Brawn Coinvest Electing Investors, L.P., CSP IV Coinvest Brawn Investors, L.P., CSP IV Coinvest Brawn, L.P., CSP IV (Parallel) AIV I, L.P., CSP IV Credit Investor, LLC, Carlyle Infrastructure Credit Fund, L.P., Carlyle Infrastructure Credit Fund Note Issuer, L.P., Carlyle Infrastructure Credit Fund (Parallel), SCSp, Carlyle Aurora Infrastructure Credit Partners, L.P., Carlyle Infrastructure Credit Fund (Levered), L.P., Carlyle Cedar Infrastructure Credit Partners, L.P., CICF Coinvestment, L.P., CICF Lux Feeder, SCSp, Carlyle Direct Lending CLO 2015–1R LLC, Carlyle Direct Lending Fund (LEVERED) IV, L.P., Carlyle Direct Lending Fund IV, L.P., Carlyle Revolving Loan Fund II, L.P., Carlyle US CLO 2022–G, Ltd., and Carlyle US CLO 2022–H, Ltd.

DATES: The application was filed on May 27, 2022, and amended on August 1, 2022.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on September 19, 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 *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Rajib Chanda at *Rajib.Chanda@stblaw.com* and Christopher Healey at *Christopher.Healey@stblaw.com.*

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, or Kaitlin C. Bottock, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' first amended and restated application, dated August 1, 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, 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. 2022–18604 Filed 8–29–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95588]

Draft 2022–2026 Strategic Plan for Securities and Exchange Commission

AGENCY: Securities and Exchange Commission.

ACTION: Request for comment.

SUMMARY: The Securities and Exchange Commission (SEC) is providing notice that it is seeking comments on its draft 2022–2026 Strategic Plan. The draft Strategic Plan includes a draft of the SEC's mission, vision, values, strategic goals, and planned initiatives.

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

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the SEC's internet comment forms (*https://www.sec.gov/regulatory-actions/how-to-submit-comments*); or
- Send an email to *rule-comments@sec.gov.* Please include Draft Strategic Plan 2022–2026 on the subject line; or

Paper Comments

- Send paper comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to Draft Strategic Plan 2022–2026. This should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's website (*https://www.sec.gov/rules/other.htm*). Comments also are available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission's Public Reference Room. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Peter Gimbrere, Senior Advisor, Office of the Chief Operating Officer, at (202) 551–4628, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–2521.

SUPPLEMENTARY INFORMATION: The draft strategic plan is available at the Commission's website at *https://www.sec.gov/files/sec_strategic_plan_fy22-fy26_draft.pdf* or by contacting Peter Gimbrere, Senior Advisor, Office of the Chief Operating Officer, at (202) 551–4628, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–2521.

By the Commission.

Dated: August 24, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–18582 Filed 8–29–22; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17569 and #17570; MINNESOTA Disaster Number MN–00100]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Minnesota

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Minnesota (FEMA–4666–DR), dated 08/09/2022.

Incident: Severe Storms, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 05/29/2022 through 05/30/2022.

DATES: Issued on 08/09/2022.

Physical Loan Application Deadline Date: 10/10/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/09/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/09/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Aitkin, Big Stone, Cass, Chippewa, Crow Wing, Douglas, Grant, Itasca, Kanabec, Kandiyohi, Lac Qui Parle, Lyon, Nobles, Pine, Pope, Renville, Rock, Stevens, Swift, Todd, Traverse, Wadena, Yellow Medicine.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	1.875
Non-Profit Organizations Without Credit Available Elsewhere	1.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17569 B and for economic injury is 17570 0.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–18666 Filed 8–29–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17561 and #17562; KENTUCKY Disaster Number KY–00095]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the Commonwealth of Kentucky

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Kentucky (FEMA–4663–DR), dated 07/29/2022.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 07/26/2022 and continuing.

DATES: Issued on 08/12/2022.

Physical Loan Application Deadline Date: 09/27/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/01/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration,

409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Kentucky, dated 07/29/2022, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Breathitt, Cumberland, Johnson, Leslie, Letcher, Magoffin, Whitley, Wolfe.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–18661 Filed 8–29–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17563 and #17564; MISSOURI Disaster Number MO–00113]

Presidential Declaration of a Major Disaster for the State of Missouri

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA–4665–DR), dated 08/08/2022.

Incident: Severe Storms and Flooding.

Incident Period: 07/25/2022 through 07/28/2022.

DATES: Issued on 08/08/2022.

Physical Loan Application Deadline Date: 10/07/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/08/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/08/2022, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Saint Charles, Saint Louis, Saint Louis City.

Contiguous Counties (Economic Injury Loans Only):

Missouri: Franklin, Jefferson, Lincoln, Warren.

Illinois: Calhoun, Jersey, Madison, Monroe, Saint Clair.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.375
Homeowners Without Credit Available Elsewhere	1.688
Businesses With Credit Available Elsewhere	5.870
Businesses Without Credit Available Elsewhere	2.935
Non-Profit Organizations With Credit Available Elsewhere	1.875
Non-Profit Organizations Without Credit Available Elsewhere	1.875
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	2.935
Non-Profit Organizations Without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17563 6 and for economic injury is 17564 0.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–18667 Filed 8–29–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17565 and #17566; MISSOURI Disaster Number MO–00116]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Missouri

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Missouri (FEMA–4665–DR), dated 08/08/2022.

Incident: Severe Storm and Flooding.

Incident Period: 07/25/2022 through 07/28/2022.

DATES: Issued on 08/08/2022.

Physical Loan Application Deadline Date: 10/07/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/08/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/08/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Montgomery, Saint Charles, Saint Louis, Saint Louis City.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	1.875
Non-Profit Organizations Without Credit Available Elsewhere	1.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17565 6 and for economic injury is 17566 0.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–18670 Filed 8–29–22; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice: 11837]

Industry Advisory Group: Notice of Open Meeting

The Industry Advisory Group (IAG) of the Bureau of Overseas Buildings Operations (OBO), U.S. Department of State, will meet on Thursday, September 15, 2022, from 9:30 a.m. until 4:00 p.m. Eastern Daylight Time. The meeting is open to the public and will be held in-person at the U.S.

Department of State, located at 2201 C Street NW, Washington, DC.

This committee serves the U.S. government in a solely advisory capacity concerning industry and academia's latest concepts, methods, best practices, innovations, and ideas related to the OBO mission of providing safe, secure, functional, and resilient facilities that represent the U.S. government to the host nation and support the Department's achievement of U.S. foreign policy objectives abroad.

The meeting will serve as the annual meeting contemplated by the IAG Charter. The majority of the meeting will be devoted to discussions between the Department's senior management and IAG representatives with respect to industry and academia's latest concepts, methods, best practices, innovations, and ideas related to supporting OBO's vital mission. Additionally, time will be provided for members of the public to provide comment.

The public may attend this meeting in-person as seating capacity allows. Admittance to the State Department building will be by means of a pre-arranged clearance list. An open registration announcement will be posted on OBO's website, *www.state.gov/obo,* and sent through OBO's distribution list approximately 30 days prior to the event date. Those interested in joining OBO's distribution list for additional information on the IAG meeting and other events can sign up at *https://visitor.r20.constantcontact.com/manage/optin?v=001d8EWtZhzr9vk2LP58NdScTQkB3xh8MgQtPak2ggYZjmdWSw6Hjj3BVXcLPZCovDo0wUdyb9h8VCs90ZQ6UFCLTtKCJfYnpwN3Q_V5mw0PiM%3D.*

Please forward any requests for reasonable accommodation by September 1. You can also visit the OBO website at *www.state.gov/obo* for additional information. Requests for reasonable accommodation made after that date will be considered but may not be able to be fulfilled.

Please contact *luckettla@state.gov* with any questions.

Rollie Miller,

Chief of Staff, Bureau of Overseas Buildings Operations, Department of State.

[FR Doc. 2022–18590 Filed 8–29–22; 8:45 am]

BILLING CODE 4710–51–P

DEPARTMENT OF STATE

[Public Notice: 11843]

Certification Pursuant to Section 7045(A)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021

Pursuant to section 7045(a)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, Pub. L. 116–260) (FY 2021 SFOAA) and Department of State Delegation of Authority 513, I hereby certify that the central government of Honduras is:

(i) combating corruption and impunity, including prosecuting corrupt government officials;

(ii) implementing reforms, policies, and programs to increase transparency and strengthen public institutions;

(iii) protecting the rights of civil society, opposition political parties, and the independence of the media;

(iv) providing effective and accountable law enforcement and security for its citizens, and upholding due process of law;

(v) implementing policies to reduce poverty and promote equitable economic growth and opportunity;

(vi) upholding the independence of the judiciary and of electoral institutions;

(vii) improving border security;

(viii) combating human smuggling and trafficking and countering the activities of criminal gangs, drug traffickers, and transnational criminal organizations;

(ix) informing its citizens of the dangers of the journey to the southwest border of the United States; and

(x) resolving disputes involving the confiscation of real property of United States entities.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: August 8, 2022.

Brian P. McKeon,

Deputy Secretary of State for Management and Resources.

[FR Doc. 2022–18728 Filed 8–29–22; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the I–495 & I–270 Managed Lanes Study, Montgomery and Prince George's Counties, Maryland and Fairfax County, Virginia

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final. The actions relate to the I–495 and I–270 Managed Lanes Study, in Montgomery and Prince George's Counties, Maryland and Fairfax County, Virginia.

DATES: By this notice, FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before January 27, 2023. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Gregory Murrill, Division Administrator, Maryland Division, Federal Highway Administration, George H. Fallon Building, 31 Hopkins Plaza—Suite 1520, Baltimore, Maryland, 21201, Telephone (410) 962–4440.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other Federal agencies have taken final agency actions by issuing approvals for the I–495 and I–270 Managed Lanes Study in Montgomery County and Prince George's County in the State of Maryland and Fairfax County in the State of Virginia. The project will replace the 60-year-old American Legion Bridge and deliver two high occupancy toll managed lanes on an approximately 14-mile stretch of I–495 and I–270. The purpose of this project is to develop a travel demand management solution(s) that addresses congestion, improves trip reliability on I–495 and I–270 within the study limits and enhances existing and planned multimodal mobility and connectivity. The needs that are addressed by this project include accommodating existing traffic and long-term traffic growth, enhancing trip reliability, providing additional roadway travel choices, accommodating homeland security, and

improving the movement of goods and services.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the FHWA Final Environmental Impact Statement (FEIS) for the project, signed June 17, 2022, in the Record of Decision (ROD) for the project, issued on August 25, 2022, and in other project documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record files are available by contacting FHWA, using the contact information provided above. The FEIS and ROD can be viewed and downloaded from the project Op Lanes Maryland website at *https://oplanesmd.com/environmental/.*

This notice applies to FHWA agency decision as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act [42 U.S.C. 4321- 4351].
2. Federal-Aid Highway Act [23 U.S.C. 109].
3. Clean Air Act [42 U.S.C. 7401–7671(q)].
4. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
5. Endangered Species Act [16 U.S.C. 1531–1544 and 1536].
6. Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)].
7. Migratory Bird Treaty Act [16 U.S.C. 703–712].
8. Bald and Golden Eagle Protection Act [16 U.S.C. 668–668c].
9. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470].
10. Farmland Protection Policy Act [7 U.S.C. 4201–4209].
11. Clean Water Act (Section 319, Section 401, Section 402, Section 404) [33 U.S.C. 1251–1377].
12. Safe Drinking Water Act [42 U.S.C. 300 (f) *et seq.*].
13. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 *et seq.*].
14. Noise Control Act of 1972 [42 U.S.C. 4901 *et seq.*].
15. Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].
16. Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675].
17. Americans with Disabilities Act of 1990 [42 U.S.C. 12101].
18. Executive Order 11990 Protection of Wetlands.
19. Executive Order 11988 Floodplain Management.
20. Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
21. Executive Order 11593 Protection and Enhancement of Cultural Resources.
22. Executive Order 13007 Indian Sacred Sites.
23. Executive Order 13287 Preserve America.
24. Executive Order 13175 Consultation and Coordination with Indian Tribal Governments.
25. Executive Order 11514 Protection and Enhancement of Environmental Quality.
26. Executive Order 13112 Invasive Species.
27. Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: August 25, 2022.

Gregory Murrill,

Division Administrator, Baltimore, Maryland.

[FR Doc. 2022–18733 Filed 8–29–22; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0025; Notice 1]

Daimler Trucks North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Daimler Trucks North America, LLC, (DTNA), has determined that certain model year (MY) 2019–2022 Thomas Built school buses do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 217, *Bus Emergency Exits and Window Retention and Release.* DTNA filed an original noncompliance report dated February 9, 2022, and amended the report on April 13, 2022. DTNA petitioned NHTSA on March 1, 2022, and later amended the petition on April 13, 2022, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of DTNA's petition.

DATES: Send comments on or before September 29, 2022.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this

petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Daniel Lind, Safety Compliance Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–7235.

SUPPLEMENTARY INFORMATION:

I. Overview: On November 20, 2020, NHTSA requested information from DTNA regarding a test failure with S5.5.3(a) *Emergency Exit Identification and Labeling,* in a 2019 Thomas Saf-T-Liner School bus. NHTSA received DTNA's response on December 18, 2020, and on January 26, 2022, NHTSA requested that DTNA provide additional information or file a noncompliance report, if it determines that there is a noncompliance.

As a result, DTNA determined that certain MY 2019–2022 Thomas Built school buses do not fully comply with paragraph S5.5.3(a) of FMVSS No. 217, *Bus Emergency Exits and Window Retention and Release* (49 CFR 571.217).

DTNA filed an original noncompliance report dated February 9, 2022, and amended the report on April 13, 2022, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* DTNA petitioned NHTSA on March 1, 2022, and amended the petition on April 13, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of DTNA's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 28,814 MY 2019–2022 Thomas Built Saf-T-Liner HDX, EFX, C2, and Minotour school buses, manufactured between September 28, 2018, and February 23, 2021, are potentially involved:

III. Noncompliance: DTNA explains that the subject school buses are equipped with ''Emergency Exit'' and ''Emergency Door'' labels that do not meet the letter height requirements, as required by paragraph S5.5.3(a) of FMVSS No. 217. Specifically, some of the letters are 4.9 cm, instead of the required minimum 5 cm letter height.

IV. Rule Requirements: Paragraph S5.5.3(a) of FMVSS No. 217 includes the requirements relevant to this petition. Each school bus emergency exit provided in accordance with S5.2.3.1 of FMVSS No. 217 is required to have the designation ''Emergency Door'' or ''Emergency Exit,'' as appropriate, in letters at least 5 centimeters high, of a color that contrasts with its background.

V. Background: DTNA says that prior to filing a noncompliance information report for the subject noncompliance, in March of 2020 NHTSA notified DTNA of a potential noncompliance regarding the emergency exit identification labeling in its buses. In April 2020 DTNA responded to NHTSA and stated its belief that the label ''should be considered compliant'' because, ''with standard rounding, the label-letters met the requirements.'' In its response, DTNA also contended that NHTSA had previously audited the labels in 2014 and found them to be compliant. Then in November 2020, DTNA stated that it received an information request from the Agency, to which DTNA responded by explaining that ''(1) the labels meet the requirements of FMVSS [No.] 217 following the agency's rules of rounding and precision and (2) were the exact same labels had previously been reviewed by the OVSC and found to be compliant during OVSC compliance testing.'' On January 31, 2022, DTNA received another letter from the Agency requesting that DTNA submit additional information or file a supporting noncompliance report. DTNA says that it decided to file the noncompliance report ''in order to avoid a protracted dispute with the agency.''

VI. Summary of DTNA's Petition: The following views and arguments presented in this section, ''VI. Summary of DTNA's Petition,'' are the views and arguments provided by DTNA. They have not been evaluated by the Agency and do not reflect the views of the Agency. DTNA describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

DTNA says ''The relevant labels were designed with letters at least 5 cm and reasonably believed at all relevant times that they complied with FMVSS [No.] 217 under applicable law, including NHTSA's public statements regarding numerical rounding.''

DTNA contends that NHTSA has granted the following petitions in which the letters did not meet the minimum letter height requirement:

- Kia Motors America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance, 69 FR 41332 (July 8, 2004);
- General Motors, LLC, Grant of Petition for Decision of Inconsequential Noncompliance, 81 FR 92963 (July 9, 2004); and
- Hyundai Motor Co., Grant of Petition for Decision of Inconsequential Noncompliance, 69 FR 41568 (July 9, 2004).

DTNA also states that NHTSA has previously granted two inconsequentiality petitions that ''could lead to crowding of passengers trying to flee an exit.'' In the first case,[1] ''buses were manufactured with only one emergency exit instead of two'' and in the second case,[2] ''emergency exits were mounted under the same post and roof bow panel space.''

DTNA states its belief that although the letter height is 0.1 cm less than the requirement, the letters ''are sufficiently large as to aid passengers fleeing an emergency'' and that the labels meet all other applicable FMVSSs. DTNA believes that because some of the letters exceed the 5 cm minimum requirement, ''the reasonable aggregate perception of a viewer is that the letters are 5 cm or more.'' DTNA further stated their belief that the 0.1 cm difference does not obscure the labels or the purpose of the label since the labels are in bold letters that contrast against the background of the labels.

DTNA claims that it is not aware of any complaint, accident, injury, or death resulting from the subject noncompliance.

DTNA contends that ''there is a substantial question whether or not there is fair notice as to how a manufacturer is to comply with FMVSS [No.] 217 (and potential scores of other FMVSSs) given the agency's past statements on numerical rounding.'' DTNA believes that NHTSA's statements with respect to the rounding method it uses[3] and the rounding method provided in the FMVSS No. 111 test procedure are contradicted by a 1990 NHTSA interpretation[4] which states that an FMVSS will specify when rounding is appropriate. DTNA claims that NHTSA's ''procedures for comparing numbers to a standard is ambiguous,'' therefore, DTNA states that it lacked ''fair notice as to which of the

[1] *See* New Flyer of America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance, 63 FR 32694 (June 15, 1998).

[2] *See* IC Corporation, Grant of Petition for Decision of Inconsequential Noncompliance, 70 FR 24464 (May 9, 2005).

[3] *See* Consumer Information; New Car Assessment Program, 79 FR 28594 (May 16, 2014).

[4] *See* Paul Jackson Rice, Chief Counsel, NHTSA, to David G. Dick Acts Testing Labs, Inc.

above procedures, rounding or not, apply.''

DTNA concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that DTNA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after DTNA notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2022–18628 Filed 8–29–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0044]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Comment; Field Study of Heavy Vehicle Crash Avoidance Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for public comment on an extension of a currently approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. The ICR is titled ''Heavy Vehicle Crash Avoidance Systems'' and is identified by OMB Control Number 2127–0741. It is currently approved through August 31, 2022. This project was delayed due to COVID–19 shutdowns and precautions. The extension is necessary to continue the current data collection to completion. This extension request updates the burden hours to reflect the numbers of respondents that are needed to complete the study, updates to time estimates for responses, and mean hourly rates. Additionally, this notice provides clarification on the burden hours and the costs to the public. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on May 10, 2022. Two comments were received, both in support of the data collection.

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

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Jenny Zhang, Office of Vehicle Safety Research, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Telephone: 202–366–3973; email address *jenny.zhang@dot.gov.* Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

Title: Field Study of Heavy Vehicle Crash Avoidance Systems.

OMB Control Number: 2127–0741.

Form Number: None.

Type of Request: Extension to currently approved collection.

Type of Review Requested: Regular.

Length of Approval Requested: Three years.

Summary of the Collection of Information: The National Highway Traffic Safety Administration (NHTSA) is gathering information regarding drivers' naturalistic driving experiences and opinions about crash avoidance systems (CAS) consisting of Lane Departure Warning, Forward Collision Warning, Impact Alert, and Automatic Emergency Braking for heavy vehicles.

CAS technology has been advancing rapidly, with products for heavy commercial vehicles becoming commercially available. These systems present opportunities for improving driver awareness and behavior, improving drivers' responses to potential collisions, and mitigating or preventing collisions when drivers do not respond. The newest generation of CAS technology includes several new features, such as multiple sensors, improvements to radar algorithms, and new features such as full braking in response to static objects or pedestrians. However, it is unknown if this newest generation of products has been able to reduce the prevalence of false or nuisance alerts observed in the previous study, if there are any issues with new types of alerts that have been added since previous studies, or whether drivers have negative perceptions of the technology due to these issues. As these technologies become more popular with fleets, it is important to understand their real-world performance and any unintended consequences that may arise from them.

Data collection began in August 2021 after COVID delays and a shortage of chips necessary for use in the data acquisition system necessary for the naturalistic driving portion of the study. As of December 31, 2021, one respondent has completed the study, three are in the field study portion, and one has completed the informed consent document and pre-field study surveys but still needs to go through the installation portion of stage one and stages two to three of the study. Information in this extension requests refers to the respondents and burden associated with completing the study.

Description of the Need for the Information and Proposed Use of the Information: The collection of information consists of: an informed consent for participation, a demographic

questionnaire, an initial CAS technology questionnaire, and a post-study CAS technology questionnaire.

The information to be collected will be used as follows:

- *Informed Consent* is collected from respondents who agree to participate in the study; the informed consent has been approved by an Institutional Review Board.
- *Demographic questionnaire* is used to obtain demographic information so that potential analysis may account for participants from various groups (*e.g.,* age, self-identified gender, driving experience, and experience with CAS technology).
- *Initial CAS technology questionnaire* is used to get information about drivers' beliefs and attitudes towards the CAS technology installed on the commercial vehicle they use for their job prior to data collection. This questionnaire assesses perceived usability of the systems in terms of acceptance and satisfaction, as well as willingness to have this technology in their vehicle.
- *Final CAS technology questionnaire* is used to get information about drivers' beliefs and attitudes towards the CAS technology installed on the commercial vehicle they use for their job and is collected at the end of data collection. This questionnaire will also be used to assess perceived distraction potential of the systems in terms of acceptance and satisfaction, as well as willingness to have this technology in their vehicle. Each driver will complete the questionnaire once, after the completion of his or her data collection. The questionnaire will gauge how drivers' attitudes and preferences may have changed over the course of participation.
- Each participating driver will have a data acquisition system (DAS) installed in their vehicle for approximately three months while they perform their normal work duties. This system will collect video of the driver and forward roadway, telemetry, and vehicle network data related to driving, and activations of the vehicle's CAS.

60-Day Notice: A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on May 10, 2022 (87 FR 28099). Two comments were received in response to the Notice.

The Texas Department of Transportation (Texas DOT) expressed their support of the collection as ''inherent to NHTSA's role in understanding and establishing standards for vehicle safety.'' The Texas DOT further stated that ''[i]t is critical that NHTSA complete its studies to capture the most effective and valuable advanced driver assistance systems (ADAS) available.'' The second comment was submitted by the National Association of Mutual Insurance Companies (NAMIC) and expressed support for the data collection in order to further assess the efficacy of the systems and the human interaction with them. NAMIC provides, in direct response to comment about the burden estimates in the 60-day Notice, ''the burdens estimated by NHTSA for the collection seem accurate and appropriate to obtain the quality and quantity of information sought by NHTSA for this valid purpose.''

In addition to the comments received, an article titled ''*NHTSA Seeks OK to Extend Data Collection for Safety Tech Study*'' was published on May 10, 2022 (*https://www.ttnews.com/articles/nhtsa-seeks-ok-extend-data-collection-safety-tech-study*). The article discussed information in the 60-day Notice and the NHTSA's 's efforts to seek an extension to the information collection. Subsequent to that publication, another reporter inquired with NHTSA's Office of Communications and Consumer Information requesting details; however, NHTSA is not aware of any additional articles published regarding the collection.

Affected Public: Respondents to this study are drawn from a convenience sample from trucking fleets across the United States. Drivers are recruited from fleets that have signed agreements with the research team and have trucks that are outfitted with CAS technologies. Recruitment will attempt to balance the number of vehicles using particular brands of CAS technology but will be subject to fleet availability and scheduling constraints. Requirements of drivers involved in the study do not extend beyond employment requirements for each fleet.

Estimated Number of Respondents: 170.

NHTSA's goal is to collect field evaluation data from a total of 150 respondents. To date, one participant has fully completed the study. In order to collect complete field evaluation data from an additional 149 participants, and to account for drop-outs, NHTSA estimates that it will need to recruit an additional 170 respondents for initial phases of the study.

Frequency: The Informed Consent Form, Demographic Questionnaire, and Initial CAS Technology Questionnaire are completed once at the start of participation and data collection. The Final CAS Technology Questionnaire is completed once at the completion of participation, approximately three months later.

Number of Responses: 170 for the consent form (one per respondent); 170 for the Demographic Questionnaire (one per respondent); 170 for the Initial CAS Questionnaire (one per respondent); 149 for the Final CAS Questionnaire (one per respondent) that completes the study.

Estimated Total Annual Burden Hours: 123.6 hours total.

Estimated Total Annual Burden Cost: Zero.

TABLE 1—BURDEN CALCULATIONS AND ESTIMATED OPPORTUNITY COST

Instrument	Number of respondents	Estimated time for completion	Total estimated burden hours †	Hourly wage	Estimated total opportunity cost
Stage One:					
Informed Consent Form	170	20 min	57 hours	$23.42	$1,334.94
Demographic Questionnaire	170	5 min	15 hours	23.42	351.30
Initial CAS Technology Questionnaire	170	25 min	71 hours	23.42	1,662.82
Stage Two:					
Naturalistic Driving Study	171	N/A	N/A	N/A	N/A
Stage Three:					
Final CAS Technology Questionnaire	149	25 min	63 hours	23.42	1,475.46
Total Burden Remaining			206 hours		4,824.52
Months Remaining			20		
Annual Burden Remaining			123.6 hours		2,894.71

The above table reflects the annual burden hours to be 123.6 to complete data collection. While the table reflects opportunity costs, this is not a burden incurred by the public for this information collection. The annual burden cost to respondents is zero.

The previous notice estimated total burden hours for this study to be 193.5 total. The total number of burden hours to complete data collection is now 206 based on updates to the time for the Informed Consent and the Demographic Questionnaire. Opportunity costs have been updated to reflect current average hourly wages; however, NHTSA estimates these opportunity costs to be fully offset by compensation provided to the respondents for participation.

Due to COVID–19 shutdowns and precautions, data collection efforts were suspended. NHTSA anticipates additional time beyond the August 31, 2022, expiration date of the currently approved collection to complete this effort. The federal government began this study at $2,581,075 in contract expenses and has added expenses due to the time delays and resulting changes in technology. The total cost expected at this time is $2,954,970, with an annualized cost to the federal government over the expected study time-to-completion of $402,950.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Issued on August 25, 2022.

Cem Hatipoglu,

Associate Administrator, Vehicle Safety Research.

[FR Doc. 2022–18711 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0026]

Insurance Cost Information Regulation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of availability.

SUMMARY: This notice announces publication by NHTSA of calendar year 2022 text and data for the Insurance Cost Information Booklet. This information is intended to assist prospective purchasers in comparing differences in passenger vehicle collision loss experience that could affect auto insurance costs.

ADDRESSES: Interested persons may obtain a copy of this booklet or read background documents by going to *http://regulations.dot.gov* at any time or to Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, W43–439, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366–5222. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: Pursuant to NHTSA's regulation in title 49 of the Code of Federal Regulations, part 582, *Insurance Cost Information Regulation,* NHTSA is required to make available to prospective purchasers information regarding comparative insurance costs, based on damage susceptibility and crashworthiness, for makes and models of passenger cars, station wagons/passenger vans, pickups, and utility vehicles.

Under the law, NHTSA produces a new version of this booklet with updated information provided by the Highway Loss Data Institute's (HLDI) April 2021 and 2022 Insurance Collision Reports. The HLDI is a nonprofit research organization that publishes insurance loss statistics on automobiles and other passenger motor vehicle models driven on United States and Canadian highways. This notice announces NHTSA's publication of calendar year 2022 text and data for the Insurance Cost Information Booklet.

Consumers may obtain a copy of the online booklet through the NHTSA web page at: *http://www.nhtsa.dot.gov/*theft. From NHTSA's Vehicle Theft Prevention website, on that page, under the ''Resources Panel'', click on ''2022 Comparison of Insurance Costs''.

Issued in Washington, DC under authority delegated in 49 CFR 1.95, 501.5 and 501.8.

Milton E. Cooper,

Director, Rulemaking Operations.

[FR Doc. 2022–18659 Filed 8–29–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2022–0019]

Mutual Savings Association Advisory Committee

AGENCY: Department of the Treasury, Office of the Comptroller of the Currency (OCC).

ACTION: Notice of federal advisory committee meeting.

SUMMARY: The OCC announces a meeting of the Mutual Savings Association Advisory Committee (MSAAC).

DATES: A public meeting of the MSAAC will be held on Tuesday, September 20, 2022, beginning at 8:30 a.m. Eastern Daylight Time (EDT). The meeting will be in person and virtual.

ADDRESSES: The OCC will host the September 20, 2022 meeting of the MSAAC at the OCC's offices at 400 7th Street SW, Washington, DC 20219 and virtually.

FOR FURTHER INFORMATION CONTACT: Michael R. Brickman, Deputy Comptroller for Thrift Supervision, (202) 649–5420, Office of the Comptroller of the Currency, Washington, DC 20219. You also may access prior MSAAC meeting materials on the MSAAC page of the OCC's website at Mutual Savings Association Advisory Committee.

SUPPLEMENTARY INFORMATION: Under the authority of the Federal Advisory Committee Act, 5 U.S.C. app. 2, and the regulations implementing the Act at 41 CFR part 102–3, the OCC is announcing that the MSAAC will convene a meeting on Tuesday, September 20, 2022. The meeting is open to the public and will begin at 8:30 a.m. EDT. The purpose of the meeting is for the MSAAC to advise the OCC on regulatory or other changes the OCC may make to ensure the health and viability of mutual savings associations. The agenda includes a discussion of current topics of interest to the industry.

Members of the public may submit written statements to the MSAAC. The OCC must receive written statements no later than 5:00 p.m. EDT on Thursday, September 15, 2022. Members of the public may submit written statements to *MSAAC@occ.treas.gov*.

Members of the public who plan to attend the meeting should contact the OCC by 5:00 p.m. EDT on Thursday, September 15, 2022, to inform the OCC of their desire to attend the meeting and whether they will attend in person or virtually, and to obtain information about participating in the meeting. Members of the public may contact the OCC via email at *MSAAC@OCC.treas.gov* or by telephone at (202) 649–5420. Attendees should provide their full name, email address, and organization, if any. For persons who are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to arrange telecommunications relay services for this meeting.

Michael J. Hsu,

Acting Comptroller of the Currency.

[FR Doc. 2022–18630 Filed 8–29–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held virtually by *ZoomGov*. The entire meeting will be closed.

DATES: The meeting will begin at 10:30 a.m. Eastern Time. The meeting will be held September 22, 2022.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held virtually by *ZoomGov*.

FOR FURTHER INFORMATION CONTACT: Robin B. Lawhorn, 400 West Bay Street, Suite 252, Jacksonville, FL 32202. Telephone (904) 661–3198 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app., that a closed meeting of the Art Advisory Panel will be held virtually by *ZoomGov*.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in sections 552b(c)(3), (4), (6), and (7), of the Government in the Sunshine Act, and that the meeting will not be open to the public.

Andrew J. Keyso Jr.,

Chief, Independent Office of Appeals.

[FR Doc. 2022–18707 Filed 8–29–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Requesting Comments on TD 9584, TD 9734, Form 1042, Schedule Q (Form 1042), Form 1042–S, and Form 1042–T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning final regulations in Treasury Decision (TD) 9584 relating to interest paid to nonresident aliens, TD 9734 relating to dividend equivalents from sources within the United States, Form 1042, Schedule Q (Form 1042), Form 1042–S, and Form 1042–T.

DATES: Written comments should be received on or before October 31, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov*. Include OMB Control No. 1545–0096 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jon Callahan, (737) 800–7639, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *jon.r.callahan@irs.gov*.

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: TD 9584, TD 9734, Form 1042, Schedule Q (Form 1042), Form 1042–S, and Form 1042–T.

OMB Number: 1545–0096.

Form Number: 1042, Schedule Q (Form 1042), 1042–S, and 1042–T.

Regulation Project Number: TD 9584 and TD 9734.

Abstract: TD 9584 contains final regulations that provide guidance on the reporting requirements for interest on deposits maintained at the U.S. office of certain financial institutions and paid to nonresident alien individuals. These regulations affect persons making payments of interest with respect to such a deposit. TD 9734 contains regulations pertain to Internal Revenue Code (IRC) section 871(m) regarding dividend equivalent payments that are treated as U.S. source income. These regulations provide guidance regarding when payments made pursuant to certain financial instruments will be treated as U.S. source income and subject to U.S. withholding tax.

Form 1042 is used by withholding agents to report tax withheld at source on certain income paid to nonresident alien individuals, foreign partnerships, and foreign corporations to the IRS. Schedule Q (Form 1042) is used withholding agents to report the tax liability of a qualified derivatives dealer (QDD). Form 1042–S is used by withholding agents to report income and tax withheld to payees. A copy of each 1042–S is filed electronically or with Form 1042 for information reporting purposes. The IRS uses this information to verify that the correct amount of tax has been withheld and paid to the United States. Form 1042–T is used by withholding agents to transmit paper Forms 1042–S to the IRS.

Current Actions: There is are changes to the existing collection: (1) Schedule Q (Form 1042) was created to replace the previous requirement to attach a statement to the Form 1042 to provide information regarding a QDD's tax liability; (2) the burden for TD 9584, previously reported under OMB control number 1545–1725, is being incorporated in this collection for clarity and continuity; (3) the burden for Form 1042 was recalculated for better estimates; and (4) the number of respondents and responses for all forms were updated with better estimates.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, estates,

trusts, tax-exempt organizations, and government entities.

Estimated Number of Respondents: 138,150.

Estimated Number of Responses: 8,560,200.

Estimated Time per Respondent: 15 minutes for TD 9584, 8 hours for TD 9734, 29 hours and 28 minutes for Form 1042, 5 hours and 44 minutes for Schedule Q (Form 1042), 34 minutes for Form 1042–S, and 12 minutes for Form 1042–T.

Estimated Total Annual Burden Hours: 6,704,749.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 25, 2022.

Jon R. Callahan,

Tax Analyst.

[FR Doc. 2022–18638 Filed 8–29–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Alcohol and Tobacco Tax and Trade Bureau Information Collection Request

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before September 29, 2022 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing *PRA@treasury.gov,* calling (202) 622–1035, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau Information Collection Request (TTB)

1. Title: Formula and Process for Wine.

OMB Number: 1513–0010.

Form Number: TTB F 5120.29.

Abstract: The Internal Revenue Code (IRC) at 26 U.S.C. 5361, 5362, and 5386–5388, require persons who intend to produce certain agricultural, non-standard, or nonbeverage wines to obtain approval of the formulas and processes by which those products will be made. Under the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR parts 24 and 26, producers may file such wine formula and process approval requests using TTB F 5120.29. TTB uses the collected information to ensure that the relevant tax provisions of the IRC are appropriately applied.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 30.

Estimated Average Responses per Respondent: 5.

Estimated Number of Responses: 150.

Estimated Average per-response Burden: 2 hours.

Estimated Total Burden: 300 hours.

2. Title: User's Report of Denatured Spirits.

OMB Number: 1513–0012

Form Number: TTB F 5150.18.

Abstract: The IRC at 26 U.S.C. 5214 allows the tax-free withdrawal of denatured distilled spirits from a distilled spirits plant (DSP), while 26 U.S.C. 5275 requires persons that procure, deal in, or use specially denatured (SDS), or that recover specially denatured or completely denatured distilled spirits, to maintain records and file reports as required by regulation. The TTB regulations in 27 CFR part 20 require persons who use or recover SDS or articles, or who use recovered completely denatured spirits or articles, to file a report once annually, or when discontinuing business, using TTB F 5150.18 to account for their use of such denatured spirits in specific approved formulas. The collected information is necessary to ensure that the tax provisions of the IRC are appropriately applied, as it accounts for the use of untaxed distilled spirits.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 650.

Estimated Average Responses per Respondent: 1 (one).

Estimated Number of Responses: 650.

Estimated Average per-response Burden: 18 minutes.

Estimated Total Burden: 195 hours.

3. Title: Power of Attorney.

Form Number: TTB F 5000.8.

OMB Number: 1513–0014.

Abstract: The IRC at 26 U.S.C. 6061 provides that persons must sign any return, statement, or document submitted under the IRC's provisions in accordance with prescribed forms and regulations. In addition, the Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 204(c) authorizes the Secretary of the Treasury (the Secretary) to prescribe the manner and form of applications for basic permits issued under the Act. Under those authorities, the TTB regulations require individuals signing documents and forms filed with TTB on behalf of an applicant or principal to have specific authority to do so. To delegate such authority and

report that delegation to TTB, applicants and principals complete form TTB F 5000.8, Power of Attorney. TTB uses the collected information to determine who legally represents a person doing business with TTB.

Current Actions: There are no program changes associated with this information collection, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is decreasing the number of annual respondents, responses, and burden hours associated with this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 4,250.

Estimated Average Responses per Respondent: 2.

Estimated Number of Responses: 8,500.

Estimated Average per-response Burden: 20 minutes.

Estimated Total Burden: 2,833 hours.

4. Title: Certificate of Tax Determination—Wine.

OMB Number: 1513–0029.

Form Number: TTB F 5120.20.

Abstract: The IRC at 26 U.S.C. 5062 authorizes drawback (refund) of the Federal excise tax on distilled spirits and wines exported from the United States, under regulations requiring evidence of the product's tax payment or determination and exportation. Under that authority, the TTB regulations in 27 CFR part 28 require drawback claims filed by wine exporters to be accompanied by the producer's or bottler's certification, filed on TTB F 5120.20, that the listed wines were produced in the United States and taxpaid or determined upon withdrawal. The collected information is necessary to ensure that the tax provisions of the IRC are appropriately applied, as it allows TTB to prevent the payment of unverified drawback claims.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 22.

Estimated Average Responses per Respondent: 300.

Estimated Number of Responses: 6,600.

Estimated Average per-response Burden: 0.5 hour.

Estimated Total Burden: 3,300 hours.

5. Title: Distilled Spirits Plant Denaturation Records (TTB REC 5110/04), and Monthly Report of Processing (Denaturing) Operations.

OMB Number: 1513–0049.

Form Number: TTB F 5110.43.

Form Number: TTB REC 5110/04.

Abstract: The IRC, at 26 U.S.C. 5207, requires DSP proprietors to maintain records and submit reports of their production, storage, denaturation, and processing activities. At 26 U.S.C. 5214, the IRC also authorizes the withdrawal of denatured distilled spirits from a DSP tax-free for certain specified uses. Under those authorities, the TTB regulations in 27 CFR part 19 require DSP proprietors to keep certain records regarding their production, receipt, loss, transfer, and withdrawal of denatured spirits. Those regulations also require DSP proprietors to submit a summary of their daily denaturing (processing) activities to TTB on a monthly basis using form TTB F 5110.43. Because proprietors may remove denatured spirits from a DSP tax-free, a full accounting of a DSP's denaturation operations is necessary to ensure that the tax provisions of the IRC are appropriately applied and to prevent diversion of untaxed spirits to taxable uses.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Number of Respondents: 470.

Estimated Average Responses per Respondent: 12.

Estimated Number of Responses: 5,640.

Estimated Average per-response Burden: 1 hour.

Estimated Total Burden: 5,640 hours.

6. Title: Letterhead Applications and Notices Relating to Tax Free Alcohol, TTB REC 5150/4.

OMB Number: 1513–0060.

Form Number: TTB REC 5150/4.

Abstract: While the IRC at 26 U.S.C. 5001 generally imposes a Federal excise tax on all distilled spirits produced in or imported into the United States, 26 U.S.C. 5214 provides for the tax-free withdrawal of distilled spirits from DSPs for nonbeverage purposes, including for use by educational institutions, laboratories, and medical facilities, and by State, local, and tribal governments. At 26 U.S.C. 5271–5275, the IRC also sets permit, bond, formula submission, recordkeeping, and reporting requirements for the use of tax-free distilled spirits, all of which is subject to regulations prescribed by the Secretary. Under those authorities, the TTB regulations in 27 CFR part 22 require users of tax-free alcohol to submit certain letterhead applications and notices, which serve as qualifying documents for specific regulated activities or as amendments to previously filed documents. The collected information is necessary to ensure that the provisions of the IRC related to tax-free distilled spirits are appropriately applied.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 300.

Estimated Average Responses per Respondent: 1 (one).

Estimated Number of Responses: 300.

Estimated Average per-response Burden: 0.5 hours.

Estimated Total Burden: 150 hours.

7. Title: Wholesale Alcohol Dealer Recordkeeping Requirement Variance Requests and Approvals.

OMB Number: 1513–0067.

Form Number: TTB REC 5170/6.

Abstract: Under the authority of the IRC at 26 U.S.C. 5121, the TTB regulations in 27 CFR part 31 require wholesale alcohol dealers to keep daily records of their receipt and disposition of distilled spirits. Specific to this information collection, and as authorized by the IRC at 26 U.S.C. 5555, the TTB regulations in part 31 allow wholesale alcohol dealers to submit letterhead applications to TTB requesting approval of variations in the type and format of such records, and for variations in the place of retention for those records. TTB review of such applications is necessary to determine that such variances would not jeopardize the revenue, be contrary to any provisions of law, or unduly hinder the effective administration of the relevant TTB regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 130.

Estimated Average Responses per Respondent: 1 (one).

Estimated Number of Responses: 130.

Estimated Average per-response Burden: 0.5 hour.

Estimated Total Burden: 65 hours.

8. Title: Alternate Methods or Procedures and Emergency Variations from Requirements for Exports of Liquors.

OMB Number: 1513–0082

Form Number: TTB REC 5170.7.

Abstract: The IRC at 26 U.S.C. 7805 authorizes the Secretary to issue all needful regulations to implement the IRC. Under that authority, the TTB regulations in 27 CFR part 28 allow alcohol exporters to apply for TTB approval of proposed alternate methods or procedures to, or emergency

variances from, the requirements of that part, other than the giving of a bond or the payment of tax. Such applications provide alcohol exporters with operational flexibility and allow such exporters to meet emergency circumstances. TTB review of such applications is necessary to determine that the proposed alternative or variance would not jeopardize the revenue, be contrary to any provisions of law, or unduly hinder the effective administration of the relevant TTB regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 230.

Estimated Average Responses per Respondent: 1 (one).

Estimated Number of Responses: 230.

Estimated Average per-response Burden: 36 minutes.

Estimated Total Burden: 138 hours.

9. Title: Applications, Notices, and Permits Relative to Importation and Exportation of Distilled Spirits, Wine and Beer, Including Puerto Rico and the Virgin Islands.

OMB Number: 1513–0100.

Abstract: Chapter 51 of the IRC imposes Federal excise taxes on alcohol beverages imported into the United States, while exports of such products are not generally subject to tax. In addition, the IRC at 26 U.S.C. 7652 applies an equal tax to such products from Puerto Rico or the U.S. Virgin Islands imported into the United States, but that section also requires deposit of most of the collected taxes to the Treasuries of those islands' governments. As a result, the TTB regulations in 27 parts 26, 27, and 28 require persons exporting or importing alcohol beverages from Puerto Rico and the U.S. Virgin Islands to file certain letterhead applications and notices, and to keep certain records, regarding such activities. The collected information is necessary to ensure that the tax provisions of the IRC related to Puerto Rican and U.S. Virgin Islands products are appropriately applied.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits; and Individuals or households.

Estimated Number of Respondents: 20.

Estimated Average Responses per Respondent: 1 (one).

Estimated Number of Responses: 20.

Estimated Average per-response Burden: 9 hours.

Estimated Total Burden: 180 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2022–18715 Filed 8–29–22; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Fiscal Service Information Collection Requests

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before September 29, 2022 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing *PRA@treasury.gov,* calling (202)–622–1035, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Bureau of the Fiscal Service (BFS)

1. Title: Request By Owner or Person Entitled to Payment or Reissue of United States Savings Bonds/Notes Deposited in Safekeeping When Original Custody Receipts Are Not Available

OMB Number: 1530–0024.

Form Number: FS Form 4239.

Abstract: The information is necessary to request payment or reissue of Savings Bonds/Notes held in safekeeping when original safekeeping custody receipts are not available.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 1,400.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 233.

2. Title: Application For Disposition of Retirement Plan and/or Individual Retirement Bonds Without Administration of Deceased Owner's Estate

OMB Number: 1530–0032.

Form Number: FS Form 3565.

Abstract: The information is used to support a request for recognition as a person entitled to United States Retirement Plan and/or Individual Retirement bonds which belonged to a deceased owner when a legal representative has not been appointed for the estate and no such appointment is pending.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 350.

Estimated Time per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 117.

3. Title: Regulations Governing U.S. Treasury Securities—State and Local Government Series

OMB Number: 1530–0044.

Abstract: The regulations govern U.S. Treasury bonds, notes and certificates of indebtedness of the States and Local Government Series. The collection of information is necessary to enable Treasury to establish an investor's account, to issue securities, to ensure that an investor meets the certification requirements, to redeem securities either at or prior to maturity, and to obtain necessary documentation where a waiver is involved.

Type of Review: Extension of a currently approved collection.

Affected Public: State or Local or Governments.

Estimated Number of Respondents: 60.

Estimated Time per Respondent: 13 minutes.

Estimated Total Annual Burden Hours: 13.

4. Title: Claim for United States Savings Bonds Not Received

OMB Number: 1530–0048.

Form Number: FS Form 3062–4.

Abstract: The information is used to support a request for relief on account

of the nonreceipt of United States Savings Bonds.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 167.

Authority: 44 U.S.C. 3501 et seq.

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2022–18718 Filed 8–29–22; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Departmental Offices Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before September 29, 2022 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Melody Braswell by emailing *PRA@treasury.gov,* calling (202) 622–1035, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

The Office of Economic Policy

Title: Agency Information Collection Activities; Proposed Collection; Comment Request; Application, Evaluation Design Plan, Reports, and Recordkeeping for the Social Impact Partnerships to Pay for Results Act (SIPPRA) Grant Program.

Office of Management and Budget (OMB) Control Number: 1505–0260.

Type of Review: Revision of a currently approved collection.

Description: SIPPRA, enacted February 9, 2018, amends Title XX of the Social Security Act, *42 U.S.C. 1397 et seq.,* to provide $100 million in funding to implement social impact partnership projects'' (projects) and feasibility studies for such projects. SIPPRA authorizes the Secretary of the Treasury to enter into award agreements with state or local governments for projects or feasibility studies. Treasury, in consultation with other federal agencies, administers the SIPPRA grant program.

SIPPRA authorizes Treasury to conduct a request for proposals for projects, make award determinations, and enter into project award agreements. Treasury intends to publish a Notice of Funding Availability (NOFA) seeking applications for projects and anticipates that ten or more persons will respond to its NOFA announcing availability of funding for SIPPRA projects.

Although Treasury is asking applicants to use the SF–424 and SF–425 families of common forms for their applications and reports, Treasury also expects to solicit additional detailed information from applicants to effectively and efficiently assess and evaluate whether applications for projects comply with statutory requirements. This request includes only the burden for this additional information. The burden for the SF–424 forms is covered under OMB Control Numbers 4040–0004, 4040–0006, 4040–0007, 4040–0008, 4040–0009, 4040–0010, and 4040–0013. The burden for the SF–425 form is covered under OMB Control Number 4040–0014. The additional information includes the following components:

- *SAM.gov* registration;
- Notice of Intent to Apply (optional);
- Project Narrative, to include an Executive Summary;
- Project Narrative Attachments, to include project budget, narrative statement addressing partnership agreements, an estimate of the value to the federal government of the interventions being proposed in the project, partner qualifications, independent evaluator qualifications, evaluation design plan, independent evaluator contract, outcome valuation (for which Treasury's SIPPRA website will provide guidance to assist applicants), legal compliance, and (optional) additional supporting documentation such as a preexisting feasibility study;
- Treasury Office of Civil Rights and Diversity Assurances and Certifications, Terms and Conditions, and Compliance Data;
- Additional documentation related to Title VI of the Civil Rights Act;
- Copy of application proposing privileged or confidential information to be redacted;
- Administrative Reporting, including a Quarterly Performance Report, Evaluation Progress Reports, and Final Evaluation Report; and
- Records Retention requirements.

Use of the Data

The information collected under this NOFA: (1) Identifies eligible recipients and activities; (2) helps identify which applications sufficiently address all statutory requirements and which proposed projects are the most competitive; (3) determines the appropriate amount of funding; (4) allows evaluation of compliance with SIPPRA and Federal laws and policies on grants *(e.g., Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR part 200, (herein OMB Uniform Guidance); Title VI of the Civil Rights Act);* (5) tracks recipients' progress; and (6) collects statutorily mandated reports prepared by recipients' contracted independent evaluators.

The Notice of Intent is optional; it will assist Treasury and the Federal Interagency Council on Social Impact Partnerships (Interagency Council) in estimating the number of applications to be received, and thus, enable them to conduct intake and evaluation of applications as efficiently and economically as possible.

The application Executive Summary will assist Treasury and the Interagency Council in streamlining the processing of applications and in optimizing the eligibility phase of application review. The application standard forms, Project Narrative, and Project Narrative attachment components of the grant application are intended to provide Treasury with the information necessary to properly evaluate and assess whether applications include statutorily mandated information. Additionally, certain components of the application, in particular the evaluation design plan and outcome valuation, will enable the Interagency Council to determine whether to make statutorily mandated certifications regarding the proposed projects.

SAM.gov registration is required under the OMB Uniform Guidance.

To comply with the OMB Uniform Guidance performance and financial monitoring and reporting requirements, *2 CFR 200.328–200.330,* Treasury intends to require a quarterly performance and annual financial report from grant recipients. SIPPRA requires that recipients submit progress reports prepared by an independent evaluator on a periodic basis and before the scheduled time of outcome payments. *42 U.S.C. 1397n–4(d).* SIPPRA also requires that recipients submit a final report prepared by an independent evaluator within six months of a project's completion. *42 U.S.C. 1397n–4(e).* Per the statute, Treasury will use these reports to determine if outcome payments are warranted.

Treasury intends to require recipients under this NOFA to comply with the OMB Uniform Guidance's record retention requirement, *2 CFR 200.334,* which requires them to maintain records for three years after grant close-out.

SIPPRA establishes a Commission on Social Impact Partnerships (Commission) whose principal obligation is to make recommendations to Treasury regarding the funding of SIPPRA projects and feasibility studies. *42 U.S.C. 1397n–6.* The Commission is subject to the provisions of the Federal Advisory Committee Act (FACA), which generally requires that documents made available to the Commission be made available for public inspection and copying. 5 U.S.C. app. section 10(b). Treasury may provide to the Commission all complete applications received under this NOFA from eligible applicants and would make all such applications available for public inspection and copying. However, FACA also provides that trade secrets and commercial or financial information that is privileged or confidential (confidential business information) under the Freedom of Information Act (FOIA) need not be made publicly available. *5 U.S.C. 552(b)(4).* To assist Treasury in complying with FACA's public disclosure requirements while protecting confidential business information in accordance with FOIA, Treasury expects to request applicants to propose redactions of confidential business information. An applicant may omit pages for which it does not propose any redactions. Treasury expects to review the redactions proposed by each applicant.

Also, applicants must provide qualifications of key project personnel and partners. Applicants may voluntarily provide curriculum vitae for key project personnel and partners, but the application will not require that personally identifiable information (PII) is collected.

Planned Revisions to the Data Collection

For several reasons, Treasury expects to make a number of changes in the second SIPPRA NOFA relative to the first SIPPRA NOFA. Treasury understands that Congress intended for SIPPRA to be a demonstration program, which suggests that trying different strategies and approaches in the second NOFA and comparing them to those used in the first NOFA may be consistent with congressional intent. Treasury also believes that the revisions it plans may increase the number of applications it receives, reduce the burden on applicants and stakeholders, reduce application review time, and enhance the success of projects. Treasury is interested in receiving comments on applicants' experiences with the application process under the first NOFA and suggestions on revisions Treasury should consider in the second NOFA to make the application and application review process more user-friendly and efficient. The most salient revisions Treasury plans to make in the second NOFA are addressed below.

Treasury anticipates providing more guidance, expanded FAQs, and additional online resources to prospective applicants for the second NOFA. More specifically, Treasury plans to expand its guidance on evaluation plan design, causal impact measurement requirements, and quasi-experimental design criteria. Treasury anticipates the guidance it plans to provide in the second NOFA will reduce applicants' burden during the application process and recipients' burden throughout the project performance period. Treasury also anticipates this guidance will be one means by which Treasury and the Interagency Council may be able to reduce application review time.

Treasury also plans to replace the outcome valuation methodology, budget impact analysis, required in the first NOFA, with a different methodology, benefit-cost analysis. Treasury is planning on making this change because testing different approaches to value determination may help broaden insights in valuation practices in the pay for success field.

Through its outreach with Federal agencies and external stakeholders, Treasury has identified the need to make the application and the application review process more efficient for all parties. Treasury invites suggestions and specific strategies and efficiencies that Treasury may incorporate into the second NOFA that will increase administrative efficiencies to the extent permitted under the statute and other federal laws and regulations.

Under the first NOFA, Treasury provided applicants three months from the date of NOFA publication in the **Federal Register** to submit their applications. In the second NOFA, Treasury anticipates providing approximately five months from the date of publication for applicants to submit their applications. Treasury is interested in learning whether prospective applicants favor a shorter window of time to submit their applications, which would leave more time for project implementation, or conversely, if they favor a longer application timeframe (*e.g.,* five or six months), which would give applicants more time to submit their applications, but less time for project implementation. (The statute does not permit Treasury to obligate funds beyond February 2028. Treasury is interested in an approach that provides an applicant sufficient time to submit an application while still providing sufficient project implementation time.)

Affected Public: State, Local, or Tribal Governments.

Estimated Number of Respondents: 25.

Estimated Frequency of Response: Once; on occasion.

Estimated Total Number of Annual Responses: 25.

Estimated Time per Response: 359 hours.

Estimated Total Annual Burden Hours: 8,975 hours.

(Authority: 44 U.S.C. 3501 *et seq.*)

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2022–18689 Filed 8–29–22; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses, 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 Research Advisory Committee on Gulf War Veterans' Illnesses will meet at the Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 in Room 230. The meeting sessions will begin and end as follows:

Dates	Times
September 21, 2022 ..	9:00 a.m. to 4:00 p.m. Eastern Standard Time (EST).
September 22, 2022 ..	8:30 a.m. to 12:00 p.m. EST.

All sessions will be open to the public. For interested parties who cannot attend in person, this meeting will also be available by videoconference by connecting to Webex at the following URLs:

September 21, 2022 9:00 a.m. to 4:00 p.m. (ET): *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=m7441b2e0482296d1a2d611ed22560028* Or, Join by phone: 1–833–558–0712 Toll-free; Meeting number (access code): 2762 768 4678. Meeting password: 9v3PtpWi8t@

September 22, 2022, 8:30 a.m. to Noon (ET): *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=m8d7771d1c15919193c3087618ddfff8a* Or, Join by phone: 1–833–558–0712 Toll-free; Meeting number (access code): 2761 228 0209. Meeting password: TtZUK3fa$68

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War in 1990–91.

The Committee will review VA program activities related to Gulf War Veterans' illnesses and updates on relevant scientific research published since the last Committee meeting. This meeting will focus on 1990–91 military exposures, 4-year committee accomplishments and future directions.

The meeting will include time reserved for public comments 30 minutes before the meeting closes each day. Individuals who wish to address the Committee may submit a 1–2 page summary of their comments for inclusion in the official meeting record. Members of the public may submit written statements for the Committee's review or seek additional information by contacting Dr. Karen Block, Designated Federal Officer, at 202–443–5600, or at *Karen.Block@va.gov.*

Dated: August 25, 2022.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2022–18692 Filed 8–29–22; 8:45 am]

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FEDERAL REGISTER

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Part II

Office of Personnel Management

SES Positions That Were Career Reserved During CY 2019; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During CY 2019

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This gives notice of all positions in the Senior Executive Service (SES) that were career reserved during calendar year 2019.

FOR FURTHER INFORMATION CONTACT: Julia Alford, Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved at any time during calendar year 2019, regardless of whether those positions were still career reserved as of December 31, 2019. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish such lists by March 1 of the following year. The Office of Personnel Management is publishing a consolidated list for all agencies.

Agency name	Organization name	Position title
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	DIRECTOR OF FINANCE AND OPERATIONS.
		GENERAL COUNSEL.
		EXECUTIVE DIRECTOR.
ADVISORY COUNCIL ON HISTORIC PRESERVATION.	ADVISORY COUNCIL ON HISTORIC PRESERVATION	EXECUTIVE DIRECTOR.
DEPARTMENT OF AGRICULTURE:		
AGRICULTURAL RESEARCH SERVICE.	MIDWEST AREA OFFICE	ASSOCIATE DIRECTOR, MIDWEST AREA (2).
		DIRECTOR, MIDWEST AREA.
		DIRECTOR, NATIONAL CENTER FOR AGRICULTURE UTILIZATION.
	NORTHEAST AREA OFFICE	DIRECTOR, EASTERN REGIONAL RESEARCH CENTER.
		DIRECTOR NORTHEAST AREA OFFICE.
		ASSOCIATE DIRECTOR, NORTHEAST AREA (2).
		DIRECTOR, BELTSVILLE AGRICULTURAL RESEARCH CENTER.
	OFFICE OF NATIONAL PROGRAMS	DEPUTY ADMINISTRATOR, CROP PRODUCTION AND PROTECTION.
		DEPUTY ADMINISTRATOR, NUTRITION, FOOD SAFETY AND QUALITY.
		DEPUTY ADMINISTRATOR, ANIMAL PRODUCTION AND PROTECTION.
		DEPUTY ADMINISTRATOR FOR NATURAL RESOURCES AND SUSTAINABLE ARGICULTURE SYSTEMS.
		ASSOCIATE ADMINISTRATOR, NATIONAL PROGRAMS.
	PACIFIC WEST AREA OFFICE	DIRECTOR, WESTERN HUMAN NUTRITION RESEARCH CENTER.
		DIRECTOR, WESTERN REGIONAL RESEARCH CENTER.
		ASSOCIATE DIRECTOR, PACIFIC WEST AREA (2).
		DIRECTOR, PACIFIC WEST AREA OFFICE.
	PLAINS AREA OFFICE	ASSOCIATE DIRECTOR, PLAINS AREA (2).
		DIRECTOR, PLAINS AREA.
		DIRECTOR, UNITED STATES MEAT ANIMAL RESEARCH CENTER.
	SOUTHEAST AREA OFFICE	DIRECTOR, SOUTHERN REGIONAL RESEARCH CENTER.
		ASSOCIATE DIRECTOR, SOUTHEAST AREA (2).
		DIRECTOR, SOUTH EAST AREA.
ANIMAL AND PLANT HEALTH INSPECTION SERVICE.	PLANT PROTECTION AND QUARANTINE SERVICE	EXECUTIVE DIRECTOR, WESTERN REGION, PLANT PROTECTION AND QUARANTINE.
		EXECUTIVE DIRECTOR, EASTERN REGION, PLANT PROTECTION AND QUARANTINE.
		EXECUTIVE DIRECTOR, POLICY MANAGEMENT.
	VETERINARY SERVICES	EXECUTIVE DIRECTOR (STRATEGY AND POLICY).
		DIRECTOR, WESTERN REGION, VETERINARY SERVICES.
		ASSOCIATE DEPUTY ADMINISTRATOR, NATIONAL ANIMAL HEALTH POLICY PROGRAMS.
		EXECUTIVE DIRECTOR (DOMESTIC PROGRAMS).
		EXECUTIVE DIRECTOR, SCIENCE, TECHNOLOGY AND ANALYSIS SERVICE.
DEPARTMENTAL ADMINISTRATION	OFFICE OF ADVOCACY AND OUTREACH	DIRECTOR, OFFICE OF ADVOCACY AND OUTREACH.
	OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION.	DEPUTY DIRECTOR OF HOMELAND SECURITY AND EMERGENCY COORDINATION.
	OFFICE OF HUMAN RESOURCES MANAGEMENT	EXECUTIVE DIRECTOR, EXECUTIVE RESOURCES MANAGEMENT DIVISION.
	OFFICE OF OPERATIONS	DIRECTOR OFFICE OF OPERATIONS.
		DEPUTY DIRECTOR OF OPERATIONS.
	OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT.	DIRECTOR, CONTRACTING AND PROCUREMENT.
		DEPUTY DIRECTOR, OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT.
FOREST SERVICE	OFFICE OF FIELD UNITS	NORTHEAST AREA DIRECTOR, STATE AND PRIVATE FORESTRY.
		DIRECTOR, NORTHERN RESEARCH STATION.
		DIRECTOR, PACIFIC NORTHWEST RESEARCH STATION.
		DIRECTOR, PACIFIC SOUTHWEST FOREST AND RANGE EXPERIMINT STATION (VALLEJO).

Agency name	Organization name	Position title
		DIRECTOR, ROCKY MOUNTAIN FOREST AND RANGE EXPERIMENT STATION (FORT COLLINS).
		DIRECTOR, SOUTHERN RESEARCH STATION (ASHEVILLE).
		DIRECTOR, FOREST PRODUCTS LABORATORY (MADISON).
	OFFICE OF INTERNATIONAL FOREST SYSTEM	DIRECTOR INTERNATIONAL INSTITUE OF TROPICAL FOREST (RIO PIEDRAS).
	NATIONAL FOREST SYSTEM	DIRECTOR, ECOSYSTEM MANAGEMENT COORINATION.
		DIRECTOR, LANDS MANAGEMENT STAFF.
		DIRECTOR, ENGINEERING.
		DIRECTOR, FOREST MANAGEMENT STAFF.
		DIRECTOR, RANGELAND MANAGEMENT.
		DIRECTOR, MINERALS AND GEOLOGY MANAGEMENT STAFF.
		DIRECTOR, WATER, FISH, WASTELAND, AIR AND RARE PLANTS.
	OFFICE OF RESEARCH	DIRECTOR, SUSTAINABLE FOREST MANAGEMENT.
		DIRECTOR, ENVIRONMENTAL SCIENCES.
		DIRECTOR, INVENTORY, MONITORING AND ASSESSMENT.
		DIRECTOR, RESOURCE USE SCIENCES.
	OFFICE OF STATE AND PRIVATE FORESTRY	DIRECTOR COOPERATIVE FORESTRY.
		DIRECTOR, FOREST HEALTH PROTECTION.
		SENIOR ADVISOR TO THE DEPUTY CHIEF, STATE AND PRIVATE FORESTRY.
NATIONAL INSTITUE OF FOOD AND AGRICULTURE.	ECONOMIC RESEARCH SERVICE	DIRECTOR, MARKET AND TRADE ECONOMICS DIVISION.
		DIRECTOR, INFORMATION SERVICES DIVISION.
		DIRECTOR, RESOURCE AND RURAL ECONOMICS DIVISION.
		ADMINISTRATOR, ECONOMIC RESEARCH SERVICE.
		ASSOCIATE ADMINISTRATOR, ECONOMIC RECEARCH SERVICE.
		DIRECTOR, FOOD ECONOMICS DIVISION.
	NATIONAL AGRICULTURAL STATISTICS SERVICE	DIRECTOR, WESTERN FIELD OPERATIONS.
		ASSOCIATE ADMINISTRATOR.
		ADMINISTRATOR, NATIONAL AGRICULTURAL STATISTICS SERVICE.
		DIRECTOR, METHODOLOGY DIVISION.
		DIRECTOR, EASTERN FIELD OPERATIONS.
		DIRECTOR, STATISTICS DIVISION.
		DIRECTOR, CENSUS AND SURVEY DIVISION.
		DIRECTOR, INFORMATION TECHNOLOGY DIVISION.
		DIRECTOR, NATIONAL OPERATIONS CENTER.
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	DEPARTMENTAL ADMINISTRATION	DIRECTOR, OFFICE OF SAFETY, SECURITY AND PROTECTION.
OFFICE OF THE SECRETARY	NATIONAL FINANCE CENTER	DIRECTOR, INFORMATION TECHNOLOGY MANAGEMENT DIVISION.
		DEPUTY DIRECTOR, NATIONAL FINANCE CENTER.
		DIRECTOR, FINANCIAL SERVICES DIVISION.
	NATIONAL INSTITUE OF FOOD AND AGRICULTURE	ASSISTANT DIRECTOR, INSTITUTE OF BIOENERGY, CLIMATE, AND ENVIRONMENT.
		DEPUTY DIRECTOR, OFFICE OF GRANTS AND FINANCIAL MANAGEMENT.
		DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY.
		DEPUTY DIRECTOR, INSTITUTE OF FOOD SAFETY AND NUTRITION.
	OFFICE OF COMMUNICATIONS	DEPUTY DIRECTOR, CREATIVE DEVELOPMENT.
	OFFICE OF THE CHIEF ECONOMIST	DIRECTOR GLOBAL CHANGE PROGRAM OFFICE.
		CHAIRPERSON.
		DEPUTY CHIEF ECONOMIST.
		DIRECTOR, OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.
		DIRECTOR, OFFICE OF ENERGY POLICY AND NEW USES.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL POLICY AND PLANNING.
		ASSOCIATE CHIEF FINANCIAL OFFICER, FINANCIAL SYSTEMS PLANNING AND MANAGEMENT.
		DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF THE CHIEF INFORMATION OFFICER	DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS AND INFRASTRUCTURE.
		ASSOCIATE CHIEF INFORMATION OFFICER, INTERNATIONAL TECHNOLOGY SERVICES.
	OFFICE OF THE GENERAL COUNSEL	DIRECTOR, OFFICE OF INFORMATION AFFAIRS.
		ASSOCIATE GENERAL COUNSEL, GENERAL LAW AND RESEARCH DIVISION.
		ASSISTANT GENERAL COUNSEL, NATURAL RESOURCES AND ENVIRONMENT DIVISION.

Agency name	Organization name	Position title
	OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION.	DEPUTY ASSISTANT CHIEF INFORMATION OFFICER.
	OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY.	DEPUTY UNDER SECRETARY FOR FOOD SAFETY.
	OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS.	DIRECTOR OFFICE OF THE USDA CHIEF SCIENTIST.
OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY.	FOOD SAFETY AND INSPECTION SERVICE	ASSISTANT ADMINISTRATOR, OFFICE OF INVESTIGATION, ENFORCEMENT AND AUDITING. UNITED STATES MANAGER FOR CODEX. DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT. EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS (4). EXECUTIVE ASSOCIATE FOR EMPLOYEE EXPERIENCE. EXECUTIVE ASSOCIATE FOR LABORATORY SERVICES, OFFICE OF PUBLIC HEALTH SCIENCE. ASSISTANT ADMINISTRATOR. DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS. DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC HEALTH SCIENCE. ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM DEVELOPMENT. CHIEF OPERATING OFFICER. CHIEF FINANCIAL OFFICER. DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF POLICY AND PROGRAM DEVELOPMENT. DEPUTY ASSISTANT ADMINISTRATOR. ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC AFFAIRS AND CONSUMER EDUCATION. ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT. DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROGRAM. DEPUTY ADMINISTRATOR. ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS. ASSISTANT CHIEF INFORMATION OFFICER. ASSISTANT ADMINISTRATOR, OFFICE OF DATA INTEGRATION AND FOOD PROTECTION. INTERNATIONAL AFFAIRS LIAISON OFFICER.
OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES.	FOOD AND NUTRITION SERVICE	PROGRAM MANAGER (DEPUTY ADMINISTRATOR FOR MANAGEMENT). FINANCIAL MANAGER. CHIEF OPERATING OFFICER. PROGRAM MANAGER (ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND SUPPORT).
OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS.	AGRICULTURAL MARKETING SERVICE	DEPUTY ADMINISTRATOR, SCIENCE AND TECHNOLOGY PROGRAMS. DEPUTY ADMINISTRATOR, TRANSPORTATION AND MARKETING PROGRAMS. DEPUTY ADMINISTRATOR, COTTON AND TOBACCO PROGRAMS. DEPUTY ADMINISTRATOR, INFORMATION TECHNOLOGY SERVICES. DEPUTY ADMINISTRATOR, FAIR TRADE PRACTICES PROGRAM. ASSOCIATE ADMINISTRATOR. DEPUTY ADMINISTRATOR, COMPLIANCE AND ANALYSIS. DEPUTY ADMINISTRATOR FOR NATIONAL ORGANIC PROGRAMS. DEPUTY ADMINISTRATOR, SPECIALTY CROPS. DEPUTY ADMINISTRATOR, DAIRY PROGRAMS. DEPUTY ADMINISTARTOR, LIVESTOCK AND SEED PROGRAMS.
	ANIMAL AND PLANT HEALTH INSPECTION SERVICE	ASSISTANT DEPUTY ADMINISTRATOR, PLANT PROTECTION AND. EXECUTIVE DIRECTOR, CENTER FOR PLANT HEALTH SCIENCE AND TECHNOLOGY. ASSOCIATE DEPUTY ADMINISTRATOR, WILDLIFE SERVICES. CHIEF ADVISOR (GOVERNMENT, ACADEMIA AND INDUSTRY PARTNERSHIP). ASSISTANT CHIEF INFORMATION OFFICER. DIRECTOR, INVESTIGATIVE AND ENFORCEMENT SERVICES. DIRECTOR, NATIONAL WILDLIFE RESEARCH CENTER. HUMAN RESOURCES OFFICER. DEPUTY ADMINISTRATOR, BIOTECHNOLOGY REGULATORY PROGRAMS. ASSOCIATE DEPUTY ADMINISTRATOR (2). ASSOCIATE DEPUTY ADMINISTRATOR, NATIONAL IMPORT EXPORT SERVICES.

Agency name	Organization name	Position title
		ASSOCIATE DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS—BUSNINESS SERVICES.
		DEPUTY ADMINISTRATOR FOR INTERNATIONAL SERVICES.
		DEPUTY ADMINISTRATOR, LEGISLATIVE AND PUBLIC AFFAIRS.
		ASSOCIATE DEPUTY ADMINISTRATOR, EMERGING AND INTERNATIONAL PROGRAMS.
		DIRECTOR, EASTERN REGION, WILDLIFE SERVICES.
		EXECUTIVE DIRECTOR, WESTERN REGION, WILDLIFE SERVICES.
		ASSOCIATE DEPUTY ADMINISTRATOR, VETERINARY SERVICES.
		CHIEF FINANCIAL OFFICER.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR ANIMAL CARE.
		DIRECTOR, NATIONAL IMPORT EXPORT SERVICE.
		DEPUTY ADMINISTRATOR, ANIMAL CARE.
		DEPUTY ADMINISTRATOR, WILDLIFE SERVICES.
		DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS- BUSINESS SERVICES.
	OFFICE OF GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.	DIRECTOR FIELD MANAGEMENT DIVISION.
OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS.	AGRICULTURAL RESEARCH SERVICE	DEPUTY ADMINISTRATOR FOR ADMINISTRATIVE AND FINANCIAL MANAGEMENT.
		ASSOCIATE ADMINISTRATOR, RESEARCH OPERATIONS AND MANAGEMENT.
		CHIEF FINANCIAL OFFICER.
		ASSISTANT ADMINISTRATOR FOR TECHNOLOGY TRANSFER.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR ADMINISTRATIVE AND FINANCIAL MANAGEMENT.
		ASSISTANT CHIEF INFORMATION OFFICER.
		DIRECTOR, OFFICE OF PEST MANAGEMENT POLICY.
OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT.	RURAL BUSINESS SERVICE	DEPUTY ADMINISTRATOR, ENERGY PROGRAMS DEPUTY ADMINISTRATOR, BUSINESS PROGRAMS.
	RURAL HOUSING SERVICE	DEPUTY ADMINISTRATOR FOR OPERATIONS AND MANAGEMENT.
		DEPUTY ADMINISTRATOR, CENTRALIZED SERVICING CENTER.
		DIRECTOR, BUDGET DIVISION.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, RURAL HOUSING SERVICE.
		CHIEF FINANCIAL OFFICER.
		DEPUTY ADMINISTRATOR, MULTI-FAMILY HOUSING.
OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS.	FARM SERVICE AGENCY	DIRECTOR, HUMAN RESOURCES DIVISION.
		DEPUTY DIRECTOR, OFFICE OF BUDGET AND FINANCE (2).
		ASSISTANT DEPUTY ADMINISTRATOR FARM PROGRAMS.
		DIRECTOR, BUSINESS AND PROGRAM INTEGRATION.
		DIRECTOR, OFFICE OF BUDGET AND FINANCE.
		DEPUTY ADMINISTRATOR FOR FARM LOAN PROGRAMS.
	FOREIGN AGRICULTURAL SERVICE	DEPUTY ADMINISTRATOR, OFFICE OF GLOBAL ANALYSIS.
		ASSOCIATE ADMINISTRATOR (CHIEF OPERATING OFFICER).
	RISK MANAGEMENT AGENCY	DEPUTY ADMINISTRATOR FOR INSURANCE SERVICES DIVISION.
		DEPUTY ADMINISTRATOR FOR PRODUCT MANAGEMENT.
OFFICE OF UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT.	FOREST SERVICE	ASSOCIATE DEPUTY CHIEF, RESEARCH AND DEVELOPMENT.
		DEPUTY CHIEF, BUSINESS OPERATIONS.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, FIRE AND AVIATION MANAGEMENT.
		DIRECTOR, ACQUISITION MANAGEMENT.
		ASSOCIATE DEPUTY CHIEF FOR BUSINESS OPERATIONS.
		DIRECTOR, LAW ENFORCEMENT AND INVESTIGATIONS.
	NATURAL RESOURCES CONSERVATION SERVICE	CHIEF PROCUREMENT AND PROPERTY OFFICER.
		DEPUTY CHIEF FOR STRATEGIC PLANNING AND ACCOUNTABILITY.
		DIRECTOR, EASEMENT PROGRAMS DIVISION.
		ASSOCIATE CHIEF FOR OPERATIONS/CHIEF OPERATING OFFICER.
		DIRECTOR, CONSERVATION ENGINEERING DIVISION.
		DIRECTOR ECOLOGICAL SCIENCES DIVISION.
		DIRECTOR, SOIL SCIENCE DIVISION.
		REGIONAL CONSERVATIONIST (NORTHEAST).

Agency name	Organization name	Position title
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, RESOURCE ECONOMICS, ANALYSIS AND POLICY DIVISION.
		SPECIAL ASSISTANT TO CHIEF.
		HUMAN RESOURCES OFFICER.
		DEPUTY CHIEF FOR PROGRAMS.
		DIRECTOR, FINANCIAL ASSISTANCE PROGRAMS DIVISION.
DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF AGRICULTURE OFFICE OF THE INSPECTOR GENERAL.	COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
OFFICE OF INSPECTOR GENERAL	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR AUDIT.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (2).
		ASSISTANT INSPECTOR GENERAL FOR OFFICE OF DATA SCIENCES.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
AMERICAN BATTLE MONUMENTS COMMISSION.	OFFICE OF THE DIRECTOR, OVERSEAS OPERATIONS	CHIEF OPERATING OFFICER.
	OFFICE OF THE EXECUTIVE DIRECTOR	DEPUTY SECRETARY.
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).	ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).	DIRECTOR OFFICE OF TECHNICAL AND INFORMATION SERVICES.
		EXECUTIVE DIRECTOR.
UNITED STATES AGENCY FOR GLOBAL MEDIA.	UNITED STATES AGENCY FOR GLOBAL MEDIA	EXECUTIVE DIRECTOR.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER/DIRECTOR OF INFORMATION TECHNOLOGY OPERATIONS.
		DEPUTY DIRECTOR FOR OPERATIONS.
		DIRECTOR OF MANAGEMENT SERVICES.
DEPARTMENT OF COMMERCE:		
ALASKA REGION	CLIMATE PREDICTION CENTER	DIRECTOR, CLIMATE PREDICTION CENTER.
	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION CENTRAL OPERATIONS.	DIRECTOR, CENTRAL OPERATIONS.
	STORM PREDICTION CENTER	DIRECTOR, STORM PREDICTION CENTER.
	TROPICAL PREDICTION CENTER	DIRECTOR, NATIONAL HURRICANE CENTER.
ASSISTANT SECRETARY FOR ENFORCEMENT AND COMPLIANCE.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR AD/CVD OPERATIONS.	SENIOR DIRECTOR.
		SENIOR DIRECTOR, AD/CVD ENFORCEMENT OFFICE VII.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR AD/CVD OPERATIONS.
ASSISTANT SECRETARY FOR INDUSTRY AND ANALYSIS.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR TRADE, POLICY AND ANALYSIS.	DIRECTOR, OFFICE OF STANDARDS AND INVESTMENT POLICY.
BUREAU OF ECONOMIC ANALYSIS ...	OFFICE OF THE ASSOCIATE DIRECTOR FOR INDUSTRY ACCOUNTS.	ASSOCIATE DIRECTOR FOR INDUSTRY ACCOUNTS.
	OFFICE OF THE ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS.	CHIEF, BALANCE OF PAYMENTS DIVISION.
		ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS.
		CHIEF DIRECT INVESTMENT DIVISION.
	OFFICE OF THE ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS.	ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS.
	BUREAU OF ECONOMIC ANALYSIS	ASSOCIATE DIRECTOR FOR NATIONAL ECONOMIC ACCOUNTS.
		CHIEF NATIONAL INCOME AND WEALTH DIVISION.
	OFFICE OF THE DIRECTOR	CHIEF INNOVATION OFFICER.
		CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR, BUREAU OF ECONOMIC ANALYSIS.
		DIRECTOR, BUREAU OF ECONOMIC ANALYSIS.
		CHIEF FINANCIAL OFFICER AND CHIEF OF ADMINISTRATIVE SERVICES.
		CHIEF ADMINISTRATIVE OFFICER.
		CHIEF ECONOMIST.
BUREAU OF INDUSTRY AND SECURITY.	OFFICE OF THE ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT.	DIRECTOR, OFFICEOF ENFORCEMENT ANALYSIS.
		DEPUTY DIRECTOR, OFFICE OF EXPORT ENFORCEMENT.
		DIRECTOR OFFICE OF EXPORT ENFORCEMENT.
		DEPUTY ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT.
BUREAU OF THE CENSUS	OFFICE OF ASSOCIATE DIRECTOR FOR ADMINISTRATION AND CHIEF FINANCIAL OFFICER.	CHIEF, FINANCE DIVISION.
		DEPUTY CHIEF FINANCIAL OFFICER.
		CHIEF, ACQUISITION DIVISION.
		CHIEF, BUDGET DIVISION.
		CHIEF ADMINISTRATIVE OFFICER.
		CHIEF, HUMAN RESOURCES DIVISION.
		CHIEF FINANCIAL OFFICER.
	OFFICE OF ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS.	CHIEF, ECONOMIC REIMBURSABLE SURVEYS DIVISION.

Agency name	Organization name	Position title
		CHIEF, ECONOMIC MANAGEMENT DIVISION.
		CHIEF, ECONOMY–WIDE STATISTICS DIVISION.
		ASSISTANT DIRECTOR FOR ECONOMIC PROGRAMS.
		ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS.
		CHIEF, ECONOMIC APPLICATIONS DIVISION.
		CHIEF, ECONOMIC STATISTICAL METHODS AND RESEARCH DIVISION.
		CHIEF, ECONOMIC INDICATORS DIVISION.
	OFFICE OF ASSOCIATE DIRECTOR FOR FIELD OPERATIONS.	CHIEF, OFFICE OF SURVEY AND CENSUS ANALYTICS.
		ASSISTANT DIRECTOR FOR FIELD OPERATIONS (2).
		CHIEF NATIONAL PROCESSING CENTER.
		CHIEF, FIELD DIVISION.
	OFFICE OF ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.	DEPUTY CHIEF INFORMATION OFFICER (DCIO).
		CHIEF, COMPUTER SERVICES DIVISION.
		CHIEF TECHNOLOGY OFFICER.
		CHIEF INFORMATION SECURITY OFFICER.
		CHIEF, APPLICATION DEVELOPMENT AND SERVICES DIVISION.
		CHIEF INFORMATION OFFICER.
	OFFICE OF THE DIRECTOR	SENIOR ADVISOR FOR PROJECT MANAGEMENT.
		ASSOCIATE DIRECTOR FOR PERFORMANCE IMPROVEMENT.
		CHIEF, OFFICE OF PROGRAM, PERFORMANCE, AND STAKEHOLDER INTEGRATION.
DEPARTMENT OF COMMERCE	BUREAU OF INDUSTRY AND SECURITY	CHIEF INFORMATION OFFICER.
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION.
	OFFICE OF ECONOMICS AND STATISTICS ADMINISTRATION.	CHIEF FINANCIAL OFFICER AND DIRECTOR FOR ADMINISTRATION.
		DIRECTOR FOR POLICY AND PLANNING.
	MINORITY BUSINESS DEVELOPMENT AGENCY	ASSOCIATE DIRECTOR FOR MANAGEMENT.
	NATIONAL TECHNICAL INFORMATION SERVICE	DEPUTY DIRECTOR, NATIONAL TECHNICAL INFORMATION SERVICE.
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT.
	OFFICE OF THE SECRETARY	DIRECTOR OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMERCIAL SERVICE AND ASSISTANT SECRETARY FOR GLOBAL MARKETS.	DEPUTY ASSISTANT SECRETARY FOR CHINA	EXECUTIVE DIRECTOR FOR CHINA.
ECONOMIC DEVELOPMENT ADMINISTRATION.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY	CHIEF FINANCIAL OFFICER AND CHIEF ADMINISTRATIVE OFFICER.
ECONOMICS AND STATISTICS ADMINISTRATION.	ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS	CHIEF, DECENNIAL STATISTICAL STUDIES.
		ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS.
		SENIOR ADVOCATE FOR RESPONSE SECURITY AND DATA INTEGRITY.
		CHIEF, DECENNIAL COMMUNICATIONS AND STAKEHOLDER RELATIONSHIPS.
		ASSISTANT DIRECTOR FOR DECENNIAL CENSUS PROGRAMS (SYSTEMS AND CONTRACTS).
		CHIEF, DECENNIAL CONTRACTS EXECUTION OFFICE.
		CHIEF, DECENNIAL INFORMATION TECHNOLOGY DIVISION.
		CHIEF, AMERICAN COMMUNITY SURVEY OFFICE.
		CHIEF DECENNIAL MANAGEMENT DIVISION.
		CHIEF, GEOGRAPHY DIVISION.
		ASSISTANT DIRECTOR FOR DECENNIAL CENSUS PROGRAMS (OPERATIONS AND SCHEDULE MANAGEMENT).
	OFFICE OF THE ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS.	CHIEF, POPULATION DIVISION.
		ASSISTANT DIRECTOR FOR DEMOGRAPHIC PROGRAMS.
		CHIEF, DEMOGRAPHIC STATISTICAL METHODS DIVISION.
		CHIEF, SOCIAL, ECONOMIC, AND HOUSING STATISTICS DIVISION.
		CHIEF DEMOGRAPHIC SURVEYS DIVISION.
		ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS.
	OFFICE OF THE ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY.	CHIEF, CENTER FOR ECONOMIC STUDIES AND CHIEF ECONOMIST.
		ASSOCIATE DIRECTOR FOR RESEARCH AND METHODOLOGY.
		ASSISTANT DIRECTOR FOR RESEARCH AND METHODOLOGY.
		CHIEF, CENTER FOR ADAPTIVE DESIGN.
		CHIEF, CENTER FOR SURVEY MEASUREMENT.
		CHIEF, CENTER FOR ENTERPRISE DISSEMINATION.
		CHIEF STATISTICAL RESEARCH DIVISION.
ENVIRONMENTAL RESEARCH LABORATORIES.	ATLANTIC OCEAN AND METEOROLOGY LABORATORY	DIRECTOR, ATLANTIC OCEANOGRAPHIC AND METEOROLOGICAL.

Agency name	Organization name	Position title
	GEOPHYSICAL FLUID DYNAMICS LABORATORY	DIRECTOR, OFFICE OF GEOPHYSICAL FLUID DYNAMICS LABORATORY.
	GREAT LAKE ENVIRONMENTAL RESEARCH LABORATORY.	DIRECTOR, OFFICE OF GREAT LAKES ENVIRONMENTAL RESEARCH LABORATORY.
	PACIFIC MARINE ENVIRONMENTAL RESEARCH LABORATORY.	DIRECTOR, OFFICE OF PACIFIC MARINE ENVIRONMENTAL LABORATORY.
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.	BOULDER SITE MANAGEMENT OFFICE	BOULDER LABORATORIES SITE MANAGER.
	CENTER FOR NANOSCALE SCIENCE AND TECHNOLOGY.	DIRECTOR, CENTER FOR NANOSCALE SCIENCE AND TECHNOLOGY.
		DEPUTY DIRECTOR, CENTER FOR NANOSCALE SCIENCE AND TECHNOLOGY.
	ENGINEERING LABORATORY	DIRECTOR, ENGINEERING LABORATORY.
		DEPUTY DIRECTOR ENGINEERING LABORATORY.
		DIRECTOR, SMART GRID AND CYBER-PHYSICAL SYSTEMS PROGAM OFFICE.
	HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.	DEPUTY DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.
		DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAMS.
	INFORMATION TECHNOLOGY LABORATORY	DEPUTY DIRECTOR, INFORMATION TECHNOLOGY LABORATORY.
		DIRECTOR, INFORMATION TECHNOLOGY LABORATORY.
	MATERIAL MEASUREMENT LABORATORY	DIRECTOR, MATERIAL MEASUREMENT LABORATORY.
	NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH.	DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH.
		DEPUTY DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH.
	OFFICE OF ACQUISITION AND AGREEMENTS MANAGEMENT.	DIRECTOR, OFFICE OF ACQUISITION AND AGREEMENTS MANAGEMENT.
	OFFICE OF FACILITIES AND PROPERTY MANAGEMENT	CHIEF FACILITIES MANAGEMENT OFFICER.
	OFFICE OF FINANCIAL RESOURCE MANAGEMENT	CHIEF FINANCIAL OFFICER (2).
	OFFICE OF INFORMATION SYSTEMS MANAGEMENT	CHIEF INFORMATION OFFICER FOR NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
	OFFICE OF SAFETY, HEALTH AND ENVIRONMENT	CHIEF SAFETY OFFICER.
	OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.	DIRECTOR, COMMUNICATIONS TECHNOLOGY LABORATORY.
		ASSOCIATE DIRECTOR FOR LABORATORY PROGRAMS.
		ASSOCIATE DIRECTOR FOR MANAGEMENT RESOURCES.
		ASSOCIATE DIRECTOR FOR INNOVATION AND INDUSTRY SERVICES.
		CHIEF OF STAFF FOR NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY.
		SENIOR SCIENCE ADVISOR.
		CHIEF SCIENTIST.
		DIRECTOR, ADVANCED MANUFACTURING PROGRAM OFFICE.
	PHYSICAL MEASUREMENT LABORATORY	DIRECTOR, PHYSICAL MEASUREMENT.
		DEPUTY DIRECTOR FOR MEASUREMENT SCIENCE.
		DEPUTY DIRECTOR, PHYSICAL MEASUREMENT LABORATORY.
	SPECIAL PROGRAMS OFFICE	DIRECTOR, SPECIAL PROGRAMS OFFICE.
		DEPUTY DIRECTOR, SPECIAL PROGRAMS OFFICE.
	STANDARDS COORDINATION OFFICE	DIRECTOR, STANDARDS COORDINATION OFFICE.
NATIONAL MARINE FISHERIES SERVICE.	OFFICE OF SCIENCE AND TECHNOLOGY	DIRECTOR OFFICE OF SCIENCE AND TECHNOLOGY.
	REGIONAL OFFICES	SCIENCE AND RESEARCH DIRECTOR NORTHEAST REGION.
		SCIENCE AND RESEARCH DIRECTOR, SOUTHEAST REGION.
		SCIENCE AND RESEARCH DIRECTOR, ALASKA REGION.
		SCIENCE AND RESEARCH DIRECTOR, NORTHWEST REGION.
		SCIENCE AND RESEARCH DIRECTOR, PACIFIC ISLAND REGION.
		SCIENCE AND RESEARCH DIRECTOR SOUTHWEST REGION.
NATIONAL OCEAN SERVICE	CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES.	DIRECTOR, CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES.
	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COASTAL SERVICES CENTER.	DIRECTOR, NATIONAL CENTERS FOR COASTAL OCEAN SCIENCE.
	OFFICE OF NATIONAL GEODETIC SURVEY	DIRECTOR, OFFICE OF NATIONAL GEODTIC SURVEY.
	OFFICE OF RESPONSE AND RESTORATION	DIRECTOR, OFFICE OF RESPONSE AND RESTORATON.
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.	NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION.	DIRECTOR, AVIATION WEATHER CENTER.
		DIRECTOR, WEATHER PREDICTION CENTER.
		DIRECTOR, OCEAN PREDICTION CENTER.
		DIRECTOR, SPACE WEATHER PREDICTION CENTER.
		DIRECTOR, ENVIRONMENTAL MODELING CENTER.
		DIRECTOR, NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION.

Agency name	Organization name	Position title
	OFFICE OF ASSISTANT ADMINISTRATOR SATELLITE, DATA INFORMATION SERVICE.	DIRECTOR, OFFICE OF PROJECTS, PARTNERSHIPS AND ANALYSIS.
		DEPUTY DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION.
		DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL INFORMATION.
		DIRECTOR, JOINT POLAR SATELLITE SYSTEMS.
		DIRECTOR SATELLITE GROUND SERVICES.
		DIRECTOR, OFFICE OF SYSTEMS ARCHITECTURE AND ADVANCED PLANNING.
		ASSISTANT CHIEF INFORMATION OFFICER FOR NESDIS.
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR SYSTEMS.
		SYSTEM PROGRAM DIRECTOR FOR GOES–R PROGRAM.
	OFFICE OF ASSISTANT ADMINISTRATOR, OCEAN AND ATMOSPHERIC RESEARCH.	DIRECTOR, OFFICE OF WEATHER AIR QUALITY.
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR SCIENCE.
	OFFICE OF EDUCATION AND SUSTAINABLE DEVELOPMENT.	DIRECTOR, OFFICE OF EDUCATION.
	OFFICE OF HABITAT CONSERVATION	DIRECTOR, OFFICE OF HABITAT CONSERVATION.
	OFFICE OF HIGH-PERFORMANCE COMPUTING AND COMMUNICATIONS.	DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF DATA OFFICER.
		CHIEF INFORMATION OFFICER AND DIRECTOR FOR HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS.
	OFFICE OF MARINE AND AVIATION OPERATIONS	DEPUTY ASSISTANT ADMINISTRATOR FOR PROGRAMS AND ADMINISTRATION.
	OFFICE OF OCEANIC EXPLORATION AND RESEARCH	DIRECTOR, OFFICE OF OCEAN EXPLORATION AND RESEARCH.
	OFFICE OF RESEARCH AND APPLICATIONS	DIRECTOR, CENTER FOR SATELLITE APPLICATIONS AND RESEARCH.
	OFFICE OF SATELLITE AND PRODUCT OPERATIONS	DEPUTY DIRECTOR, OFFICE OF SATELLITE AND PRODUCT OPERATIONS.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES.	DIRECTOR, OFFICE OF PLANNING AND PROGRAMMING FOR SERVICE.
		OFFICE OF ORGANIZATIONAL EXCELLENCE.
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATOR OFFICER.
		DIRECTOR, OFFICE OF FACILITIES.
		DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY INTEGRATION.
		DIRECTOR, OFFICE OF OBSERVATIONS.
		CHIEF OPERATING OFFICER.
		CHIEF ENGINEER.
		DIRECTOR, OFFICE OF ORGANIZATIONAL EXCELLENCE.
		DEPUTY DIRECTOR, OFFICE OF WATER PREDICTION.
		DIRECTOR, OFFICE OF WATER PREDICTION.
		DIRECTOR, OFFICE OF DISSEMINATION.
		DIRECTOR, OFFICE OF CENTRAL PROCESSING.
		DIRECTOR, ANALYZE, FORECAST AND SUPPORT OFFICE.
	OFFICE OF UNDER SECRETARY	DEPUTY DIRECTOR FOR WORKFORCE MANAGEMENT.
		DIRECTOR, BUDGET OFFICE.
		DIRECTOR, ACQUISITION AND GRANTS OFFICE.
		CHIEF ADMINISTRATIVE OFFICER.
		DIRECTOR, FINANCE OFFICE/COMPTROLLER.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR FOR WORKFORCE MANAGEMENT.
		DIRECTOR, PROGRAM EVALUATION, PLANNING AND RISK MANAGEMENT OFFICE.
		DEPUTY DIRECTOR, ACQUISITION AND GRANTS OFFICE.
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION.	FIRST RESPONDER NETWORK AUTHORITY	CHIEF PROCUREMENT OFFICER.
		CHIEF TECHNOLOGY OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
		CHIEF INFORMATION OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
		CHIEF ADMINISTRATIVE OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
		CHIEF FINANCIAL OFFICER, FIRST RESPONDER NETWORK AUTHORITY.
	OFFICE OF INSTITUTE FOR TELECOMMUNICATION SCIENCES.	ASSOCIATE ADMINISTRATOR FOR TELECOMMUNICATION SCIENCES AND DIRECTOR, INSTITUTE FOR TELECOMMUNICATION SCIENCES.
	OFFICE OF INTERNATIONAL AFFAIRS	ASSOCIATE ADMINISTRATOR, OFFICE OF INTERNATIONAL AFFAIRS.
	OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNICATIONS AND INFORMATION.	CHIEF DIGITAL OFFICER.
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION.

Agency name	Organization name	Position title
		CHIEF INFORMATION OFFICER AND DEPUTY DIRECTOR FOR POLICY COORDINATION AND MANAGEMENT.
OFFICE—FEDERAL COORDINATOR—METEOROLOGY.	ALASKA REGION	DIRECTOR, ALASKA REGION.
	CENTERAL REGION	DIRECTOR CENTRAL REGION.
	EASTERN REGION	DIRECTOR EASTERN REGION.
	SOUTHERN REGION	DIRECTOR, SOUTHERN REGION.
	WESTERN REGION	DIRECTOR, WESTERN REGION.
OFFICE OF ASSISTANT ADMINISTRATOR FOR FISHERIES.	NATIONAL MARINE FISHERIES SERVICE	DEPUTY ASSISTANT ADMINISTRATOR FOR OPERATIONS.
		DIRECTOR OFFICE OF SUSTAINABLE FISHERIES.
		CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		DIRECTOR, SCIENTIFIC PROGRAMS AND CHIEF SCIENCE ADVISOR.
		DIRECTOR, OFFICE OF ENFORCEMENT.
OFFICE OF ASSISTANT ADMINISTRATOR OCEAN SERVICES AND COASTAL ZONE MANAGEMENT.	NATIONAL OCEAN SERVICE	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR OCEAN SERVICE AND COASTAL ZONE MANAGEMENT.
		DIRECTOR, OFFICE OF COASTAL MANAGEMENT.
		DIRECTOR, INTEGRATED OCEAN OBSERVING SYSTEM.
OFFICE OF ASSISTANT ADMINISTRATOR, OCEAN AND ATMOSPHERIC RESEARCH.	EARTH SYSTEM RESEARCH LABORATORY	DIRECTOR, GLOBAL MONITORING DIVISION.
		DIRECTOR, GLOBAL SYSTEMS DIVISION.
		DIRECTOR, PHYSICAL SCIENCE DIVISION.
		DIRECTOR, CHEMICAL SCIENCE DIVISION.
	OFFICE OF NATIONAL SEVERE STORMS LABORATORY	DIRECTOR NATIONAL SEVERE STORMS LABORATORY.
OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH.	CLIMATE PROGRAM OFFICE	DIRECTOR, CLIMATE PROGRAM OFFICE.
OFFICE OF OCEANIC EXPLORATION AND RESEARCH.	NATIONAL SEA GRANT COLLEGE PROGRAM	DIRECTOR, NATIONAL SEA GRANT COLLEGE PROGRAM.
OFFICE OF OPERATIONAL SYSTEMS	NATIONAL DATA BUOY CENTER	DIRECTOR, NATIONAL DATA BUOY CENTER.
	RADAR OPERATIONS CENTER	DIRECTOR, RADAR OPERATIONS CENTER.
OFFICE OF SCIENCE AND TECHNOLOGY.	METEOROLOGICAL DEVELOPMENT LABORATORY	DIRECTOR, METEOROLOGICAL DEVELOPMENT LABORATORY.
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES.	OFFICE OF THE CHIEF INFORMATION OFFICER	ASSISTANT CHIEF INFORMATION OFFICER FOR WEATHER SERVICE.
OFFICE OF THE CHIEF FINANICAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT.	DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT.
	OFFICE OF THE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.	DIRECTOR FOR FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, FINANCIAL REPORTING AND INTERNAL CONTROLS.
		DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT SYSTEMS.
		DIRECTOR, OS FINANCIAL MANAGEMENT.
OFFICE OF THE COMMISSIONER FOR PATENTS.	GROUP DIRECTORS	GROUP DIRECTOR (3).
		GROUP DIRECTOR—2100.
		GROUP DIRECTOR—3600.
		GROUP DIRECTOR—2800.
		GROUP DIRECTOR—2400.
		GROUP DIRECTOR—2600.
		GROUP DIRECTOR—1700.
		GROUP DIRECTOR—2900.
		GROUP DIRECTOR—1600.
		GROUP DIRECTOR—3700.
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF ACQUISITION MANAGEMENT	DEPUTY FOR PROCUREMENT MANAGEMENT, POLICY AND PERFORMANCE EXCELLENCE.
		DEPUTY FOR ACQUISITION PROGRAM MANAGEMENT.
		DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT..
	OFFICE OF FACILITIES AND ENVIRONMENTAL QUALITY	DEPUTY DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY.
		DIRECTOR FOR FACILITIES AND ENVIRONMENTAL QUALITY (2).
	OFFICE OF HUMAN RESOURCES MANAGEMENT	DIRECTOR FOR HUMAN RESOURCES MANAGEMENT AND CHIEF HUMAN CAPITAL.
		DEPUTY DIRECTOR FOR HUMAN RESOURCES MANAGEMENT AND DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR, HUMAN CAPITAL CLIENT SERVICES.
	OFFICE OF SECURITY	DIRECTOR, OFFICE OF SECURITY.
		DEPUTY DIRECTOR, OFFICE OF SECURITY.
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR RESOURCE MANAGEMENT.	OFFICE OF BUDGET	DIRECTOR OF THE OFFICE OF BUDGET.
OFFICE OF THE DEPUTY SECRETARY.	OFFICE OF THE CHIEF INFORMATION OFFICER	DEPUTY CHIEF INFORMATION OFFICER FOR POLICY AND BUSINESS MANAGEMENT.
		DIRECTOR OF CYBER SECURITY AND CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER FOR SOLUTIONS AND SERVICE DELIVERY.

Agency name	Organization name	Position title
OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL ...	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF INSPECTIONS AND PROGRAM EVALUATION.	ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND PROGRAM EVALUATION.
	OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR SYSTEMS EVALUATION.
		ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OFFICE OF THE SECRETARY	OFFICE OF THE CHIEF FINANICAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION.	DIRECTOR FOR ADMINISTRATIVE PROGRAMS.
		DEPUTY DIRECTOR, OFFICE OF BUDGET.
	OFFICE OF THE DEPUTY SECRETARY	CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION.
		DEPUTY DIRECTOR FOR ENTERPRISE SERVICES FOR OPERATIONS.
		DIRECTOR, HUMAN RESOURCES SERVICES, ENTERPRISE SERVICES.
		DEPUTY DIRECTOR FOR PLANNING, IMPLEMENTATION, AND STAKEHOLDER RELATIONS.
		DIRECTOR OF ACQUISITION SERVICES.
	OFFICE OF THE GENERAL COUNSEL	CHIEF, ETHICS DIVISION.
		CHIEF, CONTRACT LAW DIVISION.
		DIRECTOR OF ADMINISTRATIVE OPERATIONS.
OFFICE OF THE UNDER SECRETARY	OFFICE OF THE DEPUTY UNDER SECRETARY	CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF FINANCIAL AND ADMINISTRATIVE OFFICER.
OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.	BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM	DIRECTOR, BALDRIGE PERFORMANCE EXCELLENCE PROGRAM.
PATENT AND TRADEMARK OFFICE ...	OFFICE OF POLICY AND INTERNATIONAL AFFAIRS	DEPUTY CHIEF POLICY OFFICER FOR OPERATIONS.
		DIRECTOR, GOVERNMENTAL AFFAIRS.
		DEPUTY CHIEF POLICY OFFICER.
	OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER	DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES.
		DEPUTY CHIEF ADMINISTRATIVE OFFICER (2).
		DIRECTOR, HUMAN CAPITAL MANAGEMENT.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, OFFICE OF PROCUREMENT.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF PLANNING AND BUDGET.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF FINANCE.
	OFFICE OF THE CHIEF INFORMATION OFFICER	DIRECTOR, OFFICE OF PROGRAM ADMINISTRATION ORGANIZATION.
		DIRECTOR, OFFICE OF INFORMATION MANAGEMENT SERVICES.
		CHIEF TECHNOLOGY OFFICER.
		DIRECTOR OF ORGANIZATIONAL POLICY AND GOVERANCE.
		DEPUTY CHIEF INFORMATION OFFICER.
		DIRECTOR, OFFICE OF INFRASTRUCTURE ENGINEERING AND OPERATIONS.
		DIRECTOR, APPLICATION ENGINEERING AND DEVELOPMENT.
	OFFICE OF THE COMMISSIONER FOR PATENTS	DIRECTOR, OFFICE OF CENTRAL REEXAMINATION UNIT.
		ASSOCIATE COMMISSIONER FOR PATENT INFORMATION MANAGEMENT.
		DEPUTY COMMISSIONER FOR PATENT ADMINISTRATION.
		ASSISTANT DEPUTY COMMISSIONER FOR PATENTS OPERATIONS (2).
		ASSISTANT DEPUTY COMMISSIONER FOR PATENTS (3).
		DEPUTY COMMISSIONER FOR INTERNATIONAL PATENT COOPERATION.
		DEPUTY DIRECTOR, PATENT TRAINING ACADEMY.
		SENIOR ADVISOR FOR PATENTS.
		PATENT EXAMINING GROUP DIRECTOR.
		ASSOCIATE COMMISSIONER FOR PATENT QUALITY.
		ASSOCIATE COMMISSIONER FOR INNOVATION AND DEVELOPMENT.
		DIRECTOR, OFFICE OF PATENT LEGAL ADMINISTRATION.
		DEPUTY COMMISSIONER FOR PATENT EXAMINATION POLICY.
		DIRECTOR, OFFICE OF PATENT QUALITY ASSURANCE.
		DEPUTY COMMISSIONER FOR PATENT QUALITY.
		ASSOC.COMM, INTERNATIONAL PATENT COOPERATION.
		CHIEF PATENT ACADEMIC OFFICER.
		DEPUTY COMMISSIONER FOR PATENT OPERATIONS.
	OFFICE OF THE COMMISSIONER FOR TRADEMARKS ...	DEPUTY COMMISSIONER FOR TRADEMARK OPERATIONS.

Agency name	Organization name	Position title
		GROUP DIRECTOR, TRADEMARK LAW OFFICES (4).
		DEPUTY COMMISSIONER FOR TRADEMARK EXAMINATION POLICY.
		DEPUTY COMMISSIONER FOR TRADEMARK ADMINISTRATION.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL FOR GENERAL LAW.
		DEPUTY GENERAL COUNSEL FOR INTELLECTUAL PROPERTY LAW AND SOLICITOR.
		DEPUTY GENERAL COUNSEL FOR ENROLLMENT AND DISCIPLINE.
		DEPUTY SOLICITOR AND ASSISTANT GENERAL COUNSEL FOR INTELLECTUAL PROPERY LAW.
	OFFICE OF THE UNDER SECRETARY	REGIONAL DIRECTOR—SAN JOSE.
		VICE CHIEF ADMINISTRATIVE PATENT JUDGE (4).
		REGIONAL DIRECTOR—DALLAS.
		REGIONAL DIRECTOR—DETROIT.
		DEPUTY CHIEF ADMINISTRATIVE PATENT JUDGE.
		CHIEF ADMINISTRATIVE TRADEMARK JUDGE.
		DEPUTY CHIEF ADMINISTRATIVE TRADEMARK JUDGE.
		PATENT TRIAL AND APPEAL BOARD EXECUTIVE.
		REGIONAL DIRECTOR—DENVER.
		DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY.
		VICE CHIEF ADMINISTRATIVE PATENT JUDGE FOR STRATEGY.
		CHIEF ADMINISTRATIVE PATENT JUDGE.
DEPARTMENT OF COMMERCE OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL.
OFFICE OF AUDIT AND EVALUATION	OFFICE OF AUDIT	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
	OFFICE OF ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT.	ASSISTANT INSPECTOR GENERAL FOR ECONOMIC AND STATISTICAL PROGRAM ASSESSMENT.
OFFICE OF INSPECTOR GENERAL	IMMEDIATE OFFICE	ASSISTANT INSPECTOR GENERAL FOR PLANNING AND COMMUNICATION.
		CHIEF OF STAFF.
	OFFICE OF AUDIT AND EVALUATION	ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION.
		ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND SPECIAL PROGRAM AUDITS.
	OFFICE OF COUNSEL	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.	COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.	EXECUTIVE DIRECTOR.
CONSUMER PRODUCT SAFETY COMMISSION.	OFFICE OF EXECUTIVE DIRECTOR	DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS SUPPORT.
		ASSISTANT EXECUTIVE DIRECTOR FOR COMPLIANCE AND FIELD OPERATIONS.
		ASSISTANT EXECUTIVE DIRECTOR FOR INFORMATION AND TECH SERVICES.
OFFICE OF EXECUTIVE DIRECTOR	OFFICE OF HAZARD IDENTIFICATION AND REDUCTION	DEPUTY ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION.
		ASSOCIATE EXECUTIVE DIRECTOR FOR EPIDEMIOLOGY.
		ASSOCIATE EXECUTIVE DIRECTOR FOR ECONOMIC ANALYSIS.
		ASSOCIATE EXECUTIVE DIRECTOR FOR ENGINEERING SCIENCES (2).
		ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION.
	OFFICE OF IMPORT SURVEILLANCE	DIRECTOR, OFFICE OF IMPORT SURVEILLANCE.
		DIRECTOR, OFFICE OF IMPORT SURVEILLANCE.
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	DEPUTY DIRECTOR.
		ASSOCIATE DIRECTOR FOR RESEARCH AND EVALUATION.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION.
		CHIEF INFORMATION OFFICER.
		ASSOCIATE DIRECTOR FOR COMMUNITY SUPERVISION.
		ASSOCIATE DIRECTOR FOR COMMUNITY JUSTICE PROGRAMS.
		PROGRAM ANALYST OFFICER.
		ASSOCIATE DIRECTOR, LEGISLATIVE, INTERGOVERNMENTAL AND PUBLIC AFFAIRS.
		MANAGEMENT AND PROGRAM ANALYSIS OFFICER CHIEF OF STAFF.
		CHIEF FINANCIAL OFFICER.
		ASSOCIATE DIRECTOR FOR HUMAN RESOURCES.
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	PRETRIAL SERVICES AGENCY	DIRECTOR.

Agency name	Organization name	Position title
OFFICE OF THE SECRETARY OF DEFENSE.		
OFFICE OF THE CHIEF MANAGEMENT OFFICER.	PENTAGON FORCE PROTECTION AGENCY	DIRECTOR, LAW ENFORCEMENT.
		DIRECTOR, PENTAGON FORCE PROTECTION AGENCY.
		PRINCIPAL DEPUTY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY.
	WASHINGTON HEADQUARTERS SERVICES	DIRECTOR, HUMAN RESOURCES DIRECTORATE.
		DIRECTOR, DEPARTMENT OF DEFENSE CONSOLIDATED ADJUDICATIONS FACILITY.
		DIRECTOR, POLICY, PLANS AND REQUIREMENTS.
		DIRECTOR, ACQUISITION DIRECTORATE.
		DIRECTOR, FACILITIES SERVICES DIRECTORATE.
		EXECUTIVE DIRECTOR, ACQUISITION/HCA NGB.
		DEPUTY DIRECTOR FACILITIES SERVICES DIRECTORATE.
		INSPECTOR GENERAL NGB.
		DEPUTY DIRECTOR, HUMAN RESOURCES DIRECTORATE.
OFFICE OF THE DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER.	DEFENSE INFORMATION SYSTEMS AGENCY	VICE PROCUREMENT SERVICES EXECUTIVE/DEPUTY CHIEF, DEFENSE IT CONTRACTING ORG.
		SERVICES EXECUTIVE.
		EXECUTIVE DEPUTY DIRECTOR.
		CHIEF FINANCIAL OFFICER/COMPTROLLER.
		DIRECTOR, DEVELOPMENT AND BUSINESS CENTER.
		CYBER SECURITY RISK MANAGEMENT AND AUTHORIZING OFFICIAL EXECUTIVE.
		OPERATIONS EXECUTIVE.
		DEPUTY DIRECTOR, JOINT SERVICE PROVIDER.
		DIRECTOR, CENTER FOR OPERATIONS (2).
		SERVICES DEVELOPMENT EXECUTIVE.
		NBIS EXECUTIVE.
		VICE DIRECTOR, DEVELOPMENT AND BUSINESS CENTER.
		NATIONAL LEADERSHIP COMMAND CAPABILITIES EXECUTIVE.
		VICE DIRECTOR, CENTER FOR OPERATIONS.
		SERVICES EXECUTIVE.
		DEPUTY CHIEF FINANCIAL OFFICER/DEPUTY COMPTROLLER.
		WORKFORCE MANAGEMENT EXECUTIVE.
		DIRECTOR, DEFENSE SPECTRUM ORGANIZATION.
		PROCUREMENT SERVICES EXECUTIVE AND HEAD OF CONTRACTING ACTIVITY.
		CYBER SECURITY, RISK MANAGEMENT AND AUTHORIZING OFFICIAL EXECUTIVE.
OFFICE OF THE SECRETARY	OFFICE OF THE INSPECTOR GENERAL	DEPUTY DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE.
		ASSISTANT INSPECTOR GENERAL FOR READINESS AND OPERATIONS SUPPORT.
		ASSISTANT INSPECTOR GENERAL, DEFENSE FINANCIAL AUDITING SERVICE.
		DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE—ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
	OFFICE OF THE GENERAL COUNSEL	DIRECTOR DEFENSE OFFICE OF HEARINGS AND APPEALS.
		DIRECTOR, OFFICE OF LITIGATION.
	OFFICE OF THE JOINT CHIEFS OF STAFF	VICE DIRECTOR JOINT FORCE DEVELOPMENT AND DESIGN INTEGRTION.
		VICE DIRECTOR C4 CYBER.
		VICE DIRECTOR, MANPOWER AND PERSONNEL.
		EXECUTIVE DIRECTOR.
		VICE DEPUTY DIRECTOR REGIONAL OPERATIONS AND FORCE MANAGEMENT.
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION, TECHNOLOGY, AND LOGISTICS).	PRINCIPAL DEPUTY, ACQUISITION RESOURCES AND ANALYSIS.
		DIRECTOR, STRATEGIC SYSTEMS AND TREATY COMPLIANCE.
		DEPUTY DIRECTOR, ENTERPRISE INFORMATION.
		DEPUTY DIRECTOR FOR PROGRAM DEVELOPMENT AND IMPLEMENTATION.
		DIRECTOR FOR ADMINISTRATION.
OFFICE OF THE SECRETARY OF DEFENSE.	OFFICE OF THE CHIEF MANAGEMENT OFFICER	DIRECTOR, PLANNING, PERFORMANCE AND ASSESSMENT DIRECTORATE.
		DIRECTOR MANAGEMENT AND REQUIREMENTS ANALYSIS DIVISION.
		DIRECTOR POLICY AND DECISION SUPPORT DIVISION.
		DIRECTOR OF ADMINISTRATION AND ORGANIZATIONAL POLICY.
		DIRECTOR, OVERSIGHT AND COMPLIANCE.
		SENIOR INTELLIGENCE OVERSIGHT OFFICIAL AND DEPUTY DIRECTOR OVERSIGHT AND COMPLIANCE.

Agency name	Organization name	Position title
	OFFICE OF THE DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER.	JFHQ–DODIN EXECUTIVE.
	OFFICE OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION.	DEPUTY DIRECTOR FOR LIVE FIRE TEST AND EVALUATION.
		DEPUTY DIRECTOR FOR NAVAL WARFARE.
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION AND SUSTAINMENT).	DIRECTOR, PRICING AND CONTRACTING INITIATIVES.
		DIRECTOR, SPACE AND MISSILE DEFENSE.
		DEPUTY DIRECTOR, OSD STUDIES AND FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER MANAGEMENT.
		DASD (PLATFORM AND WEAPON PORTFOLIO MANAGEMENT).
	OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER).	DEPUTY CHIEF FINANCIAL OFFICER.
OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION AND SUSTAINMENT).	DEFENSE CONTRACT MANAGEMENT AGENCY	DEPUTY DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY.
		GENERAL COUNSEL.
		EXECUTIVE DIRECTOR, FINANCIAL AND BUSINESS OPERATIONS AND COMPTROLLER.
		DEPUTY DIRECTOR.
		EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.
		EXECUTIVE DIRECTOR, TECHNICAL DIRECTORATE.
		EXECUTIVE DIRECTOR, COST AND PRICING CENTER.
		EXECUTIVE DIRECTOR TOTAL FORCE DIRECTORATE.
		DEPUTY GENERAL COUNSEL.
		EXECUTIVE DIRECTOR, PORTFOLIO MANAGEMENT AND BUSINESS INTEGRATION.
		EXECUTIVE DIRECTOR TECHNICAL DIRECTORATE.
		EXECUTIVE DIRECTOR, CONTRACTS.
		EXECUTIVE DIRECTOR, QUALITY ASSURANCE.
	DEFENSE LOGISTICS AGENCY (DLA)	DEPUTY DIRECTOR, DLA INFORMATION OPERATIONS.
		DEPUTY GENERAL COUNSEL, DLA.
		DEPUTY COMMANDER, DLA DISTRIBUTION.
		DEPUTY DIRECTOR, DLA FINANCE.
		EXECUTIVE DIRECTOR, AVIATION CONTRACTING AND ACQUISITION MANAGEMENT.
		DIRECTOR, DLA INFORMATION OPERATION.
		DIRECTOR, DLA HUMAN RESOURCES.
		GENERAL COUNSEL.
		DEPUTY COMMANDER, DLA LAND AND MARITIME.
		DEPUTY COMMANDER, DLA AVIATION.
		DEPUTY COMMANDER, DEFENSE SUPPLY CENTER PHILADELPHIA.
		DIRECTOR, DLA FINANCE.
		EXECUTIVE DIRECTOR, SUPPORT—POLICY AND STRATEGIC PROGRAMS.
		DIRECTOR, DLA DISPOSITION SERVICES.
		DEPUTY DIRECTOR DLA LOGISTICS OPERATIONS.
		EXECUTIVE DIRECTOR OPERATIONS AND SUSTAINMENT.
		VICE DIRECTOR, DEFENSE LOGISTICS AGENCY.
		EXECUTIVE DIRECTOR, MISSION SUPPORT DIRECTORATE.
		CHIEF OF STAFF.
		DEPUTY DIRECTOR, DLA ACQUISITION.
		PROGRAM EXECUTIVE OFFICER, DEFENSE LOGISTICS AGENCY INFORMATION OPERATIONS.
		DEPUTY COMMANDER, DLA ENERGY.
		EXECUTIVE DIRECTOR, CONTRACTING AND ACQUISITION MANAGEMENT.
		DIRECTOR, DLA ACQUISITION (J–7).
		EXECUTIVE DIRECTOR, TROOP SUPPORT CONTRACTING AND ACQUISITION MANAGEMENT.
	DEFENSE THREAT REDUCTION AGENCY	DIRECTOR, INTELLIGENCE, PLANS AND RESOURCE INTEGRATION DIRECTORATE.
		DIRECTOR, RESEARCH AND DEVELOPMENT DIRECTORATE.
		DIRECTOR, NUCLEAR TECHNOLOGIES DEPARTMENT.
		DIRECTOR, BASIC AND APPLIED SCIENCES DEPARTMENT.
		DIRECTOR, COOPERATIVE THREAT REDUCTION DEPARTMENT.
		DEPUTY DIRECTOR JOINT IMPROVISED THREAT DEFEAT ORGANIZATION.
		DIRECTOR, PLANS AND TRAINING, JIDO.
		DIRECTOR, COMBATANT COMMAND SUPPORT.
		GENERAL COUNSEL.
		DIRECTOR INFORMATION INTEGRATION AND TECHNOLOGY SERVICES CHIEF/CIO.
		DIRECTOR TREATIES AND PARTNERSHIPS DEPARTMENT.
		DIRECTOR, CHEMICAL AND BIOLOGICAL TECHNOLOGIES DEPARTMENT.

Agency name	Organization name	Position title
		DIRECTOR, ACQUISITION, FINANCE AND LOGISTICS DIRECTORATE.
		DIRECTOR, COUNTER WEAPONS OF MASS DESTRUCTION TECHNOLOGIES DEPARTMENT.
	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (ACQUISITION).	DIRECTOR, CONTRACT POLICY.
		DEPUTY DIRECTOR, ASSESSMENTS AND SUPPORT.
		DEPUTY DIRECTOR, DEFENSE ACQUISITION REGULATIONS SYSTEM.
		TECHNICAL DIRECTOR, FORCE DEVELOPMENT.
		DEPUTY DIRECTOR, NAVAL WARFARE.
		PRINCIPAL DEPUTY DIRECTOR, ENTERPRISE INFORMATION.
		DIRECTOR, AIR PLATFORMS AND WEAPONS.
		DIRECTOR, NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS.
		DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS/ISR.
	OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (NUCLEAR, CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS).	DEPUTY ASSISTANT SECRETARY OF DEFENSE (NUCLEAR MATTERS).
OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER).	DEFENSE CONTRACT AUDIT AGENCY	ASSISTANT DIRECTOR, HUMAN CAPITAL AND RESOURCE MANAGEMENT.
		ASSISTANT DIRECTOR, OPERATIONS.
		ASSISTANT DIRECTOR, POLICY AND PLANS.
		REGIONAL DIRECTOR, EASTERN.
		REGIONAL DIRECTOR, CENTRAL.
		REGIONAL DIRECTOR, WESTERN.
		DIRECTOR, FIELD DETACHMENT.
		DIRECTOR, DEFENSE CONTRACT AUDIT AGENCY.
		DEPUTY REGIONAL DIRECTOR EASTERN REGION.
		DEPUTY REGIONAL DIRECTOR, CENTRAL.
		ASSISTANT DIRECTOR, INTEGRITY AND QUALITY ASSURANCE.
		CORPORATE AUDIT DIRECTOR (A).
		CORPORATE AUDIT DIRECTOR (B).
		CORPORATE AUDIT DIRECTOR (D).
		CORPORATE AUDIT DIRECTOR (C).
		DEPUTY DIRECTOR.
OFFICE OF THE UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS).	DEFENSE HEALTH AGENCY	GENERAL COUNSEL FOR DEFENSE HEALTH AGENCY.
	OFFICE OF DEFENSE HUMAN RESOURCES ACTIVITY	DEPUTY DIRECTOR OF DEFENSE MANPOWER DATA CENTER.
		DEPUTY DIRECTOR, DEFENSE HUMAN RESOURCES ACTIVITY.
		DEPUTY DIRECTOR, DEFENSE MANPOWER DATA CENTER.
		CHIEF ACTUARY.
OFFICE OF THE UNDER SECRETARY OF DEFENSE (RESEARCH AND ENGINEERING).	DEFENSE ADVANCED RESEARCH PROJECTS AGENCY	DIRECTOR, STRATEGIC RESOURCES.
		GENERAL COUNSEL.
		DIRECTOR, CONTRACTS MANAGEMENT OFFICE.
		DIRECTOR, MISSION SERVICES OFFICE.
	MISSILE DEFENSE AGENCY	DIRECTOR FOR ADVANCED TECHNOLOGY.
		DEPUTY FOR ENGINEERING.
		DIRECTOR FOR OPERATIONS.
		PROGRAM DIRECTOR, TARGETS AND COUNTERMEASURES.
		DEPUTY PROGRAM DIRECTOR, BC.
		DEPUTY PROGRAM MANAGER FOR ASSESSMENT AND INTEGRATIONS, BMDS.
		PROGRAM DIRECTOR FOR BATTLE MANAGEMENT, COMMAND AND CONTROL.
		PROGRAM DIRECTOR, GROUND–BASED MIDCOURSE DEFENSE.
		DEPUTY PROGRAM DIRECTOR, AEGIS BALLISTIC MISSILE DEFENSE.
		DIRECTOR FOR ACQUISITION.
		CHIEF ENGINEER.
		DIRECTOR FOR SYSTEMS ENGINEERING AND INTEGRATION.
		DIRECTOR, CONTRACTING.
	OFFICE OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.	DEPUTY DIRECTOR, INFORMATION SYSTEMS AND CYBER TECHNOLOGIES.
DEPARTMENT OF THE AIR FORCE	DEPARTMENT OF THE AIR FORCE	DEPUTY DIRECTOR, SECURITY, SPECIAL PROGRAM OVERSIGHT, AND INFORMATION PROTECTION.
		DEPUTY DIRECTOR LEGISLATIVE LIAISON.
		DIRECTOR OF COMMUNICATIONS.
		DIRECTOR, INSTALLATION, LOGISTICS AND MISSION SUPPORT.
		EXECUTIVE DIRECTOR.
		DIRECTOR, HEADQUARTERS AIR FORCE INFORMATION MANAGEMENT.
		DEPUTY DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS.
		DIRECTOR, CYBER CAPABILITIES AND COMPLIANCE.

Agency name	Organization name	Position title
		DIRECTOR, CIVILIAN FORCE MANAGEMENT.
		DEPUTY DIRECTOR OF LOGISTICS.
		DEPUTY DIRECTOR, STRATEGIC PLANNING.
		EXECUTIVE DIRECTOR, AIR NATIONAL GUARD.
		DIRECTOR, SPACE SECURITY AND DEFENSE PROGRAM.
		DEPUTY DIRECTOR, CIVILIAN FORCE MANAGEMENT, HR SPECIALIST.
		DIRECTOR, DIVERSITY AND INCLUSION.
		DEPUTY DIRECTOR, SECURITY FORCES.
		CHIEF INFORMATION SECURITY OFFICER (CISO).
		AIR FORCE PROGRAM EXECUTIVE OFFICER FOR COMBAT AND MISSION SUPPORT.
		DEPUTY DIRECTOR OF LOGISTICS.
		DEPUTY DIRECTOR, INFORMATION DOMINANCE.
		DIRECTOR, LOGISTICS, ENGINEERING AND FORCE PROTECTION.
		DEPUTY DIRECTOR OF OPERATIONS.
		DIRECTOR OF POLICY, PROGRAMS AND STRATEGY, INTERNATIONAL AFFAIRS.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PROGRAMS.
		DEPUTY ASSISTANT SECRETARY (LOGISTICS).
		CHIEF INFORMATION OFFICER AND DEPUTY DIRECTOR, PLANS AND INTEGRATION.
		DIRECTOR, DIVERSITY AND INCLUSION.
		DEPUTY DIRECTOR, STRATEGY, CONCEPTS AND ASSESSMENTS.
AIR FORCE MATERIEL COMMAND	AERONAUTICAL SYSTEMS CENTER	EXECUTIVE DIRECTOR, AIR FORCE LIFE CYCLE MANAGEMENT CENTER.
		PROGRAM EXECUTIVE OFFICER FOR AGILE COMBAT SUPPORT.
		PROGRAM EXECUTIVE OFFICER, MOBILITY AIRCRAFT.
	AIR FORCE FLIGHT TEST CENTER	EXECUTIVE DIRECTOR, AIR FORCE TEST CENTER.
	AIR FORCE MATERIEL COMMAND LAW OFFICE	DIRECTOR, AIR FORCE MATERIEL COMMAND LAW OFFICE.
		COMMAND COUNSEL.
	AIR FORCE OFFICE OF SCIENTIFIC RESEARCH	DIRECTOR AIR FORCE OFFICE OF SCIENTIFIC RESEARCH.
	AIR FORCE RESEARCH LABORATORY	DIRECTOR, STRATEGIC DEVELOPMENT AND PLANNING.
		DIRECTOR, PLANS AND PROGRAMS.
		EXECUTIVE DIRECTOR, AIR FORCE RESEARCH LABORATORY.
		DIRECTOR, MATERIALS AND MANUFACTURING.
		DIRECTOR, AEROSPACE SYSTEMS.
	AIR LOGISTICS CENTER, OGDEN	DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		DIRECTOR OF CONTRACTING.
	AIR LOGISTICS CENTER, OKLAHOMA CITY	DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT.
		DIRECTOR OF CONTRACTING.
		DIRECTOR, 448TH SUPPLY CHAIN MANAGEMENT WING.
		DIRECTOR OF LOGISTICS, AIR FORCE SUSTAINMENT CENTER.
	AIR LOGISTICS CENTER, WARNER ROBINS	DIRECTOR OF CONTRACTING.
	OFFICE OF CONTRACTING	DIRECTOR, MILSATCOM DIRECTORATE.
	ELECTRONIC SYSTEMS CENTER	DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		PROGRAM EXECUTIVE OFFICER, BATTLE MANAGEMENT.
	OFFICE OF ENGINEERING AND TECHNICAL MANAGEMENT.	DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
	OFFICE OF FINANCIAL MANAGEMENT AND COMPTROLLER.	DEPUTY DIRECTOR, FINANCIAL MANAGEMENT.
	OFFICE OF LOGISTICS	DEPUTY DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT.
AIR FORCE RESEARCH LABORATORY.	OFFICE OF DIRECTED ENERGY DIRECTORATE	DIRECTOR, DIRECTED ENERGY.
	OFFICE OF HUMAN EFFECTIVENESS DIRECTORATE	DIRECTOR, HUMAN EFFECTIVENESS DIRECTORATE.
	OFFICE OF SENSORS DIRECTORATE	DIRECTOR SENSORS.
AIR FORCE SPACE COMMAND	SPACE AND MISSLE SYSTEMS CENTER	DIRECTOR, LAUNCH ENTERPRISE.
		DIRECTOR, MILITARY SATELLITE COMMUNICATIONS DIRECTORATE.
AUDITOR GENERAL	AIR FORCE AUDIT AGENCY (FIELD OPERATING AGENCY).	ASSISTANT AUDITOR GENERAL, ACQUISTION, LOGISTICS AND FINANCIAL.
		ASSISTANT AUDITOR GENERAL, OPERATIONS AND SUPPORT AUDITS.
DEPARTMENT OF THE AIR FORCE	AIR COMBAT COMMAND	DEPUTY DIRECTOR, REQUIREMENTS.
		DEPUTY DIRECTOR OF LOGISTICS, ENGINEERING, AND FORCE PROTECTION.
		DIRECTOR, ACQUISITION MANAGEMENT AND INTEGRATION CENTER.

Agency name	Organization name	Position title
	AIR EDUCATION AND TRAINING COMMAND	DIRECTOR, LOGISTICS, INSTALLATIONS AND MISSION SUPPORT.
		DIRECTOR, INTERNATIONAL TRAINING AND EDUCATION.
	AIR FORCE MATERIEL COMMAND	DIRECTOR FINANCIAL MANAGEMENT AND COMPTROLLER.
		DEPUTY DIRECTOR, STRATEGIC PLANS, PROGRAMS, REQUIREMENTS AND ANALYSES.
		EXECUTIVE DIRECTOR, AIR FORCE INSTALLATION AND MISSION SUPPORT CENTER.
		DIRECTOR OF LOGISTICS AND LOGISTICS SERVICES.
		DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		EXECUTIVE DIRECTOR, AIR FORCE SUSTAINMENT CENTER.
		EXECUTIVE DIRECTOR, AIR FORCE NUCLEAR WEAPONS CENTER.
		DIRECTOR, AIR FORCE CIVIL ENGINEER CENTER.
		DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		DIRECTOR OF PROPULSION.
		DIRECTOR OF CONTRACTING.
		EXECUTIVE DIRECTOR, AIR FORCE MATERIEL COMMAND.
		DIRECTOR OF CONTRACTING.
		DIRECTOR, RESOURCES.
		DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		EXECUTIVE DIRECTOR.
		DIRECTOR, HYBIRD PRODUCT SUPPORT INTEGRATOR.
		DEPUTY DIRECTOR, AIR, SPACE AND CYBERSPACE OPERATIONS.
		DIRECTOR, MANPOWER, PERSONNEL AND SERVICES.
		DIRECTOR INSTALLATIONS.
		DIRECTOR, FINANCIAL MANAGEMENT.
		PROGRAM EXECUTIVE OFFICER FOR BUSINESS ENTERPRISE SYSTEMS.
		DIRECTOR, INSTALLATION SUPPORT.
		DIRECTOR, NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE.
		DIRECTOR OF CONTRACTING.
		DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT.
		DIRECTOR OF ENGINEERING AND TECHNICAL MANAGEMENT, F–35 LIGHTNING II JOINT PROGRAM OFFICE.
	AIR FORCE RESERVE COMMAND	DIRECTOR OF STAFF.
	AIR FORCE SPACE COMMAND	DIRECTOR OF CONTRACTING, SPACE AND MISSILE SYSTEMS CENTER (SMC).
		EXECUTIVE DIRECTOR, AIR FORCE SPACE COMMAND.
	AIR FORCE SPECIAL OPERATIONS COMMAND	EXECUTIVE DIRECTOR AIR FORCE SPECIAL OPERATIONS COMMAND.
		DEPUTY CHIEF FINANCIAL OFFICER.
	AIR MOBILITY COMMAND	DEPUTY DIRECTOR OR LOGISTICS.
	DEPUTY CHIEF OF STAFF FOR INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE.	DIRECTOR OF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE INNOVATIONS AND UNMANNED AERIAL SYSTEMS TASK FORCE.
	OFFICE OF JOINT STAFF	DIRECTOR, JOINT INFORMATION OPERATIONS WARFARE CENTER.
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION.	DEPUTY ASSISTANT SECRETARY (SCIENCE, TECHNOLOGY AND.
		DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION).
		DIRECTOR OF CONTRACTING, AIR FORCE RAPID CAPABILITIES OFFICE.
		DIRECTOR OF CONTRACTING (SPECIAL ACCESS PROGRAMS).
		DIRECTOR, INFORMATION DOMINANCE PROGRAMS.
		ASSOC DEP ASST SEC OF THE AIR FORCE FOR SCIENCE, TECHNOLOGY AND ENGINEERING.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY (ACQUISITION INTEGRATION).
	OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR FINANCIAL MANAGEMENT AND COMPTROLLER.	CHIEF INFORMATION OFFICER.
	OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS.	DEPUTY ASSISTANT SECRETARY FOR RESERVE AFFAIRS.
	OFFICE OF THE CHIEF OF STAFF	DEPUTY DIRECTOR OF STAFF, HEADQUARTERS UNITED STATES AIR FORCE.
	OFFICE OF THE INSPECTOR GENERAL	EXECUTIVE DIRECTOR, OFFICE OF SPECIAL INVESTIGATIONS.
	OFFICE OF THE SECRETARY	DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE.
		DEPUTY DIRECTOR, AIR FORCE REVIEW BOARDS AGENCY.

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE.
	UNITED STATES CENTRAL COMMAND	DIRECTOR OF RESOURCES, REQUIREMENTS, BUDGET AND ASSESSMENT.
		DEPUTY DIRECTOR OF OPERATIONS INTERAGENCY ACTION GROUP.
		DEPUTY DIRECTOR OF LOGISTICS AND ENGINEERING.
	UNITED STATES NORTHERN COMMAND	DIRECTOR, JOINT EXERCISES AND TRAINING.
		NORTHCOM, DEPUTY DIRECTOR OF OPERATIONS FOR SPECIAL ACTIVITIES.
		DIRECTOR, PROGRAMS AND RESOURCES.
		DIRECTOR OF INTERAGENCY.
		DEPUTY COMMANDER, JOINT FORCES HEADQUARTERS—NATIONAL CAPITAL REGION.
	UNITED STATES SPECIAL OPERATIONS COMMAND	PRESIDENT, JOINT SPECIAL OPERATIONS UNIVERSITY.
		DIRECTOR, PLANS, POLICY AND STRATEGY.
		DIRECTOR FOR ACQUISITION.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR COMMUNICATIONS SYSTEMS/CIO (J6).
		DEPUTY DIRECTOR, CENTER FOR SPECIAL OPERATIONS ACQUISITION AND LOGISTICS.
		DEPUTY CHIEF OF STAFF.
		DIRECTOR AND CHIEF INFOMATION OFFICER FOR SPECIAL OPERATIONS NETWORKS AND COMMUNICATIONS CENTER.
	UNITED STATES STRATEGIC COMMAND	DIRECTOR, GLOBAL INNOVATION STRATEGY.
		ASSOCIATE DIRECTOR CAPABILITY AND RESOURCE.
		DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION, USSTRATCOM C2 FACILITY MANAGEMENT PMO.
		DEPUTY DIRECTOR, PLANS AND POLICY, USSTRATCOM.
		DIRECTOR, JOINT EXCERCISES AND TRAINING.
		DEPUTY DIRECTOR, CAPABILITY AND RESOURCE INTEGRATION.
		TECHNICAL DIRECTOR, JOINT WARFARE ANALYSIS CENTER.
		DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS AND COMPUTER SYSTEMS.
		DEPUTY DIRECTOR, CAPABILITY DEVELOPMENTAL GROUP COMMAND ACQUISITION EXEC.
		DEPUTY DIRECTOR, PLANS AND POLICY.
	UNITED STATES TRANSPORTATION COMMAND	DIRECTOR, ACQUISTION.
		EXECUTIVE DIRECTOR.
		DEPUTY DIRECTOR, ACQUISITION.
		DIRECTOR, PROGRAM ANALYSIS AND FINANCIAL MANAGEMENT.
		DEPUTY DIRECTOR, STRATEGY, CAPABILITIES, POLICY AND LOGISTICS.
		EXECUTIVE DIRECTOR AND DEPUTY CHIEF INFORMATION OFFICER.
DEPUTY CHIEF OF STAFF, INSTALLATIONS AND LOGISTICS.	OFFICE OF CIVIL ENGINEER	DEPUTY DIRECTOR OF CIVIL ENGINEERS.
	OFFICE OF RESOURCES	DIRECTOR OF RESOURCE INTEGRATION.
DEPUTY CHIEF OF STAFF, PERSONNEL.	AIR FORCE PERSONNEL CENTER (FIELD OPERATING AGENCY).	DIRECTOR OF PERSONNEL OPERATIONS.
		EXECUTIVE DIRECTOR, AIR FORCE PERSONNEL CENTER.
OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION.	DIRECTORATE OF SPACE AND NUCLEAR DETERRENCE.	ASSOCIATE ASSISTANT CHIEF OF STAFF STRATEGIC DETERRENCE AND NUCLEAR.
		DEPUTY ASSISTANT CHIEF OF STAFF, STRATEGIC DETERRENCE AND NUCLEAR INTEGRATION.
	OFFICE OF DEPUTY ASSISTANT SECRETARY CONTRACTING.	ASSOCIATE DEPUTY ASSISTANT SECRETARY (CONTRACTING).
	OFFICE OF DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING.	SPECIAL ASSISTANT TO THE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING.
OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR FINANCIAL MANAGEMENT AND COMPTROLLER.	OFFICE DEPUTY ASSISTANT SECRETARY BUDGET	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR BUDGET.
		DIRECTOR, BUDGET INVESTMENT.
	OFFICE DEPUTY ASSISTANT SECRETARY COST AND ECONOMICS.	DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS).
		ASSOCIATE DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS).
	OFFICE DEPUTY ASSISTANT SECRETARY FINANCIAL OPERATIONS.	DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS).
		ASSOCIATE DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS).
OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS.	AIR FORCE REVIEW BOARDS AGENCY (AIR FORCE REVIEW BOARDS AGENCY)—FIELD OPERATING AGENCY.	DEPUTY FOR AIR FORCE REVIEW BOARDS.
OFFICE OF THE CHIEF OF STAFF	AIR FORCE OFFICE OF SAFETY AND AIR FORCE SAFETY CENTER (FIELD OPERATING AGENCY).	DEPUTY CHIEF OF SAFETY.
	AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER (DIRECT REPORTING UNIT).	EXECUTIVE DIRECTOR, AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER.

Agency name	Organization name	Position title
	AIR FORCE STUDIES AND ANALYSES AGENCY (DIRECT REPORTING UNIT (DRU)).	DIRECTOR, AIR FORCE STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED.
		PRINCIPLE DEPUTY DIRECTOR, STUDIES AND ANALYSES, ASSESSMENTS AND LESSONS LEARNED.
	DEPUTY CHIEF OF STAFF, AIR AND SPACE OPERATIONS.	DEPUTY DIRECTOR OF OPERATIONAL REQUIREMENTS.
		DEPUTY DIRECTOR, OPERATIONS AND READINESS.
		ASSOCIATE DEPUTY CHIEF OF STAFF OPERATIONS, PLANS AND REQUIREMENTS.
		DIRECTOR OF WEATHER.
	DEPUTY CHIEF OF STAFF, PERSONNEL	DIRECTOR, PLANS AND INTEGRATION.
		ASSISTANT DEPUTY CHIEF OF STAFF MANPOWER AND PERSONNEL.
		DIRECTOR FORCE DEVELOPMENT.
		DEPUTY DIRECTOR, MANPOWER, ORGANIZATION AND RESOURCES.
		DEPUTY DIRECTOR OF SERVICES.
		DEPUTY DIRECTOR, MILITARY FORCE MANAGEMENT.
	DEPUTY CHIEF OF STAFF, PLANS AND PROGRAMS	ASSISTANT DEPUTY CHIEF OF STAFF, STRATEGIC PLANS AND REQUIREMENTS.
		ASSOCIATE DEPUTY DIRECTOR FOR PROGRAMS.
		DEPUTY DIRECTOR OF STRATEGIC PLANNING.
	JUDGE ADVOCATE GENERAL	DIRECTOR, ADMINISTRATIVE LAW.
	OFFICE OF TEST AND EVALUATION	DIRECTOR, TEST AND EVALUATION.
		DEPUTY DIRECTOR, TEST AND EVALUATION.
OFFICE OF THE INSPECTOR GENERAL.	AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS (FIELD OPERATING AGENCY).	EXECUTIVE DIRECTOR, DEFENSE CYBER CRIME CENTER.
OFFICE OF THE SECRETARY	OFFICE OF AUDITOR GENERAL	AUDITOR GENERAL OF THE AIR FORCE.
		ASSISTANT AUDITOR GENERAL, FIELD OFFICES DIRECTORATE.
	OFFICE OF ADMINISTRATIVE ASSISTANT TO THE SECRETARY.	ADMINISTRATIVE ASSISTANT.
		DIRECTOR SECURITY, SPEC PRGM OVERSIGHT AND INFORMATION PROTECTION.
		DEPUTY ADMINISTRATIVE ASSISTANT.
	OFFICE OF PUBLIC AFFAIRS	DEPUTY DIRECTOR, PUBLIC AFFAIRS.
	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
	OFFICE OF THE UNDER SECRETARY	ASSOCIATE DEPUTY UNDER SECRETARY OF THE AIR FORCE (SPACE) AND DEPUTY DIRECTOR PRINCIPAL DEPARTMENT OF DEFENSE SPACE ADVISOR STAFF.
DEPARTMENT OF THE ARMY:		
AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMY RESEARCH LABORATORY.	AFC, COMBAT CAPABILITIES DEVELOPMENT COMMAND, ARL, ARMY RESEARCH OFFICE.	DIRECTOR, ARMY RESEARCH OFFICE.
CHIEF INFORMATION OFFICER/G 6	OFFICE, CHIEF OF PUBLIC AFFAIRS	PRINCIPAL DEPUTY CHIEF OF PUBLIC AFFAIRS.
DEPARTMENT OF THE ARMY	ARMY AUDIT AGENCY	DEPUTY AUDITOR GENERAL, MANPOWER AND TRAINING AUDITS.
		DEPUTY AUDITOR GENERAL, FINANCIAL MANAGEMENT AUDITS.
		PRINCIPAL DEPUTY AUDITOR GENERAL.
		DEPUTY AUDITOR GENERAL, ACQUISITION AND LOGISTICS AUDITS.
		THE AUDITOR GENERAL.
		DEPUTY AUDITOR GENERAL, INSTALLATION, ENERGY AND ENVIRONMENT AUDITS.
	CHIEF INFORMATION OFFICER/G–6	DIRECTOR, CYBERSECURITY.
		DIRECTOR OF ARCHITECTURE AND INFORMATION.
		PRINCIPAL DIRECTOR, POLICY AND RESOURCES/CFO, CIO/G–6.
		DEPUTY CHIEF INFORMATION OFFICER/G–6.
	HEADQUARTERS, UNITED STATES ARMY, EUROPE	DEPUTY CHIEF OF STAFF G–8.
	HEADQUARTERS, UNITED STATES ARMY, PACIFIC	ASSISTANT CHIEF OF STAFF, G8.
	JOINT SPECIAL OPERATIONS COMMAND	EXECUTIVE DIRECTOR FOR RESOURCES, SUPPORT, AND INTEGRATION.
	NATIONAL GUARD BUREAU	CHIEF FINANCIAL OFFICER.
	OFFICE ADMINSTRATIVE ASSISTANT TO THE SECRETARY OF ARMY.	DEPUTY ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY/DIRECTOR FOR SHARED SERVICES.
		EXECUTIVE ADVISOR TO THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY.
		ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY.
		EXECUTIVE DIRECTOR, UNITED STATES ARMY HEADQUARTERS SERVICES.
	OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).	DEPUTY ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY/CHIEF SCIENTIST.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (POLICY AND PROCUREMENT).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR PLANS, PROGRAMS AND RESOURCES.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ACQUISITION POLICY AND LOGISTICS).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR DEFENSE EXPORTS AND COOPERATION.

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, RAPID CAPABILITIES OFFICE.
		DIRECTOR FOR RESEARCH AND TECHNOLOGY.
		EXECUTIVE DIRECTOR FOR ACQUISITION SERVICES, ASA (ALT).
		CHIEF SYSTEMS ENGINEER, ASA(ALT).
		DEP DIR, HYPERSONIC, DIRECTED ENERGY, SPACE AND RAPID ACQ OFF, NCR.
		DEPUTY DIRECTOR, HYPERSONIC, DIRECTED ENERGY, SPACE AND RAPID ACQUISITION OFFICE.
	OFFICE ASSISTANT SECRETARY ARMY (CIVIL WORKS)	DEPUTY ASSISTANT SECRETARY OF THE ARMY (MANAGEMENT AND BUDGET).
	OFFICE ASSISTANT SECRETARY ARMY (FINANCIAL MANAGEMENT AND COMPTROLLER).	DIRECTOR OF INVESTMENT.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (FINANCIAL OPERATIONS).
		DIRECTOR OF MANAGEMENT AND CONTROL .
		DIRECTOR, FINANCIAL INFORMATION MANAGEMENT.
		DIRECTOR, PROGRAMS AND STRATEGY.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (COST AND ECONOMICS).
		DIRECTOR, ARMY COST REVIEW BOARD.
		DEPUTY DIRECTOR AND SENIOR ADVISOR FOR ARMY BUDGET (DDSA (BUDGET)).
		DIRECTOR FOR ACCOUNTABILITY AND AUDIT READINESS.
	OFFICE ASSISTANT SECRETARY ARMY (INSTALLATIONS, ENERGY AND ENVIRONMENT).	DEPUTY ASSISTANT SECRETARY OF ARMY (STRATEGIC INTEGRATION).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH).
	OFFICE ASSISTANT SECRETARY ARMY (MANPOWER AND RESERVE AFFAIRS).	DEPUTY ASSISTANT SECRETARY OF THE ARMY (DIVERSITY AND LEADERSHIP).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (ARMY REVIEW BOARDS AGENCY).
		DEPUTY ASSISTANT SECRETARY OF ARMY FOR MARKETING/DIRECTOR, ARMY MARKETING RESEARCH GROUP.
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (MILITARY PERSONNEL).
		DEPUTY TO THE ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS).
		DEPUTY ASSISTANT SECRETARY OF THE ARMY (CIVILIAN PERSONNEL).
	OFFICE OF THE SURGEON GENERAL	DEPUTY CHIEF OF STAFF, RESOURCES, INFRASTRUCTURE AND STRATEGY (G8/9).
	OFFICE, DEPUTY CHIEF OF STAFF, G–4	DIRECTOR, LOGISTICS INFORMATION MANAGEMENT.
		DIRECTOR FOR SUPPLY POLICY.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–4.
		DIRECTOR FOR MAINTENANCE POLICY, PROGRAMS AND PROCESSES.
		DIRECTOR OF RESOURCE MANAGEMENT.
	OFFICE, DEPUTY CHIEF OF STAFF, G–1	DIRECTOR, SHARP AND ARMY RESILIENCY DIRECTORATE.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–1.
		DIR, TECHNOLOGY AND BUSINESS ARCHITECTURE INTEGRATION.
		DIRECTOR, CIVILIAN TALENT MANAGEMENT/DEPUTY DIRECTOR ARMY TALENT MANAGEMENT TASK FORCE.
		DIRECTOR, PLANS AND RESOURCES.
	OFFICE, DEPUTY CHIEF OF STAFF, G–3	ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS (G–3/5/7).
		DEPUTY DIRECTOR FOR FORCE MANAGEMENT.
		DEPUTY DIRECTOR FOR STRATEGY PLANS AND POLICY.
		DEPUTY DIRECTOR OF TRAINING AND TTPEG CO-CHAIR.
	OFFICE, DEPUTY CHIEF OF STAFF, G–8	DIRECTOR, RESOURCES/DEPUTY DIRECTOR, FORCE DEVELOPMENT.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–8.
	OFFICE, DEPUTY CHIEF OF STAFF, G–9	DIRECTOR OF RESOURCE INTEGRATION.
		CHIEF INFORMATION TECHNOLOGY OFFICER (OACSIM).
		DIRECTOR INSTALLATION SERVICES.
		DEPUTY ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT.
	UNITED STATES ARMY FUTURES COMMAND	DEPUTY CHIEF EXECUTIVE OFFICER.
		CHIEF FINANACIAL OFFICER.
		CHIEF, HUMAN CAPITAL OFFICER.
	UNITED STATES ARMY SPECIAL OPERATIONS COMMAND.	DEPUTY TO THE COMMANDING GENERAL.
	UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND (TRADOC).	DEPUTY CHIEF OF STAFF, G–3/5/7, TRADOC.
		DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS SUPPORT COMMAND.

Agency name	Organization name	Position title
		DEPUTY TO THE COMMANDING GENERAL MANUEVER SUPPORT/DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION.
		DEPUTY TO THE COMMANDING GENERAL, CYBER CENTER OF EXCELLENCE (CYBERCOE).
		DIRECTOR, UNITED STATES ARMY CENTER OF MILITARY HISTORY/CHIEF OF MILITARY HISTORY.
		DEPUTY TO THE COMMANDING GENERAL ARMY AVIATION CENTER OF EXCELLENCE/DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION.
		DEPUTY TO THE COMMANDING GENERAL FIRES/DIRECTOR, CAPABILITIES, DEVELOPMENT AND INTEGRATION.
		DEPUTY CHIEF OF STAFF G8, TRADOC.
		DEPUTY CHIEF OF STAFF G–1/4 (PERSONNEL AND LOGISTICS).
		ASSISTANT DEPUTY CHIEF OF STAFF, G–3/5/7 AND DEPUTY G–3/5 FOR OPS PLANS, TRADOC.
		DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS CENTER.
		DEPUTY TO THE COMMANDING GENERAL.
		DEPUTY CHIEF OF STAFF, G6 (TRADOC).
		PRESIDENT, ARMY LOGISTICS UNIVERSITY.
		DIRECTOR OF TRANSFORMATION, CYBER CENTER OF EXCELLENCE.
	UNITED STATES AFRICA COMMAND	DIRECTOR OF RESOURCES (J8), USAFRICOM.
		DEPUTY DIRECTOR OF PROGRAM, (J5), USAFRICOM.
		DIRECTOR OF RESOURCES (J1/J8), AFRICOM.
		FOREIGN POLICY ADVISOR FOR US AFRICA COMMAND.
	UNITED STATES ARMY CORPS OF ENGINEERS	DIRECTOR CONTINGENCY OPERATIONS/CHIEF, HOMELAND SECURITY OFFICE.
		DIRECTOR, RESEARCH AND DEVELOPMENT AND DIRECTOR, ENGINEERING RESEARCH AND DEVELOPMENT CENTER.
		DIRECTOR OF CONTRACTING.
		DIRECTOR, INFORMATION TECHNOLOGY LABORATORY.
		CHIEF MILITARY PROGRAMS INTEGRATION DIVISION.
		DIRECTOR FOR CORPORATE INFORMATION.
		DIRECTOR OF RESOURCE MANAGEMENT.
		DIRECTOR, REAL ESTATE.
		DIRECTOR OF HUMAN RESOURCES.
	UNITED STATES ARMY CYBER COMMAND/SECOND ARMY.	DEPUTY TO COMMANDER/SENIOR TECHNICAL DIRECTOR/CHIEF ENGINEER.
		DEPUTY TO COMMANDER, ARMY CYBER COMMAND/2ND ARMY.
	UNITED STATES ARMY FORCES COMMAND	DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.
		ASSISTANT DEPUTY CHIEF OF STAFF FOR OPERATIONS, G–3/5/7.
		ASSISTANT DEPUTY CHIEF OF STAFF, G–6.
		DEPUTY CHIEF OF STAFF, G–1.
		ASSISTANT DEPUTY CHIEF OF STAFF FOR LOGISTICS.
	UNITED STATES ARMY MATERIEL COMMAND	ASSISTANT DEPUTY CHIEF OF STAFF, G–3/4 FOR LOGISTICS INTEGRATION.
		DEPUTY CHIEF OF STAFF FOR CORPORATE INFORMATION/CHIEF INFORMATION OFFICER.
	UNITED STATES ARMY NORTH	DEPUTY TO THE COMMANDING GENERAL, ARNORTH.
	UNITED STATES ARMY SPACE AND MISSILE DEFENSE COMMAND.	DIRECTOR, PROGRAMS AND TECHNOLOGY.
		DIRECTOR, SPACE AND MISSILE DEFENSE TECHNICAL CENTER.
		DEPUTY TO THE COMMANDER, UNITED STATES ARMY SPACE AND MISSILE DEFENSE COMMAND/ARMY FORCES STRATCOM.
		DIRECTOR CAPABILITY DEV INTEGRATION DIRECTORATE, SPACE AND MISSILE DEFENSE COMMAND.
		DIRECTOR, FUTURE WARFARE CENTER.
	UNITED STATES EUROPEAN COMMAND	DIRECTOR, INTERAGENCY PARTNERING, (J9).
	UNITED STATES FORCES KOREA	DEPUTY DIRECTOR FOR TRANSFORMATION AND RESTATIONING.
		DIRECTOR FOR FORCES, RESOURCES AND ASSESSMENTS (J8).
	UNITED STATES SOUTHERN COMMAND	DIRECTOR, J8 (RESOURCES AND ASSESSMENTS DIRECTORATE).
		DIRECTOR, EXERCISES AND COALITION AFFAIRS.
		DEPUTY DIRECTOR STRATEGY AND POLICY.
		DEPUTY DIRECTOR OF OPERATIONS, J3.
OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY).	OFFICE OF ARMY ACQUISITION EXECUTIVE	PROGRAM EXECUTIVE OFFICER ENTERPRISE INFORMATION SYSTEMS.
		DEPUTY PROGRAM EXECTUIVE OFFICER GROUND COMBAT SYSTEMS.

Agency name	Organization name	Position title
		DEPUTY JOINT PROGRAM EXECUTIVE OFFICER (ARMAMENT & AMMUNITION).
		PROGRAM EXECUTIVE OFFICER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVE.
		JOINT PEO FOR CHEMICAL AND BIOLOGICAL DEFENSE.
		DEPUTY PROGRAM EXECUTIVE OFFICER, INTELLIGENCE, ELECTRONIC WARFARE AND SENSORS.
		PROGRAM EXECUTIVE OFFICER COMBAT SUPPORT AND COMBAT SERVICE SUPPORT.
		DEPUTY PROGRAM EXECUTIVE OFFICER, ENTERPRISE INFORMATION SYSTEMS.
		DEPUTY PROGRAM EXECUTIVE OFFICER FOR AVIATION.
		DEPUTY PROGRAM EXECUTIVE OFFICER, COMMAND CONTROL AND COMMUNICATIONS TACTICAL.
		DEPUTY PROGRAM EXECUTIVE OFFICER FOR SOLDIER.
		DEPUTY PROGRAM EXECUTIVE OFFICER, COMBAT SUPPORT AND COMBAT SERVICE SUPPORT.
		DEPUTY PROGRAM EXECUTIVE OFFICER (SIMULATION, TRAINING AND INSTRUMENTATION).
		DEPUTY JOINT PROGRAM EXECUTIVE OFFICER FOR CHEMICAL AND BIOLOGICAL DEFENSE.
		DEPUTY PROGRAM EXECUTIVE OFFICER, MISSILES AND SPACE.
OFFICE ASSISTANT SECRETARY ARMY (FINANCIAL MANAGEMENT AND COMPTROLLER).	UNITED STATES ARMY FINANCIAL MANAGEMENT COMMAND.	DEPUTY TO THE COMMANDER FOR FINANCIAL MANAGEMENT OPERATIONS.
OFFICE OF THE SECRETARY	OFFICE OF THE INSPECTOR GENERAL	PRINCIPAL DIRECTOR TO THE INSPECTOR GENERAL (INSPECTIONS).
	UNITED STATES ARMY NATIONAL MILITARY CEMETERIES.	SUPERINTENDENT, ARLINGTON NATIONAL CEMETERY.
		EXECUTIVE DIRECTOR OF THE ARMY NATIONAL CENETERIES PROGRAM.
OFFICE OF THE UNDER SECRETARY	OFFICE DEPUTY UNDER SECRETARY OF ARMY	DIRECTOR CIVILIAN SENIOR LEADER MANAGEMENT OFFICE.
		ASSISTANT TO THE DEPUTY UNDER SECRETARY OF ARMY /DIRECTOR OF TEST AND EVALUATION.
	OFFICE OF BUSINESS TRANSFORMATION	DIRECTOR, OFFICE OF BUSINESS TRANSFORMATION, OBT.
		DEPUTY DIRECTOR, OFFICE OF BUSINESS TRANSFORMATION, OFFICE OF THE UNDER SECRETARY OF THE ARMY.
OFFICE, CHIEF OF STAFF	OFFICE, CHIEF ARMY RESERVE	ASSISTANT CHIEF OF THE ARMY RESERVE.
		DIRECTOR OF RESOURCE MANAGEMENT AND MATERIAL.
	UNITED STATES ARMY TEST AND EVALUATION COMMAND.	DIRECTOR, ARMY EVALUATION CENTER.
		EXECUTIVE DIRECTOR, OPERATIONAL TEST COMMAND.
		EXECUTIVE DIRECTOR—WHITE SANDS.
OFFICE, DEPUTY CHIEF OF STAFF, G–1.	ARMY RESEARCH INSTITUTE (DEPUTY CHIEF OF STAFF FOR PERSONNEL, FIELD OPERATING AGENCY).	DIRECTOR, UNITED STATES ARMY RESEARCH INSTITUTE AND CHIEF PSYCHOLOGIST.
	OFFICE, DEPUTY CHIEF OF STAFF, G–1 (DEPUTY CHIEF OF STAFF FOR PERSONNEL, FIELD OPERATING AGENCY).	DEPUTY CHEIF MARKETING OFFICER, ARMY ENTERPRISE MARKETING OFFICE.
OFFICE, DEPUTY CHIEF OF STAFF, G–9.	UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND.	REGIONAL DIRECTOR (PACIFIC).
		REGIONAL DIRECTOR (EUROPE).
		DIRECTOR, HUMAN RESOURCES (IMCOM).
		DIRECTOR IMCOM SUPPORT (SUSTAINMENT).
		DIRECTOR, PLANS, OPERATIONS AND TRAIINING, G–3/5/7, IMCOM.
		DIRECTOR OF FACILITIES AND LOGISTICS.
		DIRECTOR IMCOM SUPPORT (READINESS).
		EXECUTIVE DEPUTY TO COMMANDING GENERAL, IMCOM.
		DIRECTOR IMCOM SUPPORT (TRAINING).
UNITED STATES ARMY FUTURES COMMAND.	AFC, CROSS FUNCTIONAL TEAMS	DIRECTOR, ASSURED PNT CROSS-FUNCTIONAL TEAM, SA.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD—UNITED STATES ARMY AVIATION AND MISSILE CENTER.	DIRECTOR FOR SYSTEMS SIMULATION, SOFTWARE, AND INTEGRATION.
		DIRECTOR OF AVIATION ENGINEERING.
		DIRECTOR FOR WEAPONS DEVELOPMENT AND INTEGRATION.
		DIRECTOR FOR AVIATION AND MISSILE RESEARCH, DEVELOPMENT AND ENGINEERING CENTER.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMAMENTS CENTER.	EXECUTIVE DIRECTOR, WEAPONS AND SOFTWARE ENGINEER CENTER.
		DIRECTOR FOR ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING.
		EXECUTIVE DIRECTOR, ENTERPRISE AND SYSTEMS INTEGRATION CENTER.

Agency name	Organization name	Position title
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, ARMY RESEARCH LABORATORY.	DIRECTOR, SURVIVABILITY/LETHALITY ANALYSIS DIRECTORATE.
		DIRECTOR, SENSORS AND ELECTRON DEVICES DIRECTORATE.
		DIRECTOR, COMPUTATIONAL AND INFORMATION SCIENCES DIRECTORATE.
		DIRECTOR WEAPONS AND MATERIALS RESEARCH DIRECTORATE.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, C5ISR CENTER.	DIRECTOR, SPACE AND TERRESTRIAL COMMITTEE DIRECTORATE.
		DIRECTOR—NIGHT VISION/ELECTROMAGNETICS SENSORS DIRECTORATE.
		DIRECTOR, COMMAND POWER AND INTEGRATION DIRECTORATE.
		DIRECTOR, COMMUNICATIONS-ELECTRONICS RESEARCH, DEVELOPMENT AND ENGINEERING CENTER.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, CHEMICAL AND BIOLOGICAL CENTER.	DIRECTOR FOR PROGRAMS INTEGRATION.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, GROUND VEHICLE SYSTEMS CENTER.	DIRECTOR FOR SYSTEMS INTEGRATION AND ENGINEERING.
		DIRECTOR, RESEARCH, TECHNOLOGY DEVELOPMENT AND INTEGRATION.
	AFC, COMBAT CAPABILITIES DEVELOPMENT CMD, SOLDIERS CENTER.	DIRECTOR, NATICK SOLDIER RESEARCH AND DEVELOPMENT ENGINEERING CENTER.
	AFC, FUTURES AND CONCEPTS CENTER, CAPABILITY DEVELOPMENT INTEGRATION DIRECTORATES.	DEPUTY TO THE COMMANDING GENERAL, MANEUVER CENTER OF EXCELLENCE AND DIRECTOR, CAPABILITIES DEVELOPMENT AND INTEGRATION.
	AFC, FUTURES AND CONCEPTS CENTER, THE RESEARCH AND ANALYSIS CENTER.	DIRECTOR OF OPERATIONS, TRAC ANALYSIS CENTER FORT LEAVENWORTH.
		DIRECTOR, THE TRAINING AND ANALYSIS CENTER, AFC.
		DIRECTOR OF FUTURES INTEGRATION, FCC.
		DIRECTOR OF OPERATIONS, TRAC, WSMR.
	AFC, FUTURES AND CONCEPTS CENTER, TRAC—HUMAN SYSTEMS INTEGRATION.	DIRECTOR FOR MANPRINT DIRECTORATE.
	AFC, UNITED STATES ARMY MEDICAL RESEARCH AND MATERIEL COMMAND.	PRINCIPAL ASSISTANT FOR ACQUISITION.
	U.S. ARMY FUTURES COMMAND—FUTURES AND CONCEPTS CENTER.	DEPUTY DIRECTOR/CHIEF OF STAFF, ARCIC.
UNITED STATES ARMY CORPS OF ENGINEERS.	OFFICE OF COLD REGIONS RESEARCH AND ENGINEERING LABORATORY HANOVER, NEW HAMSHIRE.	DIRECTOR, COLD REGIONS RESEARCH AND ENGINEERING LABORATORY.
	OFFICE OF CONSTRUCTION ENGINEERING RESEARCH LABORATORY CHAMPAIGN, ILLINOIS.	DIRECTOR, CONSTRUCTION ENGINEERING RESEARCH LABORATORIES.
	DIRECTORATE OF CIVIL WORKS	CHIEF, ENGINEERING AND CONSTRUCTION DIVISION
		CHIEF, PLANNING AND POLICY DIVISION/ COMMUNITY OF PRACTICE.
		CHIEF, OPERATIONS DIVISION AND REGULATORY COMMUNITY OF PRACTICE.
		DIRECTOR OF CIVIL WORKS.
		CHIEF, PROGRAMS INTEGRATION DIVISION.
	DIRECTORATE OF MILITARY PROGRAMS	CHIEF, ENVIRONMENTAL COMMUNITY OF PRACTICE.
		DIRECTOR OF MILITARY PROGRAMS.
		CHIEF, INSTALLATION SUPPORT COMMUNITY OF PRACTICE.
		CHIEF, INTERAGENCY AND INTERNATIONAL SERVICES DIVISION.
	DIRECTORATE OF RESEARCH AND DEVELOPMENT	DEPUTY DIRECTOR OF RESEARCH AND DEVELOPMENT.
	DIRECTORS OF ENGINEERING AND TECHNICAL SERVICES.	REGIONAL BUSINESS DIRECTOR (SOUTH ATLANTIC DIVISION).
		REGIONAL BUSINESS DIRECTOR (NORTHWESTERN DIVISION).
		REGIONAL BUSINESS DIRECTOR (GREAT LAKES, OHIO RIVER DIVISION).
		REGIONAL BUSINESS DIRECTOR (NORTH ATLANTIC DIVISION).
		REGIONAL BUSINESS DIRECTOR (PACIFIC OCEAN DIVISION).
		REGIONAL BUSINESS DIRECTOR (SOUTHWESTERN DIVISION).
		REGIONAL BUSINESS DIRECTOR (SOUTH PACIFIC DIVISION).
		REGIONAL BUSINESS DIRECTOR, (MISSISSIPPI VALLEY DIVISION).
	DIRECTORS OF PROGRAMS MANAGEMENT	DIVISION PROGRAMS DIRECTOR (NORTH ATLANTIC DIVISION).
		DIVISION PROGRAMS DIRECTOR (SOUTH ATLANTIC DIVISION).
		DIVISION PROGRAMS DIRECTOR (MISSISSIPPI VALLEY DIV).
		DIVISION PROGRAMS DIRECTOR (PACIFIC OCEAN DIVISION).

Agency name	Organization name	Position title
		DIVISION PROGRAMS DIRECTOR (SOUTHWESTERN DIVISION).
		DIVISION PROGRAMS DIRECTOR (GREAT LAKE AND OHIO RIVER DIVISION).
		DIVISION PROGRAMS DIRECTOR (SOUTH PACIFIC DIVISION).
		DIVISION PROGRAMS DIRECTOR (NORTHWESTERN DIVISION).
		DIVISION PROGRAMS DIRECTOR, TRANSATLANTIC DIVISION.
	ENGINEER RESEARCH AND DEVELOPMENT CENTER ...	DEPUTY DIRECTOR ENGINEER RESEARCH AND DEVELOPMENT CENTER.
		DIRECTOR, COASTAL AND HYDRAULICS LABORATORY.
		DIRECTOR GEOTECHNICAL AND STRUCTURES LABORATORY.
		DIRECTOR, ENVIRONMENTAL LABORATORY.
	ENGINEER TOPOGRAPHIC LABORATORIES, CENTER OF ENGINEERS.	DIRECTOR, ARMY GEOSPATIAL CENTER.
UNITED STATES ARMY MATERIEL COMMAND.	MILITARY SURFACE DEPLOYMENT DISTRIBUTION COMMAND.	DIRECTOR, TRANSPORTATION ENGINEERING AGENCY/DIRECTOR JOINT DISTRIBUTION PROCESS ANALYSIS CENTER.
		DEPUTY TO THE COMMANDER, SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND.
	OFFICE DEPUTY COMMANDING GENERAL	EXECUTIVE DEPUTY TO THE COMMANDING GENERAL.
	OFFICE OF DEPUTY CHIEF OF STAFF FOR LOGISTICS AND OPERATIONS.	PRINCIPAL DEPUTY G–3 FOR OPERATIONS AND LOGISTICS.
	OFFICE OF DEPUTY CHIEF OF STAFF FOR PERSONNEL.	DEPUTY CHIEF OF STAFF FOR PERSONNEL.
	OFFICE OF THE DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.	ASSISTANT DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT, G–8/EXECUTIVE DIRECTOR FOR BUSINESS.
		DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT.
	TANK–AUTOMOTIVE AND ARMAMENTS COMMAND (TANK–AUTOMOTIVE AND ARMAMENTS COMMAND).	DIRECTOR INTEGRATED LOGISTICS SUPPORT CENTER.
		DEPUTY TO THE COMMANDER.
	UNITED STATES ARMY COMMUNICATIONS ELECTRONICS COMMAND.	DIR, COMMUNICATIONS—ELECTRONICS LIFE CYCLE MGMT CMD LOGISTICS & READINESS CTR.
		DEPUTY TO THE COMMANDING GENERAL, CECOM, LCMC.
		DIRECTOR, SOFTWARE ENGINEERING DIRECTORATE.
	UNITED STATES ARMY JOINT MUNITIONS COMMAND ..	EXECUTIVE DIRECTOR FOR AMMUNITION.
	UNITED STATES ARMY AVIATION AND MISSILE COMMAND (ARMY MATERIEL COMMAND).	ARMY AVIATION AND MISSILE COMMAND DIRECTOR, SPECIAL PROGRAMS (AVIATION).
		DIRECTOR FOR TEST MEASUREMENT DIAGNOSTIC EQUIPMENT ACTIVITY.
		EXECUTIVE DIRECTOR, AVIATION AND MISSILE COMMAND LOGISTICS CENTER.
		DEPUTY TO THE COMMANDER.
	UNITED STATES ARMY CONTRACTING COMMAND	EXECUTIVE DIRECTOR, ARMY CONTRACTING COMMAND—ABERDEEN.
		EXECUTIVE DIRECTOR, ACC-WARREN.
		DEPUTY TO THE COMMANDER, MISSION INSTALLATION CONTRACTING COMMAND.
		EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND—ROCK ISLAND.
		EXECUTIVE DIRECTOR ARMY CONTRACTING COMMAND—REDSTONE, AL.
		DEPUTY TO THE COMMANDING GENERAL, ARMY CONTRACTING COMMAND.
		DEPUTY TO THE COMMANDER, UNITED STATES ARMY EXPEDITIONARY CONTRACTING COMMAND.
	UNITED STATES ARMY SECURITY ASSISTANCE COMMAND.	DEPUTY TO THE COMMANDING GENERAL.
	UNITED STATES ARMY SUSTAINMENT COMMAND	DEPUTY TO THE COMMANDER.
		EXECUTIVE DIRECTOR, SUPPORT OPERATIONS.
		EXECUTIVE DIRECTOR FOR LOGCAP.
DEPARTMENT OF THE NAVY	DEPARTMENT OF THE NAVY	SPECIAL ASSISTANT, DIRECTOR FOR SURFACE SHIP DESIGN AND SYSTEMS ENGINEERING.
CHIEF OF NAVAL OPERATIONS	BUREAU OF MEDICINE AND SURGERY	EXECUTIVE DIRECTOR, BUREAU OF MEDICINE AND SURGERY.
		DEPUTY CHIEF, TOTAL FORCE.
		DIRECTOR, BUSINESS OPERATIONS/COMPTROLLER.
	COMMANDER, NAVY INSTALLATIONS COMMAND	COMPTROLLER.
		DIRECTOR OF OPERATIONS.
		DIRECTOR STRATEGY AND FUTURE REQUIREMENTS.
		DEPUTY COMMANDER.
		COUNSEL, COMMANDER NAVY INSTALLATIONS COMMAND.
	COMMANDER, SUBMARINE FORCES	EXECUTIVE DIRECTOR, SUBMARINE FORCES.
	MILITARY SEALIFT COMMAND	DIRECTOR, MILITARY SEALIFT COMMAND MANPOWER AND PERSONNEL.

Agency name	Organization name	Position title
		DIRECTOR, SHIP MANAGEMENT.
		DIRECTOR, MARITIME OPERATIONS.
		EXECUTIVE DIRECTOR.
	NAVAL AIR SYSTEMS COMMAND HEADQUARTERS	DIRECTOR, AIR ANTI-SUBMARINE WARFARE, ASSAULT AND SPECIAL MISSION PROGRAMS CONTRACTS DEPARTMENT.
		DEPUTY COUNSEL, OFFICE OF COUNSEL.
		DIRECTOR, DESIGN INTERFACE AND MAINTAINANCE PLANNING.
		DIRECTOR, PROPULSION AND POWER.
		DIRECTOR INDUSTRIAL OPERATIONS.
		DIRECTOR, MISSION ENGINEERING AND ANALYSIS.
		DIRECTOR, STRIKE WEAPONS, UNMANNED AVIATION, NAVAL AIR PROGRAMS CONTRACTS DEPARTMENT.
		COUNSEL, NAVAL AIR SYSTEMS COMMAND.
		DIRECTOR, COST ESTIMATING AND ANALYSIS.
		DIRECTOR OF CONTRACTS, F–35 JSF.
		DIRECTOR, AVIATION READINESS AND RESOURCE ANALYSIS.
		F–35 PRODUCT SUPPORT MANAGER.
		CHIEF MANAGEMENT OFFICER.
		DIRECTOR, AIR VEHICLE ENGINEERING.
		ASSISTANT COMMANDER FOR CONTRACTS.
		COMPTROLLER.
		DIRECTOR, SYSTEMS ENGINEERING DEPARTMENT.
		DIRECTOR, LOGISTICS MANAGEMENT INTEGRATION.
		DIRECTOR, TACTICAL AIRCRAFT AND MISSILES CONTRACTS DEPARTMENT.
		ASSISTANT COMMANDER FOR ACQUISITION PROCESSES AND EXECUTION.
		DEPUTY ASSISTANT COMMANDER FOR RESEARCH AND ENGINEERING.
		DEPUTY COMMANDER, NAVAL AIR SYSTEMS COMMAND.
		DEPUTY ASSISTANT COMMANDER FOR LOGISTICS AND INDUSTRIAL OPERATIONS.
		ASSISTANT COMMANDER, CORPORATE OPERATIONS AND TOTAL FORCE.
	NAVAL METEOROLOGY AND OCEANOGRAPHY COMMUNICATIONS, STENNIS SPACE CENTER, MISSISSIPPI.	TECHNICAL/DEPUTY DIRECTOR.
	NAVY CYBER FORCES	DEPUTY COMMANDER.
	OFFICE OF COMMANDER, UNITED STATES FLEET FORCES COMMAND.	DEPUTY CHIEF OF STAFF, PERSONNEL DEVELOPMENT AND ALLOCATION.
		DIRECTOR, FLEET INSTALLATION AND ENVIRONMENT.
		EXECUTIVE DIRECTOR, NAVY WARFARE DEVELOPMENT COMMAND.
		DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTER, COMBAT SYSTEMS, INTELLIGENCE AND STRATEGIC/COMMAND INFORMATION OFFICER.
		EXECUTIVE DIRECTOR/CHIEF OF STAFF.
		DEPUTY DIRECTOR, MARITIME OPERATIONS.
		DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTER COMBAT SYSTEMS, INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE.
	OFFICE OF THE COMMANDER, UNITED STATES PACIFIC FLEET.	EXECUTIVE DIRECTOR, NAVAL SURFACE FORCES.
		EXECUTIVE DIRECTOR FOR COMMUNICATIONS AND INFORMATION SYSTEMS AND CIO.
		EXECUTIVE DIRECTOR, NAVAL AIR FORCES.
		CHIEF OF STAFF.
		EXECUTIVE DIRECTOR, TOTAL FORCE MANAGEMENT.
		DEPUTY FOR NAVAL MINE AND ANTI-SUBMARINE WARFARE COMMAND.
		EXECUTIVE DIRECTOR, PACIFIC FLEET PLANS AND POLICY.
DEPARTMENT OF THE NAVY	CHIEF OF NAVAL OPERATIONS	DIRECTOR, COMMUNICATIONS AND NETWORK DIVISION (N2/N6F1).
		HEAD, CAMPAIGN ANALYSIS BRANCH.
		DIRECTOR, CHIEF OF NAVAL OPERATIONS ENERGY AND ENVIRONMENTAL READINESS DIVISION.
		VICE DIRECTOR NAVY STAFF.
		EXECUTIVE DIRECTOR, NAVAL SPECIAL WARFARE COMMAND.
		DIRECTOR, DIGITAL WARFARE OFFICE.
		DIRECTOR, FLEET READINESS.
		DEPUTY CHIEF OF NAVY RESERVE.
		DIRECTOR, SPECIAL PROGRAMS DIVISION (N89).
		DEPUTY DIRECTOR, NAVY CYBERSECURITY.
		DEPUTY COMMANDER.
		DIRECTOR OF STRATEGY.
		DIRECTOR, STRATEGIC MOBILITY AND COMBAT LOGISTICS DIVISION.
		DEPUTY DIRECTOR ASSESSMENT DIVISION (N8 1B).

Agency name	Organization name	Position title
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS, WARFARE SYSTEMS.
		DEPUTY DIRECTOR FOR STRATEGY AND POLICY.
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS, FLEET READINESS AND LOGISTICS.
		DIRECTOR NAVAL HISTORY AND HERITAGE COMMAND.
		DEPUTY DIRECTOR, PROGRAM DIVISION (N80B).
		DEPUTY DIRECTOR, AIR WARFARE.
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS (MANPOWER, PERSONNEL, TRAINING AND EDUCATION).
		DIRECTOR, SPECIAL PROGRAMS.
		DEPUTY DIRECTOR, UNMANNED WARFARE.
		DEPUTY DIRECTOR, UNDERSEA WARFARE DIVISION.
		DEPUTY DIRECTOR SURFACE WARFARE DIVISION.
		DEPUTY DIRECTOR, EXPEDITIONARY WARFARE DIVISION.
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS (RESOURCES, WARFARE REQUIREMENTS AND ASSESSMENTS) N8B.
		FINANCIAL MANAGER AND CHIEF RESOURCES OFFICER FOR MANPOWER, PERSONNEL, TRAINING AND EDUCATION.
		ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS FOR INFORMATION DOMINANCE (N2/N6).
	MARINE CORPS SYSTEMS COMMAND	ASSISTANT DEPUTY COMMANDANT FOR INFORMATION.
		DEPUTY TO THE COMMANDER FOR RESOURCE MANAGEMENT.
		CHIEF ENGINEER, MARINE CORPS SYSTEMS COMMAND.
		EXECUTIVE DIRECTOR.
	NAVAL FACILITIES ENGINEERING COMMAND	EXECUTIVE DIRECTOR.
		DIRECTOR, NAVY CRANE CENTER.
		DIRECTOR OF PUBLIC WORKS.
		DEPUTY COMMANDER, ACQUISITION.
		COUNSEL, NAVAL FACILITIES ENGINEERING COMMAND.
		ASSISTANT COMMANDER/CHIEF MANAGEMENT OFFICER.
		CHIEF ENGINEER.
		DIRECTOR OF ENVIRONMENT.
		DIRECTOR OF ASSEST MANAGEMENT.
		COMPTROLLER (2).
	NAVAL INFORMATION AND WARFARE SYSTEMS COMMAND.	ASSISTANT COMMANDER FOR NAVY CYBER IMPLEMENTATION.
		DIRECTOR CORPORATE OPERATIONS/COMMAND INFORMATION OFFICER.
		EXECUTIVE DIRECTOR, FLEET READINESS DIRECTORATE.
		EXECUTIVE DIRECTOR.
		ASSISTANT CHIEF ENGINEER FOR CERTIFICATION AND MISSION ASSURANCE.
		ASSISTANT CHIEF ENGINEER FOR MISSION ARCHITECTURE AND SYSTEMS ENGINEERING.
		DIRECTOR, CONTRACTS.
		DIRECTOR, READINESS/LOGISTICS DIRECTORATE.
		DEPUTY CHIEF ENGINEER.
	NAVAL SEA SYSTEMS COMMAND	DIRECTOR, FLEET READINESS DIVISION.
		DEPUTY DIRECTOR, REACTOR REFUELING DIVISION.
		DIRECTOR, SURFACE SYSTEMS CONTRACTS DIVISION.
		DEPUTY DIRECTOR, ADVANCED AIRCRAFT CARRIER SYSTEM DIVISION.
		EXECUTIVE DIRECTOR.
		EXECUTIVE DIRECTOR, SURFACE WARFARE DIRECTORATE.
		DIRECTOR, NUCLEAR COMPONENTS DIVISION.
		HEAD, ADVANCED REACTOR BRANCH.
		DIRECTOR FOR AIRCRAFT CARRIER DESIGN AND SYSTEMS ENGINEERING.
		EXECUTIVE DIRECTOR, SHIP DESIGN, AND ENGINEERING DIRECTORATE.
		EXECUTIVE DIRECTOR NAVAL SURFACE AND UNDERSEA WARFARE CENTERS.
		NUCLEAR ENGINEERING AND PLANNING MANAGER.
		DIRECTOR, INTEGRATED WARFARE SYSTEMS ENGINEERING GROUP.
		ASSISTANT COMMANDER, SUPPLY CHAIN TECHNOLOGY AND SYSTEM INTEGRATION.
		DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, PHILADELPHIA DIVISION.

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR FOR COMMANDER, NAVY REGIONAL MAINTENANCE CENTERS (CNRMC).
		DIRECTOR FOR MARINE ENGINEERING.
		SPECIAL ASSISTANT (KNOWLEDGE TRANSFER).
		DIVISION TECHNICAL DIRECTOR, NSWC CORONA DIVISION.
		DIRECTOR, REACTOR REFUELING DIVISION.
		DIRECTOR OF RADIOLOGICAL CONTROLS.
		DIRECTOR FOR SHIP INTEGRITY AND PERFORMANCE ENGINEERING.
		EXECUTIVE DIRECTOR, ACQUISITION AND COMMONALITY.
		DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER PORT HUENEME DIVISION.
		DEPUTY COMMANDER/COMPTROLLER.
		COUNSEL, NAVAL SEA SYSTEMS COMMAND.
		DIRECTOR FOR CONTRACTS.
		DIRECTOR, REACTOR MATERIALS DIVISION.
		DIRECTOR FOR SURFACE SHIP DESIGN AND SYSTEMS ENGINEERING.
		DIRECTOR, COST ENGINEERING AND INDUSTRIAL ANALYSIS.
		DIRECTOR, SHIPBUILDING CONTRACTS DIVISION.
		ASSISTANT DEPUTY COMMANDER FOR INDUSTRIAL OPERATIONS.
		DEPUTY FOR WEAPONS SAFETY.
		DEPUTY COMMANDER, CORPORATE OPERATIONS DIRECTORATE.
		EXECUTIVE DIRECTOR FOR LOGISTICS MAINTENANCE AND INDUSTRIAL OPERATIONS DIRECTORATE.
		EXECUTIVE DIRECTOR, UNDERSEA WARFARE DIRECTORATE.
		DIRECTOR, REACTOR PLANT COMPONENTS AND AUXILIARY EQUIPMENT DIVISION.
		DIRECTOR, SURFACE SHIP SYSTEMS DIVISION.
		DIRECTOR, REACTOR SAFETY AND ANALYSIS DIVISION.
		DIRECTOR FOR SUBMARINE/SUBMERSIBLE DESIGN AND SYSTEMS ENGINEERING.
		PROGRAM MANAGER FOR COMMISSIONED SUBMARINES.
		DIRECTOR, OFFICE OF RESOURCE MANAGEMENT.
	NAVAL SUPPLY SYSTEMS COMMAND HEADQUARTERS	ASSISTANT COMMANDER FOR CONTRACTING MANAGEMENT.
		ASSISTANT COMMANDER FOR SUPPLY CHAIN MANAGEMENT (SCM) POLICY AND PERFORMANCE.
		DEPUTY COMMANDER, ACQUISITION, NAVAL SUPPLY SYSTEMS COMMAND.
		DEPUTY COMMANDER FOR FINANCIAL MANAGEMENT/COMPTROLLER.
		COUNSEL, NAVAL SUPPLY SYSTEMS COMMAND.
		DEPUTY COMMANDER, CORPORATE OPERATIONS.
		EXECUTIVE DIRECTOR, OFFICE OF SPECIAL PROJECTS.
		VICE COMMANDER.
	OFFICE OF NAVAL RESEARCH	DIRECTOR FOR AEROSPACE SCIENCE RESEARCH DIVISION
		DIRECTOR, OCEAN, ATMOSPHERE AND SPACE RESEARCH DIVISION.
		DIRECTOR, ELECTRONICS, SENSORS, AND NETWORKS RESEARCH DIVISION.
		DIRECTOR, SHIP SYSTEMS AND ENGINEERING DIVISION.
		DIRECTOR, UNDERSEA WEAPONS AND NAVAL MATERIALS SCIENCE AND TECHNOLOGY DIVISION.
		HEAD, COMMAND, CONTROL, COMMUNICATIONS, INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE (C4ISR) SCIENCE AND TECHNOLOGY DEPARTMENT.
		PORTFOLIO DIRECTOR.
		EXECUTIVE DIRECTOR.
		DIRECTOR, HUMAN AND BIOENGINEERED SYSTEMS DIVISION.
		HEAD, SEA WARFARE AND WEAPONS SCIENCE AND TECHNOLOGY DEPARTMENT.
		DIRECTOR, CONTRACTS, GRANTS AND ACQUISITIONS.
		COMPTROLLER.
		HEAD, AIR WARFARE AND WEAPONS SCIENCE AND TECHNOLOGY DEPARTMENT.
		DIRECTOR, MATHEMATICS COMPUTER AND INFORMATION SCIENCES (MCIS) DIVISION.
		HEAD, WARFIGHTER PERFORMANCE SCIENCE AND TECHNOLOGY DEPARTMENT.

Agency name	Organization name	Position title
		HEAD, OCEAN, BATTLESPACE SENSING SCIENCE AND TECHNOLOGY DEPARTMENT.
		HEAD, EXPEDITIONARY WARFARE AND COMBATING TERRORISM SCIENCE AND TECHNOLOGY DEPARTMENT.
		PATENT COUNSEL OF THE NAVY.
		COUNSEL, OFFICE OF NAVAL RESEARCH.
	OFFICE OF THE SECRETARY	ASSISTANT FOR ADMINISTRATION.
		DEPUTY ASSISTANT FOR ADMINISTRATION.
		DIRECTOR, SEXUAL ASSAULT PREVENTION AND RESPONSE.
	UNITED STATES MARINE CORPS HEADQUARTERS OFFICE.	ASSISTANT DEPUTY COMMANDANT FOR MANPOWER AND RESERVE.
		DEPUTY ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS (FACILITIES).
		ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS (E-BUSINESS AND CONTRACTS).
		COUNSEL FOR THE COMMANDANT.
		ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS.
		ASSISTANT DEPUTY COMMANDANT FOR PROGRAMS AND RESOURCES/FISCAL DIRECTOR OF THE MARINE CORPS.
		DIRECTOR PROGRAM ANALYSIS AND EVALUATION DIVISION.
		DEPUTY COUNSEL FOR THE COMMANDANT OF THE MARINE CORPS.
		ASSISTANT DEPUTY COMMANDANT FOR PLANS POLICIES AND OPERATIONS (SECURITY).
		DEPUTY DIRECTOR, MANPOWER PLANS AND POLICY DIVISION.
		ASSISTANT DEPUTY COMMANDANT, RESOURCES (PERSONNEL AND READINESS).
		ASSISTANT DEPUTY COMMANDANT FOR MANPOWER AND RESERVE AFFAIRS.
		EXECUTIVE DEPUTY, MARINE CORPS LOGISTICS COMMAND.
MARINE CORPS SYSTEMS COMMAND.	MARINE CORPS COMBAT DEVELOPMENT COMMAND; QUANTICO, VIRGINIA.	EXECUTIVE DEPUTY TRAINING AND EDUCATION COMMAND.
NAVAL AIR SYSTEMS COMMAND HEADQUARTERS.	NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION	DIRECTOR, FLIGHT TEST ENGINEERING.
		DIRECTOR, BATTLESPACE SIMULATION.
		DEPUTY ASSISTANT COMMANDER FOR TEST AND EVALUATION/EXECUTIVE DIRECTOR NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION/DIRECTOR, TEST AND EVALUATION NAWCAD.
		DIRECTOR, INTEGRATED STYSTEMS EVALUATION EXPERIMENTATION AND TEST DEPARTMENT.
		DIRECTOR, AIRCRAFT LAUNCH AND RECOVERY EQUIPMENT/SUPPORT EQUIPMENT.
	NAVAL AIR WARFARE CENTER TRAINING SYSTEMS DIVISION.	DIRECTOR, HUMAN SYSTEMS DEPARTMENT.
	NAVAL AIR WARFARE CENTER WEAPONS DIVISION, CHINA LAKE, CALIFORNIA.	DIRECTOR, WEAPONS AND ENERGETICS DEPARTMENT.
		DIRECTOR, RANGE DEPARTMENT.
		EXECUTIVE DIRECTOR, NAVAL AIR WARFARE CENTER WEAPONS DIVISION/DIRECTOR, RESEARCH ENGINEERING.
NAVAL INFORMATION AND WARFARE SYSTEMS COMMAND.	NAVAL INFORMATION AND WARFARE SYSTEMS COMMAND.	DIRECTOR, SCIENCE AND TECHNOLOGY.
		COMPTROLLER/BUSINESS RESOURCE MANAGER.
		COUNSEL, SPACE AND NAVAL WARFARE SYSTEMS COMMAND.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, ENTERPRISE INFORMATION SYSTEMS.
		EXECUTIVE DIRECTOR (2).
NAVAL SEA SYSTEMS COMMAND	NAVAL SHIPYARDS	NUCLEAR ENGINEERING AND PLANNING MANAGER, PUGET SOUND NAVAL SHIPYARD.
		NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER, NORFOLK NAVAL SHIPYARD.
		NUCLEAR ENGINEERING AND PLANNING MANAGER; PORTSMOUTH NAVAL SHIPYARD.
	NAVAL SURFACE WARFARE CENTER	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER DAHLGREN DIVISION.
	NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION.	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION.
	NAVAL SURFACE WARFARE CENTER, CRANE DIVISION	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER, CRANE DIVISION.
	NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION.	DIVISION TECHNICAL DIRECTOR NAVAL SURFACE WARFARE CENTER PANAMA CITY DIVISION.
	NAVAL SURFACE WARFARE CENTER, INDIAN HEAD DIVISION.	DIVISION TECHNICAL DIRECTOR, NAVAL SURFACE WARFARE CENTER INDIAN HEAD EXPLOSIVE ORDINANCE DISPOSAL TECHNOLOGY DIVISION.
	NAVAL UNDERSEA WARFARE CENTER DIVISION, KEYPORT, WASHINGTON.	DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION KEYPORT.

Agency name	Organization name	Position title
	NAVAL UNDERSEA WARFARE CENTER DIVISION, NEWPORT, RHODE ISLAND.	DIVISION TECHNICAL DIRECTOR, NAVAL UNDERSEA WARFARE CENTER DIVISION NEWPORT.
NAVAL SUPPLY SYSTEMS COMMAND HEADQUARTERS.	NAVY SUPPLY INFORMATION SYSTEMS ACTIVITY	DIRECTOR OF FINANCE/COMPTROLLER.
	WEAPON SYSTEMS SUPPORT	VICE COMMANDER, NAVSUP WEAPON SYSTEMS SUPPORT.
OFFICE OF NAVAL RESEARCH	NAVAL RESEARCH LABORATORY	SUPERINTENDENT, ACOUSTICS DIVISION.
		DIRECTOR OF RESEARCH.
		ASSOCIATE DIRECTOR OF RESEARCH FOR MATERIAL SCIENCE AND COMPONENT TECHNOLOGY.
		SUPERINTENDENT, TACTICAL ELECTRONIC WARFARE DIVISION.
		ASSOCIATE DIRECTOR OF RESEARCH FOR BUSINESS OPERATIONS.
		ASSOCIATE DIRECTOR OF RESEARCH FOR OCEAN AND ATMOSPHERIC SCIENCE AND TECHNOLOGY.
		ASSOCIATE DIRECTOR OF RESEARCH FOR SYSTEMS.
		SUPERINTENDENT, SPACE SYSTEMS DEVELOPMENT DEPARTMENT.
		SUPERINTENDENT, PLASMA PHYSICS DIVISION.
		SUPERINTENDENT, SPACECRAFT ENGINEERING DEPARTMENT.
		SUPERINTENDENT, ELECTRONICS SCIENCE AND TECHNOLOGY DIVISION.
		SUPERINTENDENT, REMOTE SENSING DIVISION.
		SUPERINTENDENT, CENTER FOR BIO-MOLECULAR SCIENCE AND ENGINEERING.
		SUPERINTENDENT, SPACE SCIENCES DIVISION.
		SUPERINTENDENT CHEMISTRY DIVISION.
		DIRECTOR, NAVAL CENTER FOR SPACE TECHNOLOGY.
		SUPERINTENDENT, RADAR DIVISION.
		SUPERINTENDENT, MARINE METEROLOGY DIVISION.
		SUPERINTENDENT, OPTICAL SCIENCES DIVISION.
		SUPERINTENDANT, INFORMATION TECHNOLOGY DIVISION.
		SUPERINTENDENT, MATERIAL SCIENCE AND TECHNOLOGY DIVISION.
OFFICE OF THE ASSISTANT SECRETARY OF NAVY (MANPOWER AND RESERVE AFFAIRS).	OFFICE OF CIVILIAN HUMAN RESOURCES	DEPUTY DIRECTOR, OFFICE OF CIVILIAN HUMAN RESOURCES.
		DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS DEPARTMENT.
		DIRECTOR, HUMAN RESOURCES OPERATIONS.
		DIRECTOR, HUMAN RESOURCES SYSTEMS AND ANALYTICS.
OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION).	PROGRAM EXECUTIVE OFFICERS	DEPUTY PROGRAM EXEUCTIVE OFFICER FOR UNMANNED AVIATION PROGRAMS.
		DIRECTOR, PRODUCTION DEPLOYMENT AND FLEET READINESS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, COLUMBIA.
		DIRECTOR, DEVELOPMENT AND INTEGRATION.
		EXECUTIVE DIRECTOR FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INTELLIGENCE (C4I).
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE, LITTORAL COMBAT SHIPS.
		PROGRAM EXECUTIVE OFFICER (ENTERPRISE INFORMATION SYSTEMS).
		DEPUTY PROGRAM EXECUTIVE OFFICERS AIR ASSAULT AND SPECIAL MISSION.
		EXECUTIVE DIRECTOR, AMPHIBIOUS, AUXILIARY AND SEALIFT SHIPS, PROGRAM EXECUTIVE OFFICERS SHIPS.
		EXECUTIVE DIRECTOR, COMBATANTS, PROGRAM EXECUTIVE OFFICERS SHIPS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR AIRCRAFT CARRIERS.
		DEPUTY PROGRAM EXECUTIVE OFFICERS FOR STRIKE WEAPONS.
		DEPUTY PROGRAM EXECUTIVE OFFICERS FOR TACTICAL AIR PROGRAMS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICERS FOR INTEGRATED WARFARE SYSTEMS.
		EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE SUBMARINES.
	STRATEGIC SYSTEMS PROGRAMS	DIRECTOR, INTEGRATED NUCLEAR WEAPONS SAFETY AND SECURITY.
		TECHNICAL PLANS OFFICER.
		COUNSEL, STRATEGIC SYSTEMS PROGRMAS.
		BRANCH HEAD REENTRY SYSTEMS BRANCH.
		ASSISTANT FOR MISSILE PRODUCTION, ASSEMBLY AND OPERATIONS.
		DIRECTOR, PLANS AND PROGRAMS DIVISION.

Agency name	Organization name	Position title
		CHIEF ENGINEER.
		ASSISTANT FOR SHIPBOARD SYSTEMS.
		HEAD, RESOURCES BRANCH (COMPTROLLER) AND DEPUTY DIRECTOR, PLANS AND PROGRAM DIVISION.
		ASSISTANT FOR MISSILE ENGINEERING SYSTEMS.
		ASSISTANT FOR SYSTEMS INTEGRATION AND COMPATIBILITY.
OFFICE OF THE SECRETARY	NAVAL CRIMINAL INVESTIGATIVE SERVICE	CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR CRIMINAL OPERATIONS.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR GLOBAL OPERATIONS.
		CRMINIAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR MANAGEMENT AND ADMINISTRATION.
		CRIMINAL INVESTIGATOR, DEPUTY DIRECTOR, NAVAL CRIMINIAL INVESTIGATIVE SERVICE.
		DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE.
		CRIMINAL INVESTIGATOR, DEPUTY DIRECTOR OPERATIONAL SUPPORT.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR PACIFIC OPERATIONS.
		CRIMINAL INVESTIGATOR, EXECUTIVE ASSISTANT DIRECTOR FOR ATLANTIC OPERATIONS.
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT).	EXECUTIVE DIRECTOR, PUBLIC PRIVATE PARTNERSHIP AUDITS.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (INFRASTRUCTURE AND FACILITIES).
	OFFICE OF THE ASSISTANT SECRETARY OF NAVY (FINANCIAL MANAGEMENT AND COMPTROLLER).	DEPUTY ASSISTANT SECRETARY OF THE NAVY (FINANCIAL POLICY AND SYSTEMS).
		DIRECTOR, POLICY AND PROCEDURES.
		PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE NAVY FINANCIAL MANGEMENT AND COMPTROLLER.
		ASSISTANT GENERAL COUNSEL (FINANCIAL MANAGEMENT AND COMPTROLLER).
		DIRECTOR, INVESTMENT AND DEVELOPMENT DIVISION .
		DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR COST AND ECONOMICS.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR FINANCIAL OPERATIONS.
		DIRECTOR, CIVILIAN RESOURCES AND BUSINESS AFFAIRS DIVISION.
		ASSOCIATE DIRECTOR, OFFICE OF BUDGET/FISCAL MANAGEMENT DIVISION.
	COMPTROLLER) OFFICE OF THE ASSISTANT SECRETARY OF NAVY (MANPOWER RESERVE AFFAIRS).	ASSISTANT GENERAL COUNSEL (MANPOWER AND AND RESERVE AFFAIRS).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (CIVILIAN HUMAN RESOURES).
		ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS).
		PRINCIPAL DEPUTY MANPOWER AND RESERVE AFFAIRS.
	OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION).	ASSISTANT GENERAL COUNSEL (RESEARCH, DEVELOPMENT AND ACQUISITION).
		EXECUTIVE DIRECTOR, DEPUTY ASSISTANT SECRETARY OF THE NAVY (ACQUISITION AND PROCUREMENT).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (MANAGEMENT AND BUDGET).
		EXECUTIVE DIRECTOR, NAVY INTERNATIONAL PROGRAMS OFFICE.
		DEPUTY FOR TEST AND EVALUATION.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INTELLIGENCE) SPACE).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT, TEST AND EVALUATION).
		EXECUTIVE DIRECTOR, F–35, JOINT PROGRAM OFFICE.
		DEPUTY ASSISTANT SECRETARY OF THE NAVY (SHIPS).
		CHIEF OF STAFF/POLICY.
		PRINCIPAL CIVILIAN DEPUTY ASSISTANT SECRETARY OF THE NAVY (ACQUISITION WORKFORCE).
		DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR SUSTAINMENT.
		PROGRAM EXECUTIVE OFFICER, LAND SYSTEMS MARINE CORPS.
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL (ACQUISITION INTEGRITY).
		ASSISTANT GENERAL COUNSEL (ENERGY, INSTALLATIONS, AND ENVIRONMENT).

Agency name	Organization name	Position title
		ASSISTANT GENERAL COUNSEL (INTELLIGENCE).
		COUNSEL, MILITARY SEALIFT COMMAND.
		DEPUTY COUNSEL NAVAL SEA SYSTEMS COMMAND.
		SPECIAL COUNSEL FOR LITIGATION.
	OFFICE OF THE NAVAL INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL OF THE MARINE CORPS
		DEPUTY NAVAL INSPECTOR GENERAL.
	OFFICE OF THE UNDER SECRETARY OF THE NAVY	DIRECTOR FOR BUSINESS REFORM AND DIRECTOR, OFFICE OF THE CHIEF MANAGEMENT OFFICE.
		PRINCIPAL DIRECTOR DEPUTY UNDER SECRETARY OF THE NAVY (POLICY).
		SENIOR DIRECTOR FOR SECURITY AND INTELLIGENCE.
		SENIOR DIRECTOR, INTEGRATION SUPPORT DIRECTORATE.
		SENIOR DIRECTOR (POLICY AND STRATEGY).
		SENIOR DIRECTOR FOR SECURITY.
OFFICE OF THE UNDER SECRETARY OF THE NAVY.	OFFICE OF THE AUDITOR GENERAL	ASSISTANT AUDITOR GENERAL FOR MANPOWER & RESERVE AFFAIRS.
		ASSISTANT AUDITOR GENERAL FOR FINANCIAL MANAGEMENT AND COMPTROLLER AUDITS.
		AUDITOR GENERAL OF THE NAVY.
		ASSISTANT AUDITOR GENERAL FOR INSTALLATION AND ENVIRONMENT AUDITS.
		DEPUTY AUDITOR GENERAL OF THE NAVY.
OFFICE OF THE SECRETARY OF DEFENSE OFFICE OF THE INSPECTOR GENERAL:		
DEPUTY INSPECTOR GENERAL FOR AUDITING.	FINANCIAL MANAGEMENT AND REPORTING	ASSISTANT INSPECTOR GENERAL FOR FINANCIAL MANAGEMENT AND REPORTING.
	OFFICE OF THE PRINCIPAL DEPUTY INSPECTOR GENERAL FOR AUDITING.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING.
	READINESS, OPERATIONS AND SUPPORT	ASSISTANT INSPECTOR GENERAL FOR READINESS AND CYBER OPERATIONS.
DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.	DEFENSE CRIMINAL INVESTIGATIVE SERVICE	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OFFICE OF THE SECRETARY OF DEFENSE OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL FOR ADMINISTRATIVE INVESTIGATIONS.	DEPUTY INSPECTOR GENERAL ADMINISTRATIVE INVESTIGATIONS.
	DEPUTY INSPECTOR GENERAL FOR AUDITING	DEPUTY INSPECTOR GENERAL FOR AUDITING.
		ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND SUSTAINMENT MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL FOR READINESS AND GLOBAL OPERATIONS.
	DEPUTY INSPECTOR GENERAL FOR EVALUATIONS	ASSISTANT INSPECTOR GENERAL FOR SPACE, INTELLIGENCE, ENGINEERING, AND OVERSIGHT.
		ASSISTANT INSPECTOR GENERAL FOR PROGRAM, COMBATANT COMMAND (COCOM), AND OVERSEAS CONTINGENCY OPERATIONS (OCO).
	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY DIRECTOR DEFENSE CRIMINAL INVESTIGATIVE SERVICE.
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR DATA ANAYTICS.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
		DEPUTY CHIEF OF STAFF.
		DEPUTY INSPECTOR GENERAL FOR EVALUATIONS.
		DEPUTY INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.
		ASSISTANT INSPECTOR GENERAL FOR STRATEGIC PLANNING AND PERFORMANCE.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS/DEPUTY DIRECTOR DCIS.
DEFENSE NUCLEAR FACILITIES SAFETY BOARD.	DEFENSE NUCLEAR FACILITIES SAFETY BOARD	TECHNICAL DIRECTOR.
		DEPUTY TECHNICAL DIRECTOR.
		DEPUTY GENERAL COUNSEL.
		DEPUTY GENERAL MANAGER.
		ASSOCIATE TECHNICAL DIRECTOR FOR ENGINEERING PERFORMANCE.
		SPECIAL ASSISTANT TO THE CHAIRMAN.
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR MATERIALS PROCESSING AND STABILIZATION.
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR PROGRAMS & ANALYSIS.
		ASSOCIATE TECHNICAL DIRECTOR FOR NUCLEAR WEAPON PROGRAMS.
DEPARTMENT OF EDUCATION:		
OFFICE OF THE SECRETARY	OFFICE OF FEDERAL STUDENT AID	CHIEF FINANCIAL OFFICER.
		DIRECTOR, FINANCIAL MANAGEMENT SYSTEMS GROUP.
		CHIEF FINANCIAL OFFICER.
	INSTITUTE OF EDUCATION SCIENCES	ASSOCIATE COMMISSIONER, ASSESSMENTS DIVISION.

Agency name	Organization name	Position title
	OFFICE FOR CIVIL RIGHTS	ENFORCEMENT DIRECTOR (4).
		DEPUTY ASSISTANT SECRETARY FOR ENFORCEMENT.
	OFFICE OF MANAGEMENT	DEPUTY ASSISTANT SECRETARY FOR ACQUISITION MANAGEMENT.
		DEPUTY DIRECTOR OF HUMAN RESOURCES.
		DIRECTOR OF SECURITY, FACILITIES AND LOGISTICAL SERVICES.
		CHAIRPERSON, EDUCATION APPEAL BOARD.
		DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, FINANCIAL IMPROVEMENT AND POST AUDIT OPERATIONS.
		DEPUTY CHIEF FINANCIAL OFFICER, FINANCIAL MANAGEMENT.
		DIRECTOR, CONTRACTS AND ACQUISITIONS MANAGEMENT.
	OFFICE OF THE CHIEF INFORMATION OFFICER	DIRECTOR, INFORMATION ASSURANCE SERVICES AND CHIEF INFORMATION SECURITY OFFICER.
		CHIEF INFORMATION OFFICER.
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL FOR BUSINESS AND ADMINISTRATION LAW.
		ASSISTANT GENERAL COUNSEL FOR EDUCTIONAL EQUITY.
		ASSISTANT GENERAL COUNSEL, DIVISION OF POSTSECONDARY EDUCATION.
DEPARTMENT OF EDUCATION OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF EDUCATION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES.
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS AND COMPUTER CRIME INVESTIGATIONS.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS AND COMPUTER CRIME INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES.
		DEPUTY INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION SERVICES.
DEPARTMENT OF ENERGY	DEPARTMENT OF ENERGY	ADA (OFFICE OF MATERIAL MANAGEMENT AND MINIMIZATION).
ASSISTANT SECRETARY FOR ELECTRICITY.	BONNEVILLE POWER ADMINISTRATION	VICE PRESIDENT, ENVIRONMENT, FISH AND WILDLIFE.
		DIRECTOR, HUMAN RESOURCES SERVICE CENTER.
		SENIOR VICE PRESIDENT FOR POWER SERVICES.
		VICE PRESIDENT FOR ENGINEERING AND TECHNICAL SERVICES.
		VICE PRESIDENT, PLANNING AND ASSET MANAGEMENT.
		DEPUTY ADMINISTRATOR.
		EXECUTIVE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER.
		CHIEF OPERATING OFFICER.
		SENIOR VICE PRESIDENT TRANSMISSION SERVICES.
		VICE PRESIDENT, TRANSMISSION MARKETING AND SALES.
		EXECUTIVE VICE PRESIDENT, BUSINESS TRANSFORMATION.
		DIRECTOR, HUMAN RESOURCES SERVICE CENTER.
		VICE PRESIDENT FOR TRANSMISSION FIELD SERVICES.
		VICE PRESIDENT FOR GENERATION ASSET MANAGEMENT.
		VICE PRESIDENT, BULK MARKETING.
		VICE PRESIDENT TRANSMISSION SYSTEM OPERATIONS.
		VICE PRESIDENT, NORTHWEST REQUIREMENTS MARKETING.
		VICE PRESIDENT, ENERGY EFFICIENCY.
		GENERAL COUNSEL/EXECUTIVE VICE PRESIDENT.
	SOUTHWESTERN POWER ADMINISTRATION	DEPUTY ADMINISTRATOR, OFFICE OF POWER DELIVERY.
	WESTERN AREA POWER ADMINISTRATION	GENERAL COUNSEL.
		REGIONAL MANAGER, SIERRA NEVADA REGION.
		REGIONAL MANAGER, ROCKY MOUNTAIN REGION.
		REGIONAL MANAGER, UPPER GREAT PLAINS REGION.
		CHIEF ADMINISTRATIVE OFFICER.

Agency name	Organization name	Position title
		CHIEF INFORMATION OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF OPERATING OFFICER.
		DESERT SOUTHWEST REGIONAL MANAGER.
ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT.	ENVIRONMENTAL MANAGEMENT CONSOLIDATED BUSINESS CENTER.	CHIEF COUNSEL.
	RICHLAND OPERATIONS OFFICE	CHIEF COUNSEL.
DEPARTMENT OF ENERGY	OFFICE OF ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.	CHIEF COUNSEL.
	OFFICE OF ASSISTANT SECRETARY FOR ELECTRICITY	CHIEF OPERATING OFFICER.
	OFFICE OF ASSISTANT SECRETARY FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY.	SENIOR ADVISOR.
		DIRECTOR FOR PROCUREMENT SERVICES DIVISION.
	OFFICE OF ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT.	DIRECTOR FOR REGULATORY, INTERGOVERNMENTAL AND STAKEHOLDER ENGAGEMENT.
		DIRECTOR, SPECIAL PROJECTS OFFICE.
		SENIOR ADVISOR FOR INFRASTRUCTURE MANAGEMENT AND DISPOSITION POLICY.
		SENIOR PROJECT MANAGEMENT ADVISOR.
		SENIOR MANAGEMENT ANALYST ADVISOR.
		DEPUTY MANAGER, IDAHO CLEANUP PROJECT.
		SITE MANAGER, OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT.
		MANAGER, IDAHO CLEANUP PROJECT.
	OFFICE OF ASSISTANT SECRETARY FOR FOSSIL ENERGY.	DIRECTOR, OFFICE OF RESEARCH.
		CHIEF COUNSEL.
		DEPUTY EXECUTIVE DIRECTOR, TECHNOLOGY DEVELOPMENT AND INTEGRATION.
		PROJECT MANAGER, STRATEGIC PETROLEUM RESERVE.
		EXECUTIVE DIRECTOR, FINANCE, ACQUISITION AND CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER AND CHIEF SECURITY OFFICER.
		DIRECTOR, OFFICE OF STRATEGIC PLANNING, ANALYSIS, AND ENGAGEMENT.
		EXECUTIVE DIRECTOR, RESEARCH AND INNOVATION CENTER.
		EXECUTIVE DIRECTOR, TECHNOLOGY DEVELOPMENT AND INTEGRATION AND CHIEF TECHNOLOGY OFFICER.
		DEPUTY DIRECTOR AND CHIEF RESEARCH OFFICER.
		CHIEF OPERATING OFFICER AND DIRECTOR FOR LABORATORY OPERATIONS.
		DIRECTOR FOR EXPLORATORY RESEARCH AND INNOVATION.
		DEPUTY DIRECTOR, SCIENCE AND TECHNOLOGY STRATEGIC PLANS AND PROGRAMS.
	OFFICE OF ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS.	SENIOR DIRECTOR FOR STRATEGIC INITIATIVES.
		SENIOR ADVISOR.
		DIRECTOR FOR EUROPEAN AND EURASIAN AFFAIRS.
		DIRECTOR, OFFICE OF AFRICAN AND MIDDLE EASTERN AFFAIRS.
		DEPUTY ASSISTANT SECRETARY FOR ASIA AND THE AMERICAS.
		DEPUTY ASSISTANT SECRETARY FOR EUROPE, EURASIA, AFRICA AND THE MIDDLE EAST.
		DIRECTOR, OFFICE OF EAST ASIAN AFFAIRS.
	OFFICE OF ASSISTANT SECRETARY FOR NUCLEAR ENERGY.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR REACTOR FLEET AND ADVANCED REACTOR DEPLOYMENT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR INFRASTRUCTURE PROGRAMS.
		PROGRAM DIRECTOR, VERSATILE TEST REACTOR PROJECT.
		DEPUTY MANAGER FOR OPERATIONS SUPPORT.
		ASSOCIATE PRINCIPAL DEPUTY ASSISTANT SECRETARY, OFFICE OF NUCLEAR ENERGY.
		CHIEF OF NUCLEAR SAFETY.
		CHIEF OPERATING OFFICER.
		DIRECTOR OFF OF USED NUCLEAR FUEL DISPOSITION RESEARCH AND DEVELOPMENT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR NUCLEAR REACTOR TECHNOLOGIES.
		DIRECTOR, OFFICE OF LIGHT WATER REACTOR DEPLOYMENT.
	OFFICE OF ASSOCIATE UNDER SECRETARY FOR ENVIRONMENT, HEALTH, SAFETY AND SECURITY.	SENIOR ADVISOR.
		DIRECTOR, OFFICE OF ENVIRONMENTAL PROTECTION SUSTAINIABILITY.
		DIRECTOR, OFFICE OF NUCLEAR SAFETY.
		CHIEF OPERATING OFFICER.
		DEPUTY ASSOCIATE UNDER SECRETARY FOR SECURITY.
	CHICAGO OFFICE	MANAGER, CHICAGO OFFICE.

Agency name	Organization name	Position title
		ASSISTANT MANAGER, ACQUISITION AND ASSISTANCE.
		DEPUTY MANAGER, CHICAGO OFFICE.
	IDAHO OPERATIONS OFFICE	MANAGER, IDAHO OPERATIONS OFFICE.
		DEPUTY MANAGER FOR NUCLEAR ENERGY.
		CHIEF COUNSEL.
		DEPUTY MANAGER FOR ADMINISTRATIVE SUPPORT, CHIEF FINANCIAL OFFICER.
	LOAN PROGRAMS OFFICE	SENIOR ADVISOR (2).
		DIRECTOR, RISK MANAGEMENT.
		CHIEF COUNSEL.
		DIRECTOR, PORTFOLIO MANAGEMENT DIVISION.
	NATIONAL NUCLEAR SECURITY ADMINISTRATION	DEPUTY DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION.
		ASSOCIATE PRINCIPAL DEPUTY ADMINISTRATOR.
		DEPUTY MANAGER, Y–12.
		ASSOCIATE DEPUTY ADMINISTRATOR FOR SECURE TRANSPORTATION.
		DIRECTOR, OFFICE OF ASC AND INSTITUTIONAL RESEARCH AND DEVELOPMENT PROGRAMS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR EMERGENCY MANAGEMENT AND PREPAREDNESS.
		ASSOCIATE ASSISTANT DEPUTY ADMNISTRATOR FOR MATERIAL MANAGEMENT AND MINIMIZATION.
		DIRECTOR, OFFICE OF EXPERIMENTAL SCIENCES.
		DIRECTOR, OFFICE OF COST ESTIMATING AND PROGRAM EVALUATION.
		DIRECTOR, OFFICE OF NUCLEAR INCIDENT RESPONSE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR SAFETY.
		DEPUTY GENERAL COUNSEL FOR GENERAL LAW AND LITIGATION.
		DIRECTOR, REGULATORY AFFAIRS.
		DIRECTOR, MANAGEMENT AND ADMINISTRATION.
		MANAGER, SANDIA FIELD OFFICE.
		MANAGER, LIVERMORE FIELD OFFICE.
		FEDERAL PROJECT DIRECTOR, CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT FACILITY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ENTERPRISE STEWARDSHIP.
		ASSISTANT DEPUTY ADMINISTRATOR FOR STRATEGIC PARTNERSHIP PROGRAMS.
		ASSOCIATE ADMINISTRATOR FOR INFORMATION MANAGEMENT AND CHIEF INFORMATION OFFICER.
		ASSOCIATE ADMINISTRATOR FOR SAFETY INFRASTRUCTURE AND OPERATIONS.
		PRINCIPAL DEPUTY ASSOCIATE ADMINISTRATOR FOR SAFETY INFRASTRUCTURE AND OPERATIONS.
		ASSISTANT DEPUTY ADMINISTRATOR, FOR GLOBAL MATERIAL SECURITY.
		DEPUTY ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE MANAGEMENT.
	OAK RIDGE OFFICE	SITE MANAGER, ORNL SITE OFFICE.
		SITE MANAGER, THOMAS JEFFERSON NATIONAL ACCELERATOR FACILITY.
		CHIEF COUNSEL.
		ASSISTANT MANAGER FOR ADMINISTRATION.
		ASSISTANT MANAGER, OFFICE OF FINANCIAL SERVICES.
	OFFICE OF ENTERPRISE ASSESSMENTS	DEPUTY DIRECTOR, OFFICE OF INDEPENDENT ENTERPRISE ASSESSMENTS.
		DEPUTY DIRECTOR, OFFICE OF ENVIRONMENT, SAFETY AND HEALTH ASSESSMENTS.
		DIRECTOR, OFFICE OF ENVIRONMENT, SAFETY AND HEALTH ASSESSMENTS.
		DIRECTOR, OFFICE OF SECURITY ASSESSMENTS.
	OFFICE OF GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL.
		ASSISTANT GENERAL COUNSEL FOR TECHNOLOGY TRANSFER AND INTELLECTUAL PROPERTY.
		ASSISTANT GENERAL COUNSEL FOR GENERAL LAW.
		ASSISTANT GENERAL COUNSEL FOR PROCUREMENT AND FINANCIAL ASSISTANCE.
		ASSISTANT GENERAL COUNSEL FOR ENFORCEMENT.
		DEPUTY GENERAL COUNSEL FOR TRANSACTIONS, TECHNOLOGY, AND CONTRACTOR HUMAN RESOURCES.
	OFFICE OF HEARINGS AND APPEALS	DIRECTOR, HEARINGS AND APPEALS (CHIEF ADMINISTRATIVE JUDGE).
		DEPUTY DIRECTOR, HEARINGS AND APPEALS (DEPUTY CHIEF ADMINISTRATIVE JUDGE).
	OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.	DEPUTY DIRECTOR FOR CYBER INTELLIGENCE.
		PRINCIPAL DEPUTY DIRECTOR, OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.

Agency name	Organization name	Position title
		DEPUTY DIRECTOR FOR INTELLIGENCE ANALYSIS.
		DEPUTY DIRECTOR FOR COUNTERINTELLIGENCE.
		DIRECTOR OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.
	OFFICE OF MANAGEMENT	DIRECTOR, SUSTAINABILITY PERFORMANCE OFFICE.
		DIRECTOR, OFFICE OF ADMINISTRATION.
		DIRECTOR, OFFICE OF POLICY.
		DIRECTOR, OFFICE OF HEADQUARTERS PROCUREMENT SERVICES.
		DIRECTOR, OFFICE OF THE OMBUDSMAN.
		DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
	OFFICE OF POLICY	CHIEF OPERATING OFFICER.
		DEPUTY DIRECTOR FOR ENERGY FINANCE INCENTIVES AND PROGRAM ANALYSIS.
	OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS.	DIRECTOR, OFFICE OF PROJECT ASSESSMENTS.
		DEPUTY DIRECTOR, OFFICE OF PROJECT MANAGEMENT OVERSIGHT AND ASSESSMENTS.
	OFFICE OF SCIENCE	SITE OFFICE MANAGER, ARGONNE.
		DIRECTOR OFFICE OF SCIENTIFIC AND TECHNICAL INFORMATION.
		SITE OFFICE MANAGER, BROOKHAVEN.
		SITE OFFICE MANAGER, FERMI.
		ASSISTANT MANAGER, GRANTS AND COOPERATIVE AGREEMENTS.
		BERKELEY/SLAC SITE OFFICE MANAGER.
		CHIEF COUNSEL.
		DIRECTOR, OFFICE OF WORKFORCE MANAGEMENT.
		ASSISTANT MANAGER FOR RESERVATION MANAGEMENT.
		MANAGER.
		SITE OFFICE MANAGER, PRINCETON.
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER	DIRECTOR, OAK RIDGE HUMAN RESOURCES SHARED SERVICE CENTER.
		DIRECTOR, HUMAN CAPITAL POLICY AND ACCOUNTABILITY.
		DIRECTOR, OFFICE OF CORPORATE SERVICES.
		DIRECTOR, OFFICE OF TALENT MANAGEMENT.
		DIRECTOR, OFFICE OF CORPORATE EXECUTIVE MANAGEMENT.
		DIRECTOR, CORPORATE HUMAN RESOURCES OPERATIONS.
	UNITED STATES ENERGY INFORMATION ADMINISTRATION.	DEPUTY ADMINISTRATOR ENERGY INFORMATION ADMINISTRATION.
		DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY (CIO).
		DIRECTOR, OFFICE OF STATISTICAL METHODS AND RESEARCH.
		SENIOR ADVISOR.
		DIRECTOR, OFFICE OF PETROLEUM AND BIOFUELS STATISTICS.
		ASSISTANT ADMINISTRATOR FOR ENERGY ANALYSIS.
		DIRECTOR, OFFICE OF OIL, GAS AND COAL SUPPLY STATISTICS.
		DIRECTOR, OFFICE OF ENERGY CONSUMPTION AND EFFICIENCY ANALYSIS.
		DIRECTOR OFFICE OF PETROLEUM GAS AND BIOFUELS ANALYSIS.
		DIRECTOR OFFICE OF INTEGRATED AND INTERNATIONAL ENERGY ANALYSIS.
		ASSISTANT ADMINISTRATOR FOR RESOURCES AND TECHNOLOGY MANAGEMENT.
		DIRECTOR, OFFICE OF ELECTRICITY, COAL, NUCLEAR AND RENEWABLES ANALYSIS.
		DIRECTOR, OFFICE OF ENERGY MARKETS AND FINANCIAL ANALYSIS.
		DIRECTOR, OFFICE OF ENERGY CONSUMPTION AND EFFICIENCY STATISTICS.
		ASSISTANT ADMINISTRATOR FOR ENERGY STATISTICS.
NATIONAL NUCLEAR SECURITY ADMINISTRATION.	OFFICE OF ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT.	FEDERAL PROJECT DIRECTOR (URANIUM PROCESSING FACILITY).
		DEPUTY DIRECTOR, ACQUISITION MANAGEMENT.
		DIRECTOR, ACQUISITION MANAGEMENT.
		FEDERAL PROJECT DIRECTOR (MOX).
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT.
		DIRECTOR, OFFICE OF ENTERPRISE PROJECT MANAGEMENT.
		ASSOCIATE ADMINISTRATOR FOR ACQUISITION AND PROJECT MANAGEMENT.
	OFFICE OF ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY.	DEPUTY ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY.

Agency name	Organization name	Position title
		ASSOCIATE ADMINISTRATOR FOR DEFENSE NUCLEAR SECURITY AND CHIEF OF DEFENSE NUCLEAR SECURITY.
		DIRECTOR OFFICE OF SECURITY OPERATIONS AND PROGRAMMATIC PLANNING.
	OFFICE OF ASSOCIATE ADMINISTRATOR FOR EMERGENCY OPERATIONS.	ASSOCIATE ADMINISTRATOR AND DEPUTY UNDER SECRETARY FOR EMERGENCY OPERATIONS.
	OFFICE OF DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION.	PRINCIPAL ASSISTANT DEPUTY ADMINISTRATOR.
		CHIEF OF STAFF AND OPERATIONS.
		ASSISTANT DEPUTY ADMINISTRATOR FOR NONPROLIFERATION RESEARCH AND DEVELOPMENT.
		AADA ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION RESEARCH AND DEVELOPMENT.
		ASSOCIATE ASSISTANT DEPUTY ADMINISTRATOR, OFFICE OF NONPROLIFERATION AND ARMS CONTROL.
	OFFICE OF DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.	MANAGER, LOS ALAMOS FIELD OFFICE.
		MANAGER, NEVADA FIELD OFFICE.
		PRINCIPAL DEPUTY ASSISTANT DEPUTY ADMINSTRATOR FOR SECURE TRANSPORTATION.
		ASSISTANT DEPUTY ADMINISTRATOR FOR SYSTEMS ENGINEERING AND INTEGRATION.
		ADA FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION.
		PROGRAM EXECUTIVE OFFICER FOR LIFE EXTENSION PROGRAMS.
		ADA FOR MAJOR MODERNIZATION PROGRAMS.
		MANAGER, NNSA PRODUCTION OFFICE.
		ASSISTANT DEPUTY ADMINISTRATOR FOR STOCKPILE MANAGEMENT.
	OFFICE OF DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.	DIRECTOR, ACQUISITION DIVISION.
		DIRECTOR, GOVERNMENTAL AFFAIRS.
		PROGRAM MANAGER, VA CLASS SUBS AND US/UK TECHNOLOGY EXCHANGE.
		DIRECTOR NUCLEAR TECHNOLOGY DIVISION.
		DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION.
		DEPUTY DIRECTOR FOR NAVAL REACTORS.
		DIRECTOR ADVANCED SUBMARINE SYSTEMS DIVISION.
		PROGRAM MANAGER, PROTOTYPE AND MOORED TRAINING SHIP OPERATIONS AND INACTIVATION PROGRAM.
		ASSISTANT MANAGER FOR OPERATIONS.
		DIRECTOR, COMMISSIONED SUBMARINE SYSTEMS DIVISION.
		DEPUTY DIRECTOR, ADVANCED SUBMARINE SYSTEMS DIVISION.
		ASSISTANT MANAGER FOR OPERATIONS.
		SENIOR NAVAL REACTORS REPRESENTATIVE (NEWPORT NEWS, VA).
		DIRECTOR, INFORMATION TECHNOLOGY MANAGEMENT.
		SENIOR NAVAL REACTORS REPRESENTATIVE (UNITED KINGDOM).
		DIRECTOR, REACTOR ENGINEERING DIVISION.
		PROGRAM MANAGER FOR SURFACE SHIP NUCLEAR PROPULSION.
		MANAGER, NAVAL REACTORS LABORATORY FIELD OFFICE.
		DEPUTY DIRECTOR, NUCLEAR TECHNOLOGY DIVISION.
		PROGRAM MANAGER, NEW SHIP DESIGN.
		PROGRAM MANAGER, ADVANCED TECHNOLOGY DEVELOPMENT.
		SENIOR NAVAL REACTORS REPRESENTATIVE (GROTON, CT).
		SENIOR NAVAL REACTOS REPRESENTATIVE (PUGET SOUND NAVAL SHIP).
	OFFICE OF DEPUTY UNDER SECRETARY FOR COUNTERTERRORISM AND COUNTERPROLIFERATION.	DEPUTY ASSOCIATE ADMINISTRATOR FOR COUNTERTERRORISM AND COUNTERPROLIFERATION.
		ASSOCIATE ADMINISTRATOR/DEPUTY UNDER SECRETARY FOR COUNTERTERRORISM AND COUNTERPROLIFERATION.
	NATIONAL NUCLEAR SECURITY ADMINISTRATION FIELD SITE OFFICES.	DEPUTY MANAGER SAVANNAH RIVER FIELD OFFICE.
		DEPUTY MANAGER, LIVERMORE FIELD OFFICE.
		DEPUTY MANAGER, NNSA PRODUCTION OFFICE—PANTEX.
		DEPUTY MANAGER SANDIA FIELD OFFICE.
		MANAGER, LOS ALAMOS FIELD OFFICE.
		DEPUTY MANAGER FOR BUSINESS, SECURITY AND MISSIONS.
		DEPUTY MANAGER, LIVERMORE FIELD OFFICE.

Agency name	Organization name	Position title
		DEPUTY MANAGER, NEVADA FIELD OFFICE.
	OFFICE OF MANAGEMENT AND BUDGET	ASSOCIATE ADMINISTRATOR FOR MANAGEMENT AND BUDGET.
		DIRECTOR, FINANCIAL INTEGRATION AND BUDGET DEPUTY.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCIAL MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
OFFICE OF THE DEPUTY SECRETARY.	OFFICE OF THE CHIEF FINANCIAL OFFICER	SENIOR ADVISOR.
		DIRECTOR OF CORPORATE BUSINESS SYSTEMS.
		ASSISTANT DEPUTY CHIEF FINANCIAL OFFICER, FINANCIAL SYSTEM INTEGRATION.
		DEPUTY DIRECTOR, BUDGET ANALYSIS AND COORDINATION.
		DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING.
		DEPUTY DIRECTOR, FINANCIAL OPERATIONS.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY FOR CORPORATE BUSINESS SYSTEMS.
		DEPUTY DIRECTOR, FINANCIAL REPORTING AND BUSINESS ANALYSIS.
		DIRECTOR, OFFICE OF BUDGET.
		DEPUTY DIRECTOR, BUDGET OPERATIONS.
		DIRECTOR, OFFICE OF CORPORATE INFORMATION SYSTEMS.
OFFICE OF THE SECRETARY	OFFICE OF THE UNDER SECRETARY FOR SCIENCE	SENIOR ADVISOR FOR ENVIRONMENTAL MANAGEMENT TO THE UNDER SECRETARY FOR SCIENCE.
DEPARTMENT OF ENERGY OF THE INSPECTOR GENERAL.	DEPARTMENT OF ENERGY OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		SENIOR COUNSEL, FOIA AND PRIVACY ACT OFFICER.
		ASSISTANT INSPECTOR GENERAL MANAGEMENT AND ADMINISTRATION.
		ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS, INTELLIGENCE OVERSIGHT, AND SPECIAL PROJECTS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (WESTERN REGION).
		ASSISTANT INSPECTOR GENERAL FOR TECHNOLOGY, FINANCIAL AND ANALYTICS.
		ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS (EASTERN REGION).
ENVIRONMENTAL PROTECTION AGENCY:		
ADMINISTRATORS STAFF OFFICES	OFFICE OF ADMINISTRATIVE AND EXECUTIVE SERVICES.	DIRECTOR, OFFICE OF ADMINISTRATIVE AND EXECUTIVE SERVICES.
ENVIRONMENTAL PROTECTION AGENCY.	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR MISSION SUPPORT.	DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT.
		DIRECTOR, OFFICE OF ADMINISTRATION.
		DIRECTOR, OFFICE OF DIGITAL SERVICES AND TECHNICAL ARCHITECTURE.
		DIRECTOR, OFFICE OF RESOURCES AND BUSINESS OPERATIONS.
		DEPUTY DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
		DIRECTOR, OFFICE OF GRANTS AND DEBARMENT.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT.
	OFFICE OF THE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.	DEPUTY DIRECTOR, OFFICE OF RESOURCE MANAGEMENT.
		SENIOR ADVISOR (2).
		DIRECTOR, GROUNDWATER CHARACTER AND REMEDIATION DIVISION.
		DIRECTOR, ENVIRONMENTAL TECHNOLOGY INNOVATION CLUSTER PROGRAM.
		DIRECTOR, CENTER FOR ENVIRONMENTAL SOLUTIONS AND EMERGENCY RESPONSE.
		DIRECTOR, PACIFIC ECOLOGICAL SYSTEMS DIVISION.
		DIRECTOR, GULF ECOSYSTEM MEASUREMENT AND MODELING DIVISION.
		DIRECTOR, CENTER FOR ENVIRONMENTAL MEASUREMENT AND MODELING.
		DEPUTY DIRECTOR FOR MANAGEMENT (3).
		DIRECTOR, OFFICE OF SCIENCE INFORMATION MANAGEMENT.
		DIRECTOR, OFFICE OF RESOURCE MANAGEMENT.
		DIRECTOR, OFFICE OF SCIENCE ADVISOR, POLICY AND ENGAGEMENT.
		DIRECTOR, GREAT LAKES TOXICOLOGY AND ECOLOGY DIVISION.

Agency name	Organization name	Position title
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER.
		ASSOCIATE CHIEF FINANCIAL OFFICER.
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT.	NATIONAL CENTER FOR ENVIRONMENTAL RESEARCH	DEPUTY DIRECTOR FOR MANAGEMENT.
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION.	OFFICE OF AIR QUALITY PLANNING AND STANDARDS	DIRECTOR, AIR QUALITY ASSESSMENT DIVISION.
		DIRECTOR, AIR QUALITY POLICY DIVISION.
		DIRECTOR, HEALTH AND ENVIRONMENTAL IMPACTS DIVISION.
		ASSOCIATE OFFICE DIRECTOR FOR PROGRAM INTEGRATION AND INTERNATIONAL AIR QUALITY ISSUES.
		DIRECTOR, SECTOR POLICIES AND PROGRAMS DIVISION.
		DIRECTOR, OUTREACH AND INFORMATION DIVISION.
	OFFICE OF ATMOSPHERIC PROGRAMS	DIRECTOR, CLIMATE CHANGE DIVISION.
		DIRECTOR, CLIMATE PROTECTION PARTNERSHIP DIVISION.
		DIRECTOR, CLEAN AIR MARKETS DIVISION.
	OFFICE OF RADIATION AND INDOOR AIR	DIRECTOR, RADIATION PROTECTION DIVISION.
		DIRECTOR, INDOOR ENVIRONMENTS DIVISION.
	OFFICE OF TRANSPORTATION AND AIR QUALITY	DIRECTOR, COMPLIANCE DIVISION.
		DIRECTOR, ASSESSMENT AND STANDARDS DIVISION.
		DIRECTOR, TESTING AND ADVANCED TECHNOLOGY DIVISION.
		DIRECTOR, TRANSPORTATION AND CLIMATE DIVISION.
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR CHEMICAL SAFETY AND POLLUTION PREVENTION.	OFFICE OF PESTICIDE PROGRAMS	DIRECTOR, HEALTH EFFECTS DIVISION.
		DIRECTOR, PESTICIDES RE-EVALUATION DIVISION.
		DIRECTOR, REGISTRATION DIVISION.
		DIRECTOR, INFORMATION TECHNOLOGY AND RESOURCES MANAGEMENT DIVISION.
		DIRECTOR, FIELD AND EXTERNAL AFFAIRS DIVISION.
		DIRECTOR, ANTIMICROBIALS DIVISION.
		DIRECTOR, BIOPESTICIDES AND POLLUTION PREVENTION DIVISION.
		DIRECTOR, ENVIRONMENTAL FATE AND EFFECTS DIVISION.
		DIRECTOR, BIOLOGICAL AND ECONOMIC ANALYSIS DIVISION.
	OFFICE OF POLLUTION PREVENTION AND TOXICS	DIRECTOR, NATIONAL PROGRAM CHEMICALS DIVISION.
		DIRECTOR, RISK ASSESSMENT DIVISION.
		DIRECTOR, ENVIRONMENTAL ASSISTANCE DIVISION.
		DIRECTOR, CHEMISTRY, ECONOMICS AND SUSTAINABLE STRATEGIES DIVISION.
		DIRECTOR, INFORMATION MANAGEMENT DIVISION.
		DIRECTOR, CHEMICAL CONTROL DIVISION.
	OFFICE OF PROGRAM MANAGEMENT OPERATIONS	ASSOCIATE ASSISTANT ADMINISTRATOR (MANAGEMENT).
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE.	OFFICE OF CIVIL ENFORCEMENT	DIRECTOR, WATER ENFORCEMENT DIVISION.
		DIRECTOR, OFFICE OF CIVIL ENFORCEMENT.
		DEPUTY DIRECTOR, OFFICE OF CIVIL ENFORCEMENT.
		DIRECTOR, AIR ENFORCEMENT DIVISION.
	OFFICE OF COMPLIANCE	DIRECTOR, OFFICE OF COMPLIANCE.
		DIRECTOR, ENFORCEMENT TARGETING AND DATA DIVISION.
		DIRECTOR, MONITORING ASSISTANCE AND MEDIA PROGRAMS DIVISION.
		DEPUTY DIRECTOR, OFFICE OF COMPLIANCE.
	OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING.	DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING.
		DIRECTOR, NATIONAL ENFORCEMENT INVESTIGATIONS CENTER.
		DIRECTOR, CRIMINAL INVESTIGATION DIVISION.
		DEPUTY DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING.
	OFFICE OF ENVIRONMENTAL JUSTICE	DIRECTOR, OFFICE OF ENVIRONMENTAL JUSTICE.
	OFFICE OF SITE REMEDIATION ENFORCEMENT	DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT.
		DEPUTY DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT.
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR LAND AND EMERGENCY MANAGEMENT.	OFFICE OF RESOURCE CONSERVATION AND RECOVERY.	DIRECTOR, MATERIALS RECOVERY AND WASTE MANAGEMENT DIVISION.
		DIRECTOR, PROGRAM IMPLEMENTATION AND INFORMATION DIVISION.
		DIRECTOR, RESOURCE CONSERVATION AND SUSTAINABILITY DIVISION.
	OFFICE OF SUPERFUND REMEDIATION AND TECHNOLOGY INNOVATION.	DIRECTOR, TECHNOLOGY INNOVATION AND FIELD SERVICES DIVISION.
		DIRECTOR, ASSESSMENT AND REMEDIATION DIVISION.
		DIRECTOR, RESOURCES MANAGEMENT DIVISION.
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR MISSION SUPPORT.	ENVIRONMENTAL APPEALS BOARD	ENVIRONMENTAL APPEALS JUDGE (4).
	OFFICE OF ADMINISTRATION	DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION.

Agency name	Organization name	Position title
	OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT—CINCINNATI OHIO.	DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT.
	OFFICE OF GRANTS AND DEBARMENT	DEPUTY DIRECTOR, OFFICE OF GRANTS AND DEBARMENT.
OFFICE OF HUMAN RESOURCES	DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES.	
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.	NATIONAL RISK MANAGEMENT RESEARCH LABORATORY.	DIRECTOR, NATIONAL RISK MANAGEMENT RESEARCH LABORATORY.
	OFFICE OF ADMINISTRATIVE AND RESEARCH SUPPORT.	DEPUTY DIRECTOR, OFFICE OF ADMINISTRATIVE AND RESEARCH SUPPORT.
	OFFICE OF PROGRAM ACCOUNTABILITY AND RESOURCE MANAGEMENT.	DIRECTOR, OFFICE OF PROGRAM ACCOUNTABILITY AND RESOURCE MANAGEMENT.
	OFFICE OF THE SCIENCE ADVISOR	DIRECTOR, OFFICE OF THE SCIENCE ADVISOR.
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WATER.	OFFICE OF GROUND WATER AND DRINKING WATER	DIRECTOR, STANDARDS AND RISK MANAGEMENT DIVISION.
		DIRECTOR, DRINKING WATER PROTECTION DIVISION.
	OFFICE OF SCIENCE AND TECHNOLOGY	DIRECTOR, STANDARDS AND HEALTH PROTECTION DIVISION.
		DIRECTOR, ENGINEERING AND ANALYSIS DIVISION.
		DIRECTOR, HEALTH AND ECOLOGICAL CRITERIA DIVISION.
	OFFICE OF WASTEWATER MANAGEMENT	DIRECTOR, WATER PERMITS DIVISION.
		DIRECTOR, WATER INFRASTRUCTURE DIVISION.
OFFICE OF WETLANDS, OCEANS AND WATERSHEDS.	DIRECTOR, WATERSHED RESTORATION, ASSESSMENT AND PROTECTION DIVISION..	DIRECTOR, OCEANS, WETLANDS AND COMMUNITIES DIVISION.
OFFICE OF THE CHIEF FINANCIAL OFFICER.	OFFICE OF BUDGET	DIRECTOR, OFFICE OF BUDGET.
	OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY.	DIRECTOR, OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY.
	OFFICE OF TECHNOLOGY SOLUTIONS	DIRECTOR, OFFICE OF TECHNOLOGY SOLUTIONS.
	OFFICE OF THE CONTROLLER	CONTROLLER.
		DEPUTY CONTROLLER.
OFFICE OF THE GENERAL COUNSEL	OFFICE OF DEPUTY GENERAL COUNSEL	DIRECTOR, RESOURCES MANAGEMENT OFFICE.
REGION X—SEATTLE, WASHINGTON	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
REGION VI—DALLAS, TEXAS	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
REGION VII—LENEXA, KANSAS	OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL.
REGIONAL OFFICES	REGION I—BOSTON, MASSACHUSETTS	DIRECTOR, WATER DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		REGIONAL COUNSEL.
	REGION X—SEATTLE, WASHINGTON	DIRECTOR, WATER DIVISION.
		DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
	REGION II—NEW YORK, NEW YORK	DIRECTOR, CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION.
		DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSISTANCE DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		REGIONAL COUNSEL.
	REGION III—PHILADELPHIA, PENNSYLVANIA	DIRECTOR, WATER DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, CHESAPEAKE BAY PROGRAM OFFICE.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, ENVIRONMENTAL ASSESSMENT AND INNOVATION DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
	REGION IV—ATLANTA, GEORGIA	DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION.

Agency name	Organization name	Position title
		DIRECTOR, GULF OF MEXICO PROGRAM.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, AIR, PESTICIDES AND TOXICS MANAGEMENT DIVISION.
	REGION V—CHICAGO, ILLINOIS	DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, GREAT LAKES NATIONAL PROGRAM OFFICE.
	REGION VI—DALLAS, TEXAS	DIRECTOR, MULTIMEDIA PLANNING AND PERMITTING DIVISION.
		DIRECTOR, LAND, CHEMICAL AND REDEVELOPMENT DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, WATER DIVISION.
	REGION VII—LENEXA, KANSAS	DIRECTOR, LAND, CHEMICAL AND REDEVELOPMENT DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, LABORATORY SERVICES AND APPLIED SCIENCE DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
	REGION VIII—DENVER, COLORADO	DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, MISSION SUPPORT DIVISION.
		REGIONAL COUNSEL.
	REGION IV—SAN FRANCISCO, CALIFORNIA	DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, LAND, CHEMICALS AND REDEVELOPMENT DIVISION.
		DIRECTOR, AIR AND RADIATION DIVISION.
		REGIONAL COUNSEL.
		DIRECTOR, WATER DIVISION.
		DIRECTOR, SUPERFUND AND EMERGENCY MANAGEMENT DIVISION.
		DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION.
ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL.	ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL.	COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSOCIATE DEPUTY INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT AND EVALUATION.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.	OFFICE OF INFORMATION TECHNOLOGY	DEPUTY CHIEF INFORMATION OFFICER.
	OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS (OCLA).	ASSOCIATE DIRECTOR.
	OFFICE OF ENTERPRISE DATA AND ANALYTICS	DEPUTY CHIEF DATA OFFICER.
	OFFICE OF FIELD PROGRAMS	DISTRICT DIRECTOR (ST LOUIS).
		DISTRICT DIRECTOR (MIAMI).
		DISTRICT DIRECTOR (INDIANAPOLIS).
		DISTRICT DIRECTOR (MEMPHIS).
		DISTRICT DIRECTOR (LOS ANGELES).

Agency name	Organization name	Position title
		DISTRICT DIRECTOR (PHOENIX).
		DISTRICT DIRECTOR (CHARLOTTE).
		DISTRICT DIRECTOR (CHICAGO).
		DISTRICT DIRECTOR (DALLAS).
		DISTRICT DIRECTOR (SAN FRANCISCO).
		DISTRICT DIRECTOR (ATLANTA).
		DISTRICT DIRECTOR (NEW YORK).
		DIRECTOR, INFORMATION INTAKE GROUP.
		DISTRICT DIRECTOR (BIRMINGHAM).
		DISTRICT DIRECTOR (HOUSTON).
		DISTRICT DIRECTOR (PHILADELPHIA).
	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
OFFICE OF FIELD PROGRAMS	FIELD COORDINATION PROGRAMS	DIRECTOR, FIELD COORDINATION PROGRAMS.
	FIELD MANAGEMENT PROGRAMS	DIRECTOR FIELD MANAGEMENT PROGRAMS.
FEDERAL COMMUNICATIONS COMMISSION.	MEDIA BUREAU	CHIEF, VIDEO DIVISION.
	OFFICE OF INSPECTOR GENERAL	INSPECTOR GENERAL.
FEDERAL ENERGY REGULATORY COMMISSION		
OFFICE OF THE CHAIRMAN	OFFICE OF ADMINISTRATIVE LITIGATION	DIRECTOR, LEGAL DIVISION.
		DIRECTOR, TECHNICAL DIVISION.
	OFFICE OF ENERGY PROJECTS	DIRECTOR OF DAM SAFETY AND INSPECTION.
	OFFICE OF ENFORCEMENT	CHIEF ACCOUNTANT AND DIRECTOR, DIVISION OF AUDITS AND ACCOUNTING.
FEDERAL LABOR RELATIONS AUTHORITY.	FEDERAL SERVICE IMPASSES PANEL	EXECUTIVE DIRECTOR, FEDERAL SERVICE IMPASSES PANEL.
	OFFICE OF MEMBER	CHIEF COUNSEL (2).
	OFFICE OF THE CHAIRMAN	CHIEF COUNSEL.
		SENIOR ADVISOR.
		DIRECTOR, POLICY AND PERFORMANCE MANAGEMENT.
		SOLICITOR.
	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL.
		DEPUTY GENERAL COUNSEL.
OFFICE OF THE CHAIRMAN	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
OFFICE OF THE GENERAL COUNSEL	OFFICE OF THE DENERAL COUNSEL REGIONAL OFFICES.	REGIONAL DIRECTOR—ATLANTA.
		REGIONAL DIRECTOR, DENVER.
		REGIONAL DIRECTOR, SAN FRANCISCO.
		REGIONAL DIRECTOR—WASHINGTON, D.C.
		REGIONAL DIRECTOR—BOSTON.
		REGIONAL DIRECTOR—DALLAS.
		REGIONAL DIRECTOR, CHICAGO ILLINOIS.
FEDERAL LABOR RELATIONS AUTHORITY OFFICE OF THE INSPECTOR GENERAL.	FEDERAL LABOR RELATIONS AUTHORITY OFFICE OF INSPECTOR GENERAL.	INSPECTOR GENERAL.
FEDERAL MARITIME COMMISSION	OFFICE OF CONSUMER AFFAIRS AND DISPUTE RESOLUTION SERVICES.	DIRECTOR, OFFICE OF CONSUMER AFFAIRS AND DISPUTE RESOLUTION SERVICES.
	OFFICE OF THE MANAGING DIRECTOR	DEPUTY MANAGING DIRECTOR.
		DIRECTOR, STRATEGIC PLANNING AND REGULATORY REVIEW.
OFFICE OF THE MANAGING DIRECTOR.	BUREAU OF CERTIFICATION AND LICENSING	DIRECTOR, BUREAU OF CERTIFICATION AND LICENSING.
	BUREAU OF ENFORCEMENT	DIRECTOR BUREAU OF ENFORCEMENT.
	BUREAU OF TRADE ANALYSIS	DIRECTOR, BUREAU OF TRADE ANALYSIS.
OFFICE OF THE MEMBERS	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
	OFFICE OF THE SECRETARY	SECRETARY.
FEDERAL MEDIATION AND CONCILIATION SERVICE.	OFFICE OF THE DIRECTOR	NATIONAL REPRESENTATIVE.
OFFICE OF THE DIRECTOR	OFFICE OF THE DEPUTY DIRECTOR	DIRECTOR OF FIELD OPERATIONS.
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.	FEDERAL RETIREMENT THRIFT INVESTMENT BOARD	DIRECTOR OF RESOURCE MANAGEMENT.
		DIRECTOR OF COMMUNICATIONS AND EDUCATION.
		SENIOR ADVISOR FOR UNIFORMED SERVICES.
		DIRECTOR OF PARTICIPANT OPERATIONS AND POLICY.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR OF ENTERPRISE RISK MANAGEMENT.
		CHIEF TECHNOLOGY OFFICER.
		CHIEF OPERATING OFFICER.
FEDERAL TRADE COMMISSION	BUREAU OF COMPETITION	DEPUTY DIRECTOR, BUREAU OF COMPETITION.
	BUREAU OF CONSUMER PROTECTION	DEPUTY DIRECTOR, BUREAU OF CONSUMER PROTECTION.
	BUREAU OF ECONOMICS	DEPUTY DIRECTOR FOR RESEARCH AND MANAGEMENT.
	OFFICE OF EXECUTIVE DIRECTOR	CHIEF INFORMATION OFFICER.
		DEPUTY EXECUTIVE DIRECTOR.
	OFFICE OF THE GENERAL COUNSEL	PRINCIPAL DEPUTY GENERAL COUNSEL.
FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL.	FEDERAL TRADE COMMISSION OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL.
GENERAL SERVICES ADMINISTRATION:		
FEDERAL ACQUISITION SERVICE	TECHNOLOGY TRANSFORMATION SERVICES	DIRECTOR, PUBLIC EXPERIENCE PORTFOLIO.
GENERAL SERVICES ADMINISTRATION.	FEDERAL ACQUISITION SERVICE	DIRECTOR OF SUPPLY CHAIN MANAGEMENT.
		DIRECTOR OF FLEET MANAGEMENT.

Agency name	Organization name	Position title
		ASSISTANT COMMISSIONER FOR POLICY AND COMPLIANCE.
		ASSISTANT COMMISSIONER FOR ASSISTED ACQUISITION SERVICES.
		ASSISTANT COMMISSIONER FOR CUSTOMER AND STAKEHOLDER ENGAGEMENT.
		ASSISTANT COMMISSIONER FOR TRAVEL, TRANSPORTATION AND LOGISTICS CATEGORIES.
		ASSISTANT COMMISSIONER FOR GENERAL SUPPLIES AND SERVICES CATEGORIES.
		DEPUTY ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY CATEGORY.
		ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY CATEGORY.
		DEPUTY ASSISTANT COMMISSIONER FOR ACQUISITION.
		DIRECTOR, FEDERAL SYSTEMS INTEGRATION AND MANAGEMENT CENTER.
		DIRECTOR, INFORMATION TECHNOLOGY SERVICES.
		DEPUTY ASSISTANT COMMISSIONER FOR CATEGORY MANAGEMENT.
		ASSISTANT COMMISSIONER FOR SYSTEMS MANAGEMENT.
		ASSISTANT COMMISSIONER FOR ENTERPRISE STRATEGY MANAGEMENT.
		DIRECTOR, INFORMATION TECHNOLOGY SCHEDULE CONTRACT OPERATIONS.
		DIRECTOR, TELECOMMUNICATIONS SERVICES.
		DIRECTOR OF TRAVEL, EMPLOYEE RELOCATION, AND TRANSPORTATION.
	OFFICE OF GOVERNMENTWIDE POLICY	DIRECTOR OF GOVERNMENTWIDE ACQUISITION POLICY.
		PRINCIPAL DEPUTY FOR ASSET AND TRANSPORTATION MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR INFORMATION, INTEGRITY AND ACCESS.
		DEPUTY ASSOCIATE ADMINISTRATOR, SHARED SOLUTIONS AND PERFORMANCE IMPROVEMENT OFFICE.
		DIRECTOR OF THE FEDERAL ACQUISITION INSTITUTE.
		DEPUTY CHIEF ACQUISITION OFFICER AND SENIOR PROCUREMENT EXECUTIVE.
		DIRECTOR OF GENERAL SERVICES ACQUISITION POLICY, INTEGRITY AND WORKFORCE.
		DIRECTOR OF FEDERAL HIGH- PERFORMANCE GREEN BUILDINGS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ASSET AND TRANSPORTATION MANAGEMENT.
	OFFICE OF GENERAL SERVICES ADMINISTRATION INFORMATION TECHNOLOGY.	ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE PLANNING AND GOVERNANCE.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR CORPORATE INFORMATION TECHNOLOGY SERVICES.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ACQUISITION INFORMATION TECHNOLOGY SERVICES.
		CHIEF INFORMATION SECURITY OFFICER.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR PUBLIC BUILDINGS INFORMATION TECHNOLOGY SERVICES.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR DIGITAL INFRASTRUCTURE TECHNOLOGIES.
	OFFICE OF HUMAN RESOURCES MANAGEMENT	DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF MISSION ASSURANCE	ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE.
		PRINCIPAL DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION ASSURANCE.
	OFFICE OF THE ADMINISTRATOR	DIRECTOR, PRESIDENTIAL TRANSITION.
		DIRECTOR, OPM–GSA MERGER PROJECT MANAGEMENT OFFICE.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF ANALYTICS, PERFORMANCE AND IMPROVEMENT.
		DIRECTOR OF BUDGET.
		DIRECTOR OF FINANCIAL MANAGEMENT.
		DIRECTOR OF REGIONAL FINANCIAL SERVICES.
		CHIEF FINANCIAL OFFICER.
	PUBLIC BUILDINGS SERVICE	ASSISTANT COMMISSIONER FOR FACILITIES MANAGEMENT AND SERVICES PROGRAMS.
		ASSISTANT COMMISSIONER FOR LEASING.
		ASSISTANT COMMISSIONER FOR ACQUISITION MANAGEMENT.
		ASSISTANT COMMISSIONER FOR PROJECT DELIVERY.
		CHIEF ARCHITECT.

Agency name	Organization name	Position title
		ASSISTANT COMMISSIONER, OFFICE OF STRATEGY AND ENGAGEMENT.
		DEPUTY ASSISTANT COMMISSIONER FOR REAL PROPERTY ASSET MANAGEMENT.
		SENIOR ADVISOR.
		ASSISTANT COMMISSIONER FOR PORTFOLIO MANAGEMENT AND CUSTOMER ENGAGEMENT.
		ASSISTANT COMMISSIONER FOR REAL PROPERTY UTILIZATION AND DISPOSAL.
REGIONAL ADMINISTRATORS	GREAT LAKES REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	GREATER SOUTHWEST REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	MID–ATLANTIC REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	NATIONAL CAPITAL REGION	DIRECTOR OF PORTFOLIO MANAGEMENT AND REAL ESTATE.
		DEPUTY DIRECTOR OF PORTFOLIO MANAGEMENT AND LEASING.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		DIRECTOR OF FACILITIES MANAGEMENT AND SERVICES PROGRAMS.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		DIRECTOR FOR DESIGN AND CONSTRUCTION.
	NEW ENGLAND REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	NORTHEAST AND CARIBBEAN REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	NORTHWEST/ARCTIC REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	PACIFIC RIM REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	ROCKY MOUNTAIN REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
	SOUTHEAST SUNBELT REGION	REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
		REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
	THE HEARTLAND REGION	REGIONAL COMMISSIONER FOR PUBLIC BUILDINGS SERVICE.
		REGIONAL COMMISSIONER FOR FEDERAL ACQUISITION SERVICE.
GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR REAL PROPERTY AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR AUDITING.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR ACQUISITION PROGRAMS AUDITS.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSOCIATE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION.
GULF COAST ECOSYSTEM RESTORATION COUNCIL.	GULF COAST ECOSYSTEM RESTORATION COUNCIL	DEPUTY EXECUTIVE DIRECTOR AND DIRECTOR OF PROGRAMS.
DEPARTMENT OF HEALTH AND HUMAN SERVICES:		
CENTERS FOR MEDICARE AND MEDICAID SERVICES.	CENTER FOR CONSUMER INFORMATION AND INSURANCE OVERSIGHT.	DIRECTOR, MARKETPLACE INFORMATION TECHNOLOGY GROUP.

Agency name	Organization name	Position title
	CENTER FOR MEDICARE	DIRECTOR, MEDICARE CONTRACTOR MANAGEMENT GROUP.
	CENTER FOR PROGRAM INTEGRITY	DEPUTY CENTER DIRECTOR, CPI (2).
		DIRECTOR, PROVIDER COMPLIANCE GROUP.
	OFFICE OF THE ACTUARY	DIRECTOR, PARTS C AND D ACTUARIAL GROUP.
		DIRECTOR, MEDICARE AND MEDICAID COST ESTIMATES GROUP.
		DIRECTOR, OFFICE OF THE ACTUARY (CHIEF ACTUARY).
		DIRECTOR, NATIONAL HEALTH STATISTICS GROUP.
CHIEF OPERATING OFFICER	OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT.	DEPUTY DIRECTOR, OFFICE OF ACQUISITION AND GRANTS MANAGEMENT.
		DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS MANAGEMENT.
	OFFICE OF FINANCIAL MANAGEMENT	DEPUTY DIRECTOR OFFICE OF FINANCIAL MANAGEMENT.
		DIRECTOR, FINANCIAL SERVICES GROUP.
		DIRECTOR, ACCOUNTING MANAGEMENT GROUP.
		DIRECTOR OFFICE OF FINANCIAL MANAGEMENT.
	OFFICE OF INFORMATION TECHNOLOGY	DEPUTY DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY (2).
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	OFFICE OF ADMINISTRATION FOR CHILDREN AND FAMILIES.	DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.
	OFFICE OF ADMINISTRATION FOR COMMUNITY LIVING	DEPUTY ADMINISTRATOR FOR MANAGEMENT AND BUDGET.
		DEPUTY ADMINISTRATOR FOR THE CENTER FOR INTEGRATED PROGRAMS.
	CENTERS FOR DISEASE CONTROL AND PREVENTION	DEPUTY DIRECTOR FOR MANAGEMENT.
		DEPUTY CHIEF FINANCIAL OFFICER.
		CHIEF FINANCIAL OFFICER.
		CHIEF INFORMATION OFFICER.
		CHIEF OPERATING OFFICER.
		BUDGET OFFICER.
		DIRECTOR, DIVISION OF ACQUISITION SERVICES.
		DIRECTOR, OFFICE OF FINANCE AND ACCOUNTING.
		DIRECTOR OFFICE OF GRANTS SERVICES.
		DIRECTOR, OFFICE OF SAFETY, SECURITY AND ASSET MANAGEMENT.
		DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS.
		DIRECTOR, DIVISION OF EMERGENCY OPERATIONS.
		CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
	FOOD AND DRUG ADMINISTRATION	CHIEF OPERATING OFFICER.
		DEPUTY CFO/DIRECTOR, OFFICE OF FINANCIAL OPERATIONS.
		DEPUTY CHIEF OPERATING OFFICER.
		DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS SERVICES.
		DIRECTOR, OFFICE OF COMPLIANCE AND BIOLOGICS QUALITY.
		DIRECTOR OFFICE OF HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, OFFICE OF TALENT SOLUTIONS.
		DIRECTOR, DIVISION OF ETHICS AND INTEGRITY.
		DIRECTOR, OFFICE OF BUDGET.
		DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT/CFO.
	INDIAN HEALTH SERVICE	CHIEF EXECUTIVE OFFICER, PHOENIX INDIAN MEDICAL CENTER.
	NATIONAL INSTITUTES OF HEALTH (NIH)	DEPUTY DIRECTOR FOR MANAGEMENT, NCI.
		ASSOCIATE DIRECTOR FOR MANAGEMENT AND OPERATIONS, NIAMS.
		DIRECTOR, OFFICE OF POLICY FOR EXTRAMURAL RESEARCH ADMINISTRATION, OD.
		CHIEF FINANCIAL OFFICER, CC.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION, NIAAA.
		DIRECTOR OF MANAGEMENT, NIA.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NHGRI.
		CHIEF OPERATING OFFICER, CC.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION, NIDCD.
		DEPUTY DIRECTOR FOR MANAGEMENT, NIH.
		DEPUTY DIRECTOR FOR MANAGEMENT, NIDA.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION, NICHD.
		DIRECTOR, INFORMATION SYSTEMS, NLM.
		ASSOCIATE DIRECTOR FOR LIBRARY OPERATIONS, NLM.
		DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT, OD.
		ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT, NHLBI.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, OD.
		DEPUTY DIRECTOR FOR MANAGEMENT, NINDS.
		ASSOCIATE DIRECTOR FOR SECURITY AND EMERGENCY RESPONSE, OD.

Agency name	Organization name	Position title
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NIDCR.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NIDDK.
		ERA PROGRAM MANAGER, OD.
		ASSOCIATE DIRECTOR OF MANAGEMENT, NIEHS.
		DEPUTY DIRECTOR, CIT.
		DIRECTOR, OFFICE OF MANAGEMENT ASSESSMENT, OD.
		DEPUTY DIRECTOR FOR MANAGEMENT, NEI.
		ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT, NLM.
		DEPUTY DIRECTOR, DIVISION OF PROGRAM COORDINATION, PLANNING, AND STRATEGIC INITIATIVES, OD.
		SENIOR POLICY OFFICER (ETHICS), OD.
		DIRECTOR, OFFICE OF ACQUISITION AND LEGISTICS MANAGEMENT, OD.
		DIRECTOR, OFFICE OF POPULATION GENOMICS, NHGRI.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NIMH.
		ASSOCIATE DIRECTOR FOR EXTRAMURAL PROGRAMS, NLM.
		ASSOCIATE DIRECTOR FOR ADMINISTRATION, NCATS.
		DIRECTOR, CENTER FOR INFORMATION TECHNOLOGY AND CHIEF INFORMATION OFFICER.
		DIRECTOR, OFFICE OF RESEARCH INFORMATION SYSTEMS.
		DIRECTOR, OFFICE OF STRATEGIC PLANNING AND MANAGEMENT OPERATIONS, OD.
		DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY SERVICES MANAGEMENT, CIT.
		ASSOCIATE DIRECTOR FOR MANAGEMENT, NIGMS.
	SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.	DIRECTOR, OFFICE OF FINANCIAL SERVICES.
NATIONAL INSTITUTES OF HEALTH ..	NATIONAL LIBRARY OF MEDICINE	DEPUTY DIRECTOR.
	OFFICE OF THE DIRECTOR	DIRECTOR, OFFICE OF RESEARCH FACILITIES DEVELOPMENT AND OPERATIONS.
OFFICE OF THE ASSISTANT SECRETARY FOR FINANCIAL RESOURCES.	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR BUDGET.	DIRECTOR, OFFICE OF PROGRAM INTEGRITY COORDINATION.
	OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE.	ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCE.
OFFICE OF THE SECRETARY	OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	CHIEF INFORMATION SECURITY OFFICER.
		OS HR OPERATIONS DIRECTOR.
	OFFICE OF THE ASSISTANT SECRETARY FOR FINANCIAL RESOURCES.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, ACQUISITION.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, OFFICE OF GRANTS, ACQUISITION POLICY AND ACCOUNTABILITY.
		DEPUTY ASSISTANT SECRETARY, OFFICE OF ACQUISITIONS.
	OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION.	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PLANNING AND EVALUATION (HEALTH SERVICES POLICY).
	OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.	EXECUTIVE OFFICER/DEPUTY AGENCY CHIEF FOIA.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY ASSOCIATE GENERAL COUNSEL FOR ETHICS ADVICE AND POLICY (ADAEO).
		ASSOC GEN COUNSEL, ETHICS DIVISION AND DESIGNATED AGENCY ETHICS OFFICIAL.
PROGRAM SUPPORT CENTER	OFFICE OF FINANCIAL MANAGEMENT SERVICE	DIRECTOR, FINANCIAL MANAGEMENT SERVICE.
DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	CHIEF OF STAFF.
		PRINCIPAL DEPUTY INSPECTOR GENERAL.
DEPARTMENT OF HEALTH AND HUMAN SERVICES OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF AUDIT SERVICES	DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR MEDICARE AND MEDICAID SERVICE AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES (CYBERSECURITY AND INFORMATION TECHNOLOGY AUDITS).
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL ...	CHIEF COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR LEGAL AFFAIRS.
		ASSISTANT INSPECTOR GENERAL FOR LEGAL AFFAIRS.
	OFFICE OF EVALUATION AND INSPECTIONS	DEPUTY INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS.

Agency name	Organization name	Position title
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (3).
		DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF MANAGEMENT AND POLICY	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY (DEPUTY CHIEF FINANCIAL OFFICER).
		DEPUTY INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		ASSISTANT INSPECTOR GENERAL (CHIEF DATA OFFICER).
		ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER).
DEPARTMENT OF HOMELAND SECURITY.	CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY (CISA).	CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF COMPLIANCE AND SECURITY.
		DIRECTOR, HUMAN RESOURCES MANAGEMENT.
		DEPUTY DIRECTOR, NETWORK SECURITY DEPLOYMENT.
		COMPONENT ACQUSITION EXECUTIVE.
		DEPUTY DIRECTOR CYBER THREAT DETECTION AND ANALYSIS.
		DEPUTY ASSISTANT DIRECTOR, NATIONAL RISK MANAGEMENT CENTER.
		DEPUTY DIRECTOR FEDERAL NETWORK RESILIENCE.
		SENIOR ADVISOR, OFFICE OF INFRASTRUCTURE SECURITY.
		ASSISTANT DIRECTOR, FUTURES IDENTITY.
		DIRECTOR, PROTECTIVE SECURITY COORDINATION.
		DEPUTY DIRECTOR OF MANAGEMENT (BUSINESS SERVICE DELIVERY LEAD).
		DIRECTOR, NATIONAL INFRASTRUCTURE COORDINATING CENTER.
		DEPUTY DIRECTOR, OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.
		ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS.
		DEPUTY ASSISTANT DIRECTOR FOR CYBERSECURITY.
		DIRECTOR OF MANAGEMENT.
		ASSISTANT DIRECTOR, NATIONAL RISK MANAGEMENT CENTER.
		DIRECTOR, INFRASTUCTURE SECURITY COMPLIANCE.
		CISA CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR FOR OPERATIONS, NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER (NCCIC).
		SENIOR COUNSELOR TO THE DIRECTOR FOR CISA.
		DEPUTY ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS.
		CHIEF TECHNOLOGY OFFICER, CYBER SECURITY AND COMMUNICATIONS.
		DEPUTY ASSISTANT DIRECTOR FOR INFRASTRUCTURE SECURITY.
		DIRECTOR MISSION INTEGRATION.
		PRINCIPAL DEPUTY DIRECTOR, NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.
		DIRECTOR, NETWORK SECURITY DEPLOYMENT.
		DIRECTOR, NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.
	FEDERAL EMERGENCY MANAGEMENT AGENCY	DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY ASSOCIATE ADMINISTRATOR, FEDERAL INSURANCE AND MITIGATION ADMINISTRATION.
		DIRECTOR, GRANTS MANAGEMENT DIVISION.
		DEPUTY CHIEF COUNSEL FOR GENERAL LAW.
		ASSOCIATE ADMINISTRATOR, MISSION SUPPORT BUREAU.
		ASSISTANT ADMINISTRATOR FOR BUDGET.
		DEPUTY CHIEF COMPONENT HUMAN CAPITAL OFFICER FOR STRATEGIC SERVICES .
		ASSISTANT ADMINISTRATOR FOR RISK MANAGEMENT.
		DIRECTOR, INDIVIDUAL ASSISTANCE DIVISION.
		DIRECTOR, PUBLIC ASSISTANCE DIVISION.
		DIRECTOR, PLANNING AND EXERCISE DIVISION, OFFICE OF RESPONSE AND RECOVERY.
		ASSISTANT ADMINISTRATOR FOR FEDERAL INSURANCE.
		DIRECTOR, NATIONAL EXERCISE DIVISION.
		CHIEF FINANCIAL OFFICER.
		CHIEF COMPONENT PROCUREMENT OFFICER.
		SUPERINTENDENT, EMERGENCY MANAGEMENT INSTITUTE.
		DEPUTY ASSISTANT ADMINISTRATOR FOR FINANCIAL SYSTEMS MODERNIZATION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION SUPPORT.

Agency name	Organization name	Position title
		ASSISTANT ADMINISTRATOR FOR NATIONAL PREPAREDNESS.
		DEPUTY DIRECTOR, EXTERNAL AFFAIRS.
		SUPERINTENDENT, CENTER FOR DOMESTIC PREPAREDNESS.
		DEPUTY CHIEF COUNSEL FOR OPERATIONS.
		DEPUTY ASSISTANT ADMINISTRATOR, GRANTS PROGRAM.
		ASSISTANT ADMINISTRATOR FOR FINANCIAL MANAGEMENT.
		DEPUTY ASSISTANT ADMINISTRATOR FOR MITIGATION.
		ASSISTANT ADMINISTRATOR, FIELD OPERATIONS DIRECTORATE.
		DEPUTY CHIEF COMPONENT PROCUREMENT OFFICER.
		CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR RESPONSE.
		DEPUTY CHIEF INFORMATION OFFICER (DISASTER OPERATIONS), MISSION SUPPPORT DIRECTORATE.
		DIRECTOR, OPERATIONAL COORDINATION.
		DIRECTOR, OPERATIONS DIVISION (RESPONSE AND RECOVERY).
		DIRECTOR, TECHNOLOGICAL HAZARDS DIVISION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY, PROGRAM ANALYSIS AND INTERNATIONAL AFFAIRS.
		DIRECTOR, EMERGENCY COMMUNICATION DIVISION.
		CHIEF TECHNOLOGY OFFICER.
		CHIEF SECURITY OFFICER.
		DIRECTOR, NATIONAL PREPAREDNESS ASSESSMENT DIVISION.
		DEPUTY ASSISTANT ADMINISTRATOR, FIELD OPERATIONS DIRECTORATE.
		CHIEF LEARNING OFFICER.
		DEPUTY REGIONAL ADMINISTRATOR (REGION VI, DALLAS).
		DEPUTY REGIONAL ADMINISTRATOR, REGION IV, ATLANTA.
		DEPUTY ASSISTANT ADMINISTRATOR, NATIONAL PREPAREDNESS DIRECTORATE.
		PRINCIPAL DEPUTY CHIEF COUNSEL.
		DEPUTY ASSISTANT ADMINISTRATOR FOR FEDERAL INSURANCE.
		ASSISTANT ADMINISTRATOR FOR MITIGATION.
		DEPUTY REGIONAL ADMINISTRATOR (REGION 1 BOSTON).
		DEPUTY REGIONAL ADMINISTRATOR (REGION II NEW YORK).
		DEPUTY REGIONAL ADMINISTRATOR (REGION III PHILADELPHIA).
		DEPUTY REGIONAL ADMINISTRATOR (REGION V CHICAGO).
		DEPUTY REGIONAL ADMINISTRATOR (REGION VII KANSAS).
		DEPUTY REGIONAL ADMINISTRATOR (REGION VIII DENVER).
		DEPUTY REGIONAL ADMINISTRATOR (REGION X SEATTLE).
		DEPUTY ASSISTANT ADMINISTRATOR, GRANTS SYSTEMS AND POLICY INTEGRATION.
		ASSISTANT ADMINISTRATOR, FUND MANAGEMENT.
		DEPUTY CHIEF ADMINISTRATIVE OFFICER.
		DEPUTY ASSISTANT ADMINISTRATOR FOR RISK MANAGEMENT.
		DIRECTOR, OFFICE OF EQUAL RIGHTS.
		DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
	FEDERAL LAW ENFORCEMENT TRAINING CENTER	ASSISTANT DIRECTOR (MISSION AND READINESS SUPPORT DIRECTORATE).
		ASSISTANT DIRECTOR OF TRAINING (CORE TRAINING OPERATIONS DIRECTORATE.
		ASSISTANT DIRECTOR (CHIEF FINANCIAL OFFICER).
		ASSISTANT DIRECTOR OF TRAINING (NATIONAL CAPITAL REGION TRAINING OPERATIONS DIRECTORATE.
		ASSOCIATE DIRECTOR FOR TRAINING OPERATIONS.
		ASSISTANT DIRECTOR (CHIEF INFORMATION OFFICER DIRECTORATE).
		CHIEF COUNSEL.
		ASSISTANT DIRECTOR OF TRAINING (TRAINING MANAGEMENT OPERATIONS DIRECTORATE).
		DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER.

Agency name	Organization name	Position title
		DEPUTY DIRECTOR.
		ASSISTANT DIRECTOR OF TRAINING (TECHNICAL TRAINING OPERATIONS DIRECTORATE).
	OFFICE OF COUNTERING WEAPONS OF MASS DESTRUCTION (CWMD).	PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR HEALTH AFFAIRS.
	OFFICE OF COUNTERING WEAPONS OF MASS DESTRUCTION (FORMERLY DNDO).	DEPUTY ASSISTANT SECRETARY FOR POLICY AND PLANS.
		ASSISTANT DIRECTOR, OPERATIONS SUPPORT DIRECTORATE.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR SYSTEMS SUPPORT.
		DIRECTOR OF ACQUISITION.
		CHIEF OF STAFF.
	OFFICE OF THE ASSISTANT SECRETARY FOR POLICY	DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS (WESTERN HEMISPHERE).
		DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION STATISTICS.
		DEPARTMENT OF HOMELAND SECURITY (DHS) ATTACHE TO CENTRAL AMERICA.
		DEPUTY ASSISTANT SECRETARY FOR CYBER POLICY.
		DEPUTY ASSISTANT SECRETARY FOR UNITY OF EFFORT INTEGRATION.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY ASSOCIATE GENERAL COUNSEL FOR ACQUISITION AND PROCUREMENT.
		CHIEF OF STAFF/MANAGING COUNSEL.
		LEGAL ADVISOR OF ETHICS/ALTERNATE DESIGNATED AGENCY ETHICS OFFICIAL.
		DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
	OFFICE OF THE SECRETARY	SENIOR DEPARTMENT OF HOMELAND SECURITY ADVISOR TO THE COMMANDER, UNITED STATES NORTHERN COMMAND/NORTH AMERICAN AEROSPACE DEFENSE COMMAND.
		DEPARTMENT OF HOMELAND SECURITY (DHS) ADVISOR TO THE DEPARTMENT OF DEFENSE (DOD).
	OFFICE OF THE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS.	PRINCIPAL DEPUTY UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS.
		DIRECTOR, CURRENT AND EMERGING THREATS CENTER.
		CHIEF OF STAFF.
		DIRECTOR, BORDER SECURITY DIVISION.
		DIRECTOR, CYBER MISSION CENTER.
		DEPUTY UNDER SECRETARY FOR INTELLIGENCE ENTERPRISE READINESS.
	OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	ASSISTANT DIRECTOR, OFFICE OF TRAINING AND CAREER DEVELOPMENT, FEDERAL PROTECTIVE SERVICE.
		ASSISTANT DIRECTOR, OFFICE OF RESOURCE MANAGEMENT, FEDERAL PROTECTIVE SERVICE.
		PRINCIPAL DEPUTY DIRECTOR, FEDERAL PROTECTIVE SERVICE.
		ASSISTANT DIRECTOR PROTECTIVE SECURITY OFFICER OVERSIGHT.
		DIRECTOR, FEDERAL PROTECTIVE SERVICE.
		DEPUTY DIRECTOR, TECHNOLOGY AND INNOVATION (CHIEF TECHNOLOGY OFFICER).
		DEPUTY DIRECTOR, POLICY, INTERGOVERNMENTAL PROGRAMS AND COMMUNICATIONS.
		ASSISTANT DIRECTOR FOR FIELD OPERATIONS (EAST), FEDERAL PROTECTIVE SERVICE.
		ASSISTANT DIRECTOR OF OPERATIONS, FEDERAL PROTECTIVE SERVICES.
		ASSISTANT DIRECTOR OF FIELD OPERATIONS (WEST), FEDERAL PROTECTIVE SERVICES.
		ASSISTANT DIRECTOR OF FIELD OPERATIONS (CENTRAL), FEDERAL PROTECTIVE SERVICES.
	OFFICE OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.	SENIOR ADVISOR TO THE DEPUTY UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.
		CHIEF SCIENTIST.
		DIRECTOR, TECHNOLOGY TRANSITION.
		SENIOR COUNSELOR FOR RESILIENCE.
		DIRECTOR, TECHNOLOGY CENTERS.
		DIRECTOR, OFFICE FOR STRATEGY AND POLICY.
		DIRECTOR, CYBER SECURITY DIVISION.
		SENIOR ADVISOR FOR INTERAGENCY COORDINATION.
		TECHNICAL DIRECTOR, TECHNOLOGY CENTERS.
		PRINCIPAL DIRECTOR, OFFICE OF ENTERPRISE SERVICES.
		PRINCIPAL DIRECTOR, OFFICE OF INNOVATION AND COLLABORATION.
		DIRECTOR, OPERATIONS AND REQUIREMENTS ANALYSIS.

Agency name	Organization name	Position title
	UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES.	DEPUTY CHIEF OFFICE OF SECURITY AND INTEGRITY. DEPUTY DIRECTOR, SERVICE CENTER, SAINT ALBANS, VERMONT. DEPUTY ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT. DEPUTY ASSOCIATE DIRECTOR, EXTERNAL AFFAIRS DIRECTORATE. ASSOCIATE DIRECTOR, FIELD OPERATIONS. CHIEF, ADMINISTRATIVE APPEALS. CHIEF, VERIFICATION DIVISION. DISTRICT DIRECTOR, FIELD SERVICES, BOSTON, MASSACHUSETTS. DISTRICT DIRECTOR, FIELD SERVICES, CHICAGO, ILLINOIS. DEPUTY CHIEF, PROGRAMS, INNOVATION, AND INITIATIVES. DEPUTY DIRECTOR, NATIONAL BENEFITS CENTER. DIRECTOR, NATIONAL RECORDS CENTER. DEPUTY DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA. DEPUTY DIRECTOR, SERVICE CENTER, DALLAS, TEXAS. DISTRICT DIRECTOR, FIELD SERVICES (CLEVELAND, OH). CHIEF, IMMIGRANT AND INVESTOR PROGRAM. DEPUTY DIRECTOR, POTOMAC SERVICE CENTER. DIRECTOR, POTOMAC SERVICE CENTER. DISTRICT DIRECTOR, FIELD SERVICES, DALLAS, TEXAS. CHIEF DATA OFFICER. DEPUTY CHIEF FINANCIAL OFFICER. CHIEF, ASYLUM DIVISION. DISTRICT DIRECTOR, FIELD SERVICES, NEW YORK CITY, NEW YORK. DEPUTY ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION. DEPUTY CHIEF INFORMATION OFFICER. CHIEF, HUMAN CAPITAL AND TRAINING. CHIEF, PERFORMANCE AND QUALITY. CHIEF INFORMATION OFFICER. ASSOCIATE DIRECTOR, OFFICE OF MANAGEMENT. ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY. CHIEF, INTAKE AND DOCUMENT PRODUCTION. DEPUTY GENERAL COUNSEL. ASSOCIATE DIRECTOR, REFUGEE, ASYLUM AND INTERNATIONAL OPERATIONS. DEPUTY ASSOCIATE DIRECTOR, FRAUD DETECTION AND NATIONAL SECURITY. CHIEF, INTERNATIONAL OPERATIONS. DISTRICT DIRECTOR, FIELD SERVICES, TAMPA, FLORIDA. DEPUTY DIRECTOR, SERVICE CENTER, LINCOLN, NEBRASKA. CHIEF, OFFICE OF SECURITY AND INTEGRITY. ASSOCIATE DIRECTOR, IMMIGRATION RECORDS AND IDENTITY SERVICES DIVISION. DEPUTY ASSOCIATE DIRECTOR, REFUGEE, ASYLUM, AND INTERNATIONAL OPERATIONS. ASSOCIATE DIRECTOR, SERVICE CENTER OPERATIONS. DISTRICT DIRECTOR, FIELD SERVICES, MIAMI, FLORIDA. CHIEF, OFFICE OF ADMINISTRATION. DIRECTOR, NATIONAL BENEFITS CENTER. DISTRICT DIRECTOR, FIELD SERVICES, LOS ANGELES CALIFORNIA. DISTRICT DIRECTOR, FIELD SERVICES, SAN FRANCISCO CALIFORNIA. REGIONAL DIRECTOR, SOUTHEAST REGION. WESTERN REGIONAL DIRECTOR (LAGUNA NIGUEL, CALIFORNIA). NORTHEAST REGIONAL DIRECTOR (BURLINGTON, VERMONT). CHIEF FINANCIAL OFFICER. DISTRICT DIRECTOR, FIELD SERVICES, NEWARK, NEW JERSEY. DISTRICT DIRECTOR, FIELD SERVICES, ATLANTA, GEORGIA. DIRECTOR, SERVICE CENTER, LINCOLN, NEBRASKA. DIRECTOR, SERVICE CENTER, LAGUNA NIGUEL, CALIFORNIA. DIRECTOR, SERVICE CENTER, DALLAS, TEXAS.

Agency name	Organization name	Position title
	UNITED STATES CUSTOMS AND BORDER PROTECTION.	DIRECTOR, VERMONT SERVICE CENTER, SAINT ALBANS, VERMONT. CENTRAL REGIONAL DIRECTOR (DALLAS, TEXAS). DEPUTY ASSOCIATE DIRECTOR, OFFICE OF FIELD OPERATIONS. DIRECTOR, OFFICE OF REFUGEE AFFAIRS. DEPUTY CHIEF INFORMATION OFFICE FOR OPERATIONS. DISTRICT DIRECTOR, WASHINGTON, DC. CHIEF, OFFICE OF CONTRACTING. DEPUTY ASSOCIATE DIRECTOR, SERVICE CENTER OPERATIONS. DEPUTY CHIEF COUNSEL FOR FIELD MANAGEMENT. DIRECTOR, FIELD OPERATIONS (EL PASO). ASSISTANT COMMISSIONER, ACQUISITION, CHIEF ACQUISITION OFFICER. DEPUTY CHIEF PATROL AGENT, EL PASO. PORT DIRECTOR, JFK AIRPORT. EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS AND EVALUATION. DEPUTY CHIEF COUNSEL. ASSOCIATE CHIEF COUNSEL—ENFORCEMENT. ASSOCIATE CHIEF COUNSEL—TRADE AND FINANCE. ASSOCIATE CHIEF COUNSEL FOR ETHICS, LABOR, AND EMPLOYMENT. ASSOCIATE CHIEF COUNSEL—SOUTHEAST. ASSOCIATE CHIEF COUNSEL—NEW YORK. ASSOCIATE CHIEF COUNSEL, CHICAGO. ASSOCIATE CHIEF COUNSEL (HOUSTON). ASSOCIATE CHIEF COUNSEL—LOS ANGELES. DEPUTY ASSISTANT COMMISSIONER, FINANCE. EXECUTIVE DIRECTOR, CYBERSECURITY OPERATIONS AND POLICY. EXECUTIVE DIRECTOR, INTELLIGENCE AND ANALYSIS. DEPUTY COMMISSIONER. ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT. DEPUTY ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT. EXECUTIVE DIRECTOR, HUMAN RESOURCES POLICY AND PROGRAMS. ASSISTANT COMMISSIONER, FACILITIES AND ASSET MANAGMENT, CHIEF READINESS SUPPORT OFFICER. ASSISTANT COMMISSIONER, TRAINING AND DEVELOPMENT. EXECUTIVE ASSISTANT COMMISSIONER, OFFICE OF TRADE. EXECUTIVE DIRECTOR, REGULATORY AUDIT. EXECUTIVE DIRECTOR, REGLUATIONS AND RULINGS. ASSISTANT COMMISSIONER, FINANCE, CHIEF FINANCIAL OFFICER. EXECUTIVE DIRECTOR, BUDGET. ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY. EXECUTIVE DIRECTOR, LABORATORIES AND SCIENTIFIC SERVICES. EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS. DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, FIELD OPERATIONS. DEPUTY CHIEF (DEPUTY EXECUTIVE ASSISTANT COMMISSIONER), BORDER PATROL. EXECUTIVE DIRECTOR, OPERATIONS. DIRECTOR, FIELD OPERATIONS (SEATTLE). DIRECTOR, FIELD OPERATIONS (DETROIT). DIRECTOR, FIELD OPERATIONS (BUFFALO). DEPUTY ASSISTANT COMMISSIONER, OFFICE OF TRAINING AND DEVELOPMENT. DEPUTY CHIEF PATROL AGENT, RIO GRANDE VALLEY. DIRECTOR, FIELD OPERATIONS (ATLANTA). EXECUTIVE DIRECTOR, CARGO AND CONVEYANCE SECURITY. EXECUTIVE DIRECTOR, PLANNING, ANALYSIS AND REQUIREMENTS EVALUATION (PARE). EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE. CHIEF PATROL AGENT (DEL RIO). CHIEF PATROL AGENT (TUCSON). PORT DIRECTOR, LOS ANGELES/LONG BEACH SEAPORT. PORT DIRECTOR (EL PASO). DEPUTY ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY.

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, PROCUREMENT.
		CHIEF PATROL AGENT, RIO GRANDE VALLEY.
		EXECUTIVE DIRECTOR, AGRICULTURE PROGRAMS AND TRADE LIAISON.
		EXECUTIVE DIRECTOR, MISSION SUPPORT.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT.
		DIRECTOR, FIELD OPERATIONS (BOSTON).
		PORT DIRECTOR, LOS ANGELES AIRPORT.
		EXECUTIVE DIRECTOR, PLANNING, PROGRAM ANALYSIS, AND EVALUATION.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, OFFICE OF TRADE.
		EXECUTIVE DIRECTOR, NATIONAL TARGETING CENTER.
		PORT DIRECTOR, SAN FRANCISCO.
		DIRECTOR, FIELD OPERATIONS (TUCSON).
		DIRECTOR, FIELD OPERATIONS (SAN JUAN).
		ASSISTANT COMMISSIONER, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DIRECTOR, FIELD OPERATIONS (NEW YORK).
		CHIEF ACCOUNTABILITY OFFICER.
		PORT DIRECTOR, NEWARK.
		PORT DIRECTOR, MIAMI INTERNATIONAL AIRPORT.
		DIRECTOR, FIELD OPERATIONS (MIAMI).
		DIRECTOR, FIELD OPERATIONS (CHICAGO).
		DIRECTOR, FIELD OPERATIONS (LOS ANGELES).
		DIRECTOR, FIELD OPERATIONS (HOUSTON).
		DIRECTOR, FIELD OPERATIONS (LAREDO).
		DIRECTOR, FIELD OPERATIONS (SAN DIEGO).
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, AIR AND MARINE.
		CHIEF (EXECUTIVE ASSISTANT COMMISSIONER), UNITED STATES BORDER PATROL.
		CHIEF PATROL AGENT, LAREDO.
		DIRECTOR, FIELD OPERATIONS (SAN FRANCISCO).
		CHIEF PATROL AGENT (EL PASO).
		CHIEF PATROL AGENT, SAN DIEGO.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DEPUTY CHIEF, LAW ENFORCEMENT OPERATIONS, OFFICE OF BORDER PATROL.
		EXECUTIVE DIRECTOR, MISSION SUPPORT, OFFICE OF CUSTOMS AND BORDER PROTECTION (CBP) AIR AND MARINE.
		EXECUTIVE ASSISTANT COMMISSIONER, ENTERPRISE SERVICES.
		EXECUTIVE DIRECTOR, TRADE POLICY AND PROGRAMS.
		EXECUTIVE DIRECTOR, OPERATIONS, AIR AND MARINE.
		DEPUTY CHIEF PATROL AGENT, SAN DIEGO.
		CHIEF PATROL AGENT, EL CENTRO, CALIFORNIA.
		DEPUTY CHIEF PATROL AGENT, TUCSON.
		PORT DIRECTOR, SAN YSIDRO.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF ACQUISITION.
		EXECUTIVE DIRECTOR, TALENT MANAGEMENT.
		EXECUTIVE DIRECTOR, TRAINING, SAFETY AND STANDARDS.
		EXECUTIVE DIRECTOR, NATIONAL AIR SECURITY OPERATIONS, AIR AND MARINE.
		EXECUTIVE DIRECTOR, PASSENGER SYSTEMS PROGRAM OFFICE.
		CHIEF, STRATEGIC PLANNING AND ANALYSIS.
		DEPUTY ASSISTANT COMMISSIONER, OFFICE OF INTELLIGENCE.
		EXECUTIVE DIRECTOR, FIELD SUPPORT.
		EXECUTIVE DIRECTOR, TARGETING AND ANALYSIS SYSTEMS.
		EXECUTIVE DIRECTOR, ENTERPRISE DATA MANAGEMENT AND ENGINEERING.
		PORT DIRECTOR, LAREDO.
		EXECUTIVE DIRECTOR, FINANCIAL OPERATIONS.
		EXECUTIVE DIRECTOR, ADMISSIBILITY AND PASSENGER PROGRAMS.
		DEPUTY CHIEF, LAW ENFORCEMENT OPERATIONAL PROGRAMS, OFFICE OF BORDER PATROL.
		EXECUTIVE DIRECTOR, CARGO SYSTEMS.
		CHIEF PATROL AGENT, YUMA, ARIZONA.
		EXECUTIVE DIRECTOR, MISSION READINESS OPERATIONS DIRECTORATE.
		EXECUTIVE DIRECTOR, ENTERPRISE NETWORKS AND TECHNOLOGY SUPPORT.

Agency name	Organization name	Position title
		CHIEF, LAW ENFORCEMENT OPERATIONS, OFFICE OF BORDER PATROL.
		EXECUTIVE DIRECTOR, INTELLIGENCE OPERATIONS.
		DIRECTOR, JOINT TASK FORCE (JTF)—WEST, SAN ANTONIO, TX.
		DIRECTOR, NATIONAL TARGETING CENTER (PASSENGER).
		CHIEF PATROL AGENT (DETROIT).
		DIRECTOR, NATIONAL TARGETING CENTER (CARGO).
		DEPUTY JOINT FIELD COMMANDER, EAST.
		DIRECTOR, COUNTER NETWORK.
		EXECUTIVE ASSISTANT COMMISSIONER, OPERATIONS SUPPORT.
		EXECUTIVE DIRECTOR, BORDER ENFORCEMENT AND MANAGEMENT SYSTEMS.
		CHIEF PATROL AGENT (BIG BEND).
		EXECUTIVE DIRECTOR, ACQUISITION MANAGEMENT.
		ASSISTANT COMMISSIONER, INTERNATIONAL AFFAIRS.
		EXECUTIVE DIRECTOR, AUTOMATED COMMERCIAL ENVIRONMENT (ACE) BUSINESS OFFICE.
		ASSISTANT COMMISSIONER, OFFICE OF INTELLIGENCE.
		DEPUTY EXECUTIVE ASSISTANT COMMISSIONER, ENTERPRISE SERVICES.
		DIRECTOR, FIELD OPERATIONS (PRECLEARANCE).
		DIRECTOR OF OPERATIONS, SOUTHWEST BORDER, EL PASO, NEW MEXICO.
		EXECUTIVE DIRECTOR, AIR AND MARINE OPERATIONS CENTER, RIVERSIDE, OFFICE OF CUSTOMS AND BORDER PROTECTION (CBP) AIR AND MARINE.
		DIRECTOR OF OPERATIONS, SOUTHEASTERN REGION, MIAMI, FL.
		DEPUTY ASSISTANT COMMISSIONER, INTERNATIONAL AFFAIRS.
		DIRECTOR OF OPERATIONS, NORTHERN REGION, WDC, (CBP) AMO.
		EXECUTIVE DIRECTOR, PROGRAM MANAGEMENT OFFICE.
		EXECUTIVE DIRECTOR, COMMERCIAL TARGETING AND ENFORCEMENT.
		DIRECTOR, BORDER PATROL ACADEMY.
		EXECUTIVE DIRECTOR, INTERGOVERNMENTAL PUBLIC LIAISON.
		PORT DIRECTOR (OTAY MESA).
		DIRECTOR, LEADERSHIP DEVELOPMENT CENTER.
		ASSOCIATE CHIEF COUNSEL (TUCSON).
		DIRECTOR, FIELD OPERATIONS (BALTIMORE).
		PORT DIRECTOR, BUFFALO.
		PORT DIRECTOR, CALEXICO, CA.
		PORT DIRECTOR, NOGALES, AZ.
		SENIOR INTELLIGENCE ADVISOR.
		EXECUTIVE DIRECTOR, PRIVACY AND DIVERSITY.
		EXECUTIVE DIRECTOR, PROGRAMMING.
		EXECUTIVE DIRECTOR, INVESTIGATIVE OPERATIONS.
	UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.	DEPUTY ASSISTANT DIRECTOR, TRANSNATIONAL ORGANIZED CRIME DIVISION TWO.
		DEPUTY ASSISTANT DIRECTOR, INTELLIGENCE, HOMELAND SECURITY INVESTIGATIONS.
		ASSISTANT DIRECTOR, SECURITY DIVISION.
		DEPUTY ASSISTANT DIRECTOR NATIONAL SECURITY PROGRAMS.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (DOMESTIC OPERATIONS—EAST).
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BUFFALO, NY.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, BOSTON, MA.
		CHIEF COUNSEL, PHOENIX.
		CHIEF COUNSEL, CHICAGO.
		CHIEF COUNSEL, SAN ANTONIO.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, DENVER, CO.
		DIRECTOR, FACILITIES AND ASSET ADMINISTRATION.
		DEPUTY ASSISTANT DIRECTOR, DOMESTIC OPERATIONS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, PHOENIX, ARIZONA.
		FIELD OFFICE DIRECTOR, OERO, LOS ANGELES, CALIFORNIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ERO, NEW YORK.
		SPECIAL AGENT IN CHARGE, SAINT PAUL, MINNESOTA.

Agency name	Organization name	Position title
		SPECIAL AGENT IN CHARGE, TAMPA, FLORIDA.
		SPECIAL AGENT IN CHARGE, NEWARK, NEW JERSEY.
		SPECIAL AGENT IN CHARGE, BOSTON, MASSACHUSETTS.
		SPECIAL AGENT IN CHARGE, PHILADELPHIA, PENNSYLVANIA.
		SPECIAL AGENT IN CHARGE, BUFFALO, NEW YORK.
		SPECIAL AGENT IN CHARGE, SAN JUAN, PUERTO RICO.
		DEPUTY ASSISTANT DIRECTOR, STUDENT AND EXCHANGE VISITOR PROGRAM.
		CHIEF COUNSEL, MIAMI.
		CHIEF COUNSEL FOR LOS ANGELES.
		ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.
		ASSISTANT DIRECTOR, INSPECTIONS AND DETENTION OVERSIGHT DIVISION.
		COMPONENT ACQUSITION EXECUTIVE.
		SPECIAL AGENT IN CHARGE, HONOLULU, HI.
		DIRECTOR, FEDERAL EXPORT ENFORCEMENT COORDINATION CENTER.
		ASSISTANT DIRECTOR, HOMELAND SECURITY INVESTIGATIVE PROGRAMS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, MIAMI, FLORIDA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, NEW ORLEANS, LOUISIANA.
		SPECIAL AGENT IN CHARGE, DENVER.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, EL PASO, TEXAS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, ALTANTA, GEORGIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, CHICAGO, ILLINOIS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, HOUSTON, TEXAS.
		ASSISTANT DIRECTOR, INTELLECTUAL PROPERTY RIGHTS CENTER.
		ASSISTANT DIRECTOR, OPERATIONAL TECHNOLOGY AND CYBER DIVISION.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR OPERATIONS.
		SPECIAL AGENT IN CHARGE, DETROIT.
		DEPUTY CHIEF INFORMATION OFFICER.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, TARGETING OPERATIONS DIVISION.
		ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (DOMESTIC OPERATIONS).
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (DOMESTIC OPERATIONS—WEST), OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		CHIEF COUNSEL, NEW YORK.
		DEPUTY PRINCIPAL LEGAL ADVISOR FOR FIELD OPERATIONS.
		DEPUTY PRINCIPAL LEGAL ADVISOR FOR GENERAL AND ADMINISTRATIVE LAW.
		DEPUTY DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, CYBER DIVISION.
		ASSISTANT DIRECTOR, OFFICE OF LEADERSHIP AND CAREER DEVELOPMENT.
		ASSISTANT DIRECTOR, INFORMATION GOVERNANCE AND PRIVACY.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, SAN DIEGO, CALIFORNIA.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, SAN ANTONIO, TEXAS.
		ASSISTANT DIRECTOR, OPERATIONS SUPPORT, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, CUSTODY OPERATIONS DIVISION.
		ASSISTANT DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT SERVICES HEALTH CORPS.
		DEPUTY CHIEF FINANCIAL OFFICER.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, FIELD OPERATIONS.
		SPECIAL AGENT IN CHARGE, ATLANTA.
		SPECIAL AGENT IN CHARGE, WASHINGTON, DC.
		DEPUTY ASSISTANT DIRECTOR, INTERNATIONAL OPERATIONS.

Agency name	Organization name	Position title
		CHIEF FINANCIAL OFFICER.
		ASSISTANT DIRECTOR, ENFORCEMENT AND REMOVAL OPERATIONS, REPATRIATION DIVISION.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DIVISION DIRECTOR FOR INVESTIGATIONS, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (EAST).
		ASSISTANT DIRECTOR, DIVERSITY AND CIVIL RIGHTS.
		DEPUTY ASSISTANT DIRECTOR, CRITICAL INFRASTRUCTURE, PROTECTION, AND FRAUD.
		DIRECTOR, FINANCIAL MANAGEMENT.
		EXECUTIVE DIRECTOR, MANAGEMENT AND ADMINISTRATION.
		ASSISTANT DIRECTOR, ENFORCEMENT DIVISION, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		ASSISTANT DIRECTOR, OFFICE OF ACQUISITIONS.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER FOR STRATEGY AND SERVICES.
		DEPUTY PRINCIPAL LEGAL ADVISOR.
		DIRECTOR, OFFICE OF HOMELAND SECURITY INVESTIGATIONS.
		CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR, INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL).
		DEPUTY EXECUTIVE ASSOCIATE DIRECTOR, MANAGEMENT AND ADMINISTRATION.
		SPECIAL AGENT IN CHARGE (MIAMI).
		ASSISTANT DIRECTOR, NATIONAL SECURITY INVESTIGATIONS.
		SPECIAL AGENT IN CHARGE (NEW YORK).
		DEPUTY DIRECTOR, OFFICE OF HOMELAND SECURITY INVESTIGATIONS.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, DALLAS, TEXAS.
		DIRECTOR, BUDGET AND PROGRAM PERFORMANCE.
		CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT.
		SPECIAL AGENT IN CHARGE, DALLAS.
		SPECIAL AGENT IN CHARGE, SAN FRANCISCO.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, SAN FRANCISCO, CA.
		SPECIAL AGENT IN CHARGE, BALTIMORE.
		DEPUTY ASSISTANT DIRECTOR, MISSION SUPPORT.
		ASSISTANT DIRECTOR, OPERATIONS SUPPORT.
		DIRECTOR OF ENFORCEMENT AND LITIGATION.
		DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS.
		SPECIAL AGENT IN CHARGE (SEATTLE).
		DEPUTY ASSISTANT DIRECTOR, INVESTIGATIONS (ILLICIT TRADE, TRAVEL, AND FINANCE).
		ASSISTANT DIRECTOR, INTERNATIONAL OPERATIONS.
		ASSISTANT DIRECTOR, INTELLIGENCE, HOMELAND SECURITY INVESTIGATIONS.
		SPECIAL AGENT IN CHARGE, CHICAGO.
		SPECIAL AGENT IN CHARGE, HOUSTON.
		SPECIAL AGENT IN CHARGE, LOS ANGELES.
		SPECIAL AGENT IN CHARGE, NEW ORLEANS.
		SPECIAL AGENT IN CHARGE, SAN ANTONIO.
		SPECIAL AGENT IN CHARGE, SAN DIEGO.
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		SPECIAL AGENT IN CHARGE, EL PASO.
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL OPERATIONS, PHILADELPHIA, PENNSYLVANIA.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (INTERNATIONAL).
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, ST. PAUL, MN.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF ≤INVESTIGATIONS (WEST).
		FIELD OFFICE DIRECTOR, OFFICE OF ENFORCEMENT AND REMOVAL, SEATTLE, ERO.
		SPECIAL AGENT IN CHARGE, PHOENIX.
	UNITED STATES COAST GUARD	ASSISTANT JUDGE ADVOCATE GENERAL FOR ACQUISITION AND LITIGATION.
		DEPUTY ASSISTANT COMMANDANT FOR INTELLIGENCE.

Agency name	Organization name	Position title
		DEPUTY ASSISTANT COMMANDANT FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INFO TECHNOLOGY/DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY ASSISTANT COMMANDANT FOR RESOURCES AND DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR OF ACQUISITION PROGRAMS.
		DIRECTOR OF FINANCIAL OPERATIONS/COMPTROLLER.
		DEPUTY ASSISTANT COMMANDANT FOR CAPABILITY.
		DIRECTOR, INCIDENT MANAGEMENT AND PREPAREDNESS POLICY.
		DIRECTOR, NATIONAL POLLUTION FUNDS CENTER.
		DEPUTY ASSISTANT COMMANDANT FOR HUMAN RESOURCES.
		HEAD OF CONTRACTING ACTIVITY.
		DEPUTY ASSISTANT COMMANDANT FOR ACQUISITION/DIRECTOR OF ACQUISITION SERVICES.
		DIRECTOR, COAST GUARD INVESTIGATIVE SERVICE.
		DIRECTOR, MARINE TRANSPORTATION SYSTEM MANAGEMENT.
	UNITED STATES SECRET SERVICE	CHIEF COUNSEL.
		SPECIAL AGENT IN CHARGE—SAN FRANCISCO FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—DALLAS FIELD OFFICE.
		CHIEF SECUIRTY OFFICER.
		SPECIAL AGENT IN CHARGE (DIGNITARY PROTECTIVE DIVISION).
		DEPUTY CHIEF, OFFICE OF STRATEGIC PLANNING AND POLICY.
		DEPUTY SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION.
		CHIEF, OFFICE OF STRATEGIC PLANNING AND POLICY.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.
		SPECIAL AGENT IN CHARGE—HOUSTON FIELD OFFICE.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF TRAINING.
		DEPUTY ASSISTANT DIRECTOR, TECHNICAL DEVELOPMENT AND MISSION SUPPORT.
		DEPUTY SPECIAL AGENT IN CHARGE (OPERATIONAL).
		DEPUTY ASSISTANT DIRECTOR—OFFICE OF INVESTIGATIONS.
		CHIEF INFORMATION OFFICER.
		DEPUTY SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION.
		SPECIAL AGENT IN CHARGE—ATLANTA FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—HONOLULU FIELD OFFICE.
		PROTECTIVE INTELLIGENCE SENIOR ADVISOR.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, UNITED STATES SECRET SERVICE.
		TALENT DEVELOPMENT EXECUTIVE.
		DIRECTOR, UNITED STATES SECRET SERVICE.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INTEGRITY.
		DEPUTY ASSISTANT DIRECTOR, ENTERPRISE READINESS OFFICE, OFFICE OF THE COO.
		CHIEF OF STAFF.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS.
		ASSISTANT DIRECTOR, OFFICE OF TRAINING.
		CHIEF OPERATING OFFICER.
		DIRECTOR OF COMMUNICATIONS (MEDIA AFFAIRS).
		SPECIAL AGENT IN CHARGE, PARIS FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—MIAMI FIELD OFFICE.
		DEPUTY CHIEF COUNSEL/PRINCIPAL ETHICS OFFICIAL.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF HUMAN RESOURCES.
		COMPONENT ACQUISITION EXECUTIVE.
		ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION.
		DEPUTY ASSISTANT DIRECTOR, STRATEGIC INTELLIGENCE AND INFORMATION.

Agency name	Organization name	Position title
		SPECIAL AGENT IN CHARGE, PROTECTIVE INTELLIGENCE AND ASSESSMENT DIVISION.
		ASSISTANT DIRECTOR—OFFICE OF INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS.
		EQUITY AND EMPLOYEE SUPPORT SERVICES EXECUTIVE.
		SPECIAL AGENT IN CHARGE—CRIMINAL INVESTIGATIVE DIVISION.
		SPECIAL AGENT IN CHARGE—ROWLEY TRAINING CENTER.
		SPECIAL AGENT IN CHARGE—ROME FIELD OFFICE.
		SPECIAL AGENT IN CHARGE, SPECIAL OPERATIONS DIVISION.
		DEPUTY ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROTECTIVE OPERATIONS.
		SPECIAL AGENT IN CHARGE—PHILADELPHIA FIELD OFFICE.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INTERGOVERNMENTAL AND LEGISLATIVE AFFAIRS.
		CHIEF FINANCIAL OFFICER.
		SPECIAL AGENT IN CHARGE, CHICAGO FIELD OFFICE.
		SPECIAL AGENT IN CHARGE—LOS ANGELES FIELD OFFICE.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS.
		SPECIAL AGENT IN CHARGE—WASHINGTON FIELD OFFICE.
		ASSISTANT DIRECTOR, INVESTIGATIONS.
		ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS.
		ASSISTANT DIRECTOR/CHIEF TECHNOLOGY OFFICER, OFFICE OF TECHNICAL DEVELOPMENT AND MISSION SUPPORT.
		ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILTY.
		SPECIAL AGENT IN CHARGE—PRESIDENTIAL PROTECTIVE DIVISION.
		SPECIAL AGENT IN CHARGE—NEW YORK FIELD OFFICE.
		ASSISTANT DIRECTOR, OFFICE OF HUMAN RESOURCES.
		SPECIAL AGENT IN CHARGE—VICE PRESIDENTIAL PROTECTIVE DIVISION.
		SPECIAL AGENT IN CHARGE—TECHNICAL SECURITY DIVISION.
OFFICE OF THE SECRETARY	OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES	DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY DIRECTOR.
		DIRECTOR, COMPLIANCE BRANCH.
		DEPUTY CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER, PROGRAMS AND COMPLIANCE.
		DIRECTOR CIVIL RIGHTS AND CIVIL LIBERTIES PROGRAMS BRANCH.
	OFFICE OF OPERATIONS COORDINATION AND PLANNING DIRECTORATE.	PRINCIPAL DEPUTY DIRECTOR, TERRORIST SCREENING CENTER.
	OFFICE OF PARTNERSHIP AND ENGAGEMENT	DEPUTY ASSISTANT SECRETARY.
	OFFICE OF THE EXECUTIVE SECRETARIAT	DEPUTY EXECUTIVE SECRETARY, OPERATIONS AND ADMINISTRATION.
OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, RISK MANAGEMENT AND ASSURANCE.
		DIRECTOR, DEPARTMENTAL GENERAL ACCOUNTING OFFICE/INPSECTOR GENERAL (GAO/IG) LIAISON OFFICE.
		DIRECTOR, FINANCIAL MANAGEMENT.
		DEPUTY BUDGET DIRECTOR, OFFICE OF BUDGET.
		DIRECTOR, OFFICE OF BUDGET.
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER	EXECUTIVE DIRECTOR, HUMAN RESOURCES MANAGEMENT AND SERVICES.
		EXECUTIVE DIRECTOR, HUMAN CAPITAL POLICY AND PROGRAMS.
		DIRECTOR, WORKFORCE HEALTH AND MEDICAL SUPPORT/DEPUTY CHIEF MEDICAL OFFICER.
		EXECUTIVE DIRECTOR, HUMAN CAPITAL BUSINESS SYSTEMS.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		EXECUTIVE DIRECTOR, DIVERSITY AND INCLUSION.
		EXECUTIVE DIRECTOR, STRATEGIC WORKFORCE PLANNING AND ANALYSIS.
	OFFICE OF THE CHIEF INFORMATION OFFICER	EXECUTIVE DIRECTOR, SOLUTIONS DEVELOPMENT DIRECTORATE.
		DEPUTY CHIEF INFORMATION OFFICER.
		EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY OPERATIONS.

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, BUSINESS MANAGEMENT DIRECTORATE.
		EXECUTIVE DIRECTOR, CHIEF INFORMATION SECURITY OFFICER.
		EXECUTIVE DIRECTOR, OFFICE OF THE CHIEF TECHNOLOGY OFFICER.
		DEPUTY CHIEF INFORMATION SECURITY OFFICER—CYBERSECURITY (CIO).
		EXECUTIVE DIRECTOR, ENTERPRISE ARCHITECTURE.
		DEPUTY CHIEF INFORMATION SECURITY OFFICER (FISMA).
		DEPUTY EXECUTIVE DIRECTOR, INFORMATION TECHNOLOGY OPERATIONS.
	OFFICE OF THE CHIEF PROCUREMENT OFFICER	DEPUTY DIRECTOR, PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT.
		EXECUTIVE DIRECTOR, STRATEGIC PROGRAMS DIVISION.
		EXECUTIVE DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS.
		DEPUTY CHIEF PROCUREMENT OFFICER.
		CHIEF PROCUREMENT OFFICER.
		DEPUTY DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS.
		EXECUTIVE DIRECTOR, PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT OFFICE.
		EXECUTIVE DIRECTOR, ACQUISITION WORKFORCE AND SYSTEMS SUPPORT.
		EXECUTIVE DIRECTOR, ACQUISITION, POLICY AND OVERSIGHT.
		DIRECTOR, PROCUREMENT POLICY AND OVERSIGHT.
		EXECUTIVE DIRECTOR, ACQUISITION POLICY AND LEGISLATION BRANCH.
	OFFICE OF THE CHIEF READINESS SUPPORT OFFICER	EXECUTIVE DIRECTOR, SUSTAINABILITY AND ENVIRONMENTAL PROGRAMS.
		EXECUTIVE DIRECTOR, FACILITIES AND OPERATIONAL SUPPORT.
		DEPUTY CHIEF READINESS SUPPORT OFFICER.
	OFFICE OF THE CHIEF SECURITY OFFICER	DEPUTY CHIEF SECURITY OFFICER.
		EXECUTIVE DIRECTOR, HEADQUARTERS SUPPORT.
		CHIEF SECURITY OFFICER.
		EXECUTIVE DIRECTOR, STRATEGIC OPERATIONS.
		EXECUTIVE DIRECTOR, ENTERPRISE SECURITY OPERATIONS AND SUPPORT.
		EXECUTIVE DIRECTOR, THREAT MANAGEMENT OPERATIONS.
DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL.	DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL.	DEPUTY ASSISTANT INSPECTOR GENERAL, AUDITS (LAW ENFORCEMENT AND TERRORISM).
		ASSISTANT INSPECTOR GENERAL, INTEGRITY AND QUALITY OVERSIGHT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (2).
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL, AUDITS.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL, INFORMATION TECHNOLOGY AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR SPECIAL REVIEWS AND EVALUATIONS.
		DEPUTY COUNSEL.
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDIT (DISASTER AND IMMIGRATION).
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDITS.
		DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL, SPECIAL REVIEWS AND EVALUATIONS.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.		
OFFICE OF THE SECRETARY	GOVERNMENT NATIONAL MORTGAGE ASSOCIATION ...	SENIOR VICE PRESIDENT, OFFICE OF ENTERPRISE DATA AND TECHNOLOGY SOLUTIONS.
		SENIOR VICE PRESIDENT AND CHIEF FINANCIAL OFFICER.
		SENIOR VICE PRESIDENT OF THE OFFICE OF SECURITIES OPERATIONS.
		SENIOR VICE PRESIDENT OFFICE OF CAPITAL MARKETS.
		SENIOR VICE PRESIDENT AND CHIEF RISK OFFICER.
		SENIOR VICE PRESIDENT FOR MORTGAGE-BACKED SECURITIES.
	OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT.	DEPUTY ASSISTANT SECRETARY FOR SPECIAL NEEDS PROGRAMS.

Agency name	Organization name	Position title
		DEPUTY ASSISTANT SECRETARY FOR GRANT PROGRAMS.
	OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY.	DIRECTOR, OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY.
	OFFICE OF HOUSING	DIRECTOR, PROGRAM SYSTEMS MANAGEMENT OFFICE.
		HOUSING FEDERAL HOUSING ADMINISTRATION-COMPTROLLER.
		DEPUTY ASSISTANT SECRETARY FOR HEALTHCARE PROGRAMS.
		DEPUTY ASSISTANT SECRETARY FOR OPERATION.
		DEPUTY ASSISTANT SECRETARY FOR MULITFAMILY HOUSING.
		DEPUTY ASSISTANT SECRETARY FOR FINANCE AND BUDGET.
	OFFICE OF POLICY DEVELOPMENT AND RESEARCH	DEPUTY ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH.
	OFFICE OF PUBLIC AFFAIRS	GENERAL DEPUTY ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.
	OFFICE OF PUBLIC AND INDIAN HOUSING	DEPUTY ASSISTANT SECRETARY FOR THE REAL ESTATE ASSESSMENT CENTER.
		DIRECTOR FOR BUDGET AND FINANCIAL MANAGEMENT.
		DEPUTY ASSISTANT SECRETARY FOR POLICY PROGRAM AND LEGISLATIVE INITIATIVES.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR THE REAL ESTATE ASSESSMENT CENTER.
		DEPUTY ASSISTANT SECRETARY FOR PUBLIC HOUSING INVESTMENTS.
	OFFICE OF THE ADMINISTRATION	CHIEF DISASTER AND NATIONAL SECURITY OFFICER.
		CHIEF PRIVACY OFFICER AND CHIEF FOIA OFFICER.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	ASSISTANT CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.
		ASSISTANT CHIEF FINANCIAL OFFICER FOR BUDGET.
		DEPUTY CHIEF FINANCIAL OFFICER.
		ASSISTANT CHIEF FINANCIAL OFFICER FOR SYSTEMS.
		ASSISTANT CHIEF FINANCIAL OFFICER FOR ACCOUNTING.
	OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER	CHIEF HUMAN CAPITAL OFFICER.
		CHIEF LEARNING OFFICER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR, OFFICE OF HUMAN CAPITAL SERVICES.
	OFFICE OF THE CHIEF INFORMATION OFFICER	DEPUTY CHIEF INFORMATION OFFICER FOR INFRASTRUCTURE AND OPERATIONS.
		PRINCIPAL DEPUTY CHIEF INFORMATION OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER FOR BUSINESS AND INFORMATION TECHNOLOGY RESOURCE MANAGEMENT OFFICER.
	OFFICE OF THE GENERAL COUNSEL	SENIOR COUNSEL.
		ASSOCIATE GENERAL COUNSEL FOR PROGRAM ENFORCEMENT.
		DIRECTOR, DEPARTMENTAL ENFORCEMENT CENTER.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	SENIOR ADVISOR FOR EXTERNAL AFFAIRS.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FIELD OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION (HEADQUARTERS OPERATIONS).
		ASSISTANT INSPECTOR GENERAL FOR OFFICE OF EVALUATION (OE).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FIELD OPERATIONS).
		DEPUTY INSPECTOR GENERAL.
DEPARTMENT OF THE INTERIOR:		
ASSISTANT SECRETARY—FISH AND WILDLIFE AND PARKS.	NATIONAL PARK SERVICE	CHIEF FINANCIAL OFFICER.
		COMPTROLLER.
		ASSOCIATE DIRECTOR, INTERPRETATION AND EDUCATION.
	UNITED STATES FISH AND WILDLIFE SERVICE	CHIEF, OFFICE OF LAW ENFORCEMENT.
ASSISTANT SECRETARY—LAND AND MINERALS MANAGEMENT.	BUREAU OF LAND MANAGEMENT	ASSISTANT DIRECTOR, HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, LAW ENFORCEMENT AND SECURITY.
	BUREAU OF OCEAN ENERGY MANAGEMENT	STRATEGIC RESOURCES CHIEF.
ASSISTANT SECRETARY—POLICY, MANAGEMENT AND BUDGET.	OFFICE OF HEARINGS AND APPEALS	DIRECTOR, OFFICE OF HEARINGS AND APPEALS.
	OFFICE OF NATURAL RESOURCES REVENUE MANAGEMENT.	PROGRAM DIRECTOR FOR COORDINATION, ENFORCEMENT, VALUATION AND APPEALS.

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, OFFICE OF NATURAL RESOURCES REVENUE MANAGEMENT.
		PROGRAM DIRECTOR FOR REVENUE, REPORTING AND COMPLIANCE MANAGEMENT.
		PROGRAM DIRECTOR FOR AUDIT AND COMPLIANCE MANAGEMENT.
ASSISTANT SECRETARY—WATER AND SCIENCE.	BUREAU OF RECLAMATION	DIRECTOR, MISSION SUPPORT ORGANIZATION.
		DIRECTOR, DAM SAFETY AND INFRASTRUCTURE.
	UNITED STATES GEOLOGICAL SURVEY	ASSOCIATE DIRECTOR FOR ADMINISTRATION.
		DEPUTY DIRECTOR.
		ASSOCIATE DIRECTOR FOR ECOSYSTEMS.
		ASSOCIATE DIRECTOR FOR ENERGY AND MINERALS.
		DEPUTY DIRECTOR.
		DIRECTOR, EARTH RESOURCES OBSERVATION AND SCIENCE CENTER AND POLICY ADVISOR.
		ASSOCIATE DIRECTOR FOR COMMUNICATIONS AND PUBLISHING.
		ASSOCIATE DIRECTOR FOR BUDGET, PLANNING, AND INTEGRATION.
		ASSOCIATE DIRECTOR FOR NATURAL HAZARDS.
		ASSOCIATE DIRECTOR FOR LAND RESOURCES.
		ASSOCIATE DIRECTOR FOR WATER.
		ASSOCIATE DIRECTOR FOR CORE SCIENCE SYSTEMS.
BUREAU OF LAND MANAGEMENT	FIELD OFFICES—BUREAU LAND MANAGEMENT	DIRECTOR, NATIONAL OPERATIONS CENTER.
DEPARTMENT OF THE INTERIOR	OFFICE OF ASSISTANT SECRETARY—INDIAN AFFAIRS	DIRECTOR OF HUMAN CAPITAL MANAGEMENT.
	OFFICE OF ASSISTANT SECRETARY—POLICY, MANAGEMENT AND BUDGET.	DIRECTOR, OFFICE OF LAW ENFORCEMENT AND SECURITY.
		DEPUTY ASSISTANT SECRETARY—BUDGET, FINANCE, GRANTS AND ACQUISITION.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER/DIRECTOR, OFFICE OF HUMAN CAPITAL.
		DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER.
		CHIEF DIVISION OF BUDGET AND PROGRAM REVIEW.
		DEPUTY ASSISTANT SECRETARY—PUBLIC SAFETY, RESOURCE PROTECTION AND EMERGENCY SERVICES.
		DIRECTOR, OFFICE OF GRANTS MANAGEMENT.
		DIRECTOR, OFFICE OF EMERGENCY MANAGEMENT.
		CHIEF, BUDGET ADMINISTRATION AND DEPARTMENTAL MANAGEMENT.
		CHIEF DIVERSITY OFFICER/DIRECTOR, OFFICE OF CIVIL RIGHTS.
		DEPUTY ASSISTANT SECRETARY—HUMAN CAPITAL AND DIVERSITY/CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT.
	OFFICE OF THE SOLICITOR	ASSOCIATE SOLICITOR FOR ADMINISTRATION.
		DEPUTY CHIEF FOIA OFFICER.
		DESIGNATED AGENCY ETHICS OFFICIAL.
NATIONAL PARK SERVICE	FIELD OFFICES—NATIONAL PARK SERVICE	PARK MANAGER, GRAND CANYON NATIONAL PARK.
		PARK MANAGER, YELLOWSTONE NATIONAL PARK.
OFFICE OF SURFACE MINING	FIELD OFFICES—OFFICE OF SURFACE MINING	REGIONAL DIRECTOR, DOI UNIFIED REGION I.
		REGIONAL DIRECTOR, DOI UNIFIED REGION III.
UNITED STATES GEOLOGICAL SURVEY.	FIELD OFFICES—UNITED STATES GEOLOGICAL SURVEY.	REGIONAL DIRECTOR—DOI UNIFIED REGIONS III AND V.
		REGIONAL DIRECTOR—DOI UNIFIED REGION IX.
		REGIONAL DIRECTOR—DOI UNIFIED REGIONS VIII AND X.
		REGIONAL DIRECTOR—DOI UNIFIED REGION XI.
		REGIONAL DIRECTOR—DOI UNIFIED REGION I.
		REGIONAL DIRECTOR—DOI UNIFIED REGIONS IV AND VI.
		REGIONAL DIRECTOR—DOI UNIFIED REGION VII.
DEPARTMENT OF THE INTERIOR OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF THE INSPECTOR GENERAL	CHIEF OF STAFF.
		DEPUTY INSPECTOR GENERAL.
OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF AUDITS, INSPECTIONS, AND EVALUATIONS	ASSISTANT INPECTOR GENERAL FOR AUDITS, INSPECTIONS, AND EVALUATIONS.
	OFFICE OF GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
DEPARTMENT OF JUSTICE	EXECUTIVE OFFICE FOR ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES.	DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES.
	OFFICE OF THE ATTORNEY GENERAL	SENIOR ADVISOR FOR LAW ENFORCEMENT RELATIONS.
	OFFICE OF THE DEPUTY ATTORNEY GENERAL	CHIEF AND COUNSELOR TO THE DEPUTY ATTORNEY GENERAL, PROFESSIONAL MISCONDUCT REVIEW UNIT.
	OFFICE OF TRIBAL JUSTICE	DIRECTOR.
OFFICE OF THE ASSOCIATE ATTORNEY GENERAL.	OFFICE OF ANTITRUST DIVISION	EXECUTIVE OFFICER.
		CHIEF, TELECOMMUNICATIONS AND MEDIA SECTION.

Agency name	Organization name	Position title
	OFFICE OF CIVIL DIVISION	DIRECTOR, ECONOMIC ENFORCEMENT.
		DEPUTY DIRECTOR, CONSTITUTIONAL AND SPECIALIZED TORT LITIGATION.
		DEPUTY DIRECTOR CONSUMER PROTECTION BRANCH.
		DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION, FRAUD SECTION.
		DEPUTY DIRECTOR (OPERATIONS), OFFICE OF IMMIGRATION LITIGATION, DISTRICT COURT SECTION.
		DIRECTOR, BUDGET STAFF.
		DEPUTY DIRECTOR, OFFICE OF IMMIGRATION LITIGATION, APPELLATE SECTION.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
		DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS.
		SPECIAL COUNSEL TO THE ASSOCIATE ATTORNEY GENERAL.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
		DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS.
		DIRECTOR, CONSUMER LITIGATION BRANCH, FOREIGN LITIGATION SECTION.
		SPECIAL LITIGATION COUNSEL, AVIATION AND ADMIRALTY SECTION.
		DEPUTY DIRECTOR APPELLATE BRANCH.
		APPELLATE LITIGATION COUNSEL.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH (INTELLECTUAL PROPERTY).
		DIRECTOR, OFFICE OF MANAGEMENT PROGRAMS.
		DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH.
		DEPUTY BRANCH DIRECTOR, FEDERAL PROGRAMS.
		DIRECTOR, CONSUMER PROTECTION BRANCH.
		DEPUTY BRANCH DIRECTOR.
		DEPUTY DIRECTOR, APPELLATE STAFF.
	OFFICE OF CIVIL RIGHTS DIVISION	CHIEF FEDERAL COORDINATION AND COMPLIANCE SECTION.
		COUNSEL TO THE ASSISTANT ATTORNEY GENERAL.
		EXECUTIVE OFFICER.
		CHIEF, DISABILITY RIGHTS SECTION.
		CHIEF, EMPLOYMENT LITIGATION SECTION.
		CHIEF APPELLATE SECTION.
		CHIEF CRIMINAL SECTION.
		CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION.
		CHIEF, VOTING SECTION.
		CHIEF, EDUCATIONAL OPPORTUNITIES SECTION.
		CHIEF–SPECIAL LITIGATION SECTION.
		DEPUTY SPECIAL COUNSEL FOR IMMIGRATION–RELATED UNFAIR EMPLOYMENT PRACTICES.
		DEPUTY ASSISTANT ATTORNEY GENERAL.
		DEPUTY ASSISTANT ATTORNEY GENERAL.
		PRINCIPAL DEPUTY CHIEF, CRIMINAL SECTION.
		PRINCIPAL DEPUTY CHIEF, VOTING SECTION.
		PRINCIPAL DEPUTY CHIEF, DISABILITY RIGHTS SECTION.
		PRINCIPAL DEPUTY CHIEF, SPECIAL LITIGATION SECTION.
		CHIEF, POLICY STRATEGY SECTION.
		PRINCIPAL DEPUTY CHIEF, EMPLOYMENT LITIGATION SECTION.
		PRINCIPAL DEPUTY CHIEF, HOUSING AND CIVIL ENFORCEMENT SECTION.
	OFFICE OF ENVIRONMENT AND NATURAL RESOURCES DIVISION.	DEPUTY CHIEF, ENVIRONMENTAL DEFENSE SECTION.
		DEPUTY SECTION CHIEF, NATURAL RESOURCES SECTION.
		DEPUTY CHIEF, APPELLATE SECTION.
		DEPUTY CHIEF, NATURAL RESOURCES SECTION.
		DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION.
		DEPUTY CHIEF, ENVIRONMENTAL CRIMES SECTION.
		CHIEF, WILDLIFE AND MARINE RESOURCES SECTION.
		DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION.
		CHIEF ENVIRONMENTAL CRIMES SECTION.
		CHIEF ENVIRONMENTAL ENFORCEMENT SECTION.
		CHIEF, NATURAL RESOURCES SECTION.
		CHIEF, LAND ACQUISITION SECTION.
		CHIEF—APPELLATE SECTION.
		CHIEF, INDIAN RESOURCES SECTION.
		CHIEF, ENVIRONMENTAL DEFENSE SECTION.
		DEPUTY CHIEF ENVIRONMENTAL ENFORCEMENT SECTION.

Agency name	Organization name	Position title
		SENIOR LITIGATION COUNSEL.
		EXECUTIVE OFFICER.
	OFFICE OF JUSTICE PROGRAMS	DIRECTOR, OFFICE OF AUDIT, ASSESSMENT AND MANAGEMENT.
		DEPUTY DIRECTOR, OFFICE FOR VICTIMS OF CRIME.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF ADMINISTRATION.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR OF COMMUNICATIONS.
	OFFICE OF TAX DIVISION	CHIEF, APPELLATE SECTION.
		CHIEF, COURT OF FEDERAL CLAIMS SECTION.
		DEPUTY ASSISTANT ATTORNEY GENERAL.
		CHIEF, CRIMINAL ENFORCEMENT SECTION, SOUTH REGION.
		CHIEF CIVIL TRIAL SECTION SOUTHWESTERN REGION.
		CHIEF CIVIL TRIAL SECTION EASTERN REGION.
		CHIEF OFFICE OF REVIEW.
		EXECUTIVE OFFICER.
		CHIEF, CRIMINAL APPEALS AND TAX ENFORCEMENT POLICY SECTION.
		CHIEF, CRIMINAL ENFORCEMENT SECTION, NORTH REGION.
		CHIEF, CRIMINAL ENFORCEMENT SECTION, WESTERN REGION.
		CHIEF, CIVIL TRIAL SECTION, CENTRAL REGION.
		CHIEF CIVIL TRIAL SECTION NORTHERN.
		CHIEF CIVIL TRIAL SECTION (SOUTHERN REGION).
		CHIEF CIVIL TRIAL SECTION, WESTERN REGION.
		SPECIAL LITIGATION COUNSEL.
		SENIOR LITIGATION COUNSEL.
		DEPUTY CHIEF, APPELLATE SECTION.
OFFICE OF THE DEPUTY ATTORNEY GENERAL.	BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.	ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECURITY OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER.
		ASSISTANT DIRECTOR, MANAGEMENT AND CHIEF FINANCIAL OFFICER.
		DEPUTY ASSISTANT DIRECTOR FOR INFORMATION TECHNOLOGY AND DEPUTY CHIEF INFORMATION OFFICER.
		ASSISTANT DIRECTOR, SCIENCE AND TECHNOLOGY.
		SPECIAL AGENT IN CHARGE, HOUSTON.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY AND SECURITY OPERATIONS.
		DEPUTY DIRECTOR.
		ASSISTANT DIRECTOR, FIELD OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—CENTRAL.
		ASSISTANT DIRECTOR, ENFORCEMENT PROGRAMS AND SERVICES.
		DEPUTY ASSISTANT DIRECTOR, ENFORCEMENT PROGRAMS AND SERVICES.
		DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT.
		ASSISTANT DIRECTOR, HUMAN RESOURCES AND PROFESSIONAL DEVELOPMENT.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—EAST.
		DEPUTY ASSISTANT DIRECTOR, INDUSTRY OPERATIONS.
		SPECIAL AGENT IN CHARGE, NASHVILLE.
		SPECIAL AGENT IN CHARGE, DALLAS.
		ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF STRATEGIC INTELLIGENCE AND INFORMATION.
		ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS.
		DEPUTY ASSISTANT DIRECTOR, FORENSIC SERVICES.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS—WEST.
		SPECIAL AGENT IN CHARGE, LOS ANGELES.
		SPECIAL AGENT IN CHARGE, NEW YORK.
		SPECIAL AGENT IN CHARGE, WASHINGTON DC.
		SPECIAL AGENT IN CHARGE, NEWARK.
		SPECIAL AGENT IN CHARGE, DENVER.
		DEPUTY ASSISTANT DIRECTOR, OFFICE OF PUBLIC AND GOVERNMENTAL AFFAIRS.
		SPECIAL AGENT IN CHARGE, SAINT PAUL.
		SPECIAL AGENT IN CHARGE, ATLANTA.
		SPECIAL AGENT IN CHARGE, BOSTON.

Agency name	Organization name	Position title
		SPECIAL AGENT IN CHARGE, CHICAGO.
		SPECIAL AGENT IN CHARGE, KANSAS CITY.
		SPECIAL AGENT IN CHARGE, PHILADELPHIA.
		SPECIAL AGENT IN CHARGE, PHOENIX.
		SPECIAL AGENT IN CHARGE, SAN FRANCISCO.
		SPECIAL AGENT IN CHARGE, MIAMI.
		SPECIAL AGENT IN CHARGE, CHARLOTTE.
		SPECIAL AGENT IN CHARGE, DETROIT.
		SPECIAL AGENT IN CHARGE, LOUISVILLE.
		SPECIAL AGENT IN CHARGE, SEATTLE.
		SPECIAL AGENT IN CHARGE, TAMPA.
		DEPUTY DIRECTOR, TERRORIST EXPLOSIVE DEVICE ANALYTICAL CENTER.
		SPECIAL AGENT IN CHARGE, COLUMBUS.
		SPECIAL AGENT IN CHARGE, NEW ORLEANS.
		SPECIAL AGENT IN CHARGE, BALTIMORE.
		EXECUTIVE ASSISTANT TO THE DIRECTOR.
		CHIEF, SPECIAL OPERATIONS DIVISION.
		SPECIAL ASSISTANT TO THE DIRECTOR.
		SPECIAL AGENT IN CHARGE, NATIONAL CENTER FOR EXPLOSIVES TRAINING AND RESEARCH.
		DEPUTY ASSISTANT DIRECTOR HUMAN RESOURCES.
		DEPUTY ASSISTANT DIRECTOR, FIELD OPERATIONS (PROGRAMS).
	OFFICE OF CRIMINAL DIVISION	CHIEF, HUMAN RIGHTS AND SPECIAL PROSECUTIONS SECTION.
		DEPUTY CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION.
		DEPUTY CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION.
		DEPUTY ASSISTANT ATTORNEY GENERAL.
		CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION.
		DEPUTY CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION.
		SENIOR COUNSEL FOR CYBERCRIME.
		DEPUTY CHIEF, NARCOTIC AND DANGEROUS DRUG SECTION.
		DIRECTOR, OFFICE OF OVERSEAS PROSECUTORIAL DEVELOPMENT, ASSISTANCE, AND TRAINING.
		DEPUTY CHIEF FOR ORGANIZED CRIME AND GANG SECTION.
		DEPUTY CHIEF, APPELLATE SECTION.
		EXECUTIVE OFFICER.
		CHIEF, CHILD EXPLOITATION AND OBSCENITY SECTION.
		DIRECTOR, INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM.
		DEPUTY, CHIEF FRAUD SECTION.
		CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION.
		CHIEF, ORGANIZED CRIME AND GANG SECTION.
		CHIEF, APPELLATE SECTION.
		CHIEF FRAUD SECTION.
		CHIEF PUBLIC INTEGRITY SECTION.
		CHIEF NARCOTIC AND DANGEROUS DRUG SECTION.
		DEPUTY CHIEF PUBLIC INTEGRITY SECTION.
	EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	CHIEF ADMINISTRATIVE HEARING OFFICER.
		DEPUTY CHIEF IMMIGRATION JUDGE.
		ASSISTANT DIRECTOR FOR ADMINISTRATION.
		VICE CHAIRMAN, BOARD OF IMMIGRATION APPEALS.
		CHAIRMAN, BOARD OF IMIGRATION APPEALS.
		ASSISTANT DIRECTOR FOR POLICY.
		CHIEF IMMIGRATION JUDGE.
		GENERAL COUNSEL.
	EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS	COUNSEL, LEGAL PROGRAMS AND POLICY.
		DEPUTY DIRECTOR.
		CHIEF HUMAN RESOURCES OFFICER.
		GENERAL COUNSEL.
		CHIEF FINANCIAL OFFICER.
		ASSOCIATE DIRECTOR, OFFICE OF LEGAL EDUCATION.
		CHIEF, INFORMATION OFFICER.
		DEPUTY DIRECTOR FOR ADMINISTRATION AND MANAGEMENT.
	FEDERAL BUREAU OF PRISONS	COMPLEX WARDEN, UNITED STATES PENITENTIARY, TUCSON, ARIZONA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, CUMBERLAND, MARYLAND.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GREENVILLE, ILLINIOIS.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MCKEAN, PENNSYLVANIA.

Agency name	Organization name	Position title
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, PEKIN, ILLINOIS.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SCHUYLKILL, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, THREE RIVERS, TEXAS.
		WARDEN, METROPOLITAN DETENTION CENTER, GUAYNABO, PUERTO RICO.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MEMPHIS, TENNESSEE.
		CHIEF EDUCATION ADMINISTRATOR.
		ASSISTANT DIRECTOR, INFORMATION, POLICY AND PUBLIC AFFAIRS.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BENNETTSVILLE, SOUTH CAROLINA.
		WARDEN FCI FORT WORTH TX.
		WARDEN FCI, THOMSON, IL.
		SENIOR DEPUTY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
		SENIOR DEPUTY GENERAL COUNSEL, OFFICE OF THE GENERAL COUNSEL.
		WARDEN, FCI, MENDOTA, CA.
		SENIOR DEPUTY ASSISTANT DIRECTOR, INDUSTRIES, EDUCATION, AND VOCATIONAL TRAINING DIVISION.
		ASSISTANT DIRECTOR, HEALTH SERVICES DIVISION.
		CHIEF, OFFICE OF PUBLIC AFFAIRS.
		SENIOR DEPUTY ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, INFORMATION, POLICY, AND PUBLIC AFFAIRS DIVISION.
		ASSISTANT DIRECTOR, REENTRY SERVICES DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, ADMINISTRATION DIVISION.
		SENIOR ADVISOR.
		WARDEN, UNITED STATES PENITENTIARY, LEAVENWORTH, KANSAS.
		WARDEN, UNITED STATES PENITENTIARY, LEWISBURG, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, LOMPOC, CALIFORNIA.
		WARDEN, UNITED STATES MEDICAL CENTER FEDERAL PRISONERS, SPRINGFIELD, MISSOURI.
		WARDEN, FEDERAL MEDICAL CENTER, LEXINGTON, KENTUCKY.
		WARDEN, UNITED STATES PENITENTIARY, MARION ILLINOIS.
		SUPERVISORY INDUSTRIAL SPECIALIST (CEO) FEDERAL PRISON INDUSTRIES.
		SENIOR DEPUTY ASSISTANT DIRECTOR, REENTRY SERVICES.
		WARDEN FEDERAL CORRECTIONAL COMPLEX, TERRE HAUTE, INDIANA.
		WARDEN FEDERAL CORRECTIONAL COMPLEX, BUTNER, NORTH CAROLINA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, PHOENIX, ARIZONA.
		WARDEN, FEDERAL MEDICAL CENTER, ROCHESTER, MINNESOTA.
		REGIONAL DIRECTOR MIDDLE ATLANTIC REGION.
		DEPUTY DIRECTOR.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, TALLADEGA, ALABAMA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FORT DIX, NEW JERSEY.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, FLORENCE, COLORADO.
		WARDEN, UNITED STATES PENITENTIARY—HIGH, FLORENCE, COLORADO.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, OAKDALE, LOUISIANA.
		WARDEN, FEDERAL MEDICAL CENTER, CARSWELL, TEXAS.
		ASSISTANT DIRECTOR FOR ADMINISTRATION.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, JESUP, GEORGIA.
		COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, VICTORVILLE, CALIFORNIA.
		WARDEN, UNITED STATES PENITENTIARY, MCCREARY, KENTUCKY.
		WARDEN, UNITED STATES PENITENTIARY, POLLOCK, LOUISIANA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, SHERIDAN, OREGON.

Agency name	Organization name	Position title
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, GILMER, WEST VIRGINIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MANCHESTER, KENTUCKY.
		COMPLEX WARDEN, FEDERAL CORRECTION COMPLEX, PETERSBURG, VIRGINIA.
		WARDEN, UNITED STATES PENITENTIARY, HAZELTON, WEST VIRIGINA.
		COMPLEX WARDEN, FEDERAL CORRECTIONAL COMPLEX, YAZOO CITY, MISSISSIPPI.
		WARDEN, UNITED STATES PENITENTIARY, CANAAN, PENNSYLVANIA.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, FORREST CITY, ARKANSAS.
		SENIOR DEPUTY ASSISTANT DIRECTOR RE–ENTRY SERVICES DIVISION.
		WARDEN, UNITED STATES PENITENTIARY COLEMAN–I, COLEMAN, FLORIDA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, WILLIAMSBURG, SOUTH CAROLINA.
		SENIOR DEPUTY ASSISTANT DIRECTOR, INFORMATION, POLICY, AND PUBLIC AFFAIRS DIVISION.
		WARDEN, UNITED STATES PENITENTIARY, BIG SANDY, KENTUCKY.
		SENIOR COUNSEL, OFFICE OF GENERAL COUNSEL.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, BEAUMONT, TEXAS.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, COLEMAN, FLORIDA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BECKLEY, WEST VIRGINIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, OTISVILLE, NEW YORK.
		WARDEN, UNITED STATES PENITENTIARY, LEE, VIRGINIA.
		WARDEN, UNITED STATES PENITENTIARY, ATWATER, CALIFORNIA.
		WARDEN, METROPOLITAN CORRECTIONAL CENTER, NEW YORK, NEW YORK.
		SENIOR DEPUTY ASSISTANT DIRECTOR ADMINISTRATION DIVISION.
		WARDEN, METROPOLITAN DETENTION CENTER, BROOKLYN, NEW YORK.
		WARDEN, FEDERAL CORRECTIONAL COMPLEX, ALLENWOOD, PENNSYLVANIA.
		WARDEN, FEDERAL TRANSFER CENTER, OKLAHOMA CITY, OKLAHOMA.
		SENIOR DEPUTY ASSISTANT DIRECTOR, HUMAN RESOURCES MANAGEMENT DIVISION.
		WARDEN, FEDERAL DETENTION CENTER, MIAMI, FLORIDA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FAIRTON, NEW JERSEY.
		ASSISTANT DIRECTOR, PROGRAM REVIEW DIVISION.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, EDGEFIELD, SOUTH CAROLINA.
		WARDEN, FEDERAL MEDICAL CENTER, DEVENS, MASSACHUSETTS.
		WARDEN, METROPOLITAN DETENTION CENTER, LOS ANGELES, CALIFORNIA.
		WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MARIANNA, FLORIDA.
		ASSISTANT DIRECTOR HUMAN RESOURCES MANAGEMENT DIVISION.
		SENIOR DEPUTY ASSISTANT DIRECTOR, CORRECTIONAL PROGRAMS DIVISION.
		ASSISTANT DIRECTOR CORRECTIONAL PROGRAMS DIVISION.
		ASSISTANT DIRECTOR, OFFICE OF GENERAL COUNSEL.
		EGIONAL DIRECTOR, NORTHEAST REGION.
		REGIONAL DIRECTOR, SOUTHEAST REGION.
		REGIONAL DIRECTOR, NORTH CENTRAL REGION.
		REGIONAL DIRECTOR, WESTERN REGION.
		REGIONAL DIRECTOR, SOUTH CENTRAL REGION.
		WARDEN, UNITED STATES PENITENTIARY, ATLANTA, GEORGIA.
	OFFICE OF JUSTICE MANAGEMENT DIVISION	DEPUTY DIRECTOR, AUDITING, FINANCE STAFF.
		DEPUTY DIRECTOR, HUMAN RESOURCES.
		SENIOR ADVISOR.
		DIRECTOR, SERVICE ENGINEERING STAFF.
		DIRECTOR, SERVICE DELIVERY STAFF.
		DEPUTY DIRECTOR, CYBERSECURITY STAFF/DEPUTY CHIEF INFORMATION SECURITY OFFICER.

Agency name	Organization name	Position title
		DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF TECHNOLOGY OFFICER.
		DIRECTOR, CYBERSECURITY SERVICES STAFF.
		SENIOR COUNSELOR, OFFICE OF THE DEPUTY ASSISTANT ATTORNEY GENERAL FOR POLICY, MANAGEMENT AND PLANNING JUSTICE MANAGEMENT DIVISION.
		ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION.
		DEPUTY DIRECTOR, SERVICE DELIVERY STAFF.
		DIRECTOR, DEPARTMENTAL ETHICS OFFICE.
		DEPUTY DIRECTOR, BUDGET STAFF, OPERATIONS AND FUNDS CONTROL.
		DIRECTOR PROCUREMENT SERVICES STAFF.
		GENERAL COUNSEL.
		DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY STAFF.
		DIRECTOR, BUDGET STAFF.
		DIRECTOR, DEBT COLLECTION MANAGEMENT STAFF.
		DEPUTY ASSISTANT ATTORNEY GENERAL FOR INFORMATION RESOURCES MANAGEMENT/CHIEF INFORMATION OFFICER.
		DIRECTOR, OFFICE OF ATTORNEY RECRUITMENT AND MANAGEMENT.
		DIRECTOR FINANCE STAFF.
		DEPUTY ASSISTANT ATTORNEY GENERAL (CONTROLLER).
		DEPUTY ASSISTANT ATTORNEY GENERAL FOR HUMAN RESOURCES AND ADMINISTRATION.
		DIRECTOR LIBRARY STAFF.
		DIRECTOR JUSTICE SECURITY OPERATIONS CENTER.
		DIRECTOR, FACILITIES AND ADMINISTRATIVE SERVICES STAFF.
		DIRECTOR, APPROPRIATION LIAISON OFFICE.
		DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF.
		DEPUTY DIRECTOR, CUSTOMER AND BUSINESS SOLUTIONS SERVICE DELIVERY STAFF.
		DIRECTOR RM AND E- DISCOVERY.
		DIRECTOR, ASSET FORFEITURE MANAGEMENT STAFF.
		DEPUTY ASSISTANT ATTORNEY GENERAL, POLICY, MANAGEMENT, AND PLANNING.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, INFORMATION TECHNOLOGY POLICY AND PLANNING STAFF.
		DEPUTY DIRECTOR, BUDGET STAFF, PROGRAMS AND PERFORMANCE.
	NATIONAL SECURITY DIVISION	CHIEF, FOREIGN INVESTMENT REVIEW STAFF.
		DIRECTOR OF RISK MANAGEMENT AND SENIOR COUNSEL.
		DIRECTOR, FOIA AND DECLASSIFICATION PROGRAM.
		CHIEF, APPELLATE UNIT.
		DEPUTY CHIEF, COUNTERTERRORISM SECTION.
		DEPUTY ASSISTANT ATTORNEY GENERAL, FISA OPERATIONS AND INTELLIGENCE OVERSIGHT.
		CHIEF, OPERATIONS SECTION.
		CHIEF, OVERSIGHT SECTION.
		EXECUTIVE OFFICER.
		SPECIAL COUNSEL FOR NATIONAL SECURITY.
	OFFICE OF PROFESSIONAL RESPONSIBILITY	DEPUTY COUNSEL ON PROFESSIONAL RESPONSIBILITY.
		COUNSEL ON PROFESSIONAL RESPONSIBILITY.
	OFFICE OF THE LEGAL COUNSEL	SPECIAL COUNSEL.
		SPECIAL COUNSEL.
	PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE	DIRECTOR, PROFESSIONAL RESPONSPONSIBILITY ADVSIORY OFFICE.
	UNITED STATES MARSHALS SERVICE	ASSISTANT DIRECTOR, INVESTIGATIVE OPERATIONS.
		DEPUTY DIRECTOR.
		ASSISTANT DIRECTOR JUDICIAL SECURITY.
		ASSISTANT DIRECTOR, JPATS.
		ATTORNEY ADVISOR.
		ASSOCIATE DIRECTOR, OPERATIONS.
		ASSOCIATE DIRECTOR, ADMINISTRATION.
		ASSISTANT DIRECTOR, TACTICAL OPERATIONS.
		ASSISTANT DIRECTOR FOR PRISONER OPERATIONS.
		ASSISTANT DIRECTOR, INFORMATION TECHNOLOGY.
		ASSISTANT DIRECTOR FINANCIAL SERVICES.
		ASSISTANT DIRECTOR, HUMAN RESOURCES.
		ASSISTANT DIRECTOR, WITNESS SECURITY.
		ASSISTANT DIRECTOR, MANAGEMENT SUPPORT.
		ASSISTANT DIRECTOR, ASSET FORFEITURE.
		ASSISTANT DIRECTOR, TRAINING.

Agency name	Organization name	Position title
	DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL.	AUDIT DIVISION.
		DEPUTY ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION.
		ASSISTANT INSPECTOR GENERAL, AUDIT DIVISION.
	EVALUATION AND INSPECTIONS DIVISION	ASSISTANT INSPECTOR GENERAL, EVALUATION AND INSPECTIONS DIVISION.
	FRONT OFFICE	DEPUTY INSPECTOR GENERAL.
		GENERAL COUNSEL.
	INFORMATION TECHNOLOGY DIVISION	ASSISTANT INSPECTOR GENERAL, INFORMATION TECHNOLOGY DIVISION.
	INVESTIGATIONS DIVISION	ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION.
		DEPUTY ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS DIVISION.
	MANAGEMENT AND PLANNING DIVISION	DEPUTY ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING.
		ASSISTANT INSPECTOR GENERAL, MANAGEMENT AND PLANNING DIVISION.
	OVERSIGHT AND REVIEW DIVISION	DEPUTY ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION.
		ASSISTANT INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION.
DEPARTMENT OF LABOR	BUREAU OF LABOR STATISTICS	ASSOCIATE COMMISSIONER FOR EMPLOYMENT AND UNEMPLOYMENT STATISTICS.
		ASSISTANT COMMISSIONER FOR INTERNATIONAL PRICES.
		ASSOCIATE COMMISSIONER FOR FIELD OPERATIONS.
		ASSOCIATE COMMISSIONER FOR ADMINISTRATION.
		ASSOCIATE COMMISSIONER FOR PRICES AND LIVING CONDITIONS.
		ASSOCIATE COMMISSIONER PRODUCTIVITY AND TECHNOLOGY.
		ASSISTANT COMMISSIONER FOR INDUSTRY EMPLOYMENT STATISTICS.
		ASSOCIATE COMMISSIONER FOR PUBLICATIONS AND SPECIAL STUDIES.
		ASSOCIATE COMMISSIONER FOR SURVEY METHODS RESEARCH.
		ASSISTANT COMMISSIONER FOR CURRENT EMPLOYMENT ANALYSIS.
		ASSOCIATE COMMISSIONER FOR TECHNOLOGY AND SURVEY PROCESSING.
		ASSISTANT COMMISSIONER FOR COMPENSATION LEVELS AND TRENDS.
		ASSISTANT COMMISSIONER FOR SAFETY, HEALTH AND WORKING CONDITIONS.
		DEPUTY COMMISSIONER FOR LABOR STATISTICS.
		DIRECTOR OF SURVEY PROCESSING.
		ASSISTANT COMMISSIONER FOR OCCUPATIONAL STATISTICS AND EMPLOYMENT PROJECTIONS.
		ASSISTANT COMMISSIONER FOR INDUSTRIAL PRICES AND PRICE INDEXES.
		ASSISTANT COMMISSIONER FOR CONSUMER PRICES AND PRICES INDEXES.
		DIRECTOR OF TECHNOLOGY AND COMPUTING SERVICES.
		ASSISTANT COMMISSIONER FOR REGIONAL OPERATIONS (3).
		ASSOCIATE COMMISSIONER FOR COMPENSATION AND WORKING CONDITIONS.
	EMPLOYEE BENEFITS SECURITY ADMINISTRATION	DEPUTY ASSISTANT SECRETARY REGIONAL OFFICES.
		REGIONAL DIRECTOR.
		REGIONAL DIRECTOR—CHICAGO.
		REGIONAL DIRECTOR—NEW YORK.
		CHIEF ACCOUNTANT.
		REGIONAL DIRECTOR—PHILADELPHIA.
		DIRECTOR OF REGULATIONS AND INTERPRETATIONS.
		DEPUTY ASSISTANT SECRETARY FOR PROGRAM OPERATIONS.
		REGIONAL DIRECTOR—BOSTON.
		REGIONAL DIRECTOR—ATLANTA.
		REGIONAL DIRECTOR—KANSAS CITY.
		REGIONAL DIRECTOR—SAN FRANCISCO.
		DIRECTOR OF ENFORCEMENT.
		DIRECTOR OF EXEMPTION DETERMINATIONS.
		DIRECTOR, OFFICE OF OUTREACH EDUCATION AND ASSISTANCE.
		DIRECTOR OF HEALTH PLAN STANDARDS COMPLIANCE AND ASSISTANCE.
		DIRECTOR, OFFICE OF TECHNOLOGY AND INFORMATION SERVICES.
	EMPLOYMENT AND TRAINING ADMINISTRATION	ADMINISTRATOR, OFFICE OF GRANTS MANAGEMENT.
		ADMINISTRATOR, OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

Agency name	Organization name	Position title
		ADMINISTRATOR, OFFICE OF POLICY DEVELOPMENT AND RESEARCH.
		ADMINISTRATOR, OFFICE OF WORKFORCE SECURITY.
		ASSOCIATE ADMINISTRATOR.
		COMPTROLLER.
		DEPUTY ASSISTANT SECRETARY (OPERATIONS AND MANAGEMENT).
		DEPUTY ADMINISTRATOR JOB CORP.
		REGIONAL ADMINISTRATOR.
		ADMINISTRATOR, OFFICE OF JOB CORPS.
		ADMINISTRATOR, OFFICE OF FOREIGN LABOR CERTIFICATION.
		REGIONAL ADMINISTRATOR (3).
		ADMINISTRATOR, APPRENTICESHIP AND TRAINING, EMPLOYEE AND LABOR SERVICES.
	MINE SAFETY AND HEALTH ADMINISTRATION	DEPUTY ASSISTANT SECRETARY.
		DIRECTOR OF TECHNICAL SUPPORT.
		DIRECTOR OF ADMINISTRATION AND MANAGEMENT.
		DIRECTOR, OFFICE OF ASSESSMENTS, ACCOUNTABILITY, SPECIAL ENFORCEMENT, AND INVESTIGATIONS.
		DEPUTY ADMINISTRATOR FOR COAL MINE SAFETY AND HEALTH.
		DIRECTOR OF PROGRAM EVALUATION AND INFORMATION RESOURCES.
	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.	DIRECTOR OF CONSTRUCTION.
		DIRECTOR, ADMINISTRATIVE PROGRAMS.
	OFFICE OF DISABILITY EMPLOYMENT POLICY	DEPUTY ASSISTANT SECRETARY FOR ODEP.
		DIRECTOR FOR PROGRAM MANAGEMENT.
	OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS.	DIRECTOR, DIVISION OF POLICY, PLANNING AND PROGRAM DEVELOPMENT.
		REGIONAL DIRECTOR FOR OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (6).
		DIRECTOR, MANAGEMENT AND ADMINISTRATIVE PROGRAMS.
	OFFICE OF LABOR- MANAGEMENT STANDARDS	REGIONAL DIRECTOR, SAINT LOUIS, MO.
		REGIONAL DIRECTOR, MILWAUKEE.
		REGIONAL DIRECTOR, NEW YORK, NEW YORK.
		REGIONAL DIRECTOR, NEW ORLEANS.
		DEPUTY DIRECTOR, OFFICE OF LABOR MANAGEMENT STANDARDS.
	OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT.	DIRECTOR DEPARTMENTAL BUDGET CENTER.
		DIRECTOR BUSINESS OPERATIONS CENTER.
		DIRECTOR, PERFORMANCE MANAGEMENT CENTER.
		DIRECTOR OF CIVIL RIGHTS.
		DEPUTY ASSISTANT SECRETARY FOR OPERATIONS.
		DIRECTOR OF ENTERPRISE SERVICES.
		DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF HUMAN CAPITAL OFFICER.
		DEPUTY DIRECTOR OF HUMAN RESOURCES.
		DEPUTY ASSISTANT SECRETARY FOR BUDGET.
		DIRECTOR, GRANTS MANAGEMENT.
		SENIOR PROCUREMENT EXECUTIVE.
		DIRECTOR, CYBER SECURITY AND CHIEF INFORMATION SECURITY OFFICER.
	OFFICE OF THE ASSISTANT SECRETARY FOR POLICY	DIRECTOR, OFFICE OF REGULATORY AND PROGRAMMATIC POLICY.
		DEPUTY ASSISTANT SECRETARY FOR POLICY.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER.
		ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL SYSTEMS.
	OFFICE OF THE SOLICITOR	REGIONAL SOLICITOR—NEW YORK.
		ASSOCIATE SOLICITOR FOR PLAN BENEFITS SECURITY.
		DEPUTY SOLICITOR (REGIONAL OPERATIONS).
		REGIONAL SOLICITOR - BOSTON.
		REGIONAL SOLICITOR - CHICAGO.
		ASSOCIATE SOLICITOR FOR OCCUPATIONAL SAFETY AND HEALTH.
		ASSOCIATE SOLICITOR FOR MINE SAFETY AND HEALTH.
		ASSOCIATE SOLICITOR, MANAGEMENT AND ADMINISTRATIVE LEGAL SERVICES DIVISION.
		ASSOCIATE SOLICITOR FOR CIVIL RIGHTS AND LABOR MANAGEMENT.
		ASSOCIATE SOLICITOR FOR BLACK LUNG AND LONGSHORE LEGAL SERVICES.
		DEPUTY SOLICITOR (NATIONAL OPERATIONS).
		ASSOCIATE SOLICITOR FOR FAIR LABOR STANDARDS.
		REGIONAL SOLICITOR—ATLANTA.
		ASSOCIATE SOLICITOR FOR FEDERAL EMPLOYEES' AND ENERGY WORKERS' COMPENSATION.
		REGIONAL SOLICITOR—PHILADELPHIA.

Agency name	Organization name	Position title
		REGIONAL SOLICITOR —DALLAS.
		REGIONAL SOLICITOR—SAN FRANCISCO.
	OFFICE OF WORKERS COMPENSATION PROGRAMS	REGIONAL DIRECTOR—DALLAS.
		DEPUTY DIRECTOR FOR OFFICE OF WORKERS' COMPENSATION PROGRAMS.
		DEPUTY DIRECTOR, POLICY AND NATIONAL OPERATIONS.
		NATIONAL ADMINISTRATION OF FIELD OPERATIONS, DIVISION OF FEDERAL EMPLOYEES COMPENSATION.
		NATIONAL ADMINISTRATION OF FIELD OPERATIONS, DIVISION OF ENERGY EMPLOYEE OCC ILLNESS COMP.
		DIRECTOR FOR FEDERAL EMPLOYEES' COMPENSATION.
		REGIONAL DIRECTOR (2).
		COMPTROLLER.
		ADMINISTRATIVE OFFICER.
		DEPUTY DIRECTOR, CLAIMS ADMINISTRATION, POLICY, HEARINGS, AND TECHNICAL ASSISTANCE.
		DEPUTY DIRECTOR, PROGRAM AND SYSTEMS INTEGRITY.
		REGIONAL DIRECTOR (NORTHEAST REGION).
		DIRECTOR, ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS COMPENATION.
		DIRECTOR OF COAL MINE WORKERS' COMPENSATION.
	VETERANS EMPLOYMENT AND TRAINING SERVICE	DIRECTOR OF NATIONAL PROGRAMS.
		DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND MANAGEMENT.
		DIRECTOR, OFFICE OF FIELD OPERATIONS.
	WAGE AND HOUR DIVISION	ASSISTANT ADMINISTRATOR, OPERATIONS.
	WOMEN'S BUREAU	DEPUTY DIRECTOR, WOMEN'S BUREAU.
DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL.	DEPARTMENT OF LABOR OFFICE OF INSPECTOR GENERAL.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		ASSISTANT INSPECTOR GENERAL FOR CONGRESSIONAL AND PUBLIC RELATIONS.
		CHIEF PERFORMANCE AND RISK MANAGEMENT OFFICER.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING.
		COUNSEL TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—LABOR RACKETEERING.
MERIT SYSTEMS PROTECTION BOARD.	DALLAS REGIONAL OFFICE	REGIONAL DIRECTOR, DALLAS.
OFFICE OF REGIONAL OPERATIONS	ATLANTA REGIONAL OFFICE	REGIONAL DIRECTOR, ATLANTA.
	CENTRAL REGION, CHICAGO REGIONAL OFFICE	REGIONAL DIRECTOR, CHICAGO.
	NORTHEAST REGION, PHILADELPHIA REGIONAL OFFICE.	REGIONAL DIRECTOR, PHILADELPHIA.
	WASHINGTON, DC REGION, WASHINGTON REGIONAL OFFICE.	REGIONAL DIRECTOR, WASHINGTON, D.C.
	WESTERN REGION, OAKLAND REGIONAL OFFICE	REGIONAL DIRECTOR, OAKLAND.
OFFICE OF THE BOARD, CHAIRMAN	OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT.	DIRECTOR, FINANCIAL AND ADMINISTRATIVE MANAGEMENT.
	OFFICE OF INFORMATION RESOURCES MANAGEMENT	DIRECTOR, INFORMATION RESOURCES MANAGEMENT.
	OFFICE OF POLICY AND EVALUATION	DIRECTOR, OFFICE OF POLICY AND EVALUATION.
	OFFICE OF REGIONAL OPERATIONS	DIRECTOR, OFFICE OF REGIONAL OPERATIONS.
	OFFICE OF THE CLERK OF THE BOARD	CLERK OF THE BOARD.
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	DIRECTOR, EXPLORATION RESEARCH AND TECHNOLOGY PROGRAMS.
		GROUND SYSTEMS INTEGRATION MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM.
		DIRECTOR, HUMAN RESOURCES.
		DIRECTOR, SPACEPORT INTEGRATION AND SERVICES.
		DIRECTOR, COMMUNICATION AND PUBLIC ENGAGEMENT.
AERONAUTICS RESEARCH MISSION DIRECTORATE.	AMES RESEARCH CENTER	DEPUTY DIRECTOR, SCIENCE.
		DIRECTOR, PROGRAMS AND PROJECTS.
		ASSOCIATE DIRECTOR FOR RESEARCH AND TECHNOLOGY.
		DEPUTY DIRECTOR, EXPLORATION TECHNOLOGY.
		PROGRAM MANAGER FOR SOFIA.

Agency name	Organization name	Position title
		HUMAN CAPITAL DIRECTOR.
		PROCUREMENT OFFICER.
		CHIEF INFORMATION OFFICER.
		DEPUTY CENTER DIRECTOR, AMES.
		DIRECTOR OF SAFETY AND MISSION ASSURANCE.
		DEPUTY DIRECTOR, AERONAUTICS.
		DIRECTOR OF SCIENCE.
		DIRECTOR, EXPLORATION TECHNOLOGY.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR OF CENTER OPERATIONS.
		DIRECTOR OF AERONAUTICS.
		SPECIAL ASSISTANT TO THE CENTER DIRECTOR.
		SPECIAL ASSISTANT.
		ASSISTANT CENTER DIRECTOR FOR MANAGEMENT OPERATIONS.
		DIRECTOR OF ENGINEERING.
		DIRECTOR, NASA RESEARCH PARK.
		CENTER ASSOCIATE DIRECTOR.
	GLENN RESEARCH CENTER	CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR OF FACILTIES, TEST AND MANUFACTURING DIRECTORATE.
		DIRECTOR OF CENTER OPERATIONS.
		DEPUTY DIRECTOR, OFFICE OF TECHNOLOGY INCUBATION AND INNOVATION.
		ASSOCIATE DIRECTOR FOR STRATEGY.
		DIRECTOR, FACILITIES, TEST AND MANUFACTURING DIRECTORATE.
		DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE.
		DIRECTOR, AERONAUTICS DIRECTORATE.
		DIRECTOR, OFFICE OF TECHNOLOGY INCUBATION AND INNOVATION.
		PLUM BROOK STATION MANAGER.
	LANGLEY RESEARCH CENTER	SENIOR ADVISOR FOR TECHNOLOGY AND STRATEGY.
		DEPUTY DIRECTOR FOR TECHNICAL CAPABILITIES.
		DEPUTY DIRECTOR FOR AERONAUTICS PROJECTS.
		DIRECTOR, SPACE TECHNOLOGY AND EXPLORATION DIRECTORATE.
		ASSOCIATE DIRECTOR, LANGLEY RESEARCH CENTER.
		DEPUTY DIRECTOR FOR INTELLIGENT FLIGHT SYSTEMS.
		DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER.
		DEPUTY DIRECTOR, LANGLEY RESEARCH CENTER.
		CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ENGINEERING AND SAFETY CENTER.
		DIRECTOR, SCIENCE DIRECTORATE.
		DIRECTOR, SYSTEMS ANALYSIS AND ADVANCED CONCEPTS DIRECTORATE.
		DIRECTOR, RESEARCH SERVICES DIRECTORATE.
		DIRECTOR, OFFICE OF HUMAN CAPITAL MANAGEMENT.
		MANAGER, NESC INTEGRATION OFFICE.
		DEPUTY DIRECTOR FOR STRUCTURES AND MATERIALS.
		DEPUTY DIRECTOR FOR MISSION ASSURANCE.
		DIRECTOR, OFFICE OF STRATEGIC ANALYSIS, COMMUNICATIONS, AND BUSINESS DEVELOPMENT.
		ASSOCIATE DIRECTOR, TECHNICAL.
		SENIOR ADVISOR FOR ENGINEERING DEVELOPMENT.
		DEPUTY DIRECTOR FOR AEROSCIENCES.
		DEPUTY DIRECTOR FOR SAFETY.
		DIRECTOR, EARTH SYSTEM SCIENCE PATHFINDER PROGRAM OFFICE.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, SAFETY AND MISSION ASSURANCE OFFICE.
		DIRECTOR, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, ENGINEERING DIRECTORATE.
		DIRECTOR, RESEARCH DIRECTORATE.
		DEPUTY DIRECTOR, RESEARCH DIRECTORATE.
		DIRECTOR, CENTER OPERATIONS DIRECTORATE.
		DIRECTOR, AERONAUTICS RESEARCH DIRECTORATE.
GLENN RESEARCH CENTER	NASA SAFETY CENTER	DIRECTOR, AUDITS AND ASSESSMENTS.
		DIRECTOR, TECHNICAL EXCELLENCE.
	OFFICE OF THE CHIEF INFORMATION OFFICER	CHIEF INFORMATION OFFICER.
	RESEARCH AND ENGINEERING DIRECTORATE	DEPUTY DIRECTOR, RESEARCH AND ENGINEERING DIRECTORATE.
		DEPUTY CHIEF, POWER DIVISION.
		CHIEF, POWER DIVISION.

Agency name	Organization name	Position title
		DIRECTOR, RESEARCH AND ENGINEERING DIRECTORATE.
		CHIEF, CHIEF ENGINEER OFFICE.
	SPACE FLIGHT SYSTEMS DIRECTORATE	DIRECTOR, SPACE FLIGHT SYSTEMS DIRECTORATE.
		DEPUTY DIRECTOR, SPACE FLIGHT SYSTEMS.
		MANAGER, POWER AND PROPULSION ELEMENT PROJECT OFFICE.
		MANAGER, EUROPEAN SERVICE MODULE INTEGRATION OFFICE.
GODDARD SPACE FLIGHT CENTER	OFFICE OF FLIGHT PROJECTS	ASSOCIATE DIRECTOR FOR EXPLORERS AND HELIOPHYSICS PROJECTS DIVISION.
		DEPUTY ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR JOINT POLAR SATELLITE SYSTEM (JPSS) GROUND.
	OFFICE OF INFORMATION TECHNOLOGY	CHIEF INFORMATION OFFICER.
	OFFICE OF MANAGEMENT OPERATIONS	DEPUTY DIRECTOR OF MANAGEMENT OPERATIONS.
	OFFICE OF SCIENCES AND EXPLORATION	DEPUTY DIRECTOR OF SCIENCES AND EXPLORATION.
JOHNSON SPACE CENTER	OFFICE OF CENTER OPERATIONS	DIRECTOR, CENTER OPERATIONS.
	OFFICE OF ENGINEERING	CHIEF, AEROSCIENCE AND FLIGHT MECHANICS DIVISION.
		CHIEF, PROPULSION AND POWER DIVISION.
		DEPUTY DIRECTOR, ENGINEERING.
		CHIEF, SOFTWARE, ROBOTICS AND SIMULATION DIVISION.
		DIRECTOR, ENGINEERING.
	OFFICE OF EXPLORATION INTEGRATION AND SCIENCE.	DEPUTY DIRECTOR, EXPLORATION INTEGRATION AND SCIENCE.
		DIRECTOR, EXPLORATION INTEGRATION AND SCIENCE.
		DIRECTOR, STRATEGIC OPPORTUNITIES AND PARTNERSHIP DEVELOPMENT.
		CHIEF, PARTNERSHIPS DEVELOPMENT OFFICE.
		ASSOCIATE DIRECTOR, EXPLORATION, INTEGRATION AND SCIENCE.
		MANAGER, EXTRA VEHICULAR ACTIVITY MANAGEMENT OFFICE.
	OFFICE OF FLIGHT OPERATIONS	CHIEF ASTRONAUT OFFICE.
		CHIEF, FLIGHT DIRECTOR OFFICE.
		CHIEF, AIRCRAFT OPERATIONS DIVISION.
		CHIEF, MISSION SYSTEMS DIVISION.
		DEPUTY DIRECTOR, FLIGHT OPERATIONS.
		DIRECTOR, FLIGHT OPERATIONS.
	HUMAN HEALTH AND PERFORMANCE	DEPUTY DIRECTOR, HUMAN HEALTH AND PEFORMANCE.
		DIRECTOR, HUMAN HEALTH AND PERFORMANCE.
	OFFICE OF INFORMATION RESOURCES	DIRECTOR, INFORMATION RESOURCES.
	OFFICE OF PROCUREMENT	SENIOR ADVISOR (TRANSFORMATION).
		DIRECTOR, OFFICE OF PROCUREMENT.
	OFFICE OF ORION PROGRAM	MANAGER, AVIONICS, POWER AND SOFTWARE OFFICE.
		DEPUTY MANAGER, ORION PROGRAM.
		MANAGER, VEHICLE INTEGRATION OFFICE.
		MANAGER, ORION PROGRAM.
		MANAGER, CREW AND SERVICE MODULE OFFICE.
	SPACE STATION PROGRAM OFFICE	MANAGER, EXTERNAL INTEGRATION OFFICE.
		DEPUTY MANAGER FOR UTILIZATION.
		MANAGER, INTERNATIONAL SPACE STATION RESEARCH INTEGRATION OFFICE.
		MANAGER, OPERATIONS INTEGRATION.
		MANAGER, SAFETY AND MISSION ASSURANCE/PROGRAM RISK OFFICE, ISSP.
		MANAGER, INTERNATIONAL SPACE STATION TRANSPORTATION INTEGRATION.
		MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, INTERNATIONAL SPACE STATION.
		MANAGER, AVIONICS AND SOFTWARE OFFICE.
		DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM.
		MANAGER, VEHICLE OFFICE.
		MANAGER, INTERNATIONAL SPACE STATION PROGRAM.
	WHITE SANDS TEST FACILITY	MANAGER, WHITE SANDS TEST FACILITY.
KENNEDY SPACE CENTER	LAUNCH SERVICES PROGRAM	MANAGER, LAUNCH SERVICES PROGRAM.
	SAFETY AND MISSION ASSURANCE	DIRECTOR, SAFETY AND MISSION ASSURANCE.
MISSION SUPPORT DIRECTORATE	NASA SHARED SERVICES CENTER	DIRECTOR, SUPPORT OPERATIONS DIRECTORATE.
		DIRECTOR, SERVICE DELIVERY DIRECTORATE.
		FEDERAL SHARED SERVICES IMPLEMENTATION PROGRAM MANAGER.
		EXECUTIVE DIRECTOR OF NASA SHARED SERVICES CENTER.
	OFFICE OF CHIEF HEALTH AND MEDICAL OFFICER	CHIEF HEALTH AND MEDICAL OFFICER.
		DEPUTY CHIEF HEALTH AND MEDICAL OFFICER.
	OFFICE OF HEADQUARTERS OPERATIONS	EXECUTIVE DIRECTOR, HEADQUARTERS OPERATIONS.

Agency name	Organization name	Position title
		DIRECTOR, HUMAN RESOURCE MANGEMENT DIVISION.
		DIRECTOR, HEADQUARTERS INFORMATION AND COMMUNICATION DIVISION.
		DIRECTOR, BUDGET MANAGEMENT AND SYSTEMS SUPPORT.
	OFFICE OF HUMAN CAPITAL MANAGEMENT	DIRECTOR, HUMAN RESOURCES SERVICES DIVISION.
		DIRECTOR, EXECUTIVE RESOURCES.
		ASSISTANT ADMINISTRATOR FOR HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, WORKFORCE CULTURE DIVISION.
		DEPUTY ASSISTANT ADMINISTRATOR FOR HUMAN CAPITAL MANAGEMENT.
		DIRECTOR, WORKFORCE STRATEGY DIVISION.
		SPECIAL ASSISTANT TO THE CHIEF HUMAN CAPITAL OFFICER.
		DIRECTOR, BUSINESS OPERATIONS DIVISION.
		DEPUTY ASSISTANT ADMINISTRATOR FOR HIRING.
		DIRECTOR, EXECUTIVE RESOURCES.
	OFFICE OF PROCUREMENT	DIRECTOR, OFFICE OF PROCUREMENT.
		DIRECTOR, PROGRAM OPERATIONS DIVISION.
		DIRECTOR, INFORMATION TECHNOLOGY PROCUREMENT OFFICE.
		ASSISTANT ADMININSTRATOR FOR PROCUREMENT.
		DEPUTY ASSISTANT ADMINISTRATOR FOR OFFICE OF PROCUREMENT.
		DIRECTOR, OFFICE OF PROCUREMENT.
		DIRECTOR, CONTRACT MANAGEMENT DIVISION.
	OFFICE OF PROTECTIVE SERVICES	DEPUTY ASSISTANT ADMINISTRATOR FOR PROTECTIVE SERVICES.
		DIRECTOR OF COUNTERINTELLIGENCE/COUNTERTERRORISM FOR PROTECTIVE SERVICES.
		ASSISTANT ADMINISTRATOR FOR PROTECTIVE SERVICES.
	OFFICE OF STRATEGIC INFRASTRUCTURE	DIRECTOR, SPACE ENVIRONMENTS TESTING MANAGEMENT OFFICE (SETMO).
		SENIOR ADVISOR (TRANSFORMATION).
		DEPUTY ASSISTANT ADMINISTRATOR FOR STRATEGIC INFRASTRUCTURE.
		DIRECTOR, FACILITIES AND REAL ESTATE.
		DIRECTOR, LOGISTICS MANAGEMENT DIVISION.
		ASSISTANT ADMINISTRATOR FOR INFRASTRUCTURE AND ADMININSTRATION.
		DIRECTOR ENVIRONMENTAL MANAGEMENT DIVISION.
	OFFICE OF THE CHIEF ENGINEER	CHIEF ENGINEER.
		DEPUTY FOR MANAGEMENT.
	OFFICE OF THE CHIEF FINANCIAL OFFICER/COMPTROLLER.	DIRECTOR, POLICY DIVISION.
		DEPUTY CHIEF FINANCIAL OFFICER (APPROPRIATIONS).
		DEPUTY CHIEF FINANCIAL OFFICER (FINANCE).
		DIRECTOR, STRATEGIC INVESTMENT DIVISION.
		DIRECTOR, FINANCIAL MANAGEMENT DIVISION.
		DIRECTOR, QUALITY ASSURANCE.
		DIRECTOR, BUDGET DIVISION.
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	OFFICE OF SAFETY AND MISSION ASSURANCE	DIRECTOR, INDEPENDENT VERIFICATION AND VALIDATION PROGRAM.
	OFFICE OF THE ADMINISTRATOR	ASSOCIATE ADMINSTRATOR.
		DEPUTY ASSOCIATE ADMINISTRATOR.
		SENIOR ADVISOR.
		SENIOR ADVISOR TO THE DEPUTY ASSOCIATE ADMINISTRATOR.
	OFFICE OF THE CHIEF FINANCIAL OFFICER/COMPTROLLER.	ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER (FINANCE).
		DEPUTY CHIEF FINANCIAL OFFICER (STRATEGY AND PERFORMANCE).
		DIRECTOR, STAFF OPERATIONS DIVISION.
OFFICE OF EARTH SCIENCE	GODDARD SPACE FLIGHT CENTER	ASSOCIATE DIRECTOR FOR ASTROPHYSICS PROJECTS DIVISION.
		DIRECTOR OF ENGINEERING AND TECHNOLOGY.
		CHIEF, MECHANICAL SYSTEMS DIVISION.
		DIRECTOR OF FLIGHT PROJECTS.
		DIRECTOR, EARTH SCIENCES DIVISION.
		CHIEF, GODDARD INSTITUTE FOR SPACE STUDIES.
		DIRECTOR, ASTROPHYSICS SCIENCE DIVISION.
		DIRECTOR, HELIOPHYSICS SCIENCE DIVISION.
		ASSOCIATE DIRECTOR FOR EARTH SCIENCE PROJECTS DIVISION.
		DEPUTY ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR JOINT POLAR SATELLITE SYSTEM (JPSS) FLIGHT.
		SPECIAL ASSISTANT FOR PROJECT MANAGEMENT TRAINING.
		ASSOCIATE DIRECTOR FOR SATELLITE SERVICING CAPABILITIES PROJECT.

Agency name	Organization name	Position title
		ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR THE INSTRUMENT AND SPECIAL PROJECTS DIVISION.
		CHIEF INFORMATION OFFICER AND DIRECTOR OF INFORMATION TECHNOLOGY & COMMUNICATIONS DIRECTORATE.
		DEPUTY DIRECTOR FOR TECHNICAL MANAGEMENT.
		DEPUTY DIRECTOR WALLOPS FLIGHT FACILITY.
		DIRECTOR OF MANAGEMENT OPERATIONS.
		DIRECTOR OF SAFETY AND MISSION ASSURANCE.
		DEPUTY DIRECTOR FLIGHT PROJECTS FOR PLANNING AND BUSINESS MANAGEMENT.
		DEPUTY DIRECTOR FOR TECHNOLOGY AND RESEARCH INVESTMENTS.
		CHIEF, MISSION ENGINEERING AND SYSTEMS ANALYSIS DIVISION.
		DEPUTY DIRECTOR FOR INSTITUTIONS, PROGRAMS, AND BUSINESS MANAGEMENT.
		ASSOCIATE DIRECTOR FOR EXPLORATION AND SPACE COMMUNICATIONS PROJECTS DIVISION.
		DEPUTY CHIEF FINANCIAL OFFICER.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, SOLAR SYSTEM EXPLORATION DIVISION.
		DIRECTOR OF WALLOPS FLIGHT FACILITY.
		DEPUTY DIRECTOR OF FLIGHT PROJECTS.
		DIRECTOR OF THE OFFICE OF HUMAN CAPITAL MANAGEMENT.
		DEPUTY DIRECTOR OF SAFETY AND MISSION ASSURANCE.
		DIRECTOR OF SCIENCES AND EXPLORATION.
		CENTER ASSOCIATE DIRECTOR.
		CHIEF, ELECTRICAL ENGINEERING DIVISION.
		CHIEF, INSTRUMENT SYSTEMS AND TECHNOLOGY DIVISION.
		DEPUTY DIRECTOR OF ENGINEERING AND TECHNOLOGY.
		CHIEF, SOFTWARE ENGINEERING DIVISION.
		DEPUTY DIRECTOR FOR PLANNING AND BUSINESS MANAGEMENT.
OFFICE OF PUBLIC AFFAIRS	OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS.	DEPUTY ASSOCIATE ADMINISTRATOR FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS.
OFFICE OF SMALL BUSINESS PROGRAMS.	JOHNSON SPACE CENTER	DIRECTOR, EXTERNAL RELATIONS.
		DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM (OPERATIONS).
		MANAGER, OPERATIONS INTEGRATION, COMMERCIAL CREW PROGRAM.
		CHIEF FINANCIAL OFFICER.
		DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM (UTILIZATION).
		PRODUCTION MANAGER, GATEWAY PROGRAM.
		MANAGER, PROGRAM PLANNING AND CONTROL, ORION.
		DEPUTY MANAGER, GATEWAY PROGRAM.
		MANAGER, VEHICLE SYSTEMS INTEGRATION.
		DEPUTY DIRECTOR, JOHNSON SPACE CENTER.
		DEPUTY MANAGER, FLIGHT DEVELOPMENT & OPERATIONS, COMMERCIAL CREW PROGRAM.
		DIRECTOR OF HUMAN RESOURCES.
		CENTER ASSOCIATE DIRECTOR.
	KENNEDY SPACE CENTER	MANAGER, DEEP SPACE GATEWAY, LOGISTICS ELEMENT.
		DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE.
		DEPUTY DIRECTOR, SPACEPORT INTEGRATION AND SERVICES.
		CHIEF, LABORATORIES AND TEST FACILITIES DIVISION, ENGINEERING.
		CHIEF, TECHNICAL PERFORMANCE AND INTEGRATION DIVISION, ENGINEERING.
		ASSOCIATE DIRECTOR, MANAGEMENT.
		CHIEF, COMMERCIAL SYSTEMS DIVISION, ENGINEERING.
		DEPUTY MANAGER, GROUND DEVELOPMENT AND OPERATIONS, COMMERCIAL CREW PROGRAM.
		MANAGER, COMMERCIAL CREW PROGRAM.
		DEPUTY DIRECTOR, ENGINEERING.
		CHIEF, EXPLORATION SYSTEMS AND OPERATIONS DIVISION, ENGINEERING.
		ASSOCIATE MANAGER, TECHNICAL, EXPLORATION GROUND SYSTEMS PROGRAM.
		MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM.
		DEPUTY MANAGER, EXPLORATION GROUND SYSTEMS PROGRAM.

Agency name	Organization name	Position title
	MARSHALL SPACE FLIGHT CENTER	ASSOCIATE DIRECTOR, ENGINEERING. DIRECTOR, ENGINEERING. DEPUTY MANAGER, LAUNCH SERVICES PROGRAM. CHIEF INFORMATION OFFICER, KENNEDY SPACE CENTER. DEPUTY DIRECTOR, JOHN F KENNEDY SPACE CENTER. ASSOCIATE DIRECTOR, TECHNICAL, JOHN F KENNEDY SPACE CENTER. CHIEF FINANCIAL OFFICER. DIRECTOR, PROCUREMENT. DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE. CHIEF ENGINEER, OFFICE OF THE CHIEF ENGINEER, ENGINEERING DIRECTORATE. DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTORATE. ASSOCIATE CENTER DIRECTOR.. MANAGER, SPACECRAFT/PAYLOAD INTEGRATION AND EVOLUTION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE. DIRECTOR, ENGINEERING DIRECTORATE. DEPUTY DIRECTOR, OFFICE OF CENTER OPERATIONS. MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE. PROGRAM MANAGER, HUMAN LANDING SYSTEM. DIRECTOR FOR ADVANCED TECHNOLOGY, SCIENCE AND TECHNOLOGY OFFICE. DEPUTY MANAGER, HUMAN LANDING SYSTEM PROGRAM OFFICE. INTERNATIONAL SPACE STATION COST ACCOUNT MANAGER. MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE. MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE. CHIEF FINANCIAL OFFICER. MANAGER, SCIENCE AND TECHNOLOGY OFFICE. ASSOCIATE MANAGER, SCIENCE AND TECHNOLOGY OFFICE. ASSOCIATE DIRECTOR FOR OPERATIONS. MANAGER, SYSTEMS ENGINEERING AND INTEGRATION OFFICE. ASSOCIATE PROGRAM MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE. SPACE LAUNCH SYSTEM CHIEF SAFETY OFFICER, SAFETY AND MISSION ASSURANCE DIRECTORATE. MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE. DEPUTY MANAGER, SPACE LAUNCH SYSTEM PROGRAM OFFICE. MANAGER, ENGINES OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE. MANAGER, STAGES OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE. MANAGER, BOOSTERS OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE. CHIEF ENGINEER, SPACE LAUNCH SYSTEM, ENGINEERING DIRECTORATE. DEPUTY MANAGER, SCIENCE AND TECHNOLOGY OFFICE. DEPUTY CENTER DIRECTOR. MANAGER, PROGRAM PLANNING AND CONTROL OFFICE, SPACE LAUNCH SYSTEM PROGRAM OFFICE. ASSOCIATE CENTER DIRECTOR, TECHNICAL. ASSOCIATE DIRECTOR FOR TECHNICAL OPERATIONS, ENGINEERING DIRECTORATE. DIRECTOR, MICHOUD ASSEMBLY FACILITY. DEPUTY MANAGER, OFFICE OF THE CHIEF ENGINEER, ENGINEERING DIRECTORATE. ASSOCIATE DIRECTOR FOR OPERATIONS, ENGINEERING DIRECTORATE. DIRECTOR, OFFICE OF CENTER OPERATIONS. DEPUTY MANAGER, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE. MANAGER, HABITATION ELEMENT OFFICE, HUMAN EXPLORATION DEVELOPMENT AND OPERATIONS OFFICE. ASSOCIATE CHIEF INFORMATION OFFICER, APPLICATIONS DIVISION. DEPUTY DIRECTOR, ENGINEERING DIRECTORATE.

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, SPACE SYSTEMS DEPT, ENGINEERING DIRECTORATE.
		DIRECTOR, SPACE SYSTEMS DEPARTMENT, ENGINEERING DIRECTORATE.
		DIRECTOR, MATERIALS AND PROCESSES LAB, ENGINEERING DIRECTORATE.
		DIRECTOR, PROPULSION SYSTEMS DEPT, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, PROPULSION SYSTEMS DEPT, ENGINEERING DIRECTORATE.
		DIRECTOR, TEST LABORATORY, ENGINEERING DIRECTORATE.
		DIRECTOR, SPACECRAFT AND VEHICLE SYSTEMS DEPT, ENGINEERING DIRECTORATE.
		DEPUTY DIRECTOR, SPACECRAFT AND VEHICLE SYSTEMS DEPT, ENGINEERING DIRECTORATE.
		SPECIAL ASSISTANT TO THE DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DIRECTOR, OFFICE OF HUMAN RESOURCES.
		DIRECTOR, OFFICE OF STRATEGIC ANALYSIS AND COMMUNICATIONS.
		DIRECTOR, OFFICE OF THE CHIEF INFORMATION OFFICER.
	STENNIS SPACE CENTER	ASSOCIATE DIRECTOR.
		DIRECTOR, CENTER OPERATIONS DIRECTORATE.
		DIRECTOR, OFFICE OF SAFETY AND MISSION ASSURANCE.
		CHIEF FINANCIAL OFFICER.
		DEPUTY DIRECTOR, STENNIS SPACE CENTER.
		DIRECTOR, ENGINEERING AND SCIENCE DIRECTORATE.
		DEPUTY DIRECTOR, ENGINEERING AND TEST DIRECTORATE.
OFFICE OF THE ADMINISTRATOR	AERONAUTICS RESEARCH MISSION DIRECTORATE	DIRECTOR FOR INTEGRATED AVIATION SYSTEMS PROGRAM.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR STRATEGY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY.
		DEPUTY ASSOCIATE ADMINISTRATOR.
		DIRECTOR, PORTFOLIO ANALYSIS AND MANAGEMENT OFFICE.
		DIRECTOR OF TRANSFORMATIVE AERONAUTICS CONCEPTS PROGRAM OFFICE.
		DIRECTOR OF AIRSPACE OPERATIONS AND SAFETY PROGRAM OFFICE.
		DIRECTOR OF ADVANCED AIR VEHICLES PROGRAM OFFICE.
	CHIEF OF STAFF	ASSOCIATE ADMINISTRATOR, STRATEGY AND PLANS.
	OFFICE OF HUMAN EXPLORATION AND OPERATIONS MISSION DIRECTORATE.	DIRECTOR, LAUNCH SERVICES OFFICE.
		DIRECTOR, NETWORK SERVICES.
		DIRECTOR, HUMAN SPACEFLIGHT CAPABILITIES DIVISION.
		POWER PROPULSION ELEMENT, PROGRAM DIRECTOR.
		DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DIVISION.
		EXPLORATION SYSTEMS DEVELOPMENT SAFETY AND MISSION ASSURANCE MANAGER.
		DIRECTOR, PROGRAM AND STRATEGIC INTEGRATION OFFICE.
		ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR EXPLORATION SYSTEMS DEVELOPMENT.
		DIRECTOR, RESOURCES MANAGEMENT OFFICE.
		DIRECTOR, COMMERCIAL SPACEFLIGHT DEVELOPMENT DIVISION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR HUMAN EXPLORATION AND OPERATIONS.
		GATEWAY PROGRAM MANAGER.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE COMMUNICATIONS AND NAVIGATION.
		ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE COMMUNICATIONS AND NAVIGATION.
		DIRECTOR, INTERNATIONAL SPACE STATION.
		MANAGER, ROCKET PROPULSION TEST PROGRAM OFFICE.
		DIRECTOR, HUMAN RESEARCH PROGRAM.
	OFFICE OF MISSION SUPPORT DIRECTORATE	ASSISTANT ASSOCIATE ADMINISTRATOR FOR OPERATIONS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		ASSISTANT ASSOCIATE ADMINISTRATOR FOR RESOURCES AND PERFORMANCE.

Agency name	Organization name	Position title
		DEPUTY PROGRAM EXECUTIVE FOR MISSION SUPPORT FUTURE ARCHITECTURE PROGRAM.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION SUPPORT.
		SENIOR ADVISOR FOR TRANSFORMATION.
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MANAGEMENT OFFICE.	DEPUTY DIRECTOR, MANAGEMENT OFFICE.
	OFFICE OF COMMUNICATIONS	DEPUTY ASSOCIATE ADMINISTRATOR FOR COMMUNICATIONS.
		STRATEGY AND ENGAGEMENT DIVISION DIRECTOR.
		SENIOR ADVISOR FOR TRANSFORMATION.
		DIRECTOR, PUBLIC ENGAGEMENT AND MULTIMEDIA.
	OFFICE OF SAFETY AND MISSION ASSURANCE	DIRECTOR, MISSION SUPPORT DIVISION.
		DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SAFETY CENTER.
		DEPUTY CHIEF SAFETY AND MISSION ASSURANCE OFFICER.
		CHIEF SAFETY AND MISSION ASSURANCE OFFICER.
		DIRECTOR, SAFETY AND ASSURANCE REQUIREMENTS DIVISION.
	OFFICE OF STEM ENGAGEMENT	DEPUTY ASSOCIATE ADMINISTRATOR FOR STRATEGY AND INTEGRATION.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR STEM ENGAGEMENT PROGRAM.
		SENIOR ADVISOR (TRANSFORMATION).
	OFFICE OF THE CHIEF ENGINEER	DEPUTY CHIEF ENGINEER.
		HUMAN EXPLORATION AND OPERATIONS MISSION DIRECTORATE CHIEF ENGINEER.
	OFFICE OF THE CHIEF INFORMATION OFFICER	ASSOCIATE CHIEF INFORMATION OFFICER FOR CAPTIAL PLANNING AND GOVERNANCE.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR TECHNOLOGY AND INNOVATION, CHIEF TECHNOLOGY OFFICER.
		DEPUTY CIO FOR IT SECURITY.
		DEPUTY CHIEF INFORMATION OFFICER.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE SERVICE AND INTEGRATION DIVISION.
	OFFICE OF THE CHIEF SCIENTIST	DEPUTY CHIEF SCIENTIST.
		CHIEF SCIENTIST.
	OFFICE OF THE CHIEF TECHNOLOGIST	DEPUTY CHIEF TECHNOLOGIST.
		CHIEF TECHNOLOGIST.
	SCIENCE MISSION DIRECTORATE	DIRECTOR, SCIENCE ENGAGEMENT AND PARTNERSHIPS.
		ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR JAMES WEBB SPACE TELESCOPE (JWST).
		DIRECTOR, NASA MANAGEMENT OFFICE.
		DEPUTY ASSOCIATE ADMINISTOR FOR EXPLORATION.
		DEPUTY ASSOCIATE ADMINISTRATOR, SCIENCE MISSION DIRECTORATE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR RESEARCH.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		ASSISTANT DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		PROGRAM DIRECTOR FOR FLIGHT PROGRAMS, ASTROPHYSICS DIVISION.
		DEPUTY DIRECTOR, PLANETARY SCIENCE DIVISION.
		DIRECTOR, HELIOPHYSICS DIVISION.
OFFICE OF THE DEPUTY ADMINISTRATOR.	ARMSTRONG FLIGHT RESEARCH CENTER (AFRC)	DEPUTY CENTER DIRECTOR, AFRC.
		CENTER ASSOCIATE DIRECTOR FOR MISSION SUPPORT.
		DIRECTOR FOR RESEARCH AND ENGINEERING.
		DIRECTOR FOR FLIGHT OPERATIONS.
		DIRECTOR FOR SAFETY AND MISSION ASSURANCE.
		DIRECTOR FOR PROGRAMS.
		ASSISTANT DIRECTOR FOR STRATEGIC IMPLEMENTATION.
		DIRECTOR, MISSION OPERATIONS.
		DIRECTOR, HUMAN RESOURCES.
	OFFICE INTERNATIONAL AND INTERAGENCY RELATIONS.	DEPUTY DIRECTOR, EXPORT CONTROL AND INTERAGENCY LIAISON DIVISION.
		DIRECTOR, SCIENCE DIVISION.
		DIRECTOR, AERONAUTICS AND CROSS AGENCY SUPPORT DIVISION.
		DIRECTOR, HUMAN EXPLORATION AND OPERATIONS DIVISION.
		DIRECTOR, EXPORT CONTROL AND INTERAGENCY LIAISON DIVISION.
		DIRECTOR, ADVISORY COMMITTEE MANAGEMENT DIVISION.

Agency name	Organization name	Position title
		DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL AND INTERAGENCY RELATIONS.
	OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY	CHIEF OF STAFF (STRATEGY AND INTEGRATION).
		DIRECTOR, DIVERSITY AND DATA/ANALYTICS DIVISION AND FIELD OPERATIONS.
		EMPLOYMENT OPPORTUNITY COMPLAINTS AND PROGRAMS DIVISION AND FIELD OPERATIONS.
	SPACE TECHNOLOGY MISSION DIRECTORATE	DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		DEPUTY ASSOCIATE ADMINISTRATOR.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS.
RESEARCH AND ENGINEERING DIRECTORATE.	OFFICE OF COMMUNICATIONS AND INTELLIGENT SYSTEMS DIVISION.	CHIEF, COMMUNICATIONS AND INTELLIGENT SYSTEMS DIVISION.
	OFFICE OF MATERIALS AND STRUCTURES DIVISION	CHIEF, MATERIALS AND STRUCTURES DIVISION.
	OFFICE OF PROPULSION DIVISION	CHIEF, PROPULSION DIVISION.
		DEPUTY CHIEF, PROPULSION DIVISION.
	SYSTEMS ENGINEERING AND ARCHITECTURE DIVISION.	CHIEF, SYSTEMS ENGINEERING AND ARCHITECTURE DIVISION.
SAFETY AND MISSION ASSURANCE	OFFICE OF SAFETY AND MISSION ASSURANCE	DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE.
		DIRECTOR, SAFETY AND MISSION ASSURANCE.
SCIENCE MISSION DIRECTORATE	OFFICE OF ASTROPHYSICS DIVISION	PROGRAM DIRECTOR FOR FLIGHT PROGRAMS, ASTROPHYSICS DIVISION, NASA HQ.
		DIRECTOR, ASTROPHYSICS DIVISION.
		DEPUTY DIRECTOR, ASTROPHYSICS DIVISION.
	OFFICE OF EARTH SCIENCE DIVISION	DIRECTOR, EARTH SCIENCE DIVISION.
		DEPUTY DIRECTOR, EARTH SCIENCE DIVISION, NASA HEADQUARTERS.
		ASSOCIATE DIRECTOR FOR FLIGHT PROGRAMS.
		PROGRAM DIRECTOR RESEARCH AND ANALYSIS PROGRAM.
	OFFICE OF HELIOPHYSICS DIVISION	DIRECTOR, HELIOPHYSICS DIVISION.
		DEPUTY, DIRECTOR, HELIOPHYISCS DIVISION.
	JAMES WEBB SPACE TELESCOPE PROGRAM OFFICE	SENIOR SCIENCE ADVISOR.
		DIRECTOR, JAMES WEBB SPACE TELESCOPE PROGRAM.
	JOINT AGENCY SATELLITE DIVISION	DIRECTOR, JOINT AGENCY SATELLITE DIVISION.
		DEPUTY DIRECTOR, JOINT AGENCY SATELLITE DIVISION.
	OFFICE OF PLANETARY SCIENCE DIVISION	DEPUTY DIRECTOR, PLANETARY SCIENCE DIVISION.
		PROGRAM DIRECTOR FOR FLIGHT PROGRAMS, PLANETARY SCIENCE.
		MARS EXPLORATION PROGRAM DIRECTOR.
		DIRECTOR, PLANETARY SCIENCE DIVISION.
		PROGRAM DIRECTOR FOR FLIGHT PROGRAMS, PLANETARY SCIENCE, NASA HQ.
	RESOURCES MANAGEMENT DIVISION	DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT.
		DIRECTOR, RESOURCES MANAGEMENT DIVISION.
	STRATEGIC INTEGRATION AND MANAGEMENT DIVISION.	DIRECTOR, STRATEGIC INTEGRATION AND MANAGEMENT DIVISION.
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR AUDITING.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND PLANNING.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.		
ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES.	OFFICE OF CONGRESSIONAL AFFAIRS STAFF	DIRECTOR, CONGRESSIONAL AND LEGISLATIVE AFFAIRS.
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF INNOVATION	CHIEF INNOVATION OFFICER.
	OFFICE OF THE CHIEF OF MANAGEMENT AND ADMINISTRATION.	CHIEF OF MANAGEMENT AND ADMINISTRATION.
	OFFICE OF THE CHIEF OF STAFF	CHIEF OF STAFF.
	OFFICE OF THE CHIEF OPERATING OFFICER	CHIEF OPERATING OFFICER.
LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES.	OFFICE OF PRESIDENTIAL LIBRARIES	DEPUTY FOR PRESIDENTIAL LIBRARIES.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.	ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES.	DEPUTY ARCHIVIST OF THE UNITED STATES.
OFFICE OF THE CHIEF OF MANAGEMENT AND ADMINISTRATION.	BUSINESS SUPPORT SERVICES	BUSINESS SUPPORT SERVICES EXECUTIVE.
	INFORMATION SERVICES	DEPUTY CHIEF INFORMATION OFFICER.
		INFORMATION SERVICES EXECUTIVE/CHIEF INFORMATION OFFICER.
	OFFICE OF HUMAN CAPITAL	CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF THE CHIEF ACQUISITION OFFICER	CHIEF ACQUISITION OFFICER.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER.
OFFICE OF THE CHIEF OPERATING OFFICER.	AGENCY SERVICES	DIRECTOR, NATIONAL PERSONNEL RECORDS CENTER.

Agency name	Organization name	Position title
		CHIEF RECORDS OFFICER.
		DIRECTOR, NATIONAL DECLASSIFICATION CENTER.
		DIRECTOR, OFFICE OF GOVERNMENT INFORMATION SERVICES.
		DIRECTOR, INFORMATION SECURITY OVERSIGHT OFFICE.
		AGENCY SERVICES EXECUTIVE.
		DIRECTOR, RECORDS CENTER PROGRAMS.
	OFFICE OF THE LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES.	LEGISLATIVE ARCHIVES, PRESIDENTIAL LIBRARIES AND MUSEUM SERVICES EXECUTIVE.
	OFFICE OF THE FEDERAL REGISTER	DIRECTOR OF THE FEDERAL REGISTER.
	OFFICE OF RESEARCH SERVICES	RESEARCH SERVICES EXECUTIVE.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDITING.
		INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
NATIONAL CAPITAL PLANNING COMMISSION.	NATIONAL CAPITAL PLANNING COMMISSION STAFF	EXECUTIVE DIRECTOR.
		CHIEF OPERATING OFFICER.
		GENERAL COUNSEL.
		DEPUTY EXECUTIVE DIRECTOR.
NATIONAL ENDOWMENT FOR THE ARTS.	NATIONAL ENDOWMENT FOR THE ARTS	DEPUTY CHAIRMAN FOR MANAGEMENT AND BUDGET.
		DIRECTOR, RESEARCH AND ANALYSIS.
		CHIEF INFORMATION OFFICER.
NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL.	NATIONAL ENDOWMENT FOR THE ARTS OFFICE OF THE INSPECTOR GENERAL.	INSPECTOR GENERAL.
NATIONAL ENDOWMENT FOR THE HUMANITIES.	NATIONAL ENDOWMENT FOR THE HUMANITIES	ASSISTANT CHAIRMAN FOR PLANNING AND OPERATIONS.
NATIONAL LABOR RELATIONS BOARD.	NATIONAL LABOR RELATIONS BOARD	DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ENFORCEMENT LITIGATION.
DIVISION OF OPERATIONS MANAGEMENT.	REGIONAL OFFICES	REGIONAL DIRECTOR, REGION 31, LOS ANGELES, CALIFORNIA.
		REGIONAL DIRECTOR, REGION 10, ATLANTA, GEORGIA.
		REGIONAL DIRECTOR, REGION 27, DENVER, COLORADO.
		REGIONAL DIRECTOR REGION 2, NEW YORK.
		REGIONAL DIRECTOR, REGION 3, BUFFALO, NEW YORK.
		REGIONAL DIRECTOR, REGION 4, PHILADELPHIA, PENNSYLVANIA.
		REGIONAL DIRECTOR, REGION 5, BALTIMORE, MARYLAND.
		REGIONAL DIRECTOR, REGION 6, PITTSBURGH, PENNSYLVANIA.
		REGIONAL DIRECTOR, REGION 7, DETROIT, MICHIGAN.
		REGIONAL DIRECTOR, REGION 8, CLEVELAND, OHIO.
		REGIONAL DIRECTOR, REGION 9, CINCINNATI, OHIO.
		REGIONAL DIRECTOR, REGION 11, WINSTON SALEM, NORTH CAROLINA.
		REGIONAL DIRECTOR, REGION 13, CHICAGO, ILLINOIS.
		REGIONAL DIRECTOR, REGION 14, SAINT LOUIS, MISSOURI.
		REGIONAL DIRECTOR, REGION 15, NEW ORLEANS, LOUISIANA.
		REGIONAL DIRECTOR, REGION 16, FORT WORTH, TEXAS.
		REGIONAL DIRECTOR, REGION 17, KANSAS CITY, KANSAS.
		REGIONAL DIRECTOR, REGION 18, MINNEAPOLIS, MINNESOTA.
		REGIONAL DIRECTOR, REGION 19, SEATTLE, WASHINGTON.
		REGIONAL DIRECTOR, REGION 20, SAN FRANCISCO, CALIFORNIA.
		REGIONAL DIRECTOR, REGION 21, LOS ANGELES, CALIFORNIA.
		REGIONAL DIRECTOR, REGION 22, NEWARK, NEW JERSEY.
		REGIONAL DIRECTOR, REGION 24, HATO REY, PUERTO RICO.
		REGIONAL DIRECTOR, REGION 25, INDIANAPOLIS, INDIANA.
		REGIONAL DIRECTOR, REGION 26, MEMPHIS, TENNESSEE.
		REGIONAL DIRECTOR, REGION 1, BOSTON, MASSACHUSETTS
		REGIONAL DIRECTOR, REGION 28, PHOENIX, ARIZONA.
		REGIONAL DIRECTOR, REGION 29, BROOKLYN, NEW YORK.
		REGIONAL DIRECTOR, REGION 30, MILWAUKEE, WISCONSIN.

Agency name	Organization name	Position title
		REGIONAL DIRECTOR, REGION 32, OAKLAND, CALFORNIA.
NATIONAL LABOR RELATIONS BOARD.	OFFICE OF THE BOARD MEMBERS	REGIONAL DIRECTOR, REGION 12, TAMPA, FLORIDA.
		DEPUTY EXECUTIVE SECRETARY.
		EXECUTIVE SECRETARY.
		DEPUTY CHIEF COUNSEL.
		CHIEF INFORMATION OFFICER.
		INSPECTOR GENERAL.
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL (DAEO).
OFFICE OF THE GENERAL COUNSEL	DIVISION OF ADMINISTRATION	DIRECTOR, DIVISION OF ADMINISTRATION.
		DIRECTOR OF ADMINISTRATION.
	DIVISION OF ADVICE	ASSOCIATE GENERAL COUNSEL, DIVISION OF LEGAL COUNSEL.
		DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ADVICE.
	DIVISION OF ENFORCEMENT LITIGATION	DEPUTY ASSOCIATE GENERAL COUNSEL, APPELLATE COURT BRANCH.
		DIRECTOR, OFFICE OF APPEALS.
	DIVISION OF OPERATIONS MANAGEMENT	ASSISTANT TO GENERAL COUNSEL (4).
		DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF OPERATIONS-MANAGEMENT.
		ASSOCIATE TO THE GENERAL COUNSEL, DIVISION OF OPERATION–MANAGEMENT.
NATIONAL SCIENCE FOUNDATION:		
DIRECTORATE FOR ENGINEERING	DIVISION OF ENGINEERING EDUCATION AND CENTERS.	DEPUTY DIVISION DIRECTOR.
	DIVISION OF INDUSTRIAL INNOVATION AND PARTNERSHIPS.	DEPUTY DIVISION DIRECTOR.
DIRECTORATE FOR GEOSCIENCES	DIVISION OF ATMOSPHERIC AND GEOSPACE SCIENCES.	SECTION HEAD NCAR/FACILITIES SECTION.
	DIVISION OF EARTH SCIENCES	SECTION HEAD, INTEGRATED ACTIVITIES SECTION.
	DIVISION OF OCEAN SCIENCES	SECTION HEAD, INTERGRATIVE PROGRAMS SECTION.
	OFFICE OF POLAR PROGRAMS	HEAD, SECTION FOR ANTARCTIC INFRASTRUCTURE AND LOGISTIC.
DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES.	DIVISION OF ASTRONOMICAL SCIENCES	DEPUTY DIVISION DIRECTOR.
DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES.	NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.	DIVISION DIRECTOR.
NATIONAL SCIENCE FOUNDATION	DIRECTORATE FOR BIOLOGICAL SCIENCES	DEPUTY ASSISTANT DIRECTOR.
	DIRECTORATE FOR COMPUTER AND INFORMATION SCIENCE AND ENGINEERING.	DEPUTY ASSISTANT DIRECTOR.
	DIRECTORATE FOR GEOSCIENCES	DEPUTY ASSISTANT DIRECTOR.
	DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES.	DEPUTY ASSISTANT DIRECTOR.
	DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES.	DEPUTY ASSISTANT DIRECTOR.
	OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.	CHIEF FINANCIAL OFFICER AND HEAD, OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.
		DEPUTY OFFICE HEAD.
	OFFICE OF INFORMATION AND RESOURCE MANAGEMENT.	DEPUTY OFFICE HEAD.
		HEAD, OFFICE OF INFORMATION AND RESOURCE MANAGEMENT AND CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF THE DIRECTOR	CHIEF TECHNOLOGY OFFICER.
OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT.	OFFICE OF BUDGET DIVISION	DIVISION DIRECTOR.
		DEPUTY DIRECTOR.
	DIVISION OF ACQUISITION AND COOPERATIVE SUPPORT.	DIVISION DIRECTOR.
		DEPUTY DIVISION DIRECTOR.
	DIVISION OF FINANCIAL MANAGEMENT	DEPUTY CHIEF FINANCIAL OFFICER AND DIVISION DIRECTOR.
		CONTROLLER AND DEPUTY DIVISION DIRECTOR.
	DIVISION OF GRANTS AND AGREEMENTS	DEPUTY DIVISION DIRECTOR.
		DIVISION DIRECTOR.
	DIVISION OF INSTITUTIONAL AND AWARD SUPPORT	DEPUTY DIVISION DIRECTOR.
		DIVISION DIRECTOR.
OFFICE OF INFORMATION AND RESOURCE MANAGEMENT.	DIVISION OF ADMINISTRATIVE SERVICES	DIVISION DIRECTOR.
		DEPUTY DIVISION DIRECTOR.
	DIVISION OF HUMAN RESOURCE MANAGEMENT	DIVISION DIRECTOR.
		DEPUTY DIVISION DIRECTOR.
		DIVISION DIRECTOR.
		CHIEF HUMAN CAPITAL OFFICER AND DIVISION DIRECTOR.
	DIVISION OF INFORMATION SYSTEMS	DEPUTY DIVISION DIRECTOR.
OFFICE OF THE DIRECTOR	OFFICE OF DIVERSITY AND INCLUSION	OFFICE HEAD.
	OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL.
		DESIGNATED AGENCY ETHICS OFFICIAL.
NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL.	NATIONAL SCIENCE FOUNDATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		INSPECTOR GENERAL (2).
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT.
NATIONAL TRANSPORTATION SAFETY BOARD.		

Agency name	Organization name	Position title
OFFICE OF BOARD MEMBERS	OFFICE OF CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER.
	OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS.	DEPUTY DIRECTOR, OFFICE OF SAFETY RECOMMENDATIONS AND COMMUNICATIONS.
	OFFICE OF THE MANAGING DIRECTOR	PRINCIPAL DEPUTY MANAGING DIRECTOR.
		SENIOR ADVISOR FOR POLICY AND STRATEGIC INITIATIVES.
OFFICE OF THE MANAGING DIRECTOR.	OFFICE OF ADMINISTRATION	DIRECTOR, OFFICE OF ADMINISTRATION.
	OFFICE OF AVIATION SAFETY	DEPUTY DIRECTOR, REGIONAL OPERATIONS.
		DEPUTY DIRECTOR, OFFICE OF AVIATION SAFETY.
		DIRECTOR OFFICE OF AVIATION SAFETY.
	OFFICE OF CHIEF INFORMATION OFFICER	CHIEF INFORMATION OFFICER.
	OFFICE OF HIGHWAY SAFETY	DIRECTOR, OFFICE OF HIGHWAY SAFETY.
	OFFICE OF MARINE SAFETY	DIRECTOR, OFFICE OF MARINE SAFETY.
	OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS.	DIRECTOR, OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS.
	OFFICE OF RESEARCH AND ENGINEERING	DEPUTY DIRECTOR OFFICE OF RESEARCH AND ENGINEERING.
		DIRECTOR OFFICE OF RESEARCH AND ENGINEERING.
NUCLEAR REGULATORY COMMISSION.	OFFICE OF ADMINISTRATION	DEPUTY DIRECTOR, OFFICE OF ADMINISTRATION.
		DIRECTOR, DIVISION OF FACILITIES AND SECURITY.
		DIRECTOR, ACQUISITION MANAGEMENT DIVISION.
	OFFICE OF COMMISSION APPELLATE ADJUDICATION	DIRECTOR, OFFICE OF COMMISSION APPELLATE ADJUDICATION.
	OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS.	DIRECTOR, DIVISION OF RULEMAKING, ENVIRONMENTAL, AND FINANCIAL SUPPORT.
		DEPUTY DIRECTOR, DIVISION OF RULEMAKING, ENVIRONMENTAL, AND FINANCIAL SUPPORT.
		DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS.
		DEPUTY DIRECTOR, DIVISION OF FUEL MANAGEMENT.
		DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS.
		DEPUTY DIRECTOR, DIVISION OF DECOMMISSIONING, URANIUM RECOVERY, AND WASTE PROGRAMS.
		DEPUTY DIRECTOR, DIVISION OF MATERIALS SAFETY, STATE, TRIBAL, AND RULEMAKING PROGRAMS.
	OFFICE OF NUCLEAR REACTOR REGULATION	DEPUTY DIRECTOR, DIVISION OF NEW AND RENEWED LICENSES.
		DIRECTOR, VOGTLE III AND IV PROJECT OFFICE.
		DEPUTY DIRECTOR, DIVISION OF ADVANCED REACTORS AND NON-POWER PRODUCTION AND UTILIZATION FACILITIES.
		DIRECTOR, DIVISION OF ADVANCED REACTORS AND NON-POWER PRODUCTION AND UTILIZATION FACILITIES.
		DEPUTY DIRECTOR, DIVISION OF REACTOR OVERSIGHT.
		DEPUTY OFFICE DIRECTOR FOR REACTOR SAFETY PROGRAMS AND MISSION SUPPORT.
		DEPUTY OFFICE DIRECTOR FOR ENGINEERING.
		DEPUTY DIRECTOR, DIVISION OF RISK ASSESSMENT.
		DIRECTOR, DIVISION OF NEW AND RENEWED LICENSE.
		DIRECTOR, DIVISION OF SAFETY SYSTEMS.
		DEPUTY DIRECTOR, DIVISION OF SAFETY SYSTEMS.
		DEPUTY DIRECTOR, DIVISION OF ENGINEERING AND EXTERNAL HAZARDS.
		DEPUTY OFFICE DIRECTOR FOR NEW REACTORS.
		DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING.
		DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING.
		DEPUTY DIRECTOR, DIVISION OF OPERATING REACTOR LICENSING.
		DIRECTOR, DIVISION OF REACTOR OVERSIGHT.
		DIRECTOR, DIVISION OF RISK ASSESSMENT.
		DIRECTOR, DIVISION OF NEW AND RENEWED LICENSE.
		DIRECTOR, DIVISION OF ENGINEERING AND EXTERNAL HAZARDS.
	OFFICE OF NUCLEAR REGULATORY RESEARCH	DEPUTY DIRECTOR, DIVISION OF ENGINEERING.
		DIRECTOR, DIVISION OF ENGINEERING.
		DIRECTOR, DIVISION OF SYSTEMS ANALYSIS.
		DEPUTY DIRECTOR, DIVISION OF SYSTEMS ANALYSIS.
		DIRECTOR, DIVISION OF RISK ANALYSIS.
		DEPUTY DIRECTOR, DIVISION OF RISK ANALYSIS.
	OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE.	DIRECTOR, DIVISION OF PHYSICAL AND CYBER SECURITY POLICY.
		DEPUTY DIRECTOR, DIVISION OF PHYSICAL AND CYBER SECURITY POLICY.
		DIRECTOR, DIVISION OF SECURITY OPERATIONS.
		DEPUTY DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE.

Agency name	Organization name	Position title
		DEPUTY DIRECTOR, OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE.
		DEPUTY DIRECTOR, DIVISION OF SECURITY OPERATIONS.
		DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE.
	OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS	DIRECTOR, OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	BUDGET DIRECTOR.
		DEPUTY CHIEF FINANICAL OFFICER.
		COMPTROLLER.
	OFFICE OF THE CHIEF INFORMATION OFFICER	DIRECTOR, IT SERVICES DEVELOPMENT AND OPERATIONS DIVISION.
		DIRECTOR, GOVERNANCE AND ENTERPRISE MANAGEMENT SERVICES DIVISION.
	REGION I	DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DIRECTOR DIVISION OF REACTOR SAFETY.
		DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DEPUTY REGIONAL ADMINISTRATOR.
	REGION II	DIRECTOR, DIVISION OF REACTOR SAFETY.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DEPUTY REGIONAL ADMINISTRATOR.
		DIRECTOR, DIVISION OF CONSTRUCTION OVERSIGHT.
		DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DIRECTOR, DIVISION OF REACTOR PROJECTS.
	REGION III	DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY.
		DIRECTOR, DIVISION OF REACTOR SAFETY.
		DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DEPUTY REGIONAL ADMINISTRATOR.
		DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
	REGION IV	DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY.
		DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS.
		DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY.
		DIRECTOR DIVISION OF REACTOR PROJECTS.
		ASSISTANT TO THE REGIONAL ADMINISTRATOR.
		DEPUTY REGIONAL ADMINISTRATOR.
		DIRECTOR, DIVISION OF REACTOR SAFETY.
NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	NUCLEAR REGULATORY COMMISSION OFFICE OF THE INSPECTOR GENERAL.	DEPUTY INSPECTOR GENERAL.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR AUDITS.	ASSISTANT INSPECTOR GENERAL FOR AUDITS.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.	OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR.
OFFICE OF GOVERNMENT ETHICS	OFFICE OF GOVERNMENT ETHICS	DEPUTY GENERAL COUNSEL.
		CHIEF OF STAFF AND PROGRAM COUNSEL.
		DEPUTY DIRECTOR FOR COMPLIANCE.
OFFICE OF MANAGEMENT AND BUDGET		
GENERAL GOVERNMENT PROGRAMS.	OFFICE OF HOUSING, TREASURY AND COMMERCE DIVISION.	CHIEF, COMMERCE BRANCH.
		CHIEF, HOUSING BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR HOUSING, TREASURY AND COMMERCE.
		CHIEF, TREASURY BRANCH.
	OFFICE OF TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES DIVISION.	CHIEF, JUSTICE BRANCH.
		CHIEF TRANSPORTATION BRANCH.
		CHIEF, HOMELAND SECURITY BRANCH.
		CHIEF, TRANSPORTATION/GENERAL SERVICES ADMINISTRATION BRANCH.
		DEPUTY ASSOCIATE DIRECTOR, TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES.
HUMAN RESOURCE PROGRAMS	OFFICE OF HEALTH DIVISION	CHIEF, HEALTH AND HUMAN SERVICES BRANCH.
		CHIEF, PUBLIC HEALTH BRANCH.
		CHIEF, MEDICARE BRANCH.
		CHIEF, MEDICAID BRANCH.
		CHIEF, HEALTH INSURANCE AND DATA ANALYSIS BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR HEALTH.
NATIONAL SECURITY PROGRAMS	INTERNATIONAL AFFAIRS DIVISION	CHIEF, STATE/UNITED STATES INFORMATION AGENCY BRANCH.
		CHIEF, ECONOMIC AFFAIRS BRANCH.

Agency name	Organization name	Position title
		DEPUTY ASSOCIATE DIRECTOR FOR INTERNATIONAL AFFAIRS.
	NATIONAL SECURITY DIVISION	CHIEF, FORCE STRUCTURE AND INVESTMENT BRANCH.
		CHIEF, INTELLIGENCE PROGRAMS BRANCH.
		CHIEF OPERATIONS AND SUPPORT BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR NATIONAL SECURITY.
		CHIEF, VETERANS AFFAIRS AND DEFENSE HEALTH BRANCH.
		CHIEF, DEFENSE OPERATIONS, PERSONNEL, AND SUPPORT.
NATURAL RESOURCE PROGRAMS	OFFICE OF ENERGY, SCIENCE AND WATER DIVISION	CHIEF, WATER AND POWER BRANCH.
		CHIEF SCIENCE AND SPACE PROGRAMS BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR ENERGY, SCIENCE, AND WATER DIVISION.
		CHIEF, ENERGY BRANCH.
	OFFICE OF NATURAL RESOURCES DIVISION	DEPUTY ASSOCIATE DIRECTOR FOR NATURAL RESOURCES.
		CHIEF INTERIOR BRANCH.
		CHIEF, ENVIRONMENT BRANCH.
		CHIEF, AGRICULTURE BRANCH.
OFFICE OF INFORMATION AND REGULATORY AFFAIRS.	OFFICE OF E-GOVERNMENT AND INFORMATION TECHNOLOGY.	CHIEF ARCHITECT.
OFFICE OF MANAGEMENT AND BUDGET.	STAFF OFFICES	ASSISTANT DIRECTOR FOR MANAGEMENT AND OPERATIONS.
		DEPUTY ASSISTANT DIRECTOR FOR MANAGEMENT.
		DEPUTY ASSOCIATE DIRECTOR FOR ECONOMIC POLICY.
OFFICE OF THE DIRECTOR	OFFICE OF BUDGET REVIEW	CHIEF, BUDGET REVIEW BRANCH.
		CHIEF, BUDGET SYSTEMS BRANCH.
		CHIEF, BUDGET CONCEPTS BRANCH.
		ASSISTANT DIRECTOR FOR BUDGET REVIEW.
		CHIEF BUDGET ANALYSIS BRANCH.
		DEPUTY CHIEF BUDGET ANALYSIS BRANCH.
		DEPUTY CHIEF, BUDGET REVIEW BRANCH.
		DEPUTY ASSISTANT DIRECTOR FOR BUDGET REVIEW.
	OFFICE OF EDUCATION, INCOME MAINTENANCE AND LABOR PROGRAMS.	CHIEF, INCOME MAINTENANCE BRANCH.
		DEPUTY ASSOCIATE DIRECTOR FOR EDUCATION, INCOME MAINTAINENCE AND LABOR.
		CHIEF, LABOR BRANCH.
		CHIEF, EDUCATION BRANCH.
	OFFICE OF LEGISLATIVE REFERENCE DIVISION	CHIEF, RESOURCES-DEFENSE-INTERNATIONAL BRANCH.
		ASSISTANT DIRECTOR LEGISLATIVE REFERENCE.
		CHIEF, HEALTH, EDUCATION, VETERANS, AND SOCIAL PROGRAMS BRANCH.
		CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH.
	OFFICE OF FEDERAL FINANCIAL MANAGEMENT	CHIEF, FINANCIAL INTEGRITY AND RISK MANAGEMENT BRANCH.
	OFFICE OF FEDERAL PROCUREMENT POLICY	DEPUTY ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.
		ASSOCIATE ADMINISTRATOR.
OFFICE OF PERSONNEL MANAGEMENT.	OFFICE OF INFORMATION AND REGULATORY AFFAIRS	CHIEF, FOOD, HEALTH AND LABOR BRANCH.
		CHIEF, NATURAL RESOURCES AND ENVIRONMENT BRANCH.
		CHIEF, INFORMATION POLICY BRANCH.
		CHIEF STATISTICAL AND SCIENCE POLICY BRANCH.
		CHIEF, PRIVACY BRANCH.
OFFICE OF NATIONAL DRUG CONTROL POLICY.	OFFICE OF SUPPLY REDUCTION	ASSOCIATE DIRECTOR FOR INTELLIGENCE.
OFFICE OF PERSONNEL MANAGEMENT.	OFFICE OF HEALTHCARE AND INSURANCE	ASSISTANT DIRECTOR, FEDERAL EMPLOYEE INSURANCE OPERATIONS.
		DEPUTY DIRECTOR, ACTUARY.
	OFFICE OF MERIT SYSTEM ACCOUNTABILITY AND COMPLIANCE.	DEPUTY ASSOCIATE DIRECTOR, MERIT SYSTEM AUDIT AND COMPLIANCE.
	OFFICE OF PROCUREMENT OPERATIONS	DIRECTOR, OFFICE OF PROCUREMENT OPERATIONS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER.
		ASSOCIATE CHIEF FINANCIAL OFFICER FINANCIAL SERVICES.
		CHIEF FINANCIAL OFFICER AND DEPUTY CHIEF MANAGEMENT OFFICER.
	OFFICE OF THE DIRECTOR	DEPUTY ASSISTANT DIRECTOR, STRATEGIC SOURCING.
		DEPUTY ASSISTANT DIRECTOR, OPERATIONS.
	OFFICE OF RETIREMENT SERVICES	DEPUTY ASSOCIATE DIRECTOR, OPERATIONS.
		ASSOCIATE DIRECTOR, RETIREMENT SERVICES.
		DEPUTY ASSOCIATE DIRECTOR, RETIREMENT OPERATIONS.
OFFICE OF MANAGEMENT	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		CHIEF INFORMATION TECHNOLOGY OFFICER.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.

Agency name	Organization name	Position title
OFFICE OF AUDITS	OFFICE OF AUDITS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		ASSISTANT INSPECTOR GENERAL FOR AUDITS.
OFFICE OF INVESTIGATIONS	OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OFFICE OF LEGISLATIVE AND LEGAL AFFAIRS.	OFFICE OF LEGISLATIVE AND LEGAL AFFAIRS	ASSISTANT INSPECTOR GENERAL FOR LEGISLATIVE AND LEGAL AFFAIRS.
OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF EVALUATIONS	ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS.
	OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL.
OFFICE OF SPECIAL COUNSEL	HEADQUARTERS, OFFICE OF SPECIAL COUNSEL	ASSOCIATE SPECIAL COUNSEL FOR GENERAL LAW DIVISION.
		CHIEF FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATIVE SERVICES.
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
		CHIEF OPERATING OFFICER.
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (HEADQUARTERS).
		DIRECTOR OF MANAGEMENT AND BUDGET.
		DIRECTOR, OFFICE OF PLANNING AND ANALYSIS.
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
		SENIOR ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
		ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION.
		ASSOCIATE SPECIAL COUNSEL FOR LEGAL COUNSEL AND POLICY.
	OFFICE OF SPECIAL COUNSEL	ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION (FIELD OFFICES).
SURFACE TRANSPORTATION BOARD	SURFACE TRANSPORTATION BOARD	DIRECTOR, OFFICE OF PROCEEDINGS.
		DEPUTY DIRECTOR OFFICE OF PROCEEDINGS.
		DIRECTOR OF PUBLIC ASST GOVERNMENT AFFAIRS AND COMPLIANCE.
		GENERAL COUNSEL.
		MANAGING DIRECTOR.
		DIRECTOR, OFFICE OF ECONOMICS.
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.	OFFICE OF INDUSTRY, MARKET ACCESS AND TELECOMMUNICATIONS.	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR INDUSTRY, MARKET ACCESS AND TELECOMMUNICATIONS.
	OFFICE OF LABOR	ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR LABOR.
	OFFICE OF MONITORING AND ENFORCEMENT	DIRECTOR OF INTERAGENCY CENTER FOR TRADE IMPLEMENTATION, MONITORING, AND ENFORCEMENT.
RAILROAD RETIREMENT BOARD	OFFICE OF BOARD STAFF	CHIEF OF TECHNOLOGY SERVICE.
		CHIEF ACTUARY.
		DIRECTOR OF FIELD SERVICE.
		DIRECTOR OF ADMINISTRATION.
		CHIEF FINANCIAL OFFICER.
		GENERAL COUNSEL.
		DIRECTOR OF PROGRAMS.
		CHIEF INFORMATION OFFICER.
		DIRECTOR OF OPERATIONS.
		DIRECTOR OF FISCAL OPERATIONS.
		DEPUTY GENERAL COUNSEL.
OFFICE OF INSPECTOR GENERAL	OFFICE OF INSPECTOR GENERAL	ASSISTANT TO THE INSPECTOR GENERAL FOR INVESTIGATIONS.
SELECTIVE SERVICE SYSTEM	SELECTIVE SERVICE SYSTEM	ASSOCIATE DIRECTOR FOR OPERATIONS.
	OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR OPERATIONS.
		SENIOR ADVISOR TO THE DIRECTOR.
SMALL BUSINESS ADMINISTRATION:		
OFFICE OF CAPITAL ACCESS	OFFICE OF INTERNATIONAL TRADE	DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.
OFFICE OF INVESTMENT	OFFICE OF INVESTMENT AND INNOVATION	DEPUTY ASSISTANT ADMINISTRATOR FOR INVESTMENT AND INNOVATION.
OFFICE OF MANAGEMENT AND ADMINISTRATION.	OFFICE OF HUMAN RESOURCES SOLUTIONS	DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		CHIEF HUMAN CAPITAL OFFICER.
OFFICE OF THE ADMINISTRATOR	OFFICE OF ENTREPRENEURIAL DEVELOPMENT	ASSOCIATE ADMINISTRATOR FOR SMALL BUSINESS DEVELOPMENT CENTERS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ENTREPRENEURIAL DEVELOPMENT.
	OFFICE OF FIELD OPERATIONS	DISTRICT DIRECTOR WASHINGTON METRO AREA DISTRICT OFFICE.
	OFFICE OF GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT.	DIRECTOR OF HUBZONE EMPOWERMENT PROGRAM.
		DIRECTOR FOR POLICY PLANNING AND LIAISON.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT.
	OFFICE OF HEARINGS AND APPEALS	ASSISTANT ADMINISTRATOR FOR HEARINGS AND APPEALS.

Agency name	Organization name	Position title
	OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER.
		CHIEF FINANCIAL OFFICER.
	OFFICE OF THE CHIEF INFORMATION OFFICER	DEPUTY CHIEF INFORMATION OFFICER.
	OFFICE OF THE CHIEF OPERATING OFFICER	CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL FOR FINANCIAL LAW AND LENDER OVERSIGHT.
		ASSOCIATE GENERAL COUNSEL LITIGATION.
		ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
		ASSOCIATE GENERAL COUNSEL FOR PROCUREMENT LAW.
SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	SMALL BUSINESS ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND OPERATIONS.
		COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR AUDITS.
SOCIAL SECURITY ADMINISTRATION: OFFICE OF ANALYTICS, REVIEW, AND OVERSIGHT.	OFFICE OF ANALYTICS, REVIEW, AND OVERSIGHT	DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT.
		ASSISTANT DEPUTY COMMISSIONER FOR ANALYTICS, REVIEW, AND OVERSIGHT.
	OFFICE OF ANTI–FRAUD PROGRAMS	ASSOCIATE COMMISSIONER FOR ANTI–FRAUD PROGRAMS.
	OFFICE OF APPELLATE OPERATIONS	DEPUTY EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS.
		EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS.
OFFICE OF BUDGET, FINANCE, AND MANAGEMENT.	OFFICE OF ACQUISITION AND GRANTS	ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS.
		DEPUTY ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS.
	OFFICE OF BUDGET	ASSOCIATE COMMISSIONER FOR BUDGET.
	OFFICE OF FINANCIAL POLICY AND OPERATIONS	DEPUTY ASSOCIATE COMMISSIONER FINANCIAL POLICY AND OPERATIONS.
		ASSOCIATE COMMISSIONER, OFFICE OF FINANCE POLICY AND OPERATIONS.
OFFICE OF HUMAN RESOURCES	OFFICE OF CIVIL RIGHTS AND EQUAL OPPORTUNITY	DEPUTY ASSOCIATE COMMISSIONER FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY.
		ASSOCIATE COMMISSIONER FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY.
	OFFICE OF LABOR-MANAGEMENT AND EMPLOYEE RELATIONS.	ASSOCIATE COMMISSIONER FOR LABOR–MANAGEMENT AND EMPLOYEE RELATIONS.
		DEPUTY ASSOCIATE COMMISSIONER FOR LABOR-MANAGEMENT AND EMPLOYEE RELATIONS.
	OFFICE OF PERSONNEL	ASSOCIATE COMMISSIONER FOR PERSONNEL.
		DEPUTY ASSOCIATE COMMISSIONER FOR PERSONNEL.
OFFICE OF OPERATIONS	OFFICE OF DISABILITY DETERMINATIONS	DEPUTY ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS.
		ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS.
OFFICE OF SYSTEMS	OFFICE OF INFORMATION SECURITY	ASSOCIATE COMMISSIONER FOR INFORMATION SECURITY.
	OFFICE OF IT FINANCIAL MANAGEMENT AND SUPPORT.	ASSOCIATE COMMISSIONER FOR INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT.
		DEPUTY ASSOCIATE COMMISSIONER FOR INFORMATION TECHNOLOGY FINANCIAL MANAGEMENT AND SUPPORT.
OFFICE OF THE GENERAL COUNSEL	OFFICE OF GENERAL LAW	ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
		DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW.
	OFFICE OF PRIVACY AND DISCLOSURE	EXECUTIVE DIRECTOR FOR PRIVACY AND DISCLOSURE.
	OFFICE OF PROGRAM LAW	DEPUTY ASSOCIATE GENERAL COUNSEL FOR PROGRAM LAW.
SOCIAL SECURITY ADMINISTRATION	OFFICE OF BUDGET, FINANCE, AND MANAGEMENT	ASSISTANT DEPUTY COMMISSIONER FOR BUDGET, FINANCE, AND MANAGEMENT.
	OFFICE OF HEARINGS OPERATIONS	DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS.
		ASSISTANT DEPUTY COMMISSIONER FOR HEARINGS OPERATIONS.
	OFFICE OF THE CHIEF ACTUARY	DEPUTY CHIEF ACTUARY (SHORT–RANGE).
		CHIEF ACTUARY.
		DEPUTY CHIEF ACTUARY (LONG–RANGE).
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
SOCIAL SECURITY ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL	CHIEF OF STAFF.
		SENIOR ADVISOR TO THE INSPECTOR GENERAL (LE).
		DEPUTY INSPECTOR GENERAL.
	OFFICE OF AUDIT	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL AND INFORMATION TECHNOLOGY SYSTEMS AND OPERATIONS AUDITS).

Agency name	Organization name	Position title
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDITS AND EVALUATIONS.
	OFFICE OF COUNSEL FOR INVESTIGATIONS AND ENFORCEMENT.	COUNSEL FOR INVESTIGATIONS AND ENFORCEMENT.
	OFFICE OF COUNSEL TO THE INSPECTOR GENERAL ...	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF INVESTIGATIONS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (WESTERN FIELD OPERATIONS) (2).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (EASTERN FIELD OPERATIONS).
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF RESOURCE MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR RESOURCE MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR RESOURCE MANAGEMENT.
DEPARTMENT OF STATE:		
OFFICE OF THE SECRETARY	OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	OMBUDSMAN.
		DEPUTY DIRECTOR.
OFFICE OF THE UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY AFFAIRS.	BUREAU OF ARMS CONTROL, VERIFICATION, AND COMPLIANCE.	DIRECTOR, OFFICE OF STRATEGIC NEGOTIATIONS AND IMPLEMENTAITON.
	BUREAU OF INTERNATIONAL SECURITY AND NONPROLIFERATION.	OFFICE DIRECTOR.
		DEPUTY ASSISTANT SECRETARY.
		OFFICE DIRECTOR.
OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT.	BUREAU OF ADMINISTRATION	PROCUREMENT EXECUTIVE.
	BUREAU OF DIPLOMATIC SECURITY	SENIOR COORDINATOR.
	BUREAU OF GLOBAL TALENT MANAGEMENT	HUMAN RESOURCES OFFICER.
DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF STATE OFFICE OF THE INSPECTOR GENERAL.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS AND SPECIAL PROJECTS.
	OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR ENTERPRISE RISK MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		DEPUTY INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY GENERAL COUNSEL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR EVALUATIONS AND SPECIAL PROJECTS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		GENERAL COUNSEL TO THE INSPECTOR GENERAL.
		ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MIDDLE EAST REGIONAL OFFICE.
TRADE AND DEVELOPMENT AGENCY	TRADE AND DEVELOPMENT AGENCY	DIRECTOR OF MANAGEMENT OPERATIONS.
OFFICE OF THE DIRECTOR	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF THE DIRECTOR	ASSISTANT DIRECTOR FOR POLICY AND PROGRAMS.
		DEPUTY DIRECTOR.
DEPARTMENT OF TRANSPORTATION:		
ASSISTANT SECRETARY FOR ADMINISTRATION.	OFFICE OF THE SENIOR PROCUREMENT EXECUTIVE ..	SENIOR PROCUREMENT EXECUTIVE.
ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS.	OFFICE OF BUDGET AND PROGRAM PERFORMANCE ..	DIRECTOR OFFICE OF BUDGET AND PROGRAM PERFORMANCE.
ASSISTANT SECRETARY FOR TRANSPORTATION POLICY.	OFFICE OF SAFETY, ENERGY AND ENVIRONMENT	DIRECTOR, OFFICE OF POLICY.
ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT AND PROGRAM DELIVERY.	OFFICE OF ENFORCEMENT AND COMPLIANCE	DIRECTOR, OFFICE OF ENFORCEMENT AND COMPLIANCE.
ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAM DEVELOPMENT.	OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS.	DIRECTOR, OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS.
ASSOCIATE ADMINISTRATOR FOR RESEARCH AND REGISTRATION.	OFFICE OF LICENSING AND SAFETY INFORMATION	DIRECTOR, OFFICE FOR LICENSING AND SAFETY INFORMATION.
FEDERAL HIGHWAY ADMINISTRATION.	OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR PLANNING, ENVIRONMENT AND REALTY.	DIRECTOR, OFFICE OF REAL ESTATE SERVICES.
	OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR SAFETY.	ASSOCIATE ADMINISTRATOR FOR SAFETY.
	IMMEDIATE OFFICE OF THE ADMINISTRATOR	EXECUTIVE DIRECTOR.
		CHIEF INNOVATION OFFICER.
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.	OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS.	REGIONAL FIELD ADMINISTRATOR, MIDWEST REGION.
		REGIONAL FIELD ADMINISTRATOR, SOUTHERN REGION.
	IMMEDIATE OFFICE OF THE ADMINISTRATOR	CHIEF FINANCIAL OFFICER.
		SENIOR ADVISOR.

Agency name	Organization name	Position title
		ASSISTANT ADMINISTRATOR/CHIEF SAFETY OFFICER.
FEDERAL RAILROAD ADMINISTRATION.	OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY.	ASSOCIATE ADMINISTRATOR FOR RAILROAD SAFETY/CHIEF SAFETY OFFICER.
	IMMEDIATE OFFICE OF THE ADMINISTRATOR	EXECUTIVE DIRECTOR.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER.
FEDERAL TRANSIT ADMINISTRATION	IMMEDIATE OFFICE OF THE ADMINISTRATOR	DEPUTY ADMINISTRATOR AND SENIOR ADVISOR TO THE SECRETARY.
IMMEDIATE OFFICE OF THE ADMINISTRATOR.	OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER AND CHIEF BUDGET OFFICER.
		CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF ACQUISITION AND GRANTS MANAGEMENT.
MARITIME ADMINISTRATION	OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.	ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR ENVIRONMENT AND COMPLIANCE.
	OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR STRATEGIC SEALIFT.	DEPUTY ASSOCIATE ADMINISTRATOR FOR FEDERAL SEALIFT.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR MARITIME EDUCATION AND TRAINING.
	IMMEDIATE OFFICE OF THE ADMINISTRATOR	DEPUTY ADMINISTRATOR.
		EXECUTIVE SECRETARY, COMMITTEE ON MARINE TRANSPORTATION SYSTEMS.
		EXECUTIVE DIRECTOR.
	OFFICE OF THE CHIEF COUNSEL	DEPUTY CHIEF COUNSEL.
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.	OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT.	ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT.
		DIRECTOR, OFFICE OF VEHICLE SAFETY COMPLIANCE.
		DIRECTOR, OFFICE OF DEFECTS INVESTIGATION.
	OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY.	ASSOCIATE ADMINISTRATOR FOR REGIONAL OPERATIONS AND PROGRAM DELIVERY.
	IMMEDIATE OFFICE OF THE ADMINISTRATOR	EXECUTIVE DIRECTOR.
	OFFICE OF THE CHIEF COUNSEL	DEPUTY CHIEF COUNSEL.
OFFICE OF THE SECRETARY	OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION.	DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION.
	OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS.	DEPUTY ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS.
		OFFICE OF THE SECRETARY CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
	OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY.	DEPUTY ASSISTANT SECRETARY FOR TRANSPORTATION POLICY.
	NATIONAL SURFACE TRANSPORTATION INNOVATIVE FINANCE BUREAU (BUILD AMERICA BUREAU).	EXECUTIVE DIRECTOR, NATIONAL SURFACE TRANSPORTATION INNOVATIVE FINANCE BUREAU (BUILD AMERICA BUREAU).
	OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE.	DEPUTY DIRECTOR.
		DIRECTOR, OFFICE OF INTELLIGENCE, SECURITY AND EMERGENCY RESPONSE.
	OFFICE OF THE CHIEF INFORMATION OFFICER	CHIEF TECHNOLOGY OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER.
		CHIEF INFORMATION SECURITY OFFICER.
	OFFICE OF THE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.	EXECUTIVE DIRECTOR FOR THE OFFICE OF THE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.
	OFFICE OF THE SECRETARY	SENIOR ADVISOR FOR STRATEGIC COMMUNICATIONS.
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.	IMMEDIATE OFFICE OF THE ADMINISTRATOR	EXECUTIVE DIRECTOR.
	OFFICE OF CHIEF SAFETY OFFICER	ASSISTANT ADMINISTRATOR AND CHIEF SAFETY OFFICER.
	OFFICE OF HAZARDOUS MATERIALS SAFETY	ASSOCIATE ADMINISTRATOR FOR HAZARDOUS MATERIALS SAFETY.
	OFFICE OF PIPELINE SAFETY	ASSOCIATE ADMINISTRATOR FOR PIPELINE SAFETY.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS.
		DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAMS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER.
SURFACE TRANSPORTATION BOARD	OFFICE OF PUBLIC ASSISTANCE, GOVERNMENTAL AFFAIRS AND COMPLIANCE.	DIRECTOR OF PUBLIC ASSISTANCE, GOVERNMENTAL AFFIARS AND COMPLIANCE.
DEPARTMENT OF TRANSPORTATION OFFICE OF INSPECTOR GENERAL.		
OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS.	ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS.
OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.	OFFICE OF DEPUTY ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.
OFFICE OF DEPUTY INSPECTOR GENERAL.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS.	ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS.
		ASSISTANT INSPECTOR GENERAL FOR STRATEGIC COMMUNICATIONS AND PROGRAMS.
OFFICE OF INSPECTOR GENERAL IMMEDIATE OFFICE.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT.	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND MANAGEMENT.
	OFFICE OF CHIEF COUNSEL	CHIEF COUNSEL.

Agency name	Organization name	Position title
	OFFICE OF DEPUTY INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS.
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.
	OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION.	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR ACQUISITION AND PROCUREMENT AUDITS.	ASSISTANT INSPECTOR GENERAL FOR ACQUISTION AND PROCUREMENT AUDITS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS.	ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS AND SPECIAL REVIEWS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.	ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS.
	OFFICE OF ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS.	ASSISTANT INSPECTOR GENERAL FOR SURFACE TRANSPORTATION AUDITS.
OFFICE OF PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS	OFFICE OF DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
DEPARTMENT OF THE TREASURY:		
ASSISTANT SECRETARY (TAX POLICY).	ALCOHOL AND TOBACCO TAX AND TRADE BUREAU	ASSISTANT ADMINISTRATOR, HEADQUARTER OPERATIONS.
		ASSISTANT ADMINISTRATOR, MANAGEMENT/CHIEF FINANCIAL OFFICER.
		DEPUTY ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.
		ASSISTANT ADMINISTRATOR, FIELD OPERATIONS.
		ASSISTANT ADMINISTRATOR, PERMITTING AND TAXATION.
		ASSISTANT ADMINISTRATOR INFORMATION RESOURCES/CHIEF INFORMATION OFFICER.
		ASSISTANT ADMINISTRATOR, EXTERNAL AFFAIRS/CHIEF OF STAFF.
		ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU.
DEPARTMENT OF THE TREASURY	ASSISTANT SECRETARY (TAX POLICY)	DIRECTOR, ECONOMIC MODELING AND COMPUTER APPLICATIONS.
	ASSISTANT SECRETARY FOR MANAGEMENT	DIRECTOR, OFFICE OF PROCUREMENT.
		CHIEF DIVERSITY AND INCLUSION OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
	GENERAL COUNSEL	CHIEF COUNSEL, FINANCIAL CRIMES ENFORCEMENT NETWORK.
	INTERNAL REVENUE SERVICE	DEPUTY CHIEF PROCUREMENT OFFICER.
		FIELD DIRECTOR, SUBMISSION PROCESSING-FRESNO.
		DIRECTOR, COLLECTION—CAMPUS.
		CHIEF OF STAFF.
		DIRECTOR, MEDIA AND PUBLICATIONS (WASHINGTON, DC).
		DIRECTOR, HUMAN RESOURCES.
		PROJECT DIRECTOR.
		DIRECTOR, STRATEGY AND FINANCE.
		DIRECTOR, EXAMINATION—CAMPUS.
		FIELD DIRECTOR, SUBMISSION PROCESSING—OGDEN.
		DIRECTOR, COLLECTION SOUTHWEST.
		CHIEF, AGENCY–WIDE SHARED SERVICES.
		DIRECTOR OF FIELD OPERATIONS–WESTERN AREA, CRIMINAL INVESTIGATION.
		DIRECTOR, MICROSOFT INITIATIVES PROGRAM.
		NATIONAL DIRECTOR LEGISLATIVE AFFAIRS.
		DIRECTOR, ENTERPRISE ARCHITECTURE.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR APPLICATIONS DEVELOPMENT.
		DIRECTOR, REFUNDABLE CREDITS EXAMINATION OPERATIONS.
		DEPUTY CHIEF INFORMATION OFFICER FOR STRATEGY/MODERNIZATION.
		DIRECTOR, E–FILE SERVICES.
		DIRECTOR, DATA MANAGEMENT DIVISION.
		DIRECTOR, KNOWLEDGE DEVELOPMENT AND APPLICATION.
		SPECIAL AGENT IN CHARGE, CRIMINAL INVESTIGATION.
		PROJECT DIRECTOR.
		SPECIAL AGENT IN CHARGE, CRIMINAL INVESTIGATION.
		DIRECTOR, FACILITIES MANAGEMENT AND SEC SERVICES.
		DIRECTOR, WORKLIFE, BENEFITS AND PERFORMANCE.
		DIRECTOR, SECURITY OPERATIONS AND STANDARDS.
		DIRECTOR, COLLECTION—HEADQUARTERS.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR CYBERSECURITY.

Agency name	Organization name	Position title
		DIRECTOR, COLLECTION APPEALS.
		DIRECTOR, DEMAND MANAGEMENT AND PROJECT GOVERNANCE.
		PROJECT DIRECTOR.
		DIRECTOR, COLLECTION—QUALITY AND TECHNICAL SUPPORT.
		DIRECTOR, COLLECTION.
		SPECIAL ASSISTANT.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR APPLICATIONS DEVELOPMENT.
		SENIOR ADVISOR AND TECHNOLOGY ADVISOR.
		DIRECTOR, SPECIALIZED EXAMINATION PROGRAMS AND REFERRALS.
		PROJECT DIRECTOR FOR DEPUTY COMMISSIONER SERVICES AND ENFORCEMENT.
		DIRECTOR, MODERNIZATION, DEVELOPMENT AND DELIVERY.
		DIRECTOR, DATA MANAGEMENT SERVICES AND SUPPORT.
		DIRECTOR, SERVICEWIDE OPERATIONS.
		DIRECTOR, ENTERPRISE ACTIVITIES.
		ASSISTANT DEPUTY COMMISSIONER FOR SERVICES AND ENFORCEMENT.
		DIRECTOR, COLLECTION AREA—GULF STATE.
		DIRECTOR, COLLECTION—CENTRAL.
		DIRECTOR, EXAMINATION—CENTRAL.
		DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY.
		DIRECTOR, COLLECTION—SPECIAL.
		DIRECTOR, REFUNDABLE CREDITS POLICY AND PROGRAM MANAGEMENT.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR USER AND NETWORK SERVICES.
		DEPUTY DIRECTOR, RETURN INTEGRITY AND CORRESPONDENCE SERVICES.
		DIRECTOR, SOLUTION ENGINEERING.
		DIRECTOR, MAINFRAME SUPPORT AND SERVICES.
		SPECIAL ASSISTANT TO THE CHIEF, APPEALS.
		DIRECTOR, AFFORDABLE CARE ACT.
		DIRECTOR, CAMPUS COLLECTION FRESNO.
		IRS IDENTITY ASSURANCE EXECUTIVE.
		DEPUTY DIRECTOR, SUBMISSION PROCESSING.
		SUBMISSION PROCESSING FIELD DIRECTOR.
		DIRECTOR, OPERATIONS SUPPORT.
		ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE INFORMATION TECHNOLOGY PROGRAM MANAGEMENT.
		SENIOR DIRECTOR FOR OPERATIONS, AFFORDABLE CARE ACT.
		DIRECTOR, INFRASTRUCTURE SERVICES.
		DIRECTOR, UNIFIED COMMUNICATIONS.
		ACIO, AFFORDABLE CARE ACT PMO.
		DIRECTOR, ENTERPRISE NETWORKS OPERATIONS.
		DIRECTOR, ONLINE SERVICES.
		DEPUTY COMMISSIONER, WAGE AND INVESTMENTS.
		DIRECTOR, TECHNOLOGY SOLUTIONS.
		DIRECTOR, SERVICE DELIVERY MANAGEMENT.
		COMPLIANCE SERVICES FIELD DIRECTOR.
		DIRECTOR, CAMPUS OPERATIONS.
		DIRECTOR, IMPLEMENTATION AND TESTING.
		DIRECTOR, BUSINESS PLANNING AND RISK MANAGEMENT.
		EXECUTIVE DIRECTOR, BUSINESS MODERNIZATION.
		DIRECTOR, COLLECTION STRATEGY AND ORGANIZATION.
		DIRECTOR OF FIELD OPERATIONS, HEAVY MANUFACTURING AND PHARMACEUTICALS, SOUTHEAST.
		DIRECTOR, FIELD OPERATIONS, ENGINEERING.
		ASSISTANT DEPUTY COMMISSIONER COMPLIANCE INTEGRATION.
		DIRECTOR, ADVANCED PRICING AND MUTUAL AGREEMENT.
		DIRECTOR, RETURN INTEGRITY AND COMPLIANCE SERVICES.
		DIRECTOR, CYBERSECURITY POLICY AND PROGRAMS.
		DIRECTOR, FIELD OPERATIONS, RETAIL FOOD, PHARMACEUTICALS, AND HEALTHCARE—WEST.
		DIRECTOR, CONTACT CENTER SUPPORT DIVISION.
		EXECUTIVE DIRECTOR, INVESTIGATIVE AND ENFORCEMENT OPERATIONS.
		DIRECTOR, EXAMINATION AREA—NORTH ATLANTIC.
		DIRECTOR, STRATEGIC SUPPLIER MANAGEMENT.

Agency name	Organization name	Position title
		DIRECTOR, DATA DELIVERY SERVICES.
		PROJECT DIRECTOR.
		DIRECTOR, COMPLIANCE STRATEGY AND POLICY.
		DIRECTOR, STRATEGY, RESEARCH AND PROGRAM PLANNING.
		DIRECTOR, PRIVACY AND INFORMATION PROTECTION.
		DIRECTOR, NETWORK ENGINEERING.
		DIRECTOR, EXAMINATION—SPECIALITY TAX.
		DEPUTY ASSOCIATE CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT.
		DIRECTOR, CUSTOMER SERVICE AND STAKEHOLDERS.
		DIRECTOR, TAX FORMS AND PUBLICATIONS.
		ASSISTANT DEPUTY COMMISSIONER GOVERNMENT ENTITIES AND SHARED SERVICES.
		DIRECTOR, CASE AND OPERATIONS SUPPORT.
		DEPUTY DIRECTOR, RETURN PREPARER OFFICE.
		ACCOUNTS MANAGEMENT FIELD DIRECTOR.
		DIRECTOR, FILING AND PREMIUM TAX CREDIT.
		ASSISTANT DEPUTY COMMISSIONER (INTERNATIONAL).
		DIRECTOR, EMERGING PROGRAMS AND INITIATIVES.
		DIRECTOR, FIELD OPERATIONS, NATURAL RESOURCES AND CONSTRUCTION—WEST.
		DIRECTOR, CAMPUS COMPLIANCE OPERATIONS.
		DIRECTOR, PRODUCT MANAGEMENT.
		DIRECTOR, FIELD OPERATIONS, RETAILERS, FOOD, TRANSPORTATION AND HEALTHCARE—EAST.
		DIRECTOR, REFUND CRIMES.
		AREA DIRECTOR, STAKEHOLDER PARTNERSHIP, EDUCATION, AND COMMUNICATION.
		DIRECTOR, EXAMINATION FIELD.
		DEPUTY COMMISSIONER, OPERATIONS SUPPORT.
		DIRECTOR, OPERATIONS SERVICE SUPPORT.
		DEPUTY DIRECTOR, STRATEGY AND FINANCE.
		DIRECTOR, RETURN PREPARER OFFICE.
		DIRECTOR, EXAMINATION AREA MIDWEST.
		DIRECTOR, FINANCIAL MANAGEMENT SERVICES.
		AREA DIRECTOR, FIELD ASSISTANCE.
		DIRECTOR, EXAMINATION AREA.
		DIRECTOR, CUSTOMER SERVICE.
		DIRECTOR, APPEALS POLICY AND VALUATION.
		ASSOCIATE CHIEF INFORMATION OFFICER, STRATEGY AND PLANNING.
		DIRECTOR, BUSINESS SYSTEMS PLANNING.
		DEPUTY CHIEF OF STAFF.
		ASSOCIATE CHIEF INFORMATION OFFICER FOR ENTERPRISE OPERATIONS.
		DIRECTOR, COLLECTION POLICY.
		DEPUTY DIRECTOR, SUBMISSION PROCESSING.
		DEPUTY DIVISION COUNSEL #2 (OPERATIONS)/SMALL BUSINESS AND SELF EMPLOYED.
		DEPUTY COMMISSIONER (DOMESTIC), LARGE BUSINESS AND INTERNATIONAL.
		DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER, ENTERPRISE OPERATIONS.
		DIRECTOR, REPORTING COMPLIANCE.
		SPECIAL AGENT IN CHARGE—CRIMINAL INVESTIGATION.
		DIRECTOR, FIELD OPERATIONS EAST.
		DEPUTY CHIEF INFORMATION OFFICER FOR OPERATIONS.
		ASSOCIATE CHIEF INFORMATION OFFICER, CYBERSECURITY.
		DIRECTOR, OFFICE OF PRIVACY, INFORMATION PROTECTION AND DATA SECURITY.
		DIRECTOR, PASS THROUGH ENTITIES.
		PROGRAM MANAGER.
		DIRECTOR, SUBMISSION PROCESSING.
		DIRECTOR, INTERNAL MANAGEMENT.
		DIRECTOR, CORPORATE DATA.
		DIRECTOR, ENTERPRISE SYSTEMS TESTING.
		DIRECTOR, EXAMINATION MIDWEST AREA.
		SPECIAL AGENT IN CHARGE.
		DIRECTOR, WHISTLEBLOWER OFFICE.
		SUBMISSION PROCESSING FIELD DIRECTOR.
		PROJECT DIRECTOR, ENTERPRISE PROGRAM MANAGEMENT.
		ACCOUNTS MANAGEMENT FIELD DIRECTOR.
		DIRECTOR, EXAMINATION—GULF STATES.
		DIRECTOR, EMPLOYEE PLANS, RULINGS, AND AGREEMENTS.

Agency name	Organization name	Position title
		DIRECTOR, EXAMINATION HEADQUARTERS.
		DIRECTOR, JOINT OPERATIONS CENTER.
		DEPUTY CHIEF HUMAN CAPITAL OFFICER, INTERNAL REVENUE SERVICE.
		DIRECTOR, COLLECTION—FIELD.
		DIRECTOR, COLLECTION—ATLANTA.
		DIRECTOR, COLLECTION—ANDOVER.
		DIRECTOR, EXAMINATION AREA.
		DIRECTOR, EXAMINATION—OGDEN.
		DIRECTOR, EXAMINATION SOUTHWEST AREA.
		SPECIAL AGENT IN CHARGE.
		DEPUTY COMMISSIONER, SMALL BUSINESS/SELF-EMPLOYED.
		PROJECT DIRECTOR.
		DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION AND COMMUNICATIONS.
		CHIEF FINANCIAL OFFICER, INTERNAL REVENUE SERVICE.
		CHIEF, CRIMINAL INVESTIGATION.
		DIRECTOR, RESEARCH AND ORGANIZATIONAL.
		DIRECTOR, ENTERPRISE TECHNOLOGY IMPLEMENTATION.
		AREA DIRECTOR, FIELD ASSISTANCE—ATLANTA.
		DIRECTOR OF FIELD OPERATIONS.
		CHIEF, COMMUNICATIONS AND LIAISON.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, ACCOUNTS MANAGEMENT, WAGE AND INVESTMENT.
		DIRECTOR, DATA SOLUTIONS.
		COMMISSIONER, SMALL BUSINESS AND SELF EMPLOYED.
		COMMISSIONER, LARGE AND MID–SIZED BUSINESS DIVISION.
		CHIEF INFORMATION OFFICER.
		CHIEF HUMAN CAPITAL OFFICER, INTERNAL REVENUE SERVICE.
		DEPUTY DIRECTOR, ENTERPRISE COMPUTING CENTER.
		DEPUTY CHIEF, CRIMINAL INVESTIGATION.
		INDUSTRY DIRECTOR—FINANCIAL SERVICES—LARGE AND MID SIZE BUSINESS.
		DIRECTOR, BUSINESS SYSTEMS PLANNING—LARGE AND MID–SIZE BUSINESS.
		DEPUTY CHIEF, APPEALS.
		DEPUTY DIVISION COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES.
		EXECUTIVE DIRECTOR, CASE ADVOCACY INTAKE AND TECHNICAL SUPPORT.
		EXECUTIVE DIRECTOR, OFFICE OF EQUITY, DIVERSITY, AND INCLUSION.
		DEPUTY DIRECTOR, FACILITIES MANAGEMENT AND SECURITY SERVICES.
		CHIEF, APPEALS.
		CHIEF RISK OFFICER AND SENIOR ADVISOR.
		DIRECTOR, ADVANCE PRICING AND MUTUAL AGREEMENT.
		ACCOUNTS MANAGEMENT FIELD DIRECTOR—ANDOVER.
		DIRECTOR, CUSTOMER ACCOUNT SERVICES—WAGE AND INVESTMENT.
		DIRECTOR, COMMUNICATION, ASSISTANCE, RESEARCH AND EDUCATION.
		DIRECTOR, FIELD ASSISTANCE—WAGE AND INVESTMENT.
		DIRECTOR, RESEARCH, APPLIED ANALYTICS AND STATISTICS.
		DEPUTY NATIONAL TAXPAYER ADVOCATE.
		COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES DIVISION.
		DIRECTOR, EXEMPT ORGANIZATIONS.
		COMMISSIONER, WAGE AND INVESTMENT.
		DIRECTOR, OPERATIONS SUPPORT.
		DIRECTOR, EMPLOYEE PLANS.
		DIRECTOR, ENTERPRISE CASE MANAGEMENT.
		PROJECT DIRECTOR.
		DIRECTOR, INTERNET DEVELOPMENT SERVICES.
		DIRECTOR, SERVER SUPPORT AND SERVICES.
		DIRECTOR, PROCUREMENT.
		ASSOCIATE CHIEF FINANCIAL OFFICER FOR INTERNAL FINANCIAL MANAGEMENT—NATIONAL HEADQUARTERS.
		DIRECTOR, IDENTITY THEFT VICTIM ASSISTANCE.
		DIRECTOR, STATISTICS OF INCOME.

Agency name	Organization name	Position title
	SECRETARY OF THE TREASURY	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
	UNITED STATES MINT	ASSOCIATE DIRECTOR FOR MANUFACTURING.
		PLANT MANAGER, PHILADELPHIA.
		ASSOCIATE DIRECTOR FOR SALES AND MARKETING.
		ASSOCIATE DIRECTOR, ENVIRONMENT, SAFETY AND HEALTH.
		CHIEF ADMINISTRATIVE OFFICER.
		ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY (CHIEF INFORMATION OFFICER).
		ASSOCIATE DIRECTOR FOR FINANCIAL MANAGEMENT/CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF COIN STUDIES.
FISCAL ASSISTANT SECRETARY	BUREAU OF THE FISCAL SERVICE	ASSISTANT COMMISSIONER (SHARED SERVICES).
		DEPUTY ASSISTANT COMMISSIONER FOR PROGRAM SOLUTIONS AND SUPPORT (TREASURY SECURITIES SERVICES).
		ASSISTANT COMMISSIONER (OFFICE OF MANAGEMENT SERVICES).
		DEPUTY CHIEF INFORMATION OFFICER.
		ASSISTANT COMMISSIONER, PAYMENT MANAGEMENT.
		DEPUTY ASSISTANT COMMISSIONER, PAYMENT MANAGEMENT.
		DEPUTY ASSISTANT COMMISSIONER FOR INFRASTRUCTURE AND OPERATIONS (OFFICE OF INFORMATION AND SECURITY SERVICES).
		DIRECTOR, DEBT MANAGEMENT SERVICES OPERATIONS, WEST.
		DEPUTY ASSISTANT COMMISSIONER FOR SECURITIES MANAGEMENT (TREASURY SECURITIES SERVICES).
		ASSISTANT COMMISSIONER, WHOLESALE SECURITIES SERVICES.
		DEPUTY ASSISTANT COMMISSIONER (ACCOUNTING SUPPORT AND OUTREACH).
		DEPUTY ASSISTANT COMMISSIONER, COMPLIANCE AND REPORTING GROUP.
		EXECUTIVE DIRECTOR (DO NOT PAY BUSINESS CENTER STAFF).
		DIRECTOR, DEBT MANAGEMENT SERVICES OPERATIONS, EAST.
		ASSISTANT COMMISSIONER, INFORMATION AND SECURITY SERVICES (CHIEF INFORMATION OFFICER).
		DEPUTY ASSISTANT COMMISSIONER (SHARED SERVICES).
		DEPUTY COMMISSIONER, ACCOUNTING AND SHARED SERVICES.
		DEPUTY COMMISSIONER, FINANCE AND ADMINISTRATION.
		DEPUTY COMMISSIONER, FINANCIAL SERVICES AND OPERATIONS.
		COMMISSIONER, BUREAU OF THE FISCAL SERVICE.
		DEPUTY ASSISTANT COMMISSIONER FOR INFORMATION SERVICES.
		DEPUTY ASSISTANT COMMISSIONER (FISCAL ACCOUNTING OPERATIONS).
		DEPUTY ASSISTANT COMMISSIONER (DATA TRANSPARENCY).
		DEPUTY ASSISTANT COMMISSIONER (RETAIL SECURITIES SERVICES).
		SENIOR ADVISOR (SERVICES AND PROGRAMS).
		EXECUTIVE DIRECTOR (KANSAS CITY).
		ASSISTANT COMMISSIONER (RETAIL SECURITIES SERVICES).
		DEPUTY ASSISTANT COMMISSIONER (WHOLESALE SECURITIES SERVICES).
		DEPUTY ASSISTANT COMMISSIONER (DEBT MANAGEMENT SERVICES).
		ASSISTANT COMMISSIONER (PUBLIC DEBT ACCOUNTING).
		DIRECTOR, REGIONAL FINANCIAL CENTER (PHILADELPHIA).
		DIRECTOR, REGIONAL FINANCIAL CENTER (KANSAS CITY).
		ASSISTANT COMMISSIONER, DEBT MANAGEMENT SERVICES.
		ASSISTANT COMMISSIONER, MANAGEMENT (CHIEF FINANCIAL OFFICER).
		DIRECTOR, REVENUE COLLECTION GROUP.
		ASSISTANT COMMISSIONER, FEDERAL FINANCE.
		EXECUTIVE DIRECTOR, GOVERNMENT SECURITIES REGULATIONS.
		DIRECTOR, REGIONAL FINANCIAL CENTER (SAN FRANCISCO).

Agency name	Organization name	Position title
INTERNAL REVENUE SERVICE	INTERNAL REVENUE SERVICE CHIEF COUNSEL	ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION). ASSOCIATE CHIEF COUNSEL (CORPORATE). DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT). AREA COUNSEL (LARGE AND MID SIZE BUSINESS)(AREA 2)(HEAVY MANUFACTURING, CONSTRUCTION AND TRANSPORTATION). AREA COUNSEL (LARGE AND MID SIZE BUSINESS)(AREA 4)(NATURAL RESOURCES). AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL). DEPUTY DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED). AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—NEW YORK. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—PHILADELPHIA. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—JACKSONVILLE. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—CHICAGO. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED). AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—DENVER. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED)—LOS ANGELES. AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) (AREA 7). DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (CRIMINAL TAX). DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES). AREA COUNSEL (LARGE BUSINESS AND INTERNATIONAL)(AREA 1). DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS). DIVISION COUNSEL (WAGE AND INVESTMENT). DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) (LABOR AND PERSONNEL LAW). DEPUTY CHIEF COUNSEL (OPERATIONS). SPECIAL COUNSEL TO THE NATIONAL TAXPAYER ADVOCATE. DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL TECHNICAL). DEPUTY CHIEF COUNSEL (TECHNICAL). DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES). ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES). DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED). AREA COUNSEL, LARGE AND MID SIZE BUSINESS (AREA 3) (FOOD, MASS RETAILERS, AND PHARMACEUTICALS). DEPUTY ASSOCIATE CHIEF COUNSEL #2 (INCOME TAX AND ACCOUNTING). DEPUTY DIVISION COUNSEL (LARGE AND MID-SIZE BUSINESS). DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION). ASSOCIATE CHIEF COUNSEL (INCOME TAX AND ACCOUNTING). DEPUTY DIVISION COUNSEL/DEPUTY ASSISTANT CHIEF COUNSEL (CRIMINAL TAX). ASSOCIATE CHIEF COUNSEL (INTERNATIONAL). ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT). ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS). DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS). SPECIAL COUNSEL TO THE CHIEF COUNSEL. DEPUTY DIVISION COUNSEL AND DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES). DEPUTY DIVISION COUNSEL/DEPUTY ASSOCIATE CHIEF COUNSEL. DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL FIELD SERVICE AND LITIGATION). AREA COUNSEL, SMALL BUSINESS AND SELF EMPLOYED, AREA 9.

Agency name	Organization name	Position title
		DEPUTY TO THE SPECIAL COUNSEL TO THE CHIEF COUNSEL.
		HEALTHCARE COUNSEL (OFFICE OF HEALTHCARE).
		DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION).
		DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION).
		ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES).
		DEPUTY ASSOCIATE CHIEF COUNSEL, OPERATIONS AND INTERNATIONAL PROGRAMS.
		DEPUTY DIVISION COUNSEL, INTERNATIONAL (LARGE BUSINESS AND INTERNATIONAL).
		DEPUTY ASSOCIATE CHIEF COUNSEL (CORPORATE).
		DIVISION COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DC.
		DIVISION COUNSEL, LARGE BUSINESS AND INTERNATIONAL.
		DEPUTY ASSOCIATE CHIEF COUNSEL, (PASSTHROUGHS AND SPECIAL INDUSTRIES).
		ASSOCIATE CHIEF COUNSEL (PASSTHROUGHS AND SPECIAL INDUSTRIES).
		AREA COUNSEL, SMALL BUSINESS AND SELF EMPLOYED (AREA 1).
		ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS).
		DEPUTY ASSOCIATE CHIEF COUNSEL (IT&A).
		ASSOCIATE CHIEF COUNSEL, (INTERNATIONAL).
		DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES).
		DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (NATIONAL TAXPAYER ADVOCATE PROGRAM).
UNDER SECRETARY FOR DOMESTIC FINANCE.	OFFICE OF THE ASSISTANT SECRETARY FOR FINANCIAL INSTITUTIONS.	DIRECTOR, FEDERAL INSURANCE OFFICE.
		DEPUTY DIRECTOR, FEDERAL INSURANCE OFFICE.
	OFFICE OF THE FISCAL ASSISTANT SECRETARY	DEPUTY ASSISTANT SECRETARY FOR FISCAL OPERATIONS AND POLICY.
		FISCAL ASSISTANT SECRETARY.
		DEPUTY ASSISTANT SECRETARY, OFFICE OF ACCOUNTING POLICY AND FINANCIAL TRANSPARENCY.
UNDER SECRETARY FOR TERRORISM AND FINANCIAL INTELLIGENCE.	OFFICE OF THE ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS.	DEPUTY ASSISTANT SECRETARY FOR SECURITY AND COUNTERINTELLIGENCE.
	OFFICE OF THE ASSISTANT SECRETARY FOR TERRORIST FINANCING.	DIRECTOR, EXECUTIVE OFFICE FOR ASSET FORFEITURE.
	OFFICE OF FINANCIAL CRIMES ENFORCEMENT NETWORK.	ASSOCIATE DIRECTOR, LIAISON DIVISION.
		ASSOCIATE DIRECTOR, MANAGEMENT PROGRAMS DIVISION.
		DIRECTOR, FINANCIAL CRIMES ENFORCEMENT NETWORK.
		DEPUTY DIRECTOR.
		ASSOCIATE DIRECTOR, TECHNOLOGY SOLUTIONS AND SERVICES DIVISION/CHIEF INFORMATION OFFICER.
		ASSOCIATE DIRECTOR, POLICY DIVISION.
		ASSOCIATE DIRECTOR, INTELLIGENCE DIVISION.
		ASSOCIATE DIRECTOR, ENFORCEMENT DIVISION.
DEPARTMENT OF THE TREASURY OFFICE OF THE INSPECTOR GENERAL.	OFFICE OF AUDIT	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL SECTOR AUDITS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL MANAGEMENT AND TRANSPARENCY AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT (2).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDITS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL MANAGEMENT).
	OFFICE OF COUNSEL	COUNSEL TO THE INSPECTOR GENERAL.
	OFFICE OF INVESTIGATIONS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
	OFFICE OF MANAGEMENT	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.	DEPARTMENT OF THE TREASURY SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.	DEPUTY SPECIAL INSPECTOR GENERAL AUDIT.
		ASSISTANT DEPUTY SPECIAL INSPECTOR GENERAL FOR AUDIT AND EVALUATION.
		ASSISTANT DEPUTY SPECIAL INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY SPECIAL INSPECTOR GENERAL OPERATIONS.
		DEPUTY SPECIAL INSPECTOR GENERAL, INVESTIGATIONS.
		GENERAL COUNSEL FOR SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.

Agency name	Organization name	Position title
DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	DEPARTMENT OF THE TREASURY TAX ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—FIELD.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, FIELD DIVISIONS.
		DEPUTY CHIEF COUNSEL.
		DEPUTY INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, CYBER, OPERATIONS AND INVESTIGATIVE SUPPORT DIRECTORATE.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, COMPLIANCE AND ENFORCEMENT OPERATIONS.
		CHIEF INFORMATION OFFICER.
		DEPUTY INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT SERVICES AND EXEMPT ORGANIZATIONS.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, SECURITY AND INFORMATION TECHNOLOGY SERVICES.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, MANAGEMENT, PLANNING AND WORKFORCE DEVELOPMENT.
		ASSISTANT INSPECTOR GENERAL FOR AUDIT, RETURNS PROCESSING AND ACCOUNTING SERVICES.
		DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, THREAT, AGENT SAFETY AND SENSITIVE INVESTIGATIONS DIRECTORATE.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, CYBER OPERATIONS AND INVESTIGATIVE SUPPORT DIRECTORATE.
		CHIEF COUNSEL.
		DEPUTY INSPECTOR GENERAL FOR MISSION SUPPORT AND CHIEF FINANCIAL OFFICER.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS—FIELD.
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.		
OFFICE OF THE ADMINISTRATOR	BUREAU FOR DEMOCRACY, CONFLICT, AND HUMANITARIAN ASSISTANCE.	DEPUTY DIRECTOR, OFFICE OF FOREIGN DISASTER ASSISTANCE.
	BUREAU FOR MANAGEMENT	CHIEF FINANCIAL OFFICER.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DIRECTOR, OFFICE OF MANAGEMENT, POLICY, BUDGET AND PERFORMANCE.
		DIRECTOR, OFFICE OF ACQUISITION AND ASSISTANCE.
		DEPUTY ASSISTANT ADMINISTRATOR.
		DEPUTY DIRECTOR, OAA OPERATIONS.
		CHIEF INFORMATION OFFICER.
		DEPUTY DIRECTOR, ACCOUNTABILITY, COMPLIANCE, TRANSPARENCY AND SYSTEM SUPPORT.
	OFFICE OF BUDGET AND RESOURCE MANAGEMENT ...	DIRECTOR, BUDGET AND RESOURCE MANAGEMENT.
	OFFICE OF HUMAN CAPITAL AND TALENT MANAGEMENT.	DEPUTY CHIEF HUMAN CAPITAL OFFICER.
		CHIEF HUMAN CAPITAL OFFICER.
	OFFICE OF SECURITY	DIRECTOR, OFFICE OF SECURITY.
	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGE BUSINESS UTILIZATION.
	OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL, ETHICS AND ADMINISTRATION.
		ASSISTANT GENERAL COUNSEL, CHIEF INNOVATION COUNSEL.
		DEPUTY GENERAL COUNSEL.
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF THE INSPECTOR GENERAL.	ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		COUNSELOR TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT.
		ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT.
UNITED STATES INTERNATIONAL TRADE COMMISSION:		
OFFICE OF OPERATIONS	OFFICE OF ECONOMICS	DIRECTOR OFFICE OF ECONOMICS.
	OFFICE OF INDUSTRIES	DIRECTOR OFFICE OF INDUSTRIES.
	OFFICE OF INVESTIGATIONS	DIRECTOR, OFFICE OF INVESTIGATIONS.
	OFFICE OF TARIFF AFFAIRS AND TRADE AGREEMENTS.	DIRECTOR, OFFICE TARIFF AFFAIRS AND TRADE AGREEMENTS.

Agency name	Organization name	Position title
	OFFICE OF UNFAIR IMPORT INVESTIGATIONS	DIRECTOR, OFFICE OF UNFAIR IMPORT INVESTIGATIONS.
UNITED STATES INTERNATIONAL TRADE COMMISSION.	OFFICE OF ADMINISTRATIVE SERVICES	CHIEF ADMINISTRATIVE OFFICER.
	OFFICE OF EXTERNAL RELATIONS	DIRECTOR, OFFICE OF EXTERNAL RELATIONS.
	OFFICE OF OPERATIONS	DIRECTOR OFFICE OF OPERATIONS.
	OFFICE OF THE CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER.
	OFFICE OF THE CHIEF INFORMATION OFFICER	CHIEF INFORMATION OFFICER.
	OFFICE OF THE GENERAL COUNSEL	GENERAL COUNSEL.
	OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL.
DEPARTMENT OF VETERANS AFFAIRS.	BOARD OF VETERANS' APPEALS	VICE CHAIRMAN.
		DEPUTY VICE CHAIRMAN, BOARD OF VETERANS APPEALS.
		DEPUTY VICE CHAIRMAN (3).
		CHIEF COUNSEL, BOARD OF VETERANS APPEALS.
	NATIONAL CEMETERY ADMINISTRATION	DEPUTY UNDER SECRETARY FOR FINANCE AND PLANNING.
	OFFICE OF ACQUISITION, LOGISITICS AND CONSTRUCTION.	EXECUTIVE DIRECTOR, CONSTRUCTION AND.
		ASSOCIATE EXECUTIVE DIRECTOR, TECHNOLOGY ACQUISITION CENTER.
		ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES PLANNING.
		ASSOCIATE EXECUTIVE DIRECTOR, FACILITIES ACQUISITIONS.
		ASSOCIATE EXECUTIVE DIRECTOR, STRATEGIC ACQUISITION CENTER.
		ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL HEALTHCARE ACQUISITION.
		ASSOCIATE EXECUTIVE DIRECTOR, RESOURCE MANAGEMENT.
		ASSOCIATE EXECUTIVE DIRECTOR, ACQUISITION PROGRAM SUPPORT.
		EXECUTIVE DIRECTOR, CONSTRUCTION AND FACILITIES MANAGEMENT.
		ASSOCIATE EXECUTIVE DIRECTOR, PROCUREMENT POLICY, SYSTEMS AND OVERSIGHT.
		EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION AND LOGISTICS.
		ASSOCIATE EXECUTIVE DIRECTOR, PROGRAMS AND PLANS.
	OFFICE OF THE ASSISTANT SECRETARY FOR ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.	EXECUTIVE DIRECTOR, INVESTIGATIONS.
	OFFICE OF THE ASSISTANT SECRETARY FOR INFORMATION AND TECHNOLOGY.	EXECUTIVE DIRECTOR, INFORMATION SECURITY OPERATIONS.
		EXECUTIVE DIRECTOR, INFRASTRUCTURE OPERATIONS.
		CHIEF FINANCIAL OFFICER, IT BUDGET AND FINANCE.
		DEPUTY ASSISTANT SECRETARY, CHIEF INFORMATION SECURITY OFFICER.
		DEPUTY CHIEF INFORMATION OFFICER, QUALITY, PERFORMANCE, AND RISK/CHIEF RISK OFFICER.
		EXECUTIVE DIRECTOR, ACQUISITION STRATEGY AND CATEGORY MANAGEMENT.
		EXECUTIVE DIRECTOR, FIELD SECURITY SERVICE.
		DEPUTY CHIEF INFORMATION OFFICER, STRATEGIC SOURCING.
		EXECUTIVE DIRECTOR, INFORMATION SECURITY POLICY AND STRATEGY.
	OFFICE OF THE ASSISTANT SECRETARY FOR MANAGEMENT.	ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION OPERATIONS.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION SERVICE SYSTEMS.
		DEPUTY EXECUTIVE DIRECTOR ASSET ENTERPRISE MANAGEMENT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE.
		EXECUTIVE DIRECTOR, DEBT MANAGEMENT CENTER.
		ADAS FOR FINANCIAL PROCESS IMPROVEMENT AND AUDIT READINESS, OFFICE OF FINANCE.
		DEPUTY ASSISTANT SECRETARY FINANCIAL MANAGEMENT BUSINESS TRANSFORMATION, OFFICE OF FINANCE.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, BUDGET OPERATIONS.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, PROGRAM BUDGETS.
		PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANAGEMENT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL BUSINESS OPERATIONS, OFFICE OF FINANCE.
		EXECUTIVE DIRECTOR, FINANCIAL SERVICES CENTER, OFFICE OF FINANCE.

Agency name	Organization name	Position title
		EXECUTIVE DIRECTOR, ASSET ENTERPRISE MANAGEMENT.
		EXECUTIVE DIRECTOR, OFFICE OF BUSINESS OVERSIGHT.
		DEPUTY ASSISTANT SECRETARY FOR FINANCE, OFFICE OF FINANCE.
		DEPUTY ASSISTANT SECRETARY FOR BUDGET.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL POLICY, OFFICE OF FINANCE.
		EXECUTIVE DIRECTOR, OFFICE OF ACQUISITION OPERATIONS.
	OFFICE OF THE GENERAL COUNSEL	CHIEF COUNSEL HEALTH LAW GROUP.
		CHIEF COUNSEL, SOUTHEAST DISTRICT—NORTH.
		CHIEF COUNSEL NORTH ATLANTIC DISTRICT NORTH.
		CHIEF COUNSEL, TORTS AND ADMINISTRATIVE LAW.
		COUNSELOR/ADVISOR.
		EXECUTIVE DIRECTOR, OFFICE OF ACCOUNTABILITY REVIEW.
		CHIEF COUNSEL, PERSONNEL LAW GROUP.
		CHIEF COUNSEL REAL PROPERTY LAW GROUP.
		CHIEF COUNSEL, INFORMATION LAW GROUP.
		CHIEF COUNSEL COURT OF APPEALS FOR VETERANS CLAIMS LITIGATION GROUP.
		CHIEF COUNSEL, DISTRICT CONTRACTING.
		CHIEF COUNSEL COLLECTIONS NATIONAL PRACTICE GROUP.
		CHIEF COUNSEL, LOAN GUARANTY.
		DEPUTY GENERAL COUNSEL, GENERAL LAW.
		ASSISTANT CHIEF COUNSEL, COURT OF APPEALS FOR VETERANS CLAIMS LITIGATION GROUP.
		SENIOR COUNSEL TO THE GENERAL COUNSEL.
		CHIEF COUNSEL, ETHICS LAW GROUP.
		CHIEF COUNSEL, BENEFITS LAW GROUP.
		DEPUTY GENERAL COUNSEL VETERANS PROGRAMS.
		CHIEF COUNSEL CONTINENTAL DISTRICT—WEST.
		DEPUTY GENERAL COUNSEL, LEGAL OPERATIONS.
		CHIEF COUNSEL (3).
		CHIEF COUNSEL MIDWEST DISTRICT EAST.
		CHIEF COUNSEL MIDWEST DISTRICT WEST.
		CHIEF COUNSEL NORTH ATLANTIC DISTRICT SOUTH.
		CHIEF COUNSEL PACIFIC DISTRICT SOUTH.
		CHIEF COUNSEL, PROCUREMENT LAW GROUP.
	OFFICE OF THE SECRETARY AND DEPUTY	DEPUTY EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTLIZATION.
		DEPUTY EXECUTIVE DIRECTOR, ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.
		EXECUTIVE DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.
		EXECUTIVE DIRECTOR, EMPLOYEE DISCRIMINATION COMPLIANCE.
	VETERANS BENEFITS ADMINISTRATION	SENIOR ADVISOR, FISCAL STEWARDSHIP.
		DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS.
		DEPUTY CHIEF FINANCIAL OFFICER.
		DEPUTY EXECUTIVE DIRECTOR FOR POLICY AND PROCEDURES.
		EXECUTIVE DIRECTOR, LOAN GUARANTY SERVICE.
		CHIEF FINANCIAL OFFICER.
		EXECUTIVE DIRECTOR, PERFORMANCE ANALYSIS AND INTEGRITY.
	VETERANS HEALTH ADMINISTRATION	EXECUTIVE DIRECTOR, SERVICE AREA (EAST).
		EXECUTIVE DIRECTOR SERVICE AREA (CENTRAL).
		EXECUTIVE DIRECTOR, SERVICE AREA (WEST).
		ASSOCIATE CHIEF FINANICAL OFFICER, VETERANS HEALTH ADMINISTRATION.
		DEPUTY CHIEF PROCUREMENT OFFICER, VETERANS HEALTH ADMINISTRATION.
		ASSOCIATE CHIEF FINANCIAL OFFICER FOR MANAGERIAL COST ACCOUNTING.
		ASSOCIATE CHIEF FINANCIAL OFFICER FINANCIAL MANAGEMENT AND ACCOUNTING.
		CHIEF OPERATING OFFICER VETERANS CANTEEN SERVICE.
		CHIEF COMPLIANCE AND BUSINESS INTEGRITY OFFICER.
		CHIEF FINANCIAL OFFICER VETERANS HEALTH ADMINISTRATION.
		DEPUTY CHIEF FINANCIAL OFFICER VETERANS HEALTH ADMINISTRATION.
		EXECUTIVE DIRECTOR VETERANS CANTEEN SERVICE.
OFFICE OF THE ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION/OPERATIONS, SECURITY, AND PREPAREDNESS.	OFFICE OF CORPORATE SENIOR EXECUTIVE MANAGEMENT.	EXECUTIVE DIRECTOR.

Agency name	Organization name	Position title
	OFFICE OF HUMAN RESOURCES MANAGEMENT	DEPUTY CHIEF HUMAN CAPITOL OFFICER.
	OFFICE OF RESOLUTION MANAGEMENT	DEPUTY ASSISTANT SECRETARY FOR RESOLUTION MANAGEMENT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR RESOLUTION MANAGEMENT.
OFFICE OF THE ASSISTANT SECRETARY FOR MANAGEMENT.	OFFICE OF FINANCE	ASSOCIATE DEPUTY ASSISTANT SECRETARY, FINANCIAL REPORTING.
OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS, SECURITY AND PREPAREDNESS.	OFFICE OF OPERATIONS, SECURITY AND PREPAREDNESS.	PRINCIPAL DEPUTY ASSISTANT SECRETARY, OPERATIONS, SECURITY AND PREPAREDNESS.
		EXECUTIVE DIRECTOR, IDENTITY, CREDENTIAL AND ACCESS MANAGEMENT.
		EXECUTIVE DIRECTOR FOR SECURITY AND LAW ENFORCEMENT.
		ASSOCIATE DEPUTY ASSISTANT SECRETARY, EMERGENCY MANAGEMENT AND RESILIENCE.
DEPARTMENT OF VETERANS AFFAIRS OFFICE OF THE INSPECTOR GENERAL.	IMMEDIATE OFFICE OF THE INSPECTOR GENERAL	CHIEF OF STAFF FOR HEALTHCARE OVERSIGHT INTEGRATION.
		COUNSELOR TO THE INSPECTOR GENERAL.
		DEPUTY INSPECTOR GENERAL.
		DEPUTY COUNSELOR TO THE INSPECTOR GENERAL.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (HEADQUARTERS MANAGEMENT AND INSPECTIONS).
		ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (FIELD OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS AND EVALUATIONS (FIELD OPERATIONS).
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.	DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS (CLINICAL CONSULTATION).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.
		ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS.
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS).
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (HEADQUARTERS OPERATIONS).
	OFFICE OF THE ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.
		DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION.
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8 CFR Parts 106, 236, and 274a
Deferred Action for Childhood Arrivals; Final Rule

DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 106, 236, and 274a

[CIS No. 2691–21; DHS Docket No. USCIS–2021–0006]

RIN 1615–AC64

Deferred Action for Childhood Arrivals

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Final rule.

SUMMARY: On September 28, 2021, the Department of Homeland Security (DHS) published a notice of proposed rulemaking (NPRM or proposed rule) that proposed to establish regulations to preserve and fortify the Deferred Action for Childhood Arrivals (DACA) policy to defer removal of certain noncitizens who years earlier came to the United States as children, meet other criteria, and do not present other circumstances that would warrant removal. After a careful review of the public comments received, DHS is now issuing a final rule that implements the proposed rule, with some amendments.

DATES: This rule is effective October 31, 2022.

FOR FURTHER INFORMATION CONTACT: Rená Cutlip-Mason, Chief, Office of Policy and Strategy, Division of Humanitarian Affairs, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721–3000.

SUPPLEMENTARY INFORMATION:

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List of Abbreviations

ACA Affordable Care Act
APA Administrative Procedure Act
AST Autonomous Surveillance Tower
BIA Board of Immigration Appeals
BLS Bureau of Labor Statistics
CBP U.S. Customs and Border Protection
CEQ Council on Environmental Quality
CFR Code of Federal Regulations
CHIP Children's Health Insurance Program
CLAIMS Computer-Linked Application Information Management System
CMS Centers for Medicare & Medicaid Services
CPI–U Consumer Price Index for All Urban Consumers
DACA Deferred Action for Childhood Arrivals
DAPA Deferred Action for Parents of Americans and Lawful Permanent Residents
DHS Department of Homeland Security
DOJ Department of Justice
DREAM Act Development, Relief, and Education for Alien Minors Act
DUI Driving under the influence
EAD Employment authorization document
ELIS Electronic Immigration System
E.O. Executive Order
EOIR Executive Office for Immigration Review
EPS Egregious public safety
EVD Extended voluntary departure
FAIR Federation for American Immigration Reform
FAQs Frequently Asked Questions
FLCRAA Farm Labor Contractor Registration Act Amendments of 1974
FR Federal Register
FY Fiscal Year
GED General Education Development
HHS Department of Health and Human Services
ICE U.S. Immigration and Customs Enforcement
IIRIRA Illegal Immigration Reform and Immigrant Responsibility Act of 1996
IMMACT 90 Immigration Act of 1990
INA Immigration and Nationality Act of 1952
INS Immigration and Naturalization Service
IOM International Organization for Migration
IRCA Immigration Reform and Control Act of 1986
LPR Lawful Permanent Resident
MPI Migration Policy Institute
NEPA National Environmental Policy Act
NOA Notice of action
NOIT Notice of intent to terminate
NTA Notice to appear
OCFO Office of the Chief Financial Officer
OI Operations Instructions
OIRA Office of Information and Regulatory Affairs
OIS Office of Immigration Statistics
OMB Office of Management and Budget
OPQ Office of Performance and Quality
PRA Paperwork Reduction Act of 1995
PRWORA Personal Responsibility and Work Opportunity Reconciliation Act of 1996
Pub. L. Public Law
RFA Regulatory Flexibility Act
RIA Regulatory Impact Analysis
RIN Regulation Identifier Number
RTI Referral to ICE
SBREFA Small Business Regulatory Enforcement Fairness Act of 1996
Secretary Secretary of Homeland Security
SIJ Special Immigrant Juvenile Classification
SORN System of Record Notice
Stat. U.S. Statutes at Large
STEM Science, technology, engineering, and mathematics
TPS Temporary Protected Status
UMRA Unfunded Mandates Reform Act of 1995
USBP U.S. Border Patrol
U.S.C. United States Code
USCIS U.S. Citizenship and Immigration Services
VAWA Violence Against Women Act of 1994
VPC Volume Projection Committee
VTVPA Victims of Trafficking and Violence Protection Act of 2000

I. Executive Summary

A. Purpose of the Regulatory Action

On June 15, 2012, then-Secretary of Homeland Security (Secretary) Janet Napolitano issued a memorandum providing new guidance for the exercise of prosecutorial discretion with respect to certain young people who came to the United States years earlier as children, who have no current lawful immigration status, and who were already generally low enforcement priorities for removal.[1] The Napolitano Memorandum states that DHS will consider granting ''deferred action,'' on a case-by-case basis, for individuals who:

1. Came to the United States under the age of 16;

2. Continuously resided in the United States for at least 5 years preceding June 15, 2012, and were present in the United States on that date;

3. Are in school, have graduated from high school, have obtained a General Education Development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;

4. Have not been convicted of a felony offense, a significant misdemeanor offense, or multiple misdemeanor offenses, or otherwise do not pose a threat to national security or public safety; and

5. Were not above the age of 30 on June 15, 2012.[2]

Individuals who request relief under this policy, meet the criteria above, and pass a background check may be granted deferred action.[3] Deferred action is a longstanding practice by which DHS and the former Immigration and Naturalization Service (INS) have exercised their discretion to forbear from or assign lower priority to removal action in certain cases for humanitarian reasons, for reasons of administrative convenience, or on the basis of other reasonable considerations involving the exercise of prosecutorial discretion.[4]

In establishing this policy, known as DACA, then-Secretary Napolitano emphasized that for the Department to use its limited resources in a sensible manner, it necessarily must exercise prosecutorial discretion. Then-Secretary Napolitano observed that these ''young people . . . were brought to this country as children and know only this country as home'' and as a general matter ''lacked the intent to violate the law.'' She reasoned that limited enforcement resources should not be expended to ''remove productive young people to countries where they may not have lived or even speak the language.'' [5] The Napolitano Memorandum also instructs that the individual circumstances of each case must be considered, and that deferred action should be granted only where justified in light of the specific circumstances of each case.[6]

Since 2012, more than 825,000 people have received deferred action under the DACA policy.[7] The mean year of arrival in the United States for DACA recipients was 2001, and the average age at arrival was 6 years old.[8] In addition, 38 percent of recipients arrived before the age of 5.[9] For many, this country is

[1] Memorandum from Janet Napolitano, Secretary, DHS, to David V. Aguilar, Acting Commissioner, U.S. Customs and Border Protection (CBP), et al. (June 15, 2012), *https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf* (hereinafter Napolitano Memorandum).

[2] *Id.*

[3] *Id.*

[4] *See, e.g., Reno* v. *Am.-Arab Anti-Discrimination Comm.,* 525 U.S. 471, 484 (1999) (*AADC*); 8 CFR 274a.12(c)(14).

[5] Napolitano Memorandum.

[6] *Id.*

[7] *See* USCIS, *Deferred Action for Childhood Arrivals (DACA) Quarterly Report (Fiscal Year 2021, Q1)* (Mar. 2021), *https://www.uscis.gov/sites/default/files/document/data/DACA_performancedata_fy2021_qtr1.pdf.* As of the end of calendar year 2020, there were over 636,000 noncitizens in the United States with a grant of deferred action under DACA currently in effect (''active DACA recipients''). *See* USCIS, *Count of Active DACA Recipients by Month of Current DACA Expiration (Dec. 31, 2020), https://www.uscis.gov/sites/default/files/document/data/Active_DACA_Recipients%E2%80%93December31%2C2020.pdf.*

[8] DHS, USCIS, Office of Performance and Quality (OPQ), Electronic Immigration System (ELIS) and Computer-Linked Application Information Management System (CLAIMS) 3 Consolidated (queried Mar. 2021).

[9] *Id.*

the only one they have known as home. In the 10 years since this policy was announced, DACA recipients have grown into adulthood and built lives for themselves and their loved ones in the United States. They have gotten married and had U.S. citizen children. Over 250,000 children have been born in the United States with at least one parent who is a DACA recipient, and about 1.5 million people in the United States share a home with a DACA recipient.[10] DACA recipients have obtained driver's licenses and credit cards, bought cars, and opened bank accounts.[11] In reliance on DACA, its recipients have enrolled in degree programs, started businesses, obtained professional licenses, and purchased homes.[12] Because of the health insurance that their deferred action allowed them to obtain through employment or State-sponsored government programs, many DACA recipients have received improved access to health care and have sought treatment for long-term health issues.[13]

For DACA recipients and their family members, receiving deferred action has increased DACA recipients' sense of acceptance and belonging to a community, increased their sense of hope for the future, and has given them the confidence to become more active members of their communities and increase their civic engagement.[14] The DACA policy has also encouraged its recipients to make significant investments in their careers and education. Many DACA recipients report that deferred action—and the employment authorization that DACA permits them to request—allowed them to obtain their first job or move to a higher paying position more commensurate with their skills.[15] DACA recipients are employed in a wide range of occupations, including management and business, education and training, sales, office and administrative support, and food preparation; thousands more are self-employed in their own businesses.[16] Many have continued their studies, and some have become doctors, lawyers, nurses, teachers, or engineers.[17] In 2017, 72 percent of the top 25 Fortune 500 companies employed at least one DACA recipient.[18] About 30,000 are healthcare workers, many of whom have helped care for their communities on the frontlines during the COVID–19 pandemic.[19] DACA recipients who are healthcare workers are helping to alleviate a shortage of healthcare professionals in the United States, and they are more likely to work in underserved communities where shortages are particularly dire.[20]

As a result of these educational and employment opportunities, DACA recipients make substantial contributions in taxes and economic activity.[21] According to one estimate, as of 2020, DACA recipients and their households pay about $5.6 billion in annual Federal taxes and about $3.1 billion in annual State and local taxes.[22] In addition, through their employment, they make significant contributions to Social Security and Medicare funds.[23] Approximately two-thirds of recipients purchased their first car after receiving DACA,[24] and an estimated 56,000 DACA recipients own homes and are directly responsible for $566.7 million in annual mortgage payments.[25] DACA recipients also are estimated to pay $2.3 billion in rental payments each year.[26] Because of these contributions, the communities of DACA recipients—who reside in all 50 States and the District of Columbia [27]—have grown to rely on the economic contributions this policy facilitates.[28] In sum, despite the express limitations in the Napolitano Memorandum, over the 10 years in

[10] Nicole Prchal Svajlenka and Philip E. Wolgin, *What We Know About the Demographic and Economic Impacts of DACA Recipients: Spring 2020 Edition,* Center for American Progress (Apr. 6, 2020), *https://www.americanprogress.org/issues/immigration/news/2020/04/06/482676/know-demographic-economic-impacts-daca-recipients-spring-2020-edition* (hereinafter Svajlenka and Wolgin (2020)).

[11] *See* Roberto G. Gonzales and Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA,* American Immigration Council (June 2014); Zenén Jaimes Pérez, *A Portrait of Deferred Action for Childhood Arrivals Recipients: Challenges and Opportunities Three Years Later,* United We Dream (Oct. 2015), *https://unitedwedream.org/wp-content/uploads/2017/10/DACA-report-final-1.pdf* (hereinafter Jaimes Pérez (2015)); Tom K. Wong, et al., *Results from Tom K. Wong et al., 2020 National DACA Study,* Center for American Progress, *https://cdn.americanprogress.org/content/uploads/2020/10/02131657/DACA-Survey-20201.pdf* (hereinafter Wong (2020)).

[12] *See* Roberto G. Gonzales, et al., *The Long-Term Impact of DACA: Forging Futures Despite DACA's Uncertainty,* Immigration Initiative at Harvard (2019), *https://immigrationinitiative.harvard.edu/files/hii/files/final_daca_report.pdf* (hereinafter Gonzales (2019)); Wong (2020).

[13] Gonzales (2019).

[14] Gonzales (2019); Jaimes Pérez (2015); Wong (2020).

[15] Roberto G. Gonzales, et al., *Becoming DACAmented: Assessing the Short-Term Benefits of Deferred Action for Childhood Arrivals (DACA),* 58 a.m. Behav. Scientist 1852 (2014); Wong (2020); *see also* Nolan G. Pope, *The Effects of DACAmentation: The Impact of Deferred Action for Childhood Arrivals on Unauthorized Immigrants,* 143 J. of Pub. Econ. 98 (2016), *http://www.econweb.umd.edu/~pope/daca_paper.pdf* (hereinafter Pope (2016)) (finding that DACA increased participation in the labor force for undocumented immigrants).

[16] Nicole Prchal Svajlenka, *What We Know About DACA Recipients in the United States,* Center for American Progress (Sept. 5, 2019), *https://www.americanprogress.org/issues/immigration/news/2019/09/05/474177/know-daca-recipients-united-states*; Jie Zong, et al., *A Profile of Current DACA Recipients by Education, Industry, and Occupation,* Migration Policy Institute (Nov. 2017), *https://www.migrationpolicy.org/sites/default/files/publications/DACA-Recipients-Work-Education-Nov2017-FS-FINAL.pdf* (hereinafter Zong (2017)).

[17] *See* Gonzales (2019); Nicole Prchal Svajlenka, *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response,* Center for American Progress (Apr. 6, 2020), *https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response* (hereinafter Svajlenka (2020)); Wong (2020); Zong (2017).

[18] Tom K. Wong, et al., *DACA Recipients' Economic and Educational Gains Continue to Grow,* Center for American Progress (Aug. 28, 2017), *https://www.americanprogress.org/issues/immigration/news/2017/08/28/437956/daca-recipients-economic-educational-gains-continue-grow* (hereinafter Wong (2017)).

[19] Svajlenka (2020).

[20] Angela Chen, et al., *PreHealth Dreamers: Breaking More Barriers Survey Report* (Sept. 2019) (hereinafter Chen (2019)), at 27 (presenting survey data showing that 97 percent of undocumented students pursuing health and health-science careers planned to work in an underserved community); *See also* Andrea N. Garcia, et al., *Factors Associated with Medical School Graduates' Intention to Work with Underserved Populations: Policy Implications for Advancing Workforce Diversity,* Acad. Med. (Sept. 2017), *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5743635* (hereinafter Garcia (2017)) (finding that underrepresented minorities graduating from medical school are nearly twice as likely as white students and students of other minorities to report an intention to work with underserved populations).

[21] See the regulatory impact analysis (RIA) for this final rule, which can be found in Section III.A. The RIA includes analysis and estimates of the costs, benefits, and transfers that DHS expects this rule to produce. Note that the estimates presented in the RIA are based on the specific methodologies described therein. Figures may differ from those presented in the sources discussed here.

[22] Svajlenka and Wolgin (2020). *See also* Misha E. Hill and Meg Wiehe, *State & Local Tax Contributions of Young Undocumented Immigrants,* Institute on Taxation and Economic Policy (Apr. 2017) (hereinafter Hill and Wiehe (2017)) (analyzing the State and local tax contributions of DACA-eligible noncitizens in 2017).

[23] Jose Magaña-Salgado and Tom K. Wong, *Draining the Trust Funds: Ending DACA and the Consequences to Social Security and Medicare,* Immigrant Legal Resource Center (Oct. 2017) (hereinafter Magaña-Salgado and Wong (2017)); *see also* Jose Magaña-Salgado, *Money on the Table: The Economic Cost of Ending DACA,* Immigrant Legal Resource Center (Dec. 2016) (hereinafter Magaña-Salgado (2016)) (analyzing the Social Security and Medicare contributions of DACA recipients in 2016).

[24] Wong (2017).

[25] Svajlenka and Wolgin (2020).

[26] *Id.*

[27] USCIS, *Deferred Action for Childhood Arrivals (DACA) Quarterly Report (FY 2021, Q1)* (Mar. 2021), *https://www.uscis.gov/sites/default/files/document/data/DACA_performancedata_fy2021_qtr1.pdf,* at 6.

[28] Reasonable reliance on the existence of the DACA policy is distinct from reliance on a grant of DACA to a particular person. Individual DACA grants are discretionary and may be terminated at any time, but communities, employers, educational institutions, and State and local governments have come to rely on the existence of the policy itself and its potential availability to those individuals who qualify.

which the DACA policy has been in effect, the good faith investments recipients have made in both themselves and their communities, and the investments that their communities have made in them, have been, in the Department's judgment, substantial.

This rule responds to President Biden's memorandum on January 20, 2021, ''Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA),'' [29] in which President Biden stated:

> DACA reflects a judgment that these immigrants should not be a priority for removal based on humanitarian concerns and other considerations, and that work authorization will enable them to support themselves and their families, and to contribute to our economy, while they remain.[30]

This rule embraces the consistent judgment that has been maintained by the Department—and by three presidential administrations since the policy first was announced—that DACA recipients should not be a priority for removal.[31] It is informed by the Department's experience with the policy over the past 10 years and the ongoing litigation concerning the policy's continued viability. It reflects the reality that DACA supports the Department's efforts to more efficiently allocate enforcement resources, by allowing DHS to focus its limited enforcement resources on higher-priority noncitizens. It also is meant to preserve legitimate reliance interests that have been engendered through the continued implementation of the decade-long policy under which deferred action requests will be considered, while emphasizing that individual grants of deferred action are an act of enforcement discretion to which recipients do not have a substantive right.

This rule recognizes that enforcement resources are limited, that sensible priorities are vital to the effective use of those resources, and that it is not generally the best use of those limited resources to remove from the United States those who arrived here as young people, have received or are pursuing an education or served in the military, have no significant criminal history, do not pose a threat to national security or public safety, and are valued members of our communities. It recognizes that, as a general matter, DACA recipients, who came to this country many years ago as children and may not even speak the language of the country in which they were born, lacked the intent to violate the law. It reflects the conclusion that, while they are in the United States, they should have access to a process that, operating on a case-by-case basis, may allow them to work to support themselves and their families, and to contribute to the economy in multiple ways. This rule also accounts for the momentous decisions DACA recipients have made in ordering their lives in reliance on and as a result of this policy, and it seeks to continue the benefits that have accrued to DACA recipients, their families, their communities, their States, and the Department itself that have been made possible by the policy. And as discussed in detail elsewhere, this rule reflects DHS's continued belief, supported by available data, that DACA does not have a substantial effect on lawful or unlawful immigration into the United States. DHS emphasizes that the DACA policy set forth in this rule is not a permanent solution for the affected population, and legislative efforts to find such a solution remain critical.

DHS recognizes that this rule comes in the wake of prior attempts to wind down and terminate the DACA policy.[32] In rescission memoranda issued, respectively, by then-Secretary Kirstjen Nielsen and then-Acting Secretary Elaine Duke, DHS cited potential litigation risk as one reason that winding down and terminating DACA was warranted. But upon further consideration, it is DHS's view that those prior statements failed fully to account for all the beneficial aspects of the DACA policy for DHS as well as for many other persons and entities, which in DHS's view outweigh the costs. The position taken in the Duke and Nielsen Memoranda placed undue weight on litigation risk, failing to account for all the positive tangible and intangible benefits of the DACA policy, the economic and dignitary gains from that policy, the length of time that DACA opponents waited to challenge the policy, and the risk that rescinding DACA would itself expose DHS to legal challenge—a risk that indeed materialized in the *Regents* litigation.[33] In short, proper consideration of all pertinent factors on balance establishes that the DACA policy is well worth the agency resources required to implement it and to defend it against subsequent legal challenges.

On July 16, 2021, the U.S. District Court for the Southern District of Texas vacated the 2012 DACA policy, finding, among other things, that it was contrary to the Immigration and Nationality Act of 1952 (INA).[34] DHS has carefully and respectfully considered all aspects of the analysis in that decision, including that decision's conclusions about DACA's substantive legality. DHS also invited comments on its conclusions in the proposed rule and discusses the comments received herein.

B. Summary of the 2021 Proposed Rule

The proposed rule set forth DHS's proposal to preserve and fortify the DACA policy, which allows for the issuance of deferred action to certain young people who came to the United States many years ago as children, who have no current lawful immigration status, and who are generally low enforcement priorities.[35] The proposed rule included the following provisions of the DACA policy from the Napolitano Memorandum and longstanding USCIS practice:

- *Deferred Action.* The proposed rule provided a definition of deferred action as a temporary forbearance from removal that does not confer any right or entitlement to remain in or reenter the United States, and that does not prevent DHS from initiating any criminal or other enforcement action against the DACA recipient at any time.
- *Threshold Criteria.* The proposed rule included the following longstanding threshold criteria: that the requestor must have: (1) come to the United States under the age of 16; (2) continuously resided in the United States from June 15, 2007, to the time of filing of the request; (3) been

[29] 86 FR 7053 (hereinafter Biden Memorandum).

[30] *Id.*

[31] *See id.;* Sept. 5, 2017 Statement from President Donald J. Trump, *https://trumpwhitehouse.archives.gov/briefings-statements/statement-president-donald-j-trump-7* (''I have advised [DHS] that DACA recipients are not enforcement priorities unless they are criminals, are involved in criminal activity, or are members of a gang.''); Napolitano Memorandum.

[32] *Memorandum on Rescission of Deferred Action for Childhood Arrivals (DACA)* from Elaine Duke, Acting Secretary, DHS (Sept. 5, 2017), *https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca* (hereinafter Duke Memorandum); Memorandum from Secretary Kirstjen M. Nielsen, DHS (June 22, 2018), *https://www.dhs.gov/sites/default/files/publications/18_0622_S1_Memorandum_DACA.pdf* (hereinafter Nielsen Memorandum), at 3 (''in setting DHS enforcement policies and priorities, I concur with and decline to disturb Acting Secretary Duke's decision to rescind the DACA policy'').

[33] *See Dep't of Homeland Sec.* v. *Regents of the Univ. of Cal.,* 140 S. Ct. 1891 (2020).

[34] *Texas* v. *United States,* 549 F. Supp. 3d 572 (S.D. Tex. 2021) (*Texas* July 16, 2021 memorandum and order).

[35] The preamble discussion in the NPRM, including the detailed presentation of the need to establish regulations implementing the DACA policy to defer removal of certain noncitizens who years earlier came to the United States as children, is generally adopted by reference in this final rule, except to the extent specifically noted in this final rule, or in the context of proposed regulatory text that is not contained in this final rule. *See* 86 FR 53736–53816 (Sept. 28, 2021).

physically present in the United States on both June 15, 2012, and at the time of filing of the DACA request; (4) not been in a lawful immigration status on June 15, 2012, as well as at the time of request; (5) graduated or obtained a certificate of completion from high school, obtained a GED certificate, currently be enrolled in school, or be an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; (6) not been convicted of a felony, a misdemeanor described in the rule, or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or otherwise pose a threat to national security or public safety; and (7) been born on or after June 16, 1981, and be at least 15 years of age at the time of filing, unless the requestor is in removal proceedings, or has a final order of removal or a voluntary departure order. The proposed rule also stated that deferred action under DACA would be granted only if USCIS determines in its sole discretion that the requestor meets the threshold criteria and otherwise merits a favorable exercise of discretion.

• *Procedures for Request, Terminations, and Restrictions on Information Use.* The proposed rule set forth procedures for denial of a request for DACA or termination of a grant of DACA, the circumstances resulting in the issuance of a notice to appear (NTA) or referral to U.S. Immigration and Customs Enforcement (ICE) (RTI), and restrictions on use of information contained in a DACA request for the purpose of initiating immigration enforcement proceedings.

In addition to retaining these longstanding DACA policies and procedures, the proposed rule proposed the following changes:

• *Filing Requirements.* The proposed rule proposed to modify the existing filing process and fees for DACA by making the request for employment authorization on Form I–765, Application for Employment Authorization, optional and charging a filing fee of $85 for Form I–821D, Consideration of Deferred Action for Childhood Arrivals. DHS proposed to maintain the current total cost to DACA requestors who also file Form I–765 of $495 ($85 for Form I–821D plus $410 for Form I–765). As noted below, DHS has modified this approach in this final rule.

• *Employment Authorization.* The proposed rule proposed to create a DACA-specific regulatory provision regarding eligibility for employment authorization for DACA deferred action recipients in a new paragraph designated at 8 CFR 274a.12(c)(33). The new paragraph did not constitute any substantive change in current policy; it merely proposed a DACA-specific provision in addition to the existing provision at 8 CFR 274a.12(c)(14) that provides discretionary employment authorization to deferred action recipients more broadly. Like the provision at 8 CFR 274a.12(c)(14), 8 CFR 274a.12(c)(33) continued to specify that the noncitizen [36] must have been granted deferred action and must establish an economic need to be eligible for employment authorization.

• *Automatic Termination of Employment Authorization.* The proposed rule proposed automatically terminating employment authorization granted under 8 CFR 274.12(c)(33) upon termination of a grant of DACA.

• ''*Lawful Presence.*'' The proposed rule reiterated USCIS' codification in 8 CFR 1.3(a)(4)(vi) of agency policy, implemented long before DACA, that a noncitizen who has been granted deferred action is considered ''lawfully present''—a specialized term of art that does not in any way confer ''lawful status'' or authorization to remain in the United States—for the discrete purpose of authorizing the receipt of certain Social Security benefits consistent with 8 U.S.C. 1611(b)(2). The term ''lawful presence'' historically has been applied to some persons who are subject to removal (and who may in fact have no ''lawful status''), and whose immigration status affords no protection from removal, but whose temporary presence in the United States the Government has chosen to tolerate for reasons of resource allocation, administrability, humanitarian concern, agency convenience, and other factors. Lawful presence also encompasses situations in which the Secretary, pursuant to express statutory authorization, designates certain categories of noncitizens as lawfully present for particular statutory purposes, such as receipt of Social Security benefits. *See* 8 U.S.C. 1611(b)(2); 8 CFR 1.3(a)(4)(vi). The proposed rule also reiterated longstanding policy that a noncitizen who has been granted deferred action does not accrue ''unlawful presence'' for purposes of INA sec. 212(a)(9), 8 U.S.C. 1182(a)(9)(B) (imposing certain inadmissibility grounds on noncitizens who departed after having accrued certain periods of unlawful presence in the United States and again seek admission to the United States).

C. Summary of Changes From Proposed Rule to Final Rule

Following careful consideration of public comments received, DHS has made modifications to the regulatory text proposed in the proposed rule, as described below. The rationale for the proposed rule and the reasoning provided in that rule remain valid, except as described in this regulatory preamble. Section II of this preamble includes a detailed summary and analysis of the comments. Comments may be reviewed in the Federal Docket Management System at *https://www.regulations.gov*, docket number USCIS–2021–0006.

• The NPRM proposed to codify at 8 CFR 236.23(a)(1) a modification of the existing filing process and fees for DACA by making it optional to submit a request for employment authorization on Form I–765, Application for Employment Authorization (''unbundled process''), and charging a fee of $85 for Form I–821D, Consideration of Deferred Action for Childhood Arrivals. That proposal would have maintained the current total cost to DACA requestors who also file Form I–765 of $495 ($85 for Form I–821D plus $410 for Form I–765). Upon careful consideration of comments received on this NPRM provision, DHS is adopting the suggestion of a majority of commenters who addressed this provision to retain the existing requirement that DACA requestors file Form I–765 and Form I–765WS concurrently with the Form I–821D (''bundled process''). However, in this rule DHS adopts the fee structure proposed in the NPRM of an $85 filing fee for Form I–821D, as well as a Form I–765 filing fee, currently set at $410. This change codifies in regulation the process that has been in place since the Napolitano Memorandum was implemented in 2012, while maintaining a consistent overall current cost to requestors. *See* new 8 CFR 236.23(a)(1).

• The NPRM proposed to codify at 8 CFR 236.22(b)(6) the longstanding criminal history, public safety, and national security criteria found in the Napolitano Memorandum. Upon careful consideration of comments received on this NPRM provision, DHS is revising it to further clarify that, consistent with longstanding DACA policy, expunged convictions, juvenile delinquency adjudications, and immigration-related offenses characterized as felonies or misdemeanors under State laws are not considered automatically disqualifying

[36] For purposes of this discussion, USCIS uses the term ''noncitizen'' to be synonymous with the term ''alien'' as it is used in the INA.

convictions for purposes of this provision. *See* new 8 CFR 236.22(b)(6).

• The NPRM proposed to codify at 8 CFR 236.23(d)(1) and (2) DHS's longstanding DACA termination policy, prior to the preliminary injunction issued in *Inland Empire-Immigrant Youth Collective* v. *Nielsen,* No. 17–2048, 2018 WL 1061408 (C.D. Cal. Feb. 26, 2018), with some modifications. The NPRM proposed that USCIS could terminate DACA at any time in its discretion with or without a Notice of Intent to Terminate (NOIT). The NPRM also proposed that DACA would terminate automatically upon departure from the United States without advance parole or upon filing of an NTA with the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) (a modification from prior policy of automatic termination upon NTA issuance), but DACA would not terminate automatically in the case of a USCIS-issued NTA solely based on an asylum referral to EOIR. The NPRM raised four alternative approaches and invited comment on these and other alternatives for DACA termination. After careful consideration of the comments on this provision and the alternatives suggested in the NPRM and by commenters, DHS is maintaining in the final rule that USCIS may terminate DACA at any time in its discretion. However, DHS is revising this provision to provide that USCIS will provide DACA recipients with a NOIT prior to termination of DACA, but maintains discretion to terminate DACA without a NOIT if the individual is convicted of a national security related offense involving conduct described in 8 U.S.C. 1182(a)(3)(B)(iii), 1182(a)(3)(B)(iv), or 1227(a)(4)(A)(i), or an egregious public safety offense. DHS also is revising this provision to provide that USCIS may terminate a grant of DACA, in its discretion and following issuance of a Notice of Intent to Terminate, for those recipients who depart from the United States without first obtaining an advance parole document and subsequently enter the United States without inspection. *See* new 8 CFR 236.23(d)(1) and (2).

• The NPRM proposed at 8 CFR 236.23(d)(3) that employment authorization would terminate automatically upon termination of DACA. This provision included a cross-reference to 8 CFR 274a.14(a)(1)(iv). However, on February 8, 2022, 8 CFR 274a.14(a)(1)(iv) was vacated in *Asylumworks, et al.* v. *Mayorkas, et al.,* No. 20–cv–3815, 2022 WL 355213 (D.D.C. Feb. 7, 2022). As a result of the that vacatur, as well as additional revisions to the DACA termination provisions to eliminate automatic termination based on filing of an NTA, as described in this preamble, DHS is modifying 8 CFR 236.23(d)(3) in this final rule to remove the vacated cross-reference and clarify that employment authorization terminates when DACA is terminated and not separately when removal proceedings are instituted. *See* new 8 CFR 236.23(d)(3).

• In this final rule, DHS is clarifying at 8 CFR 236.21(d) that this subpart rescinds and replaces the DACA guidance set forth in the Napolitano Memorandum and from this point forward governs all current and future DACA grants and requests. DHS also clarifies that existing recipients need not request DACA anew under this new rule to retain their current DACA grants. Historically, DHS has promulgated rules without expressly rescinding prior guidance in the regulatory text itself. However, DHS has chosen to depart from previous practice in light of the various issues and concerns raised in ongoing litigation challenging the Napolitano Memorandum. *See* new 8 CFR 236.21(d).

D. Summary of Costs and Benefits

This rule will result in new costs, benefits, and transfers. To provide a full understanding of the impacts of the DACA policy, DHS considered the potential impacts of this rule relative to two baselines. The No Action Baseline represents a state of the world under the DACA policy; that is, the policy initiated by the guidance in the Napolitano Memorandum in 2012 and prior to the July 16, 2021 *Texas* decision. (The No Action Baseline does not directly account for the *Texas* decision, as discussed further in the Population Estimates and Other Assumptions section of the Regulatory Impact Analysis (RIA).) The second baseline considered in the analysis is the Pre-Guidance Baseline, which represents a state of the world before the issuance of the Napolitano Memorandum, where the DACA policy does not exist and has never existed. To better understand the effects of the DACA policy, we focus on the Pre-Guidance Baseline as the most useful point of reference.

Table 1 provides a detailed summary of the provisions and their estimated impacts relative to the No Action Baseline. Table 2 provides a detailed summary of the provisions and their estimated impacts relative to the Pre-Guidance Baseline.

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Table 1. Summary of Major Changes to Provisions and Estimated Impacts of the Final Rule, FY 2021–FY 2031 (Relative to the No Action Baseline)		
Provision	**Description of Provision**	**Estimated Impact of Provision**
Amending 8 CFR 106.2(a)(38). Fees.	The $85 biometrics fee is eliminated and replaced by an $85 filing fee for Form I-821D.	**Qualitative:** Benefits • The final rule allows active DACA recipients to continue enjoying the advantages of the policy and also have the option to request renewal of DACA in the future if needed. • For DACA recipients and their family members, the rule would contribute to (1) a reduction of fear and anxiety, (2) an increased sense of acceptance and belonging to a community, (3) an increased sense of family security, and (4) an increased sense of hope for the future, including by virtue of mitigating the risk of litigation resulting in termination of the DACA policy.
Amending 8 CFR 236.21(c)(2). Applicability.	DACA recipients receive a time-limited forbearance from removal, must apply to USCIS for employment authorization pursuant to 8 CFR 274a.13 and 274a.12(c)(33), and must demonstrate an economic need for employment to receive an Employment Authorization Document. DACA recipients are considered lawfully present and not unlawfully present for certain purposes.	

Amending 8 CFR 236.23(a)(1). Procedures for request.	No unbundling of deferred action and employment authorization requests. These requests must be filed concurrently.	
Adding 8 CFR 236.24(b). Severability.	The provisions in 8 CFR 236.21(c)(2) through (4) and 274a.12(c)(14) and 274a.12(c)(33) are intended to be severable from each other. The period of forbearance, employment authorization, and lawful presence are all severable under this provision.	
Source: USCIS analysis. Note: The No Action Baseline refers to a state of the world under the current DACA policy in effect under the guidance of the Napolitano Memorandum.		

Table 2. Summary of Major Changes to Provisions and Estimated Impacts of the Final Rule, FY 2012–FY 2031 (Relative to the Pre-Guidance Baseline)		
Provision	**Description of Provision**	**Estimated Impact of Provision**
Amending 8 CFR 106.2(a)(38). Fees.	The $85 biometrics fee is eliminated and replaced by an $85 filing fee for Form I-821D.	**Quantitative:** Net Benefits Income earnings of the employed DACA recipients due to obtaining an approved EAD, dependent on the degree to which DACA recipients are substituted for other workers in the U.S. economy, less the value of non-paid time: • Annualized net benefits are estimated to be as much as $21.9 billion at a 3-percent discount rate and $20.7 billion at a 7-percent discount rate.
Amending 8 CFR 236.21(c). Applicability.	DACA recipients receive a time-limited forbearance from removal, must apply to USCIS for employment authorization pursuant to 8 CFR 274a.13 and 274a.12(c)(33), and must demonstrate an economic need for employment. DACA recipients are considered	

	lawfully present and not unlawfully present for certain purposes.	• Total net benefits over a 20-year period are estimated to be as much as: ○ $455.0 billion for undiscounted benefits; ○ $424.4 billion at a 3-percent discount rate; and ○ $403.2 billion at a 7-percent discount rate. <u>Costs</u> Costs to requestors associated with a DACA request, including filing Form I-821D, Form I-765, and Form I-765WS: • Annualized costs could be $494.9 million at a 3-percent discount rate or $480.8 million at a 7-percent discount rate. • Total costs over a 20-year period could be: ○ $10.1 billion undiscounted; ○ $9.6 billion at a 3-percent discount rate; and ○ $9.4 billion at a 7-percent discount rate. <u>Transfer Payments</u> Employment taxes from the employed DACA recipients and their employers to the Federal Government dependent on the degree to which DACA recipients are substituted for other workers in the U.S. economy: • Annualized transfers could be up to $5.4 billion at a 3-percent discount rate or $5.2 billion at a 7-percent discount rate. • Total transfers over a 20-year period could be up to: ○ $113.2 billion undiscounted; ○ $105.6 billion at a 3-percent discount rate; and ○ $100.3 billion at a 7-percent discount rate. **Qualitative:**
Amending 8 CFR 236.23(a)(1). Procedures for request.	No unbundling of deferred action and employment authorization requests. These requests must be filed concurrently.	
Adding 8 CFR 236.24(b). Severability.	The provisions in 8 CFR 236.21(c)(2) through (4) and 274a.12(c)(14) and 274a.12(c)(33) are intended to be severable from each other. The period of forbearance, employment authorization, and lawful presence are all severable under this provision.	

		Cost Savings The DACA policy simplifies many encounters between DHS and certain noncitizens, reducing the burden upon DHS of vetting, tracking, and potentially removing DACA recipients. Benefits • The rule results in more streamlined enforcement encounters and decision making, as well as avoided costs associated with enforcement action against low-priority noncitizens. It also allows DHS to focus its limited enforcement resources on higher-priority noncitizens. • The rule gives DACA recipients the option to request renewal of DACA in the future if needed. • For DACA recipients and their family members, the rule would contribute to (1) a reduction of fear and anxiety, (2) an increased sense of acceptance and belonging to a community, (3) an increased sense of family security, and (4) an increased sense of hope for the future.
Source: USCIS analysis. Note: The Pre-Guidance Baseline refers to a state of the world as it was before the guidance of the Napolitano Memorandum.		

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II. Response to Public Comments on the Proposed Rule

A. General Feedback on the Rule

DHS received 16,361 public comments during the comment period for the NPRM. The majority of comment submissions, excluding duplicates, non-germane submissions, and a submission that contained only reference material, originated from individual or anonymous commenters. The remaining comments came from a range of entities, including advocacy groups, schools and universities, legal services providers, religious organizations, businesses, professional organizations, State and local government, Federal and State elected officials, and unions. Many comments expressed general support for the rule, with only 3 percent of the total expressing generalized opposition. A large majority of the comments indicated support for the proposal to preserve and fortify DACA, while opposing or offering suggestions to change some provisions.

Of the submissions expressing generalized opposition to the NPRM, only one was from a government entity; all other government submissions expressed generalized support or support for some provisions of the rule while suggesting revisions or providing feedback for others. DHS has reviewed all the public comments received, and below addresses the comments related to the substance of the NPRM.

1. General Support for Rule

Comment: Many commenters expressed general support for DACA and the rule for a variety of reasons. These commenters stated that DACA should be protected and is beneficial not only to the youth impacted but also to the United States; that childhood arrivals to the United States should not be removed from the only home they know; and that the United States has a

moral obligation as a nation to retain DACA and to lead by compassion, honor, and respect. One commenter expressed strong support for deferred action for DACA recipients as both appropriate and justified, stating that certain young productive people should not be a priority for deportation to countries where they have not lived and do not speak the language. Some commenters agreed that DACA recipients should not be a priority for removal as these individuals have no criminal history, pose no threat to national security, contribute to the economy and their communities, are blameless minors or are ''not morally blameworthy,'' and have lived in the United States for nearly all their lives. Several commenters stated that DACA recipients provide rich cultural traditions, share unique cultural contributions, and create a sense of community in the United States.

Another commenter said that they were pleased that the rule clarifies who is eligible for DACA. Another commenter remarked that the proposed rule would affect government stakeholders or departments, including DHS, ICE, CBP, EOIR, and State Departments of Motor Vehicles, and that retaining DACA best respects the rights of these stakeholders.

Response: DHS acknowledges these commenters' support for the rule and agrees that the DACA policy has benefits that extend not just to the recipients themselves, but also to their communities and the United States more broadly. DHS also agrees that removing DACA recipients, who came to the United States as children and may have only known this country as their home, would cause significant hardship to DACA recipients and their family members.

Regarding the comment that retaining the DACA policy respects the rights of impacted government stakeholders, DHS agrees that this rule reflects the Department's strong interests in the effective and judicious use of its limited enforcement resources. This preamble also discusses comments submitted by a range of government entities and officials.

2. General Opposition to Rule

Comment: Some commenters generally opposed the proposed rule. These commenters stated that allowing undocumented noncitizens into the United States harms U.S. citizens and must be stopped, that DACA should be abolished, and that DACA requestors and undocumented noncitizens claiming ''amnesty'' in the United States are ''illegal immigrants'' regardless of how they are characterized. Several commenters said that the DACA policy was not a constructive way to handle the immigration challenges that the country is facing and that the Government should terminate DACA and implement new policies that protect borders and encourage more legal immigration.

Response: DHS respectfully acknowledges these commenters' opposition to the rule. This rule reflects the consistent judgment of DHS that DACA is an appropriate exercise of its prosecutorial discretion given the realities of the limited resources available to remove every noncitizen lacking lawful status from the United States. This rule does not authorize new entrants to the United States; indeed, it codifies, but does not expand, the threshold criteria for consideration for deferred action under the DACA policy that have existed since 2012. DHS has been attentive to all relevant reliance interests. DHS discusses in greater detail the rule's alleged impact on migration in Section II.A.7. However, as the rule does not confer lawful status on DACA recipients or provide DACA recipients with permanent protection from removal, DHS disagrees with the characterization of DACA as an amnesty program; it does not give amnesty to anyone. DHS also does not believe that this rule or the DACA policy is in conflict with policies that promote maintaining an orderly, secure, and well-managed border, which are high priorities for DHS and for the Administration, and except as specifically related to the DACA policy are generally beyond the scope of the rulemaking.[37] DHS declines to make changes to the rule in response to these comments.

3. Impacts on DACA Recipients and Their Families

Comment: Many commenters expressed support for the proposed rule, noting the positive impacts of DACA on recipients and their families. These commenters stated that the rule would provide the opportunity for DACA recipients to meet their professional goals, such as obtaining a college degree and pursuing a career, which would allow them to support their families. Commenters similarly noted that the rule would improve overall quality of life and provide opportunities to DACA recipients and their families, reduce fear and anxiety among DACA recipients and their families, and foster a sense of belonging to the United States, which, they stated, DACA recipients consider as their home. In support of these statements, many commenters shared anecdotes about the positive impacts DACA has had on their or others' livelihoods, such as earning degrees and entering the workforce, attributing these opportunities to DACA.

Some commenters stated that writing the DACA policy into Federal regulations would be an essential step to fortifying DACA and protecting recipients, especially considering the adverse rulings in recent litigation. Other commenters expressed their concern that if DACA were revoked, their lives in the United States would be uprooted and their ability to pursue their goals would be hindered. They also stated the positive traits of DACA recipients and referred to them as kind and hardworking people. A commenter cited an article from a Brookings Institution blog, Brookings Now, to emphasize the importance of the policy in allowing children to remain with their families, attend school, and earn money to support themselves.[38] A group of commenters, citing figures contained in the NPRM,[39] stated that ending DACA would cause harm to over 250,000 children born in the United States to DACA recipients, the 1.5 million people in the United States who share a home with DACA recipients, and other close connections who would suffer from the loss of security and means for support that the DACA policy provides to recipients. Another commenter added that there are over 94,000 DACA and DACA-eligible students in California alone, and that the policy has a direct impact on current and future students.

Some commenters said that, because of DACA, recipients can obtain driver's licenses, auto insurance, bank accounts, Social Security numbers, and other benefits that are valuable to their daily lives. A commenter stated some States offer benefits to DACA recipients that they otherwise would be unable to obtain, such as in-state tuition and access to REAL IDs. Several commenters said that many DACA recipients financially support their families and children who also are living in the United States.

A commenter stated that DACA should not have to be reinstated by each president, as the issue of immigration is

[37] *See, e.g.,* DHS, *2022 Priorities, https://www.dhs.gov/2022-priorities* (last updated Mar. 17, 2022).

[38] Brennan Hoban, *The reality of DACA, the Deferred Action for Childhood Arrivals program,* Brookings Now (Sept. 22, 2017), *https://www.brookings.edu/blog/brookings-now/2017/09/22/the-reality-of-daca-the-deferred-action-for-childhood-arrivals-program.*

[39] *See* 86 FR 53738.

an ethical one and decisions should not be based on politics or economics. The commenter cited historical examples of the United States denying entry to immigrants to highlight the negative consequences immigrants may face when forced to return to their birth countries. The commenter went on to say that the DACA policy should continue to be in place indefinitely. Another commenter stated it would be unethical to send DACA recipients back to their birth countries, as they did nothing more than travel with their parents at a young age to the United States.

Response: DHS acknowledges the commenters' support for the rule and agrees with commenters that DACA has a positive impact on recipients' ability to pursue employment and education, maintain family unity, and make contributions to their communities. DHS further agrees that removing DACA recipients, who have been determined to be a low priority for enforcement, would cause significant hardship to DACA recipients and their family members. DHS acknowledges commenters' views that it would be unethical to remove childhood arrivals from the United States and agrees that DACA is an appropriate framework for making case-by-case determinations to defer the removal of certain eligible noncitizens who arrived in the United States as children.

Comment: Several commenters stated DACA has provided recipients with educational opportunities and professional growth that they would not have been able to pursue without the policy. Several commenters pointed to research finding that DACA significantly increased high school attendance and high school graduation rates, reducing the citizen-noncitizen gap in graduation by 40 percent; and also finding positive, though imprecise, impacts on college attendance.[40]

Multiple commenters provided statistics on the number of DACA recipients who are enrolled in postsecondary educational programs. A group of commenters representing multiple States estimated that up to 37,000 students in the California Community Colleges system are DACA-eligible noncitizens, more than 19,000 post-secondary students are DACA recipients in New York, approximately 9,000 post-secondary students in New Jersey are DACA recipients or DACA-eligible, and that thousands more DACA recipients are enrolled in public universities and colleges in other States. The commenters described multiple State regimes under which DACA recipients or DACA-like populations may qualify for in-state tuition or other financial assistance. For instance, the commenters wrote that Minnesota ''has invested in the education of individuals receiving DACA by extending student childcare grants, teacher candidate grants, and student loan programs to DACA recipients.''

Similarly, a commenter stated DACA plays a major role in higher education affordability, remarking that 83 percent of DACA recipients attend public institutions, a fact that, according to the commenter, makes accessibility to in-state tuition and financial aid a vitally important issue. The commenter wrote that 8 States require undocumented students to have DACA in order to access in-state tuition; 17 additional States and the District of Columbia allow the State's eligible undocumented students, including DACA recipients, to access in-state tuition and State financial aid; and 4 States allow their State's undocumented students access to in-state tuition but not financial aid. The same commenter stated that work authorization enables DACA recipients to legally work, save, and pay for their higher education expenses.

A commenter stated the proposed rule would help numerous DACA recipient students continue to receive the benefits of DACA such as an employment authorization document to ease the financial burden of pursuing higher education and the opportunity to obtain an advance parole document. A commenter representing a higher education institution expressed support for the proposed rule and commented that many opportunities for young people to learn and develop skills are employment-based, leaving students without employment authorization at a significant disadvantage academically, professionally, and socially. The commenter stated that students without employment authorization may lack income, resume-building experiences, and opportunities to build networks among peers, staff, and faculty, whereas DACA recipient students can engage in on-campus jobs and employment-based research opportunities, and cautiously plan for their futures.

Response: DHS acknowledges that by applying a more formal administrative framework to forbearance from enforcement with respect to DACA recipients, DHS has enabled a range of additional benefits to this population, including increased educational and professional opportunities that benefit DACA recipients and society at large. DHS agrees that members of the DACA population have achieved a significantly higher level of educational attainment than would likely have occurred without the DACA policy. DHS also appreciates commenters' acknowledgement of how DACA has increased graduation rates and expanded access to both earned income and, as a result of actions by certain States, financial aid, which DACA recipients have used to fund undergraduate, graduate, and professional degrees.

Comment: Multiple commenters, with some citing studies, said the rule would provide relief from legal uncertainty and offer a sense of security, minimizing the anxiety and other physical and mental health concerns related to the fear of deportation. One commenter referenced multiple studies to support their assertion that immigrants who fear deportation are much more vulnerable to deleterious health effects, including ''heart disease, asthma, diabetes, depression, anxiety, and post-traumatic stress disorder.'' [41] Citing additional studies, the commenter further stated that by removing or limiting the fear of deportation, ''DHS may be able to directly impact and improve the health of these individuals who are eligible for DACA, as well as their families and communities.'' [42] Another commenter cited a study finding that DACA significantly reduced the odds of

[40] *See* Elira Kuka, et al., *Do Human Capital Decisions Respond to the Returns to Education? Evidence from DACA,* 12 a.m. Econ. J. 293, 295–96 (2020) (''Our results imply that more than 49,000 additional Hispanic youth obtained a high school diploma because of DACA'') (hereinafter Kuka (2020)); Victoria Ballerini and Miriam Feldblum, *Immigration Status and Postsecondary Opportunity: Barriers to Affordability, Access, and Success for Undocumented Students, and Policy Solutions,* 80 a.m. J. Econ. and Soc., 165 (2021) (''The advent of DACA and the extension of in-state tuition and financial aid to undocumented students in a growing number of states have increased college-going rates among undocumented students, yet these students still complete college at lower rates than their peers''); Wong (2020).

[41] Omar Martinez, et al., *Evaluating the impact of immigration policies on health status among undocumented immigrants: A systematic review,* J. of Immigrant and Minority Health, 17(3), 947–70 (2015), *https://doi.org/10.1007/s10903-013-9968-4*; Brian Allen, et al., *The children left behind: The impact of parental deportation on mental health,* J. of Child and Fam. Stud., 24(2), 386–92 (2015); Kalina M. Brabeck and Qingwen Xu, *The impact of detention and deportation on Latino immigrant children and families: A quantitative exploration,* Hisp. J. of Behav. Sci., 32(3), 341–61 (2010).

[42] Elizabeth Aranda, et al., *The Spillover Consequences of an Enforcement—First US Immigration Regime,* Am. Behav. Scientist, 58(13), 1687–95 (2014); Samantha Sabo and Alison Elizabeth Lee, *The Spillover of US Immigration Policy on Citizens and Permanent Residents of Mexican Descent: How Internalizing ''Illegality'' Impacts Public Health in the Borderlands,* Frontiers in Pub. Health, 3, 155 (2015).

individuals reporting moderate or worse psychological distress.[43]

Another commenter stated that DACA facilitates the healthy development of recipients' children. The commenter remarked that DACA helps families feel comfortable accessing public programs that support their children and provides income that increases access to healthcare, nutritious food, and upward mobility. Relatedly, a commenter stated the DACA policy protects public health because DACA recipients are more likely to have health insurance than similarly situated undocumented noncitizens who do not have DACA. The commenter said DACA reduces the overall burden on the healthcare system because individuals with lawful status and health insurance are more likely to seek out preventive care, rather than relying on more expensive, more intrusive, and often less successful emergency-department care. According to the commenter, this increased ability to access healthcare also makes it easier to correctly monitor the public health of the population and respond to public health issues effectively.

Other commenters stated that DACA reduces noncitizens' vulnerability to domestic and sexual violence and other exploitation by helping to ensure they can live safely and be economically independent. One commenter said that DACA promotes safety for survivors of domestic violence, sexual assault, trafficking and other gender-based violence by eliminating the fear that their abusers can contact immigration authorities if they seek help or attempt to leave an abusive situation. The commenter went on to say that access to work authorization through DACA further strengthens survivors' ability to leave abusive or exploitative situations by enabling them to support themselves and their families.

Response: DHS appreciates commenters' recognition of the measure of assurance and stability DACA provides to recipients and their families. DHS agrees that these benefits help DACA recipients, their families, and communities. DHS also agrees that DACA facilitates the physical and mental well-being of recipients and their families by providing, in many cases, access to employer-sponsored health insurance and stable income that allows recipients in turn to provide their families with food, shelter, clothing, and adequate medical care. DHS also appreciates that in States that have chosen to provide State-only funded health care programs to DACA recipients, DACA may better protect public health by expanding access to healthcare.

In addition, DHS agrees that there are reports concluding that by providing recipients with a measure of security with respect to immigration matters, the DACA policy reduces psychological stress and anxiety while also decreasing barriers to interacting with the healthcare system, helping to promote early detection and treatment of medical conditions before they worsen into serious conditions requiring more extensive treatment. DHS also notes that studies have demonstrated that uncertainty regarding one's immigration situation contributes to increased levels of stress, and that DACA may reduce such stress for its recipients.[44]

DHS also appreciates commenters stating that the DACA policy supports safety for survivors of gender-based violence, trafficking, and abuse by enabling economic self-sufficiency and minimizing fear of an abuser reporting them to immigration authorities, thereby providing recipients with more confidence to seek help or leave abusive or exploitative circumstances. DHS notes the existence of multiple additional immigration options specifically available to certain victims of crimes.[45]

Comment: One commenter, referencing evidence from a series of federal district court cases from Texas regarding the Napolitano Memorandum, cited a 2017 survey which found that roughly 22 percent of DACA participants stated they would ''likely'' or ''very likely'' return to their country of origin or elsewhere if DACA were to end, if they were not given permission to work in the United States, or if deferred action were not granted. The commenter stated that these data contradict the Department's rationale regarding the well-being of these individuals if the proposed rule were not issued, and that ''[m]any if not all will depart our country for their place of origin or elsewhere.''

Response: DHS acknowledges the data cited in connection with the commenter's statement that ''many if not all'' DACA recipients would leave the United States in the absence of the DACA policy. DHS notes that approximately 22 percent of DACA recipients surveyed stated in 2017 that they would ''likely'' or ''very likely'' return to their country of origin if they lost their work authorization or deferred action or if they could not receive either in the first place. However, DHS notes that this data is five years old, calls for some degree of speculation by DACA recipients, and was collected in a particular time and context. Even taking the results at face value, DHS notes that less than a quarter of DACA recipients surveyed assessed that they would ''likely'' or ''very likely'' leave the country if DACA ended, whereas approximately half reported that they were ''unlikely'' or ''very unlikely'' to leave. DACA recipients necessarily came to the United States at a very young age, and many have lived in the United States for effectively their entire lives. For many DACA recipients, the United States is their only home. Indeed, some DACA recipients do not even speak the language of their parents' home country. Precisely for these reasons, DACA recipients often would face significant barriers to living self-sufficiently in their countries of origin if they lost their grants of deferred action or work authorization.

Comment: One commenter stated that because the policy was never intended to be permanent, DACA recipients' reliance interests are very weak, and ''can be remediated by other means such as grace period and/or congressional actions.'' Another commenter said it is unclear what kind of reliance interests DACA recipients have from a policy that did not receive any public comments or consider any alternatives. Another commenter stated that DHS made the wrong assumptions regarding existing DACA recipients' reliance interests and that it is unclear what reliance interests DACA recipients have when they request DACA when DACA recipients should be aware of the possibility that the policy could be terminated at any time.

Response: DHS disagrees with commenters to the extent that they suggest that DACA recipients lack reliance interests worthy of meaningful consideration. As explained by the Supreme Court's *Regents* decision, the method of DACA's original implementation—including the Napolitano Memorandum's statement that it ''conferred no substantive rights'' and the limitation to two-year grants—

[43] Atheendar Venkataramani, et al., *Health consequences of the US Deferred Action for Childhood Arrivals (DACA) immigration programme: a quasi-experimental study,* The Lancet, Pub. Health, 2(4), 175–81 (2017).

[44] *See, e.g.,* Luz M. Garcini, et al., *Health-Related Quality of Life Among Mexican-Origin Latinos: The Role of Immigration Legal Status,* 23 Ethnicity & Health 566, 578 (2018) (hereinafter Garcini (2018)) (finding significant differences in health-related quality of life across immigration legal status subgroups and noting that increased stress was one factor that diminished well-being for undocumented immigrants); Osea Giuntella, et al., *Immigration Policy and Immigrants' Sleep. Evidence from DACA,* 182 J. Econ. Behav. & Org. (2021) (hereinafter Giuntella (2021)).

[45] *See* DHS, *Immigration Options for Victims of Crimes, https://www.dhs.gov/immigration-options-victims-crimes* (last updated Jan. 30, 2022).

did not ''automatically preclude reliance interests.'' [46] At the same time, the Court cautioned that such limitations ''are surely pertinent in considering the strength of any reliance interests.'' [47] In the Court's view, before deciding to terminate the DACA policy, notwithstanding the method of DACA's original implementation, DHS was required to assess whether there were reliance interests, determine whether they were significant, and weigh any such interests along with ''other interests and policy concerns.'' [48]

DHS has evaluated the relevant reliance interests—and the policy stakes more generally—with the Court's decision in mind. With respect to reliance interests in particular, DHS recognizes, as the Court did, that the expressly limited and discretionary nature of the deferred action conferred upon individuals under the DACA policy (who are not guaranteed a grant or renewal of DACA, whose DACA may be terminated in USCIS' discretion, and who have no right or entitlement to remain in the United States) is relevant to the assessment of reliance interests. At the same time, DHS is aware of the real-world decisions that approximately 825,000 DACA recipients and their families, employers, schools, and communities have made over the course of more than 10 years of the policy being in place. While acknowledging and emphasizing the absence of a legal right, DHS would hesitate to conclude that reliance on DACA was ''unjustified'' or entitled to significantly ''diminished weight'' in light of the express limitations in the Napolitano Memorandum.[49] At the same time, DHS agrees that its determination regarding the existence of ''serious'' reliance interests does not dictate the outcome of this rulemaking proceeding, but is just one factor to consider.[50]

DHS appreciates the recommendation for a grace period, and observes that the Court discussed this possibility as well.[51] DHS believes that in many cases, a grace period (even a lengthy grace period) would be insufficient to avoid the significant adverse consequences associated with terminating the DACA policy, because the planned termination of the policy on a broad scale (whether within months or years) would ultimately prove far more harmful to DACA recipients and their families, employers, schools, and communities than the policy pursued in this final rule. It would also not meaningfully change the number of people without lawful status in the United States. DHS notes that in staying its 2021 vacatur in *Texas* with respect to renewal requestors, the district court noted the ''hundreds of thousands of DACA recipients and others who have relied upon this program for almost a decade'' and that their ''reliance has not diminished and may, in fact, have increased over time.'' [52]

DHS acknowledges that while new initial DACA requestors' reliance interests may be less robust or clear as those of current DACA recipients, it is also true that among prospective DACA requestors, there are many who have not yet ''aged in'' to request deferred action under DACA. These individuals and their families, schools, and communities may have deferred or made choices in reliance upon their future ability to request DACA, even as DHS's decision whether to confer deferred action to a DACA requestor remains a fully discretionary case-by-case decision, and even though deferred action itself does not provide any right or entitlement to remain in the United States.

4. Impacts on Other Populations, Including U.S. Workers and Other Noncitizens

Impacts on U.S. Workers and Wages

Comment: A few commenters generally opposed the proposed rule based upon its perceived impact on U.S. workers. Some of these commenters said that U.S. citizens would lose jobs to DACA recipients, while others stated more generally that DACA affects jobs and benefits for U.S. citizens or those with lawful immigration status. Other commenters stated that DACA recipients and other unauthorized noncitizens steal jobs from U.S. citizens and depress wages, often for the benefit of large corporations. One commenter said that DACA results in depressed wages and a lower standard of living for low-income persons of color.

One commenter stated that the proposed rule made an incorrect and unfounded assumption that jobs held by DACA recipients cannot be replaced by someone else. Instead, the commenter stated, terminating the DACA policy or its employment authorization would provide more jobs for U.S. workers, benefit communities, reduce unemployment rates, and potentially increase the wages of U.S. workers. The commenter stated that DHS's logic in analyzing the impacts of terminating the DACA policy is flawed, because: (1) jobs currently held by DACA recipients can be replaced by someone else and (2) the time businesses need to find replacement workers does not differ from that involved in regular worker turnover in a market economy and is not based on workers' immigration status.

Another commenter stated that DHS made a ''misleading and plainly wrong claim'' that DACA recipients have been essential workers during the COVID–19 pandemic, arguing that, while some may indeed be essential workers, most are not. The commenter suggested that, if DHS wanted to prioritize this population for deferred action, it could have established additional requirements for DACA eligibility, such as employer sponsorship or evidence of being an essential worker.

In contrast, one commenter stated that DACA has a positive effect on wages, as compared to a circumstance where unauthorized noncitizens continue to work. The commenter wrote that according to the Department of Labor's National Agricultural Worker Survey, more than two thirds of farmworkers are foreign-born and a majority of those lack work authorization.[53] The commenter stated that DACA helps avoid a circumstance where undocumented workers are easily exploitable, which in turn depresses wages and working conditions for other farmworkers. Citing their own studies, joint commenters also said their research indicates that not only does the DACA policy not harm low-wage U.S. citizen workers, but also that it actually boosts the wages and employment of this population.[54] The commenters stated that the position that DACA harms citizens is based on the ''faulty premise'' that if the DACA policy were ended, the population of young undocumented noncitizens would leave the United States. The commenter said because many DACA recipients have spent most of their lives in the United States, and some do not speak the language of their country of

[46] *See Regents,* 140 S. Ct. at 1913.

[47] *See id.* at 1913.

[48] *See id.* at 1909–15.

[49] *See id.* at 1914.

[50] *See id.*

[51] *See id.*

[52] 549 F. Supp. 3d at 624.

[53] *See* U.S. Department of Labor, *Findings from the National Agricultural Workers Survey (NAWS) 2017–2018 (2021), https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS%20Research%20Report%2014.pdf.*

[54] Ike Brannon and M. Kevin McGee, *Estimating the Economic Impacts of DACA* (July 5, 2019), *https://ssrn.com/abstract=3420511* or *http://dx.doi.org/10.2139/ssrn.3420511* (hereinafter Brannon and McGee (2019)). (''Eliminating DACA would merely increase the competition for the kinds of jobs that tend to have an excess supply of workers, while reducing the supply of employable skilled workers in the areas where we have the most acute labor shortages. Overall, we find that eliminating DACA is lose-lose-lose, benefiting virtually no one while hurting pretty much everyone.'').

citizenship, voluntary self-deportation is unlikely.

Response: DHS acknowledges and shares commenters' desire to ensure that U.S. workers are not harmed by the DACA policy. As an initial matter, DHS notes that beginning in August 2021 and continuing into 2022, the U.S. economy experienced more job openings than available workers.[55] Nevertheless, DHS agrees, in principle, that jobs currently held by DACA recipients might potentially be performed by U.S. citizens or noncitizens with lawful immigration status if DACA recipients lost their work authorization. However, myriad factors influence employment rates in a market economy, including prevailing conditions in specific labor markets and unique characteristics of local economies, and importantly, these various factors are interrelated and dynamic rather than independent and static. (In some circumstances, for example, hiring DACA recipients might actually boost employment of citizens and those with lawful immigration status, such as where hiring DACA recipients increases the potential for business expansion and thus leads to increased employment.) For these reasons, it is overly simplistic to predict that elimination of employment authorization for DACA recipients would result in a transfer of jobs and their corresponding wages from DACA recipients to citizens or those with lawful immigration status.

As discussed in further detail in Section II.A.5, DHS cannot quantify the degree to which DACA recipients are substituted for other workers in the U.S. economy since this depends on factors such as industry characteristics as well as on the hiring practices and preferences of employers, which depend on many factors, such as worker skill levels, experience levels, education levels, and training needs, and labor market regulations, among others. As noted, labor market conditions are not static; the hiring of DACA workers might contribute to expansion in business activity and potentially in increased hiring of American workers.[56] As discussed in further detail in Section II.A.5, similar to the citizen population, noncitizens, including DACA recipients, also pay taxes; stimulate the economy by consuming goods, services, and entertainment; and take part in domestic tourism. Such activities contribute to further growth of the economy and create additional jobs and opportunities for both citizen and noncitizen populations.[57] The net effect on employment of citizens is difficult to specify and might turn out to be positive. DHS believes that these investments that DACA recipients have made in their communities and in the country as a whole are substantial.

With regard to wage rates, DHS recognizes that, in general, any increase in labor supply or improvement in labor supply competition may potentially affect wages and, in turn, the welfare of other workers and employers.[58] But the magnitude and even the direction of the effect are challenging to specify in the abstract. As with employment, so with wages: Changes in wages depend on a range of factors and relevant market forces, such as the type of occupation and industry, and overall economic conditions. For example, in industries such as healthcare, agriculture, food services, and software development, labor demand might outpace labor supply. In such sectors, increases in the labor supply might not be enough to satisfy labor demand, resulting in increases in wages to attract qualified workers, thereby improving welfare for all workers in these sectors. The opposite could happen for industries or sectors where labor supply outpaces labor demand.[59]

With respect to comments regarding the assumptions and methodology for the labor market impact portion of the NPRM, the bases for DHS's assumptions and estimates of labor market impacts was discussed extensively in Section V.A.4.D. of the NPRM. This section included a discussion of the 2017 National Academies of Sciences, Engineering, and Medicine (NAS) Report, wherein an expert panel of immigration economists examined the peer-reviewed literature on displacement and wage effects of immigrants on native workers and attempted to describe what consensus exists around decades of findings. To the extent that this panel found research indicating that noncitizen workers displace or negatively affect the wages of U.S. citizen workers, most of these effects occur with the lowest wage jobs, potentially affecting teens and individuals without a high school diploma.[60] DHS acknowledged this potential effect in the NPRM, and explained that the literature consistently finds these less favorable labor-market effects were more likely to occur to certain disadvantaged workers and recent prior immigrants, resulting in ''very small'' impacts for citizens overall.[61] The NPRM also described studies discussed in the 2017 NAS Report's survey of research indicating that highly skilled noncitizen workers positively impact wages and employment of both college-educated and non-college-educated citizens.[62] This is a similar finding to what commenters pointed to in their own studies.[63] Additionally, as a commenter noted, many current and potential DACA recipients would remain in the United States even without deferred action or employment authorization. A lack of access to employment authorization by these individuals would give rise to greater potential for exploitation and substandard wages, which in turn may have the effect of depressing wages for some U.S. workers.

Given the lack of additional evidence provided by the commenter on the impact of DACA recipients participation in the labor force, DHS has not substantially revised its analysis in response to this comment.

Impacts on Other Noncitizens

Comment: A commenter stated that DHS never elicited public comment or considered reliance interests when it proposed shifting costs from ICE and CBP to fee-paying noncitizens. Some commenters stated that DHS failed to sufficiently articulate why it prioritizes the DACA population over other lawful, well-qualified noncitizens, including international students, F–1 Optional Practical Training (OPT) students with postgraduate degrees, dependents of H–1B highly skilled workers, H–4 dependents, or EB–1 applicants. Commenters said that ''hundreds of thousands'' of individuals in these other groups face the same mental stress as DACA recipients when unable to work, secure employment authorization or visa status, or faced with deportation.

Response: As an initial matter, DHS did elicit public comments and consider reliance interests related to DACA, and so it disagrees with the claim that it did not do so. In the NPRM, DHS specifically and explicitly requested ''comments on potential reliance

[55] Bureau of Labor Statistics data show that as of March 2022, there were 0.5 unemployed persons per job opening. U.S. Department of Labor, U.S. Bureau of Labor Statistics, *Number of Unemployed Persons per Job Opening, Seasonally Adjusted (March 2007 through March 2022), https://www.bls.gov/charts/job-openings-and-labor-turnover/unemp-per-job-opening.htm* (last visited May 23, 2022).

[56] NAS, *The Economic and Fiscal Consequences of Immigration* (2017), *https://www.nap.edu/catalog/23550/the-economic-and-fiscal-consequences-of-immigration* (hereinafter 2017 NAS Report), at 195.

[57] 86 FR 53801.

[58] 86 FR 53800.

[59] 86 FR 53800.

[60] 86 FR 53801.

[61] 86 FR 53801.

[62] 86 FR 53801.

[63] *See* Brannon and McGee (2019).

interests of all kinds, including any reliance interests established prior to the issuance of the Napolitano Memorandum, and how DHS should accommodate such asserted reliance interests in a final rule.'' [64] DHS acknowledges commenters' concerns about the numerous other classes of noncitizens who face stresses similar to those experienced by the DACA population with respect to their immigration status, lack of work authorization, and potential removal from the United States. DHS, however, scoped the proposed rule to address DACA in particular. DHS views the DACA-eligible population as particularly compelling candidates for deferred action by virtue of their entry to the United States as children, and by virtue of the substantial reliance interests that have developed over a period of time among DACA recipients and their families, schools, communities, and employers. DHS does not disagree with the view that other populations share characteristics that are compelling in their own way. But DHS has decided as a matter of policy to focus this rule on preserving and fortifying DACA as directed by the Biden Memorandum.

Comment: Some commenters stated that resources used on policies such as DACA increase backlogs, delays, and otherwise bog down the courts and enforcement agencies, which unfairly affects other noncitizens. Commenters said that DACA diverts staff and resources away from lawful immigration programs and increases the costs and delays for legal immigrants to service the interests of unauthorized noncitizens. Some commenters stated that DHS failed to consider the reliance interests of lawful immigrants and nonimmigrants in USCIS expeditiously adjudicating their petitions. One of these commenters opposed DACA requests taking precedence over other immigration filings, such as employment-based visas. The commenter objected that although many applicants for other immigration benefits are facing long processing delays due to the COVID–19 pandemic, USCIS shifted resources amid insufficient staffing levels due to fiscal challenges, built new case management system enhancements, and trained and reassigned officers to process initial DACA filings. Other commenters stated that claiming there is insufficient funding for Congress to enforce immigration laws on DACA recipients is ''puzzling,'' as the proposed rule would cost the Department ''millions of dollars'' by not charging the full cost of processing DACA requests.

Another commenter remarked that the $93 million allocated to DACA adjudications would have been better spent upgrading USCIS' IT systems and expanding online filing capabilities. Commenters also stated that it is unfair to those seeking U.S. citizenship by following immigration laws and that DACA would make things worse for those legally trying to become citizens and easier for those who wish to use the United States for their own benefit. Another commenter urged USCIS to devote its limited resources to lawful immigration programs that Congress has authorized instead of diverting manpower, office space, and agency funds to ''amnesty programs'' benefiting undocumented individuals and ''those who profit off of continuous illegal immigration into the United States.''

Response: DHS acknowledges the interests of noncitizens seeking immigrant or nonimmigrant status in the timely adjudication of their petitions, and USCIS is strongly committed to reducing backlogs and improving processing times.[65] DHS notes as it did in the NPRM that the costs of USCIS are generally funded by fees paid by those who file immigration requests, and not by taxpayer dollars appropriated by Congress.[66] Funds spent on DACA adjudications do not take any resources away from other workloads, which (with very few exceptions) may be funded by other fees. Rather, DACA revenue provides USCIS with the resources it needs to maintain the policy. Consistent with that authority and USCIS' reliance on fees for its funding, and as discussed in greater detail in Section II.C.5.a, this rule amends DHS regulations to codify the existing requirement that requestors file Form I–765, Application for Employment Authorization, with Form I–821D, Consideration of Deferred Action for Childhood Arrivals, and re-classifies the $85 biometrics fee as a Form I–821D filing fee, to fully recover DACA adjudication costs.[67]

In the NPRM and related material,[68] USCIS explained that the proposed $85 fee for DACA would not recover the full costs for individuals who did not request an EAD and pay the full costs of the Form I–765.[69] In codifying the requirement that requestors submit both Forms I–765 and I–821D, USCIS is ensuring that all adjudicative costs are fully recovered and no costs of DACA are passed on to other fee-paying populations. As Tables 3 and 4 of the Supplemental Cost Methodology Document make clear, charging the full cost of $332 for each Form I–821D would be double-counting each requestor's fair share of the same indirect costs on both their Form I–821D and Form I–765 given that the estimated additional cost of processing a Form I–821D attached to a Form I–765 is negligible. Therefore, in light of the changes made in the final rule, DHS disagrees with the suggestion that this rule displaces resources, including staffing for other noncitizens. To the contrary, ending DACA would reduce USCIS revenue from DACA-related fees, which cover not only the direct costs of staffing, systems, and other resources to process DACA requests, but also contribute to recovering an appropriate portion of indirect costs that USCIS would incur even in the absence of DACA. As explained in the Supplemental Cost Methodology Document, the cost model proportionately distributes the total estimated budget for USCIS across various activities.[70] Table 4 of the same document lists all of the activities that contribute to the $332 cost estimate, including indirect activities in the DACA cost model. For example, the cost model includes the Management and Oversight activity which includes all offices that provide broad, high-level operational support and leadership necessary to deliver on the USCIS mission and achieve its strategic goals.[71] DACA's proportionate share of the activity cost is $140 in Table 4 of the Supplemental Cost Methodology Document. In the absence of DACA, USCIS would still incur costs for this activity. In short, as it relates to fees in particular, the DACA policy works in the interest of other immigrants and nonimmigrants by covering the full cost of DACA policy without burdening other USCIS customers with additional costs to fund DACA. Additionally, many investments in case management system development, training, or previous adjudications are sunk costs. In other words, ending DACA would not

[64] 86 FR 53803.

[65] *See, e.g.,* USCIS, *USCIS Announces New Actions to Reduce Backlogs, Expand Premium Processing, and Provide Relief to Work Permit Holders* (Mar. 29, 2022), *https://www.uscis.gov/newsroom/news-releases/uscis-announces-new-actions-to-reduce-backlogs-expand-premium-processing-and-provide-relief-to-work.*

[66] *See* INA sec. 286(m), 8 U.S.C. 1356(m).

[67] *See* new 8 CFR 236.23(a)(1).

[68] *See* USCIS, *DACA NPRM Supplemental Cost Methodology Docket* (Sept. 28, 2021), *https://www.regulations.gov/document?D=USCIS-2021-0006-0008* (hereinafter Supplemental Cost Methodology Docket).

[69] *See* 86 FR 53764.

[70] Supplemental Cost Methodology Docket at 8–10.

[71] *Id.* at 6.

recapture time or money invested in the past.

5. Impacts on the Economy, Communities, and States

Impacts on the Economy

Comment: A number of commenters expressed support for the proposed rule, stating that it would have positive economic effects at local, State, and national levels. The commenters said that the proposed rule would allow recipients to start, own, and contribute to businesses, which could help create jobs for other Americans, and would spur further economic activity. Commenters also noted the proposed rule would allow DACA recipients to contribute to State and Federal tax revenue, and to pursue education that would eventually help them work in critical jobs, which would decrease labor shortages facing the United States.

Citing their own research, another commenter stated DACA's implementation increased the education, employment, and wages of DACA recipients while also boosting tax revenue and output. The commenter cited its 2019 study that found that eliminating DACA would result in the DACA population losing about $120 billion in income, the Federal Government losing approximately $72 billion in tax revenue, and States and local governments losing about $15 billion in tax revenue over the 2020–2029 decade.[72] Likewise, a joint comment of 14 States' Attorneys General stated that given the economic contributions of DACA recipients, the effect of a full rollback of DACA would result in a loss of an estimated $280 billion in national economic growth over the course of a decade. Another commenter cited multiple studies indicating that the DACA policy improves labor market prospects of DACA recipients by expanding ''above the table'' work opportunities. The commenter stated that in some studies this is captured in simple measures like reduced unemployment and better wages, while other studies confirm that DACA recipients find jobs that are experienced as a better ''fit'' and more satisfactory even at similar wage levels.[73]

In addition to comments noted above regarding potential displacement of workers by DACA recipients, multiple commenters suggested DACA recipients help to fill labor gaps amid labor shortages in the United States, with a joint comment pointing to the 8.4 million job seekers as compared to the 10 million job openings in the United States as of September 2021. These commenters cited statistics that 46 percent of DACA recipients have a bachelor's degree or higher,[74] and as a group they tend to be younger, better educated, and more highly paid than the typical immigrant.[75] As a result, they are poised to contribute to the worker pool for higher-skilled jobs that U.S. employers have reported having difficulty filling with other workers.[76] Another joint comment cited a 2019 survey in which 64 percent of small businesses reported they had tried to hire workers, but of those, 89 percent reported they found few or no qualified applicants, and asserted that DACA recipients have helped to fill these worker shortages, especially during the COVID–19 pandemic.[77] Another commenter wrote that DACA recipients who pursue higher education help offset critical shortages of skilled labor in the United States and become better positioned to support their families, communities, and the U.S. economy. Some commenters stated that if the DACA policy were terminated, then worker shortages would increase. For example, a commenter stated that if DACA recipients were to lose their protections, an estimated 30,000 front line healthcare workers would be displaced. Additionally, a commenter stated that DACA recipients fill a need in the United States for bilingual employees.

Pointing to other labor market and economic benefits of DACA, a commenter cited a large study showing that DACA recipients play a critical role in the creation of jobs and increasing spending in local economies.[78] Commenters also said that the proposed rule would allow recipients to contribute to innovation in the U.S. economy and mitigate aging trends in the U.S. population.

Response: DHS acknowledges some commenters' support for the rule and agrees that DACA recipients and their households have made substantial economic contributions to their communities. The communities in which DACA recipients live, and DACA recipients themselves, have grown to rely on the economic contributions this policy facilitates.[79] As noted above, the Napolitano Memorandum contains express limitations, but over the 10 years in which the DACA policy has been in effect, DACA recipients have made major good faith investments in both themselves and their communities, and their communities have made major good faith investments in them. In the Department's judgment, the investments, and the resulting benefits, have been substantial and valuable.

DHS also acknowledges some commenters' concerns regarding the economic impact that terminating the DACA policy would have. DHS appreciates the comments regarding the number of healthcare workers who are DACA recipients and the role that DACA recipients play in job creation and spending in local economies. DHS agrees that without DACA, DACA recipients in the labor market would lose employment. Additionally, beyond the immediate impact of job loss to DACA workers and their employers, the impacts to the broader economy would depend on factors such as the nature of the jobs being performed, the level of substitutability with similarly skilled workers, and DACA recipients' ability and willingness to find undocumented employment. Similarly, as with any other population, DACA recipients participate in the local and broader U.S. economy in various employment or consumer roles and thus impact their communities and beyond.

DHS has described the assumptions used in the labor market section of the

[72] Brannon and McGee (2019).

[73] Pope (2016); Wong (2020); Erin R. Hamilton, Caitlin Patler, and Robin Savinar, *Transition into liminal legality: DACA's mixed impacts on education and employment among young adult immigrants in California,* Soc. Probs., 68(3), 675–95 (2021).

[74] Tom K. Wong, et al., *DACA Recipients' Livelihoods, Families, and Sense of Security Are at Stake This November,* Center for American Progress (Sept. 19, 2019), *https://www.americanprogress.org/issues/immigration/news/2019/09/19/474636/daca-recipients-livelihoods-families-sense-security-stake-november.*

[75] Ike Brannon and Logan Albright, *The Economic and Fiscal Impact of Repealing DACA,* Cato at Liberty (Jan. 18, 2017), *https://www.cato.org/blog/economic-fiscal-impact-repealing-daca* (hereinafter Brannon and Albright (2017)).

[76] William C. Dunkelberg and Holly Wade, *Small Business Economic Trends,* Nat'l Fed'n of Indep. Bus. (Oct. 2021), *https://www.nfib.com/surveys/small-business-economic-trends,* at 1; Anneken Tappe, *Nearly half of American companies say they are short of skilled workers,* CNN (Oct. 25, 2021), *https://www.cnn.com/2021/10/25/economy/business-conditions-worker-shortage/index.html.*

[77] Nat'l Fed'n of Indep. Bus., *Small Business Optimism Index* (Aug. 2019), *https://www.nfib.com/surveys/small-business-economic-trends.*

[78] Tom K. Wong, et al., *DACA Recipients' Economic and Educational Gains Continue to Grow,* Center for American Progress (Aug. 28, 2017), *https://www.americanprogress.org/article/daca-recipients-economic-educational-gains-continue-grow.*

[79] Reasonable reliance on the existence of the DACA policy is distinct from reliance on a grant of DACA to a particular person. Individual DACA grants are discretionary and may be terminated at any time, but communities, employers, educational institutions, and State and local governments have come to rely on the existence of the policy itself and its potential availability to those individuals who qualify.

RIA as well as in the estimated costs and benefits. There are many open questions here. It cannot be said with certainty whether all jobs held by DACA recipients are fully replaceable or irreplaceable by other workers, and local labor market conditions can vary such as industry characteristics and preferences for specific types of skills by employers. For example, U.S. employers apply for employment-based immigrant visas for foreign workers on an annual basis. These employment-based immigrant visas are for jobs for which there are not enough domestic workers, domestic workers with the required skills, and/or domestic workers with the required level of education. In these cases, domestic labor is not readily available as a substitute. For example, the medical field exhibits shortages of workers such as physicians, nurses, and other professionals, and nearly 30,000 DACA recipients are employed in the medical field.[80] Indeed, DACA recipients who are healthcare workers are also helping to alleviate a shortage of healthcare professionals in the United States, and they are more likely to work in underserved communities where shortages are particularly dire.[81] Whether jobs that DACA recipients occupy can be easily replaced by other authorized workers is a complex matter that depends on factors such as the nature of the job, the industry, and the employer, among others. Nevertheless, DHS considered evidence presented by these commenters, as well as the empirical findings discussed in the 2017 NAS report. DHS has determined that, on balance, the various positive economic impacts of DACA outweigh the potential adverse impacts to the labor market.

Comment: Many commenters cited studies indicating DACA recipients contribute to Federal, State, and local tax revenue, as well as Medicare and Social Security. For example, numerous commenters wrote that DACA recipients pay taxes—$5.6 billion in Federal taxes and $3.1 billion in State and local taxes annually according to one study using 2020 data—and contribute significantly to Social Security and Medicare.[82] Another commenter pointed to studies that in California alone, DACA-eligible noncitizens make $905.4 million in Federal tax contributions and $626.6 million in State and local tax contributions,[83] and that ''reversing'' the DACA policy would result in a $351 billion loss for the U.S. economy and a $92.9 billion loss in tax revenue.[84] Another commenter, however, said that DHS could not establish these estimates without the names and tax returns of the affected populations.

Commenters identified other economic contributions of DACA recipients beyond tax payments. Some commenters cited statistics that DACA recipients hold $25.3 billion in spending power.[85] Many commenters also provided statistics and general information on other ways DACA recipients contribute to the economy by increasing consumer spending, purchasing homes and making $566.7 million in annual mortgage payments, paying $2.3 billion in annual rental payments, buying cars, applying for lines of credit, and opening businesses.[86] Commenters stated that recipients' purchasing power increases once they receive DACA, citing surveys stating that a majority of DACA recipients reported having purchased their first car after receiving DACA.[87]

Numerous commenters stated that many DACA recipients have been employed in essential industries such as education, the military, and healthcare during the COVID–19 pandemic. A commenter wrote that DACA recipients form a critical, stable, and reliable workforce that enables retailers to continue to provide goods and services throughout the pandemic. Some commenters stated that DACA recipients are critical members of unions and workforces across many sectors of the economy. Several commenters cited studies stating that DACA recipients boost wages and increase employment opportunities for all U.S. workers.[88] Others wrote that there are significant business and economic reasons to preserve DACA as its recipients drive innovation, create breakthroughs in science, build new businesses, launch startups, and spur job growth. Another commenter stated that more than two-thirds of farmworkers are immigrants and most of them lack work authorization. The commenters continued that DACA is therefore necessary to protect immigrants from employer exploitation and abuse. The commenters further stated that the presence of an easily exploitable workforce depresses wages and working conditions for all farmworkers, including the hundreds of thousands of U.S. citizens and lawful immigrants who work in agriculture.

Response: DHS appreciates commenters' recognition of DACA recipients' contributions, both prior and ongoing, tangible and intangible, to the U.S. economy. DHS agrees members of the DACA population carry substantial spending power, generate billions in tax revenue, and fill vital roles across a broad array of industries. DHS disagrees with the comment that DHS is not able to establish various estimates without the names and tax returns of the affected populations. To develop estimates of the quantified costs and benefits presented in this rule, DHS did not need the names and tax returns of individuals in the estimated population. Moreover, DHS's methodology for the analysis is clearly presented in the RIA of this rulemaking.

Commenters, in DHS's view, correctly note that the DACA policy and DACA recipients improve economic conditions broadly in the United States by driving innovation, starting businesses, and employing themselves and others,

[80] *See, e.g.,* Xiaoming Zhang, et al., *Physician workforce in the United States of America: forecasting nationwide shortages,* Human Resources for Health, 18(1), 1–9 (2020); Svajlenka (2020).

[81] Chen (2019) presents survey data showing that 97 percent of undocumented students pursuing health and health-science careers planned to work in an underserved community.

[82] *See* Svajlenka and Wolgin (2020). *See also* Hill and Wiehe (2017) (analyzing the State and local tax contributions of DACA-eligible noncitizens in 2017).

[83] Higher Ed Immigration Portal, *California—Data on Immigrant Students, https://www.higheredimmigrationportal.org/state/california* (last visited June 9, 2022).

[84] Logan Albright, et al., *A New Estimate of the Cost of Reversing DACA,* Cato Inst. (Feb. 15, 2018), *https://www.cato.org/publications/working-paper/new-estimate-cost-reversing-daca* (hereinafter Albright (2018)).

[85] *See* Nicole Prchal Svajlenka and Trinh Q. Truong, *The Demographic and Economic Impacts of DACA Recipients: Fall 2021 Edition,* Center for American Progress (Nov. 24, 2021), *https://www.americanprogress.org/article/the-demographic-and-economic-impacts-of-daca-recipients-fall-2021-edition.*

[86] *See* Svajlenka and Wolgin (2020).

[87] *See* Wong (2020).

[88] *See, e.g.,* Brannon and Albright (2017); Albright (2018); Brannon and McGee (2019); Ike Brannon and M. Kevin McGee, *Estimating the Economic Impact of the 2021 Dream Act* (June 6, 2021), *https://ssrn.com/abstract=3861371* or *http://dx.doi.org/10.2139/ssrn.3861371* (hereinafter Brannon and McGee (2021)); Martin Ruhs and Carlos Vargas-Silva, *The Labour Market Effects of Immigration,* Migration Observatory (Feb. 2021), *https://migrationobservatory.ox.ac.uk/resources/briefings/the-labour-market-effects-of-immigration*; Matthew Denhart, *America's Advantage: A Handbook on Immigration and Economic Growth,* George W. Bush Inst. 118–19 (3d ed. Sept. 2017), *http://gwbcenter.imgix.net/Resources/gwbi-americas-advantage-immigration-handbook-2017.pdf*; Ryan D. Edwards and Mao-Mei Liu, *Recent Immigration Has Been Good for Native-Born Employment,* Bipartisan Pol'y Ctr. (June 2018), *https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2019/03/Recent-Immigration-Has-Been-Good-for-Native-Born-Employment.pdf*; Gretchen Frazee, *4 Myths About How Immigrants Affect the U.S. Economy,* PBS NewsHour (Nov. 2, 2018), *https://www.pbs.org/newshour/economy/making-sense/4- myths-about-how-immigrants-affect-the-u-s-economy;* Alex Nowrasteh, *Three Reasons Why Immigrants Aren't Going to Take Your Job,* Cato at Liberty (Apr. 22, 2020), *https://www.cato.org/blog/three-reasons-why-immigrants-arent-going-take-job.*

thereby reducing reliance on public assistance (to the extent that such reliance is possible given eligibility restrictions) and pressure on the job market for low-skilled workers. DHS also agrees that if members of the DACA population stopped performing their work, labor shortages could be exacerbated depending on the industry and employer.

DHS appreciates commenters' concern for the well-being of agricultural workers. DHS agrees that the ability to lawfully work empowers employees in all sectors to leave dangerous employment situations by decreasing fear that reporting exploitative or illegal employment practices could potentially result in immigration consequences. Additionally, as mentioned above, a lack of access to employment authorization raises the potential for exploitation and substandard wages, which in turn may have the effect of depressing wages for some U.S. workers. Thus, making employment authorization available to DACA recipients helps protect U.S. workers and employers against the possible effects of unauthorized labor.

Other Impacts on Communities

Comment: Some commenters described DACA recipients as law-abiding, valued members of their communities. Commenters also supported the proposed rule based on positive impacts on communities and society as a whole. These commenters stated that the proposed rule would prevent families and communities from being separated; encourage diversity; and allow recipients to participate in military service, jobs, and community service roles that keep communities safe. One commenter expressed agreement with DHS's overall description of the substantial reliance interests of communities on DACA recipients.

Other commenters stated that DACA was a crucial part of facilitating professional licensing eligibility, opening the door to licensure for many professions, including as a lawyer, teacher, doctor, nurse, social worker, or psychologist. These commenters further stated that communities have benefited from the education, professional expertise, and professional and economic contributions of DACA recipients in those professions. One of these commenters further stated that the increasing number of DACA recipients admitted to the Bar Associations of their respective States has promoted diversity in the legal profession while also helping to ensure all communities understand the judicial process and have greater access to justice. A joint comment by 14 States also identified examples of reliance interests engendered by community and State-level investments in the DACA population; for example, losing the benefits of investment into the training of DACA recipients working in healthcare who have committed to four years of post-graduation work in underserved Illinois communities.

Other commenters opposed the rule, stating that undocumented noncitizens exacerbate affordable housing shortages and that U.S. citizens should instead be prioritized.

Response: DHS acknowledges some commenters' support of the rule and agrees, as discussed in this rule, that there is strong evidence that DACA has had a positive impact on communities in promoting family unity, encouraging diversity, and opening pathways to military and other community service roles. DHS also recognizes, as discussed by commenters below, that the reduction of fear among DACA recipients contributes to improved law enforcement and community relations, which improves public safety.

DHS acknowledges the commenter's support for DHS's description of the substantial reliance interests of DACA recipients and communities. DHS appreciates the additional reliance interests identified by the commenter and agrees that some States have structured or amended their professional licensing requirements in reliance on the existence of the DACA policy, and therefore have reliance interests in the preservation of the DACA policy, as do the DACA recipients who have established careers dependent upon licensure by the State and the entities that employ professionally licensed DACA recipients.

DHS also acknowledges a commenter's concern that undocumented noncitizens, including DACA recipients, exacerbate the affordable housing shortage confronting some communities. Although some studies have examined the impact of immigration on housing,[89] the housing market is influenced by many factors, and DHS is unable to quantify the potential impact of the DACA policy itself on housing availability, including affordable housing. It is important to distinguish the effect of the DACA policy itself from the impact of current DACA recipients and the DACA eligible population in the United States. Current and potential DACA recipients have shown, through a course of years, that many would remain in the United States even without deferred action or employment authorization. The presence of these noncitizens affects housing availability regardless of the DACA policy. Nonetheless, DHS acknowledges that, as some DACA recipients have increased their earning potential and incomes as a result of the DACA policy, this could arguably affect the availability of housing for others in those communities in which these DACA recipients reside. DHS is cognizant that, like other community impacts of the DACA policy, the impact upon housing availability can vary across communities. However, DHS has determined that the many positive impacts of the DACA policy on communities, as discussed throughout this section, outweigh the possible impact of DACA recipients, as a subset of a larger undocumented noncitizen population, on the availability of affordable housing in some communities.

Impacts on States

Comment: Some commenters generally opposed the proposed rule based on the use of public benefits programs, education resources, and other costs to the government by noncitizens and DACA recipients. A commenter stated that USCIS ignores the costs borne by local, State, and Federal agencies for services provided to DACA recipients, such as Medicaid services to pregnant women and bilingual education services provided to students in local schools, which the commenter asserts also result in higher taxes to U.S. citizens at the State and local levels. Commenters also stated that U.S. citizens and States have reliance interests weighing against promulgating this rule. These commenters stated that the government should take care of U.S. citizens before spending money on undocumented noncitizens or DACA recipients, that DACA recipients generally divert limited resources from U.S. citizens, and that the United States cannot financially or otherwise afford to support undocumented noncitizens, including DACA recipients.

Other commenters stated that DACA recipients should not be given special privileges, benefits, or money at the expense of American taxpayers. A commenter wrote, without accompanying citations or other support, that DACA recipients ''use much more than their fair share of social safety net programs especially in places

[89] *See, e.g.,* Abeba Mussa, et al., *Immigration and housing: A spatial econometric analysis,* J. of Housing Econ., 35, 13–25 (2017), *https://doi.org/10.1016/j.jhe.2017.01.002.*

like [N]ew [Y]ork where very few questions are asked, fake names and documentation is given and people without documentation are offered services citizens are unable to use at times.'' Some commenters stated that immigrants should prove that they can financially support themselves and will not be dependent on the U.S. Government. One commenter stated that in previous decades, DACA recipients have sent millions of American dollars in remittances back to their countries of origin with no repercussions.

The Attorney General of Texas submitted the only comment from a State expressing general opposition to the proposed rule. The comment stated that DACA increases the State's expenditures associated with education, healthcare, and law enforcement by incentivizing unauthorized noncitizens to remain in the country. The comment stated that Texas spends over $250 million each year in the provision of social services to DACA recipients. The comment also stated that unauthorized migration costs Texas taxpayers over $850 million each year: between $579 million and $717 million each year for public hospital districts to provide uncompensated care for undocumented noncitizens; $152 million in annual costs for incarceration of undocumented noncitizens in the penal system; between $62 million and $90 million to include undocumented noncitizens in the State Emergency Medicaid program; more than $1 million for The Family Violence Program to provide services to undocumented noncitizens for one year; between $30 million and $38 million per year on perinatal coverage for undocumented noncitizens through the Children's Health Insurance Program; and between $31 million and $63 million to educate unaccompanied noncitizen children each year.

In contrast, a joint comment submitted by the Attorneys General of 14 States [90] that together represent approximately 61 percent of the total DACA recipient population discussed how their States have adopted laws, regulations, and programs in reliance on the existing DACA policy and have a strong interest in preserving these frameworks and the benefits they secure to the States, as well as in avoiding the costs incurred upon adjusting or revoking these frameworks should DACA be revoked. The Attorneys General said that DACA recipients are vital members of and workers within their communities, including essential workers and State government employees. To the extent that their States employ DACA recipients, they stated that ending the DACA policy would harm their States' reliance interests because they would lose the critical skills of these employees and their investments in these employees, while also incurring costs associated with terminating their employment and the additional costs of recruiting, hiring, and training their replacements. These States further noted that the increased earning power of DACA recipients is economically beneficial to their States, citing data that DACA recipients' estimated spending power is approximately $24 billion. The 14 States jointly commented that because the service sector represents approximately 80 percent of the U.S. GDP and 86 percent of total employment, and the service sector relies on consumer spending, this purchasing power is critical to the overall economic health of their States. Additionally, they noted that due to the economic stability and ability to make long-term plans provided by a DACA-related grant of deferred action and employment authorization, approximately a quarter of DACA recipients aged 25 and older have been able to purchase homes, creating jobs and boosting spending in their States, including California, where DACA recipients make yearly mortgage payments totaling $184.4 million. These States added that ending DACA, or limiting it to current active recipients, would result in significant losses in tax revenue—$260 million in State and local taxes over the next decade in California alone—and negatively impact their States' residents. They also noted that ending DACA would result in an estimated loss of $33.1 billion in Social Security contributions and $7.7 billion in Medicare contributions—funds that are critical to ensuring the financial health of these programs, upon which residents of their States depend.

These States also asserted that opponents of the DACA policy have failed to demonstrate a single law enforcement cost attributable to the policy, and cited an article in which numerous police chiefs, prosecutors, and other law enforcement professionals advocated for the continuation of DACA.[91] They went on to identify that mistrust of communities toward law enforcement is a significant challenge that results in individuals being less likely to report being witnesses to or victims of crime. The commenters cited one recent study finding that in neighborhoods where 65 percent of residents are immigrants, there is only a 5 percent chance that a victim will report a violent crime, compared with a 48 percent chance in a neighborhood where only 10 percent of residents are born outside the United States (although the relationship in general was nonlinear).[92] Citing survey results that 59 percent of DACA recipients confirmed they would report crimes that they would previously have not reported in the absence of DACA, these States asserted that the benefits of such increasing cooperation far outweighs any alleged ways in which DACA hinders law enforcement.

The joint comment from these 14 States also disputed the notion that DACA imposes significant healthcare costs on the States, and stated that, to the extent there are costs, they do not outweigh the strong benefits and healthcare cost savings of DACA. They stated that DACA saves States money by allowing DACA recipients to receive employer-sponsored health insurance or to purchase insurance directly from carriers. Without DACA, they stated, those individuals would have to rely more on emergency services, as opposed to preventative services, in order to meet their healthcare needs, thereby increasing the costs to both the States themselves and their healthcare systems. The 14 States also stated that DACA reduces healthcare costs because its positive population-level mental health consequences reduce, rather than increase, State healthcare costs.

The joint comment from the States also characterized as a ''false premise'' the assumptions of opponents of the DACA policy that DACA recipients would depart the United States if the policy ended. They reasoned that, given the unlikelihood of large-scale departure of DACA recipients in the event DACA were terminated, the need to reduce healthcare expenses by making recipients eligible for insurance and by improving health outcomes becomes paramount. The States went on to explain that a number of States have structured healthcare access programs in reliance on the existence of DACA, and would incur costs to amend the programs were DACA limited or terminated. The commenters wrote that for example, New York currently uses

[90] The joint comment was submitted by the Attorneys General of California, New Jersey, New York, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, and Washington, DC.

[91] Georgetown Law, *Law Enforcement Leaders and Prosecutors Defend DACA* (Mar. 20, 2018), *https://www.law.georgetown.edu/news/law-enforcement-leaders-and-prosecutors-defend-daca.*

[92] *See* Min Xie and Eric P. Baumer, *Neighborhood Immigrant Concentration and Violent Crime Reporting to the Police: A Multilevel Analysis of Data from the National Crime Victimization Survey,* 57 Criminology 237, 249 (2019), *https://perma.cc/QS5RK867.*

State-only funds to provide full health coverage for deferred action recipients (including DACA recipients, whom New York State considers to be Permanently Residing Under Color of Law (PRUCOL)), while noncitizens without DACA or another qualified immigration status only qualify for emergency Medicaid coverage, which provides treatment of emergency medical conditions. Were DACA to be terminated or limited, the States explained, New York would incur the costs of seeking a State legislative change to maintain coverage for DACA-eligible persons (again, with State dollars only), or limit Medicaid coverage to treatment of emergency conditions for some or all of these individuals.

These 14 States also stated that DACA does not increase the States' educational costs, and that opponents of the DACA policy have not identified specific costs attributable to DACA, citing numerous other States' declarations in the record in *Texas.* The joint commenters stated that the assertion of educational costs attributable to DACA rely on, as discussed above, a flawed assumption that in the absence of DACA, recipients would depart the United States and thus reduce the cost of providing legally required public K–12 education to DACA recipients. Furthermore, the joint comment noted that the obligation imposed by *Plyler* v. *Doe* requires States to educate students regardless of their immigration status; thus, every State has the same responsibility for educating DACA-eligible students regardless of whether the DACA policy continues to exist. Rather than impose costs, the 14 States asserted that DACA benefits State and local governments by eliminating a major source of challenges for undocumented students and those with mixed-status families, allowing them to thrive and contribute to their communities and State economies, to the benefit of the entire community and to the States themselves. The 14 States pointed to research that DACA significantly increased both school attendance and high school graduation rates, closing the gap between citizen and noncitizen graduation rates by more than forty percent.[93]

Another joint comment stated that States lack any reliance interest in the nonexistence of a DACA policy because States are not harmed by how the Federal Government prioritizes and enforces its immigration laws. The rule as proposed, the commenters stated, does not harm any reliance interests on the part of States. The commenters stated that the reliance interests thus weigh strongly in favor of DACA recipients and of other individuals who benefit from a DACA policy and from other policies that spring from the same statutory authority.

Response: DHS acknowledges commenters' concerns about diversion of resources to DACA recipients. After carefully considering each of the concerns, DHS recognizes that while the final rule could result in some indirect fiscal effects on State and local governments, the size and even the direction of the effects is dependent on many factors, making for a complex calculation of the ultimate fiscal impacts. Section III.A.4.e of the RIA discusses fiscal impacts in more detail.

DHS disagrees with a comment that it ignored possible fiscal impacts at the local, State, and federal levels. The RIA specifically addresses potential fiscal impacts, both positive and negative, at various levels of government. As the commenter notes, a comprehensive quantified accounting of local and State fiscal impacts specifically due to DACA is not possible due to the lack of individual-level data on DACA recipients who might use State and local programs or contribute in a variety of ways to State and local budgets. In general, however, DACA is not a qualifying immigration category for Medicaid eligibility and does not affect access to public schools. DHS is aware that some State and local jurisdictions have chosen to expand assistance to deferred action recipients in certain contexts.

Furthermore, the claim of a causal link between Texas fiscal spending and the DACA policy relies to a significant extent on the assumption that in the absence of DACA, a substantial portion of DACA recipients who would otherwise impose a net fiscal burden on the States would depart the United States. DHS welcomed comments on all aspects of the NPRM, but received scant evidence in support of this assumption.[94] Even in 2012 when the DACA policy was first announced, DACA-eligible persons would already have been residing in the United States for five years, without deferred action. At this stage, an additional ten years on, many DACA recipients have developed deep ties to the United States and have children and close relations with family and friends (and have also just entered their prime working years). Many recipients know only the United States as home, and English is their primary language. Leaving the country would mean leaving behind children, parents, other family members, and close friends. In short, DHS believes that DACA-eligible individuals generally would be unlikely to leave the United States if the DACA policy were discontinued. DHS thus does not believe that reliable evidence supports the conclusion that a decision to terminate the DACA policy would result in a net transfer to States. Although commenters provided some estimates of DACA recipients' fiscal effects on States, it is worth noting that commenters' concerns focus on the marginal effect of each DACA recipient on State and local revenues as well as expenditures. While some DACA recipients might leave the country if the program did not exist, DHS has no basis to assume those individuals would cause decreases in State expenditures that exceeded their contributions to tax revenue. Again, in the RIA, DHS presents additional available evidence and discusses possible labor market and fiscal impacts of the DACA policy.

DHS also acknowledges the comment of 14 other States—including multiple states in which large numbers of DACA recipients currently reside—that DACA does not increase States' law enforcement, healthcare, or education costs, and, if anything, reduces such costs. With respect to law enforcement in particular, DHS agrees that DACA mitigates a dilemma faced by those without lawful status; by virtue of the measure of assurance provided by the DACA policy, DACA recipients are more likely to proactively engage with law enforcement in ways that promote public safety. With respect to health care and education, DHS appreciates that some of these States, as well as some localities, have enacted laws

[93] *See, e.g.,* Kuka (2020). Moreover, deferred action actually saves local governments money by increasing attendance and preserving critical sources of funding to public school districts across the United States. School districts in many States receive funding based on primary and secondary school attendance; poor attendance rates jeopardize that funding. Laura Baams, et al., *Economic Costs of Bias-Based Bullying,* 32 Sch. Psychol. Q. 422 (2017), *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5578874*; Chandra Kring Villanueva, *Texas Schools at Risk of Significant Funding Cuts due to Pandemic-Related Attendance Loss,* Every Texan (Feb. 22, 2021), *https://everytexan.org/2021/02/22/keeping-schools-whole-through-crisis.* In California, for example, student absenteeism costs public schools an estimated $1 billion per year. *See* Laura Baams, et al., *supra,* at 3.

[94] In contrast, DHS is aware of a peer-reviewed study that found no statistical causal link between the DACA policy and border crossings. For details, see Catalina Amuedo-Dorantes and Thitima Puttitanun, *DACA and the Surge in Unaccompanied Minors at the U.S.-Mexico Border,* International Migration, 54(4), 102–17 (2016) (hereinafter Amuedo-Dorantes and Puttitanun (2016)).

making DACA recipients eligible for more benefits than they otherwise would be eligible for without DACA, because DACA recipients are not ''qualified alien[s]'' as defined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), 8 U.S.C. 1641(b), and are, therefore, generally ineligible for public benefits at the Federal, State, and local levels.[95] These States have made a judgment that providing such benefits to DACA recipients is beneficial to the State in some way. Other States have made different judgments, and as a consequence do not bear a substantially greater burden with respect to healthcare or education than they would if DACA were terminated and its current recipients remained in the United States regardless. In fact, because the DACA policy permits DACA recipients to obtain lawful employment, in many cases giving them access to private health insurance and reducing their dependence on state-funded healthcare, eliminating DACA could increase State and local healthcare expenditures.

In connection with this discussion of fiscal burdens, DHS reiterates its understanding that DACA recipients make substantial contributions in taxes and economic activity.[96] As discussed in the NPRM and this rule, and as cited by numerous commenters, according to one study, DACA recipients and their households pay approximately $5.6 billion in annual Federal taxes and approximately $3.1 billion in annual State and local taxes.[97] DHS notes that the estimates from this study show that in 2020, the State and local tax contributions of the 106,090 DACA recipients in Texas amounted to $409.9 million,[98] exceeding the $250 million that the comment from the Attorney General of Texas stated that Texas spends each year in the provision of social services to DACA recipients. DACA recipients also make significant contributions to Social Security and Medicare funds through their employment.[99] The governments and residents of States in which DACA recipients reside benefit from increased tax revenue due to the contributions of DACA recipients, and the States and their residents have also benefited and come to rely on the broader economic contributions this policy facilitates.

With respect to comments suggesting that DHS should consider a DACA requestor's self-sufficiency, DHS does not believe it is necessary to supplement the rule in this way, both because there is little evidence that DACA results in a net fiscal burden on governments, and because the DACA criteria (such as the criteria related to educational attainment, age, and criminality) relate to the contributions DACA recipients have made and will make in the future. Additionally, the DACA policy allows its recipients to work lawfully in the United States and has allowed them to significantly increase their earning power over what they could earn without DACA.[100] Finally, although DACA recipients may have sent remittances abroad, DHS lacks data about the amount of those remittances or about the effect the DACA policy has had on this amount, and notes that many citizens and noncitizens both with and without lawful immigration status or deferred action send a portion of their income abroad.

As discussed in Section II.A.3, the DACA policy has encouraged its recipients to make significant investments in their education and careers. They have continued their studies, and some have become doctors, lawyers, nurses, teachers, or engineers.[101] About 30,000 are healthcare workers, and many of them have helped care for their communities on the frontlines during the COVID–19 pandemic.[102] In addition, DACA recipients have contributed substantially to the U.S. economy through taxes and other economic activity. DHS believes these benefits of the rule outweigh the potential negative impacts identified by some commenters. DHS therefore declines to make any changes in response to these comments.

DHS also acknowledges the joint commenters' statement that States have no reliance interests in the nonexistence of a DACA policy. To the extent that any State may have reliance interests in the nonexistence of DACA, DHS believes that those interests are significantly diminished by the fact that the DACA policy has been in place for a decade. After careful consideration, DHS agrees with these commenters that the reliance interests weigh strongly in favor of recipients and others who benefit from the DACA policy, including the States themselves, in reliance on DACA as codified in this rule. After carefully considering these comments, DHS therefore declines to make any changes in response to them.

6. Impacts on Businesses, Employers, and Educational Institutions

Impacts on Businesses and Employers

Comment: A commenter said that businesses need DACA recipients' continued contributions as they work to reinvigorate the U.S. economy, and that failure to act would have a significant impact on businesses that rely on DACA recipients as employees and customers. Several commenters also stated that the proposed rule would provide a sense of security to organizations that employ recipients of DACA.

A group of commenters similarly said that the proposed rule would protect the substantial reliance interests of their very large companies in current and future employment relationships with DACA recipients. These commenters noted that more than 75 percent of the top 25 Fortune 500 companies—together representing every major sector of the U.S. economy and generating almost $3 trillion in annual revenue—employ Dreamers.[103] They further stated that DACA recipients have helped keep the U.S. economy running, particularly during the COVID–19 pandemic, and help ameliorate labor shortages. The commenters stated that ending DACA would cripple the nation's healthcare system and cost small business employers over $6 billion in turnover costs from losing investments in training DACA workers and having to recruit and train potentially less productive, new workers. Noting that DACA allows recipients to pursue careers that match their skills without the fear of deportation, the commenters stated that the policy therefore makes the economy more productive and decreases the extent to which immigrants compete with American citizens for lower income jobs. The commenters also identified businesses' reliance interests in DACA because employed DACA recipients have increased purchasing power, and that the rule, as proposed, would bring

[95] *See* 8 U.S.C. 1641(b), 1611 (general ineligibility for Federal public benefits), and 1621 (general ineligibility for State public benefits).

[96] 86 FR 53738 and 53802.

[97] Svajlenka and Wolgin (2020); *see also* Hill and Wiehe (2017).

[98] Svajlenka and Wolgin (2020).

[99] Magaña-Salgado and Wong (2017); *see also* Magaña-Salgado (2016).

[100] Wong (2017).

[101] *See* Gonzales (2019); Svajlenka (2020); Wong (2020); Zong (2017).

[102] Svajlenka (2020). DACA recipients who are healthcare workers also are helping to alleviate a shortage of healthcare professionals in the United States and they are more likely to work in underserved communities where shortages are particularly dire. Chen (2019); Garcia (2017).

[103] Use of the term ''Dreamers'' as a descriptor for young undocumented immigrants who came to the United States as children originated with the Development, Relief, and Education for Alien Minors Act (DREAM Act), a legislative proposal first introduced in 2001 (S.1291, 107th Cong.) that, if passed, would have granted them protection from removal, the right to work, and a path to citizenship.

stability to the DACA population, which has become an integral part of the U.S. economy.

A joint comment submitted by an educational institution and corporation stated that they have considerable reliance interests in a DACA policy because they have enrolled and employed DACA recipients who have made significant contributions to their institutions. The commenters further stated that DACA recipients contribute to the educational institutions they attend, and that communities and employers depend upon them and have invested significant time and money in training them, such that hiring and training replacements would cost employers $6.3 billion.

Response: DHS agrees that employers, including businesses and educational institutions, have relied upon the existence of the DACA policy over the course of 10 years and that restricting DACA to currently active recipients or ending the DACA policy altogether would harm the reliance interests identified by these commenters, including their reliance interests in the labor and spending contributions of DACA recipients. For those employers that hire DACA recipients with highly specialized skills and higher levels of education, if the DACA policy were to end, some of these employers could face challenges and higher costs in finding replacement labor for these highly specialized workers, assuming all else remains constant. Regarding DACA recipients' spending power, DHS agrees that the DACA policy does bring stability to the DACA population with employment authorization that enables them to earn compensation that, in turn, is spent, at least in part, in the economy. The preamble details further the motivations for this rule and the RIA the potential economic, labor, and fiscal impacts.

Impacts on Educational Institutions

Comment: As discussed in greater detail in Section II.A.5, some commenters opposed the proposed rule, stating that DACA recipients, and undocumented students in general, displace citizens from schools and cost localities and States to provide public primary and secondary schooling to these students. One of these commenters pointed to a study that found that, in 1994, lawful and unlawful immigration resulted in $4.51 billion in primary and secondary education costs. Meanwhile, as discussed above, another commenter stated that Texas spends between $31 million and $63 million to educate unaccompanied noncitizen children each year. Another commenter also opposed the rule, saying that DACA recipients get special scholarships.

Response: DHS acknowledges these commenters' concerns that undocumented noncitizen students, including DACA recipients, receive education that is publicly funded. As discussed in greater detail in Section II.A.5 and Section III.A.4.e in the RIA, DHS recognizes that although the rule may result in some indirect fiscal effects on State and local governments, the direction of effects is dependent on many factors. DHS, however, notes that the Texas Attorney General cited the cost to Texas of educating unaccompanied noncitizen children, not DACA recipients specifically. Given the threshold criteria requiring that a noncitizen have continuously resided in the United States since June 15, 2007, it is a reasonable assumption that most unaccompanied children presently enrolled in Texas public schools are not potentially DACA eligible. Indeed, two-thirds (61 percent) of active DACA recipients are between the ages of 20 and 29, with most other recipients between the ages of 30 and 45 (38 percent), and therefore unlikely to be enrolled in a public K–12 school.[104] As of June 2022, the youngest noncitizens who meet DACA threshold criteria are generally in the 10th grade. DHS recognizes that other noncitizens who are enrolled in publicly funded K–12 schools may meet threshold criteria but have not previously requested DACA; however, as discussed in the RIA, retention of the existing threshold criteria means there is a diminishing number of noncitizens who may make initial DACA requests under this rule.

With respect to assertions that DACA recipients receive special scholarships, DHS recognizes that some educational institutions and States have established scholarships or other financial aid to support undocumented students, including DACA recipients. DHS cannot determine the degree to which, in the absence of a DACA policy, these underlying resources would instead be directed toward U.S. citizens or other students with lawful status. As for assertions that DACA recipients displace U.S. citizens in schools or colleges or otherwise impact educational resources, DHS generally agrees that educational resources in primary and secondary education are also shared by those enrolled DACA recipients as enrollment at these educational levels generally is not dependent on immigration status. Enrollment in primary or secondary education by undocumented noncitizens is not predicated on this rule. Undocumented noncitizens without DACA can enroll in these institutions regardless of this rule. The commenter's assertions also assume that DACA recipients and/or their family members do not contribute economically and fiscally to their local schools and communities, that educational resources are fixed, and that local laws and regulations, economic conditions, and demographics remain constant. Many factors can impact local educational resources, including the level of local immigration, and a static analysis cannot appropriately assess a dynamic issue such as this. Assuming that DACA recipients only draw down government resources without also analyzing their beneficial contributions distorts realistic fiscal impacts, which are discussed in more detail in Section III.A.4.e in the RIA. DHS further notes that educational institutions (some of which accept undocumented students without deferred action as well) expressed widespread support for the proposed rule, as discussed below, which stands in contrast to some commenters' views that the DACA policy imposes a substantial strain on educational resources.

Comment: Numerous universities and colleges commented that DACA and DACA recipients positively impact their institutions, and that they have reliance interests in the various benefits that DACA recipients bring to their campuses. Commenters described DACA recipient students as bright, dedicated, and resilient. They identified various missions and core philosophies of their institutions, including diverse and inclusive learning environments that prepare students for living and working in an increasingly diverse workforce and society, social justice, developing global citizens, and advancing research, and commented that DACA recipient students make meaningful and important contributions to those missions.

Commenters also noted that the DACA policy enables them to hire DACA recipient students as teaching assistants, tutors, and researchers, among other on-campus work-study positions, benefiting the DACA recipients themselves, other students, and the universities more broadly. Commenters also stated that the availability of advance parole has enabled DACA recipients to pursue study abroad, fellowships, research, and other academic programs or related

[104] DHS, USCIS, Office of Performance and Quality (OPQ), Electronic Immigration System (ELIS) and Computer-Linked Application Information Management System (CLAIMS) 3 Consolidated (queried Apr. 30, 2022).

employment opportunities that significantly enhance the intellectual and professional development of individual students and increase their contributions to their campuses.

A comment jointly submitted by 14 States also identified the reliance interests of public universities and colleges in their States, which rely upon significant tuition revenue from DACA recipient students, and have made significant investments in financial aid and other programs to support DACA recipient students. These commenters further stated that such investments are ''consistent with their interests in ensuring diversity and nondiscrimination and in developing a well-educated workforce that can contribute to the States' overall economies.''

Another commenter highlighted studies estimating that there are approximately 9,000 DACA recipients working as teachers in the United States. The commenter stated that teacher shortages have become more strained during the COVID–19 pandemic, and the removal forbearance and work authorization provisions of DACA are critical to ensure the quality education of children in the United States. Similarly, a university commented that expanding pathways to DACA would have an immediate positive impact on the number of teachers its teacher preparation program could produce, addressing needs in their State to increase the number of teachers who reflect the State's diverse demographics.

Response: DHS acknowledges the commenters' discussion of specific reliance interests that educational institutions have in the preservation of the DACA policy as codified in this rule. DHS agrees that educational institutions have relied upon the existence of the DACA policy over the course of 10 years in the form of DACA recipients' tuition payments and academic and research contributions; and in preparing additional teachers to serve schools throughout the country. DHS agrees that restricting DACA to currently active recipients or ending the DACA policy altogether would harm the reliance interests identified by these commenters, and that the benefits of DACA identified by these institutions weigh in favor of promulgating this rule.

7. Impacts on Migration

Comment: Some commenters stated that DACA encourages criminals to enter the United States, rewards criminal activity, ''promotes chain migration that the nation cannot afford,'' and incentivizes breaking U.S. laws. Similarly, some commenters opposed the proposed rule on the basis that the creation of DACA resulted in a ''pull factor'' for additional migration to the United States, and stated that the United States is currently apprehending large numbers of minors at the Southwest border. The commenters stated the United States should not continue to reward those who enter the country unlawfully, and that the rule as proposed would incentivize unauthorized immigration. A commenter also characterized DACA as an amnesty that opens the door to the prospect of the executive branch exempting anyone from any law at any time, simply by designating them as ''low-priority'' for enforcement.

One commenter pointed to CBP statistics showing that the number of unaccompanied noncitizen children (UC) apprehended at the border had increased from 15,949 in FY 2011 to 68,541 in FY 2014, which the commenter asserted occurred when the U.S. Government, in their view, began signaling an unwillingness to enforce immigration law against this population. The commenter similarly stated that DACA encourages unauthorized immigration and trafficking of children across the U.S.-Mexico border, and that maintaining DACA and dismantling enforcement against undocumented noncitizens resulted in record apprehensions by CBP at the Southwest border, citing CBP statistics that Border Patrol apprehended 1,659,206 noncitizens who crossed the Southwest border without authorization in FY 2021. The commenter suggested that the humanitarian crisis on the border continues threaten national security, public health, wage levels, and employment security, and poses unsustainable strains to DHS, DOJ, and HHS resources. This commenter and others said that continuing the DACA policy sends the message that unauthorized entry into the United States will be rewarded, and periods of unlawful presence will be mooted by executive action. From their perspective, promulgating a DACA regulation would only perpetuate a widespread belief that immigration laws will not be enforced, therefore incentivizing unlawful entry and unlawful presence by raising the hopes of undocumented noncitizens of attaining DACA or an equivalent status in the future. This, commenters asserted, will exacerbate the situation at the border. One of the commenters similarly stated that continuing DACA would give other undocumented noncitizens reason to risk their lives and the lives of their children by making the journey to the United States.

Other commenters urged that no action should permit undocumented immigrants to participate in, share, or otherwise obtain status and benefits without first becoming a U.S. citizen, and that no ''lawful status'' should be granted to those entering the country unlawfully. Some commenters also raised concerns about open borders, stating that DACA is not in the interest of the United States, and that the United States must protect its sovereignty and rule of law. Other commenters expressed concern about the migration of DACA recipients' relatives to the United States and said that such migration should be restricted.

Another commenter stated that DHS should supply additional evidence for its claim that DACA has no substantial effect on lawful or unlawful immigration to address the concerns of the Southern District of Texas, including: (1) the effects of DACA on legal and illegal immigration; (2) the secondary costs of DACA associated with any alleged increase in illegal immigration; and (3) the effect of illegal immigration on human trafficking activities. The commenter cited a 2021 Pew Research Center study showing that the number of unauthorized noncitizens in the United States steadily declined from 2007 to 2017.[105] The commenter further pointed to 2014 and 2017 studies showing that recent increases in children crossing the border are driven by migration increases across all age groups from Guatemala, Honduras, and El Salvador, which have experienced higher rates of violence and economic instability.[106] The commenter suggested DHS add a more detailed discussion of global immigration trends, which bolsters DHS's claim that DACA does not have a significant impact on immigration rates.

Response: DHS acknowledges these commenters' concerns and agrees that

[105] Mark Hugo Lopez, et al., *Key Facts About the Changing U.S. Unauthorized Immigrant Population,* Pew Research Center (Apr. 13, 2021), *https://www.pewresearch.org/fact-tank/2021/04/13/key-facts-about-the-changing-u-s-unauthorized-immigrant-population.*

[106] *See* Tom K. Wong, *Statistical Analysis Shows that Violence, Not Deferred Action, Is Behind the Surge of Unaccompanied Children Crossing the Border,* Center for American Progress (July 8, 2014), *https://www.americanprogress.org/article/statistical-analysis-shows-that-violence-not-deferred-action-is-behind-the-surge-of-unaccompanied-children-crossing-the-border* (hereinafter Wong (2014)); *see also* David J. Bier, *DACA Definitely Did Not Cause the Child Migrant Crisis,* Cato Institute (Jan. 9, 2017), *https://www.cato.org/blog/daca-definitely-did-not-cause-child-migrant-crisis.*

the United States is a sovereign nation committed to the rule of law. Maintaining an orderly, secure, and well-managed border, reducing irregular migration, and combatting human trafficking are priorities for DHS and for the Administration.[107] DHS disagrees, however, with the suggestion that this rule creates a pull factor for additional irregular immigration. This rule reflects DHS's continued belief, supported by available data, that a continuation of the DACA policy does not have a substantial effect on volumes of lawful or unlawful immigration into the United States. The final rule codifies without material change the threshold criteria that have been in place for a decade, further reinforcing DHS's clear policy and messaging since 2012 that DACA is not available to individuals who have not continuously resided in the United States since at least June 15, 2007, and that border security remains a high priority for the Department.

Even as it relates to the DACA policy under the Napolitano Memorandum, DHS respectfully disagrees with commenters' characterization of the policy's effects. In the proposed rule, DHS wrote that it does not ''perceive DACA as having a substantial effect on volumes of lawful and unlawful immigration into the United States,'' and DHS is not aware of any evidence that, and does not believe that, DACA ''has acted as a significant material 'pull factor' (in light of the wide range of factors that contribute to both lawful and unlawful immigration into the United States).'' [108] Although commenters offered data on overall levels of irregular migration as well as irregular migration by noncitizen minors, these data do not point to DACA as a substantial causal factor in driving such migration or, as some commenters asserted, trafficking of children across the southwest border.

DHS acknowledges commenters' statements that the 2012–2014 increase in the number of unaccompanied children apprehended at the border began in the months preceding DACA's announcement in June 2012 (and peaked in that fiscal year in March),[109] and that overall border apprehensions actually decreased in the months directly following DACA's announcement.[110] But DHS is also aware of seasonal patterns in migration and other trends suggesting increasing levels of overall migration by children and family units during parts of this time period. DHS believes it would be unreasonable, on the basis of this data alone, to draw or completely disavow a direct causal line between apprehensions and a single policy. Such an approach would be inconsistent with available studies, which indicate that increases in migration of noncitizen children correlate closely with increased levels of violence in their countries of nationality. In short, it is likely that broader sociocultural factors drive youth migration much more than migrants' perception of receiving favorable immigration treatment in the United States.[111]

As DHS noted in the NPRM, Amuedo-Dorantes and Puttitanun (2016) investigated whether the DACA policy had an effect on the rate of irregular migration by noncitizen minors using data from 2007–2013. Their approaches employed multiple models to examine whether the DACA policy had any effect on border apprehensions of unaccompanied minors. These models accounted for additional factors beyond the DACA policy, such as enactment of TVPRA 2008, economic and social conditions in the United States and originating countries, and border conditions. The authors found no evidence of causality between the DACA policy and the number of border apprehensions of unaccompanied minors, and they identified stronger associations between other factors (namely, the economic and social conditions in the originating country and the enactment of TVPRA 2008) and apprehensions of unaccompanied minors at the U.S.-Mexico border. This finding suggests that even in the immediate aftermath of the initial DACA policy, migration decisions were the product of a range of factors, but not primarily a consequence of the DACA policy.[112]

Additionally, the overall FY 2021 apprehensions by CBP at the southern border cited by a commenter represent total encounters, not the number of unique individuals apprehended. Although the total number of unique encounters did increase to record levels, DHS notes that a portion of the increased encounters cited by the commenter is attributable to noncitizens making multiple attempts to enter the United States during the period in which the Centers for Disease Control and Prevention (CDC) has exercised its Title 42 authority to prohibit the introduction of certain noncitizens into the United States. In FY 2019, prior to implementation of the CDC's Orders under 42 U.S.C. 265, 268 and 42 CFR 71.40, the rate of noncitizens encountered by CBP who attempted to enter the United States more than once in the same fiscal year was 7 percent. In FY2020, the recidivism rate rose significantly to 26 percent, and in FY 2021 further increased to 27 percent.[113]

As discussed above, there are many reasons why noncitizens decide to emigrate from their countries, with some reports claiming economic and social issues as primary reasons.[114] Still, as noted by another commenter, global migration trends are complex and multifaceted. The International Organization for Migration (IOM) found in its World Migration Report 2022 that recent years saw major migration and displacement events that caused great hardship, trauma, and loss of life. The IOM notes that the scale of international migration globally has increased, although at a reduced rate due to COVID–19. Long-term data on international migration, the IOM report states, demonstrate that migration is not uniform across the world, but is shaped by economic, geographic, demographic and other factors, resulting in distinct migration patterns.[115]

Beyond the complex factors underpinning migration patterns, the

[107] *See generally* DHS, *2022 Priorities, https://www.dhs.gov/2022-priorities* (last updated Mar. 17, 2022).

[108] 81 FR 53803 (quoting Amuedo-Dorantes and Puttitanun (2016), at 112 (''DACA does not appear to have a significant impact on the observed increase in unaccompanied alien children in 2012 and 2013.'')).

[109] U.S. Border Patrol, *Total Unaccompanied Alien Children (0–17 Years Old) Apprehensions By Month—FY 2010–FY 2014* (Jan. 2020), *https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Total%20Monthly%20UAC%20Apprehensions%20by%20Sector%20%28FY%202010%20-%20FY%202019%29_0.pdf.*

[110] U.S. Border Patrol, *Total Illegal Alien Apprehensions By Month—FY 2000–FY 2019* (Jan. 2020), *https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Monthly%20Apprehensions%20%28FY%202000%20-%20FY%202019%29_1.pdf.*

[111] Wong (2014); *see also* Amelia Cheatham, *Central America's Turbulent Northern Triangle,* Council on Foreign Relations (July 1, 2021), *https://www.cfr.org/backgrounder/central-americas-turbulent-northern-triangle.*

[112] There are reports and surveys that investigate some of these factors. *See, e.g.,* Ariel G. Ruiz Soto, et al., *Charting a New Regional Course of Action: The Complex Motivations and Costs of Central American Migration,* Migration Policy Institute (Nov. 2021), *https://www.migrationpolicy.org/research/motivations-costs-central-american-migration* (hereinafter Ruiz Soto (2021)).

[113] CBP, *CBP Enforcement Statistics Fiscal Year 2022: U.S. Border Patrol Recidivism Rates, https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics* (last modified June 15, 2022).

[114] *See, e.g.,* Ruiz Soto (2021).

[115] Marie McAuliffe and Anna Triandafyllidou, *Report Overview: Technological, Geopolitical and Environmental Transformations Shaping Our Migration and Mobility Futures,* in World Migration Report 2022 (2021), IOM, Geneva.

core guidelines of the DACA policy itself—codified in this rule—refute the idea that DACA serves as a significant material ''pull factor'' for migration, as DHS has clearly messaged from the beginning of the DACA policy that only individuals continuously residing in the United States since June 15, 2007, can be considered for deferred action under DACA. That DHS declines, after careful consideration, to expand this or other criteria to permit other populations to request DACA further rebuts the notion that the Department is sending a message incentivizing unlawfully present noncitizens to remain in the United States or prospective migrants to enter without authorization in hopes of being granted lawful status. DHS further reiterates that DACA recipients are considered lawfully present under prior guidance, and now this rule, only for very limited purposes as described in this preamble and at sections 236.21(c)(3) and (4), and that the DACA policy does not confer ''lawful status'' to recipients.

Nevertheless, DHS acknowledges that, as with any discourse on immigration policy or legislation, some individual noncitizens might misinterpret the policy's intent and applicability and hope that they might benefit from the policy. DHS, however, is unaware of a substantial body of evidence to support such a theory, and in any event does not think it necessary or appropriate to terminate the DACA policy to address such concerns, in light of DHS's interests in setting appropriate enforcement priorities, as well as the significant reliance interests at play.

With respect to the suggestion that the DACA policy promotes ''chain migration,'' DHS understands the commenter to be referring to family-sponsored immigration, one of the foundational principles of U.S. immigration law,[116] and notes that DACA recipients cannot sponsor relatives for immigrant visas under 8 U.S.C. 1153, 1154. DHS also refers the reader to the discussion of the DACA policy's economic effects in the RIA below. DHS does not believe that DACA's effects are ''unaffordable'' or detrimental to U.S. citizens, and is issuing this rule following detailed consideration of the policy's effects, as discussed elsewhere in this preamble.

8. Other Impacts on the Federal Government

Comment: Multiple commenters stated that the proposed rule would increase costs and negatively impact the Federal Government, urging that although every undocumented individual cannot be deported, it is a waste of resources to have law enforcement release a removable individual who has already been apprehended. A commenter also stated that the DACA policy is less efficient, less secure, and more costly than prosecutorial discretion decisions made by ICE and CBP, especially given what is necessary to review and perform background checks, review travel history, interview requestors, and conduct biometrics. The commenter further stated that because few DACA recipients would be subject to removal even in the absence of this rule, the number of such individuals ICE and CBP would need to process would be minimal, and thus the enforcement resources savings engendered by DACA would be minimal.

Other commenters stated that it would be extremely costly, in the billions of dollars, for the U.S. Government to remove the hundreds of thousands of young people who qualify for DACA.

Response: DHS respectfully acknowledges the commenters' concerns regarding the potential for increased costs and negative impacts to the Federal Government as a result of this rule. DHS acknowledges that, by the very nature of identifying a segment of the population that is low priority for enforcement, most noncitizens who meet the DACA threshold criteria would continue to be a low priority for enforcement even in the absence of the DACA policy. In the RIA, DHS addresses the potential effects of the policy on the Federal Government, including cost savings resulting from the DACA policy that are not easily quantified or monetized; tax transfers; and other effects. However, the DACA policy simplifies many encounters between DHS and certain noncitizens, reducing the burden upon DHS of vetting, tracking, and potentially removing DACA recipients.

Indeed, the cost of apprehension is only one part of the process to remove a noncitizen; the removal process includes other significant costs to the Federal Government, including the costs of removal proceedings before EOIR, detention, potential for related federal litigation, and transportation. The DACA policy allows DHS, in line with its particular expertise, to proactively identify noncitizens who may be a low priority for removal should ICE or CBP encounter them in the field and once a valid DACA recipient is confirmed, ICE or CBP may be able to make a determination without necessitating further investigation.[117] DHS further notes that USCIS can directly access a noncitizen's travel history from CBP databases, and that by virtue of the use of the Form I–821D and Form I–765, USCIS is provided with significant information and documentation relevant to a prosecutorial discretion determination that CBP and ICE would not have related to the noncitizen's residency, education, work history, criminal history, and other positive and negative discretionary factors. Most noncitizens would not have such information or documentation in their possession when encountered by CBP or ICE. As to the commenter's concern regarding the costs of interviews and biometric collection, interviews are very rarely required by USCIS, and the cost of biometrics is covered by the Form I–821D filing fees, which conserves resources for the Department.

Furthermore, under longstanding policy and procedure, in cases where ICE grants deferred action, the noncitizen is eligible to subsequently file Form I–765 to apply for work authorization. This process requires ICE to issue a document to the noncitizen, who then must include it in their work authorization application. USCIS routinely must verify the information provided in these letters, which requires time and uses USCIS and ICE personnel resources. It promotes administrative efficiency and preserves resources and time for both agencies to streamline the DACA-related processes within one DHS agency. Furthermore, while USCIS recovers the costs of conducting background checks via the DACA-related filing fees, ICE and CBP, which are funded primarily through congressionally appropriated taxpayer dollars, would not recover these costs from requestor fees unless they established additional fees for that purpose.

Comment: A commenter stated that DACA is a massive new government program that would require significant government resources to administer that will be placed on both the executive and judicial branches, while the Federal agencies specifically entrusted to secure the border continue to go understaffed and under-supported.

Response: DHS respectfully disagrees with this commenter's characterization of the DACA policy. This rule preserves and fortifies in regulation a policy that has been in place for 10 years. The rule does not establish a new program, nor does the policy require administration by the judicial branch. To the extent

[116] *See* 8 U.S.C. 1153 (providing allocation of immigrant visas among family-sponsored, employment-based, and diversity categories).

[117] 86 FR 53752.

that any resource burden is placed on the judicial branch, that is the result of outside parties who seek to challenge the DACA policy in court and is not a burden on the judicial branch that is inherent in the DACA policy itself.

The final rule does not introduce new criteria for consideration, expand the population eligible for consideration, change standards of review, provide lawful immigration status, or alter the forbearance from removal or employment authorization structure that has been in place for a decade. As discussed elsewhere in this rule and in the NPRM, the DACA policy reflects the reality that DHS must exercise discretion in immigration enforcement, and that its limited resources are best focused on noncitizens who pose a security threat, public safety, or border security threat to the United States or are otherwise a high priority for enforcement. Codification of the DACA policy in this rule does not divert needed funds from CBP or ICE, and instead supports their enforcement work by clearly identifying a subset of the noncitizen population already determined not to be a priority for enforcement.

9. Criminality, National Security Issues, and Other Safety Concerns

Comment: Some commenters expressed concerns about criminal or other negative conduct by DACA recipients, along with national security concerns. Some of these commenters stated that DACA recipients generally do not respect the rule of law, and that too many noncitizens without lawful status are present in the United States and commit crimes against citizens. Some commenters described noncitizens without lawful status as criminals because they entered the United States without authorization, and asserted that those individuals would not become law-abiding citizens.

Some commenters characterized DACA recipients as ''invaders'' or ''parasites'' or used other pejorative terms, and stated that some DACA recipients try to manipulate U.S. citizens into marriage for immigration purposes. Other commenters stated that DACA is a threat to the United States and its security, and that it creates avenues for drug cartels to operate in the United States, enabling human trafficking and drug trafficking.

In contrast, multiple commenters stated that undocumented immigrants are less likely to be convicted of crimes (*e.g.,* crimes involving drugs, violence, or property) compared to U.S.-born citizens. Another commenter stated that the proposed rule could help DHS focus enforcement resources on noncitizens who commit crimes rather than on DACA recipients. Further, several commenters either cited data or expressed the notion that DACA removes barriers for immigrants to approach law enforcement and report crime. Referencing a 2020 survey, one commenter stated that DACA recipients would be more than 30 percent less likely to report a crime committed against them and almost 50 percent less likely to report wage theft without the protection of DACA.[118]

Response: DHS acknowledges the commenters' concerns about national security, public safety, and crime in the United States, and as a general matter, shares those concerns. At the same time, DHS is not aware of any data suggesting that the DACA policy contributes to those challenges, or that DACA recipients engage in criminal activity, commit fraud, or pose national security concerns to any greater degree than the general population. As an initial matter, data suggest that DACA recipients are arrested at far lower levels than the general U.S. adult population. As of February 1, 2018, 7.76 percent of approved DACA requestors had an arrest.[119] In contrast, a 2018 DOJ survey of State records found that 49 States, the District of Columbia, and Guam reported the total number of U.S. adults with criminal history records indicating arrests and subsequent dispositions to be more than 112 million, amounting to as much as 40 percent of the U.S. adult population.[120] In addition, DHS notes that an arrest indicates the individual was arrested or apprehended only; it does not mean the individual was convicted of a crime. Further, individuals may not have been charged with a crime resulting from the arrest, may have had their charges reduced or dismissed entirely, or may have been acquitted of any charges.[121]

As discussed in further detail in Section II.C.4.b.6, determining whether someone poses a threat to national security or public safety is at the heart of DHS's mission, and Congress has directed the Secretary to prioritize national security, public safety, and border security. Consistent with this mission, the rule at new 8 CFR 236.22(a)(6) disqualifies from consideration for DACA individuals who have been convicted of any felony; three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct; or who otherwise pose a threat to national security or public safety. In addition, the rule disqualifies from consideration for DACA any individual who is convicted of any misdemeanor, as defined by Federal law, that meets the following criteria: (i) regardless of the sentence imposed, is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or driving under the influence; or (ii) if not one of these offenses, is one for which the individual was sentenced to time in custody of more than 90 days. And even if an individual requestor's background check shows a criminal history that does not meet the above critieria, DHS may still decide not to grant the DACA request as a matter of discretion. These criminal criteria are also grounds for terminating DACA, as discussed in Section II.C.5.f below, and because DHS conducts recurrent vetting on DACA recipients, the Department can take action to terminate DACA as it becomes aware of any evidence of such criminal criteria in a particular case.

DHS also does not believe that it is accurate or helpful to characterize DACA recipients or potential DACA requestors—who entered the United States as children and have resided in this country for over a decade—as ''invaders'' or to use other pejorative or inflammatory terms to refer to DACA recipients, noncitizens, or any other group of people who are, on the whole, peaceful and hardworking. With respect to all comments submitted, DHS has focused on the merits of commenters' inputs, rather than such characterizations.

With respect to the comment regarding DACA recipients and marriage, DHS notes that under 8 U.S.C. 1325(c), any individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than $250,000, or both. Activity falling under 8 U.S.C. 1325(c) is a felony falling within the criminal

[118] *See* Wong (2020).

[119] USCIS, *DACA Requestors with an IDENT Response* (June 5, 2018), *https://www.uscis.gov/sites/default/files/document/data/DATA_DACA_CRIM.PDF* (arrests include apprehensions for immigration-related civil violations).

[120] DOJ, Office of Justice Programs, Bureau of Justice Statistics, *Survey of State Criminal History Information Systems, 2018* (Nov. 5, 2020), *https://www.ojp.gov/pdffiles1/bjs/grants/255651.pdf.* (''Readers should note that an individual offender may have records in more than one state and that records of deceased persons may be included in the counts provided by states. This means the number of living persons in the United States with criminal history records is less than the total number of subjects in state criminal history files.'').

[121] USCIS, *DACA Requestors with an IDENT Response* (June 5, 2018), *https://www.uscis.gov/sites/default/files/document/data/DATA_DACA_CRIM.PDF.*

disqualifications described above. To whatever extent such activity occurs among DACA recipients, DHS does not expect that a rescission of the DACA policy would reduce the incidence of such activity.

DHS does not believe that DACA creates avenues for drug cartels to operate in the United States or enables human trafficking and drug trafficking. Conviction for such offenses would result in termination of DACA or denial of DACA renewal, and as discussed above, DACA recipients receive work authorization that enables them to participate in the legitimate economy, an option that would not be available to them absent DACA. Human trafficking and drug trafficking are serious crimes and top priorities for DHS.[122] Again, DHS does not believe that terminating DACA would meaningfully reduce the incidence of such crimes or that DACA prevents DHS or other law enforcement officials from fully investigating or prosecuting such crimes or removing noncitizens involved in such activity.

With regard to concerns about public safety more broadly, as one commenter noted, the DACA policy may increase recipients' willingness to report crimes by deferring the possibility of immediate removal and thereby ameliorating the risk that approaching law enforcement would expose the recipient to an immigration enforcement action. DHS also agrees with the commenter that this rule will enable the Department to focus its enforcement resources on those that pose national security or public safety concerns. After careful consideration, DHS thus respectfully disagrees with commenters concerned that the DACA policy promotes criminal activity or otherwise undermines national security or public safety.

10. Creation of a ''Permanent'' Class of Individuals Without Legal Status

Comment: A few commenters generally opposed the proposed rule on the ground that it would create a ''permanent'' class of individuals without legal immigration status. One commenter stated that DACA recipients can renew their deferred action and employment authorization indefinitely, resulting in ''de facto LPR [lawful permanent resident status,'' which the commenter stated is distinct from other immigration benefits and visa categories created by Congress that are limited in their ability to renew.

Another commenter stated that it is wrong to allow people to come to the United States unlawfully and stay in the country long enough until the Government decides they can become citizens. The commenter stated that letting people enter and remain in the United States unlawfully ''does not instill a sense of patriotism for the recipient.'' Another commenter stated that the DACA policy lacked some of the benefits of naturalization, because naturalization applicants learn about the United States. The commenter stated that skipping this step is an affront to naturalized citizens and that the United States should end DACA and encourage prospective residents to naturalize legally.

Another commenter said that DACA is a ''made-up policy'' that holds its recipients in a purgatory-like state waiting for the Government to ultimately address the issue of lawful status, while another commenter added that DACA recipients live in a state that experts call ''liminal legality,'' which has health implications for many undocumented individuals.

Response: DHS agrees that the rule does not extend lawful immigration status to DACA recipients and does not set a cap on the number of times a DACA recipient may submit a renewal request, but notes that even in the absence of DACA, DACA recipients generally would be unlikely to depart the United States. DHS disagrees, however, that the rule allows people to enter unlawfully and remain until they can become citizens. As discussed in the NPRM and in this rule, this rule applies to a specific class of individuals who entered the United States as children over a decade and a half ago, and who have made significant investments and contributions to their communities. Although the DACA criteria were developed administratively, the program is supported by longstanding administrative practice and precedent. DHS and the former INS have a long history of issuing policies under which groups of individuals without lawful status who are low enforcement priorities may receive a discretionary, temporary, and nonguaranteed reprieve from removal.[123] Deferred action under the DACA policy is a form of prosecutorial discretion well within the Executive's authority to efficiently allocate limited enforcement resources.[124] In deferring removal under this rule, DHS is not creating a pathway to U.S. citizenship for DACA recipients. DHS also disagrees that the rule creates a ''de facto'' lawful permanent residence status. Unlike lawful permanent residence, which can only be rescinded or result in removability of the beneficiary in narrowly prescribed circumstances,[125] a grant of deferred action under DACA is by its nature temporary, and it can be terminated at any time.

As to the commenters' concerns that the DACA policy does not engender a sense of patriotism for recipients or that because there is no pathway to naturalization, DACA recipients do not benefit from learning about the United States as naturalization applicants do, DHS notes that many commenters wrote of DACA recipients' ''dreams and aspirations to help America,'' sharing that they are ''grateful for this country'' and want to work hard to take advantage of the opportunities they have in the United States. And while the DACA policy has no U.S. history knowledge requirement, DHS notes that virtually all recipients have been enrolled in or completed some form of secondary education in the United States consistent with the education criteria for DACA. Several DACA recipients stated in their comments that through their studies, they knew more about American history than the history of their countries of origin. As to the commenter's suggestion that DHS terminate the DACA policy and encourage prospective residents to naturalize legally, DHS notes that those eligible for DACA generally do not have a pathway to lawful permanent status or naturalization, and as discussed in Section II.A.11 below, establishing such pathways requires Congressional action. However, DHS also notes, that nothing precludes a DACA recipient from

[122] *See* DHS, *DHS Efforts to Combat Human Trafficking* (Jan. 25, 2022), *https://www.dhs.gov/sites/default/files/2022-01/DHS%20Efforts%20to%20Combat%20Human%20Trafficking.pdf*; The While House, Executive Office of the President, Office of National Drug Control Policy, *National Drug Control Strategy* (Apr. 18, 2022), *https://www.whitehouse.gov/wp-content/uploads/2022/04/National-Drug-Control-2022Strategy.pdf*.

[123] *See generally* Ben Harrington, *An Overview of Discretionary Reprieves from Removal: Deferred Action, DACA, TPS, and Others*, Congressional Research Service, No. R45158 (Apr. 10, 2018) (hereinafter CRS Report on Discretionary Reprieves from Removal). *See also* American Immigration Council, *Executive Grants of Temporary Immigration Relief, 1956–Present* (Oct. 2, 2014), *https://www.americanimmigrationcouncil.org/research/executive-grants-temporary-immigration-relief-1956-present* (hereinafter AIC Report on Executive Grants of Temporary Immigration Relief) (identifying 39 examples of temporary immigration relief); Sharon Stephan, *Extended Voluntary Departure and Other Grants of Blanket Relief from Deportation*, Congressional Research Service, No. 85–599 EPW (Feb. 23, 1985) (hereinafter CRS Report on EVD).

[124] *See Regents of the Univ. of Cal.* v. *DHS,* 908 F.3d 476, 487 (9th Cir. 2018) (deferred action ''arises . . . from the Executive's inherent authority to allocate resources and prioritize cases''), *aff'd,* 140 S. Ct. 1891 (2020).

[125] *See* 8 U.S.C. 1256; 8 U.S.C. 1227.

becoming a citizen through the existing naturalization provisions of the INA if they meet the preexisting eligibility requirements.[126]

DHS also acknowledges commenters' concerns that the legal uncertainty of the DACA policy causes stress and negative health outcomes for some DACA requestors. DHS reiterates that ameliorating legal uncertainty for the DACA population, and preserving and fortifying DACA as directed by the Biden Memorandum, are among the purposes for promulgating this rule. DHS therefore declines to make any changes in response to these comments.

11. Pathway to Lawful Status or Citizenship

Comment: Many commenters urged DHS to provide DACA recipients a pathway to citizenship, such as by providing eligibility for lawful permanent residency. Some commenters urged DHS to provide protections, including a pathway to citizenship, for all persons who would have been eligible for relief under prior versions of the DREAM Act, including ''Documented Dreamers.'' [127]

Some commenters acknowledged and appreciated the proposed rule's discussion of the term of art ''lawfully present,'' and their joint submission proposed, without substantial additional explanation, that DHS interpret its ''lawful presence'' authority to allow a path to citizenship, through naturalization, to DACA recipients. Others suggested that DHS provide Temporary Protected Status (TPS), or some other form of legal status, to DACA recipients.

A commenter expressed concern that they may not be eligible for future promotions due to restrictions on work authorization associated with DACA, such as the program's prohibition on employment sponsorship. Another commenter likewise remarked that many DACA recipients do not have a path to employment-based permanent residence and, therefore, are barred from adjusting status through filing Form I–601 waiver applications. The commenter stated that continuing to extend DACA in its current form or effectively making it a fixture of U.S. immigration law with only minor changes would be a ''cruel joke'' for the numerous individuals who are ineligible for both DACA and family-based immigration. The commenter urged the inclusion of provisions to address the gap in the treatment of DACA recipients to permit them to pursue employment-based immigration options. The commenter stated the provisions should include, at a minimum, the opportunity for DACA recipients to file Form I–601 waiver or Form or I–601A provisional waiver applications so that they can proceed with consular processing for approved Form I–140 petitions. Commenters stated that such solutions are preferable in light of the uncertainty, fear, and anxiety surrounding the DACA request process, legal challenges to the policy, and the complexity of the U.S. immigration system.

Some commenters said that providing a pathway to permanent residence or citizenship would provide much-needed stability and lift the psychological and financial burden of biennial renewals. Some of these commenters cited personal examples highlighting the negative effects of uncertainty on existing or hopeful DACA recipients and their families, including financial and psychological hardship. Expressing concern that DACA recipients' livelihood could be destroyed if they lost protections, a commenter remarked that citizenship would allow DACA recipients to continue to reside in the United States without assuming any further fees or expenses, reasoning that staying should cost recipients nothing after they have established their residence and livelihood here.

Some commenters said that DACA recipients experience unique disadvantages compared to other immigrants and those with a pathway to citizenship in terms of finding adequate employment or obtaining Federal employment, receiving Federal financial aid or grants, obtaining a driver's license, joining the military, traveling overseas, qualifying for State and Federal benefits and programs such as Premium Tax Credits and Medicaid, or obtaining legal status through alternative pathways such as employee sponsorship. Referencing various examples above, several commenters suggested that DACA recipients are ''citizens'' or ''Americans'' in various contexts, only lacking this status by law. Other commenters similarly said that children who grew up in the United States inherently belong and deserve the same rights as citizens who consider this country their home.

Some commenters stated that a pathway to citizenship or permanent residency would reinforce the humanitarian and legal principles underlying DACA, the proposed rule, U.S. law, or U.S. values. One commenter said that creating a pathway to citizenship would be the right thing to do for human rights and society. The commenter further reasoned that citizenship would recognize that the United States has only benefitted from DACA recipients' contributions.

A couple of commenters stated that providing a path to citizenship would not only reduce uncertainty but would also ease the burden of the administrative and judicial review processes for DACA cases, as well as the costs of deportation. A couple of commenters also stated that, as individuals who are compelled to maintain a ''spotless record'' to keep their status, DACA recipients have earned their citizenship.

In the absence of a pathway to citizenship, some commenters suggested that, at a minimum, the rule could provide assurance to DACA recipients that they are safe and will not be deported without just cause. Similarly, several commenters stated the need for clear messaging and guidelines around DACA protections.

Response: Comments suggesting that DHS should provide a path to citizenship or similar relief are outside the scope of the rulemaking. DHS nonetheless agrees with commenters that DACA recipients make substantial contributions to their communities and the U.S. economy. DHS also acknowledges commenters' concerns about legal and political uncertainty around the DACA policy. As discussed elsewhere in this rule and in the NPRM, DHS emphasizes that while this rule represents the agency's best efforts to preserve and fortify DACA, a legislative solution would offer unique benefits for the DACA population, as congressional action would be needed to extend a pathway to lawful permanent residence or citizenship for DACA recipients. As it relates to this rule, DHS emphasizes that the benefits of the rule for DACA recipients are multifold. At its core, the DACA policy represents an exercise of enforcement discretion, under which DHS indicates its intention to forbear from enforcing the immigration laws against a DACA recipient, and which the courts have generally not questioned. Other features of the policy, including eligibility for employment authorization, lawful presence as

[126] 8 U.S.C. 1421, *et seq.*

[127] ''Documented Dreamer'' is a term used to identify children of long-term visa holders who have grown up in the United States with derivative nonimmigrant visa status, and who have aged out or are likely to age out of this status by virtue of turning 21 without a pathway to lawful immigrant status. *See Testimony of Pareen Mhatre,* Student Member of Improve the Dream, before the House Judiciary Committee Subcommittee on Immigration and Citizenship (Apr. 28, 2021), *https://docs.house.gov/meetings/JU/JU01/20210428/112515/HHRG-117-JU01-Wstate-MhatreP-20210428.pdf.*

defined in 8 CFR 1.3, and non-accrual of unlawful presence for the purposes of INA sec. 212(a)(9)(B), 8 U.S.C. 1182(a)(9)(B), have been the focus of litigation, but these features can be traced directly to DHS's statutory authority over these topics, are consistent with longstanding regulations and policy, and are, in DHS's view, broadly beneficial to DACA recipients and their families, schools, communities, and employers.

Although DHS does not have legal authority to amend the rule to provide a direct procedure for a DACA recipient to attain citizenship, as recommended by some commenters, DHS notes that nothing precludes DACA recipients from becoming LPRs or applying for naturalization through the existing provisions of the INA if they meet the preexisting eligibility requirements.[128] For example, DACA recipients who qualify to become LPRs through existing family or employment-based avenues may be eligible to apply for naturalization after 3 or 5 years, depending on their category of permanent resident status.[129] Similarly, a DACA recipient who is a member of the military or spouse of such a military member may ultimately meet the requirements for military naturalization.[130]

DHS also acknowledges the commenter's concerns about the professional implications that lack of a permanent legal immigration status may have on DACA recipients. DHS recognizes that some DACA recipients may not meet the eligibility requirements for certain employment-based nonimmigrant and immigrant visa categories. DHS notes, however, that there is nothing in the DACA policy or this rule that limits or prohibits a recipient from attaining such employment-based status if a petitioning employer and the individual are able to meet the requirements of the particular category. Certain restrictions that exist on employment-based nonimmigrant and immigrant classifications, moreover, as well as the waivable grounds of inadmissibility, are statutory, and DHS lacks authority to change them through this rulemaking. Solutions to statutory requirements must originate with Congress in the form of legislation. And because DHS did not propose modifications to regulatory requirements for immigrant and nonimmigrant work-based avenues to lawful immigration status, modifying those requirements in this final rule is outside the scope of this rule.

DHS appreciates the commenter's concern over protecting DACA recipients regardless of whether Congress passes an adjacent legislative solution. DHS agrees with commenters, that regardless of whether Congress acts to extend a pathway to lawful permanent residence or citizenship for the DACA-eligible population, there is ample justification to consider DACA recipients to generally be of a low enforcement priority.

Comment: A commenter suggested that DHS cooperate with the U.S. Department of Education to create a process by which school-age DACA recipients could take citizenship tests upon graduation of high school to help them attain legal citizenship. Another commenter, stating that DHS and the Federal Government need to end the uncertainty for DACA recipients by creating a path to lawful permanent residency and citizenship, suggested that the agency may need to enforce community service requirements to offset the fact that these individuals came to the United States without authorization.

Response: As discussed above, DACA does not provide a pathway to citizenship, and DHS cannot create such a pathway through this rulemaking. Congressional action is required to extend a pathway to lawful permanent residence or citizenship for DACA recipients. Additionally, while DHS appreciates the commenters' suggestions, creating such processes would be within the purview of entities external to the Department and outside of the scope of this rulemaking. DHS is unable to make any changes in response to this comment.

12. Other General Reactions and Suggestions

Strengthening the Proposed Rule or DACA

Comment: Many commenters commended USCIS for preserving and fortifying DACA while adding that the proposed rule should go further to benefit and provide assurance to recipients. Commenters reasoned that, by maintaining the DACA framework, the proposed rule would perpetuate a ''band-aid solution,'' reinforce the status quo, or fail to address the root problems recipients face in the absence of permanent protections against deportation or the loss of work authorization. Other commenters recommended that the rule expand eligibility for DACA by allowing those who entered the United States more recently to apply, or by revising or removing the criminality component of the adjudication.

Another commenter expressed strong opposition to the proposed rule, arguing that many of the proposed provisions conflict with DHS's stated intent of preserving and strengthening DACA. According to the commenter, the proposed rule would not do enough to preserve access to DACA for its intended beneficiaries, expand access to individuals that fall outside the Napolitano Memorandum's criteria, protect victims of domestic and sexual violence, ensure fair and consistent application of DACA, or protect DACA recipients and requestors from deportation.

One commenter stated that the 2012 eligibility requirements reiterated in the NPRM are overly narrow and now outdated. Furthermore, the commenter stated, unlike many other issues it canvasses, the proposed rule fails to suggest expanded alternatives to the core feature of DACA: its coverage. As a result, according to the commenter, this rule fails to provide ambitious protection for immigrant youth.

Many commenters said that, while the proposed rule, or DACA generally, would not provide a permanent solution for recipients, the policies represent a necessary step in the absence of congressional action or a better alternative. One commenter stated that DACA serves both national and international interests amid flawed legal standards, including for asylum, and policy gridlock. They stated that DACA, while imperfect, should be preserved and expanded. Some commenters expressed concern with legal or political uncertainty around DACA and the potential loss of protections for recipients. One commenter said that DACA is premised on Executive discretionary power and, therefore, is ill-equipped to endure changes in administrations. Other commenters provided examples highlighting the need to do more to address uncertainty and legal limbo among DACA recipients.

Describing the existing difficulties children and families face in the U.S. immigration system, as well as the need for DACA protections, commenters urged DHS to expand or improve efforts to protect, welcome, and support DACA recipients or DACA-eligible individuals. Some commenters alluded to a general need for a permanent solution or relief, through DACA or otherwise, while others added that, beyond protecting DACA, there also is a need for broad immigration reform.

[128] 8 U.S.C. 1421 *et seq.*

[129] *See* 8 U.S.C. 1427(a).

[130] *See* 8 U.S.C. 1439 *et seq.*

Response: DHS appreciates commenters' support for the rule and the agency's work to preserve and fortify DACA, and DHS agrees with those commenters who said that codifying the DACA policy is an appropriate step in the absence of a permanent solution. DHS also acknowledges the commenters' concern for the well-being of noncitizen survivors of domestic and sexual violence and individuals brought to the United States as children in general.

DHS recognizes the rule's limited scope, but this scope is consistent with the President's directive to focus efforts toward preserving and fortifying DACA. A central goal of this rule is to respect reliance interests. As discussed further in Section II.C, DHS does not believe that it would be appropriate to expand the policy in the final rule.

DHS also acknowledges some commenters' desire to see ambitious protections for immigrant youth written into law. DHS agrees that the DACA policy as codified in this rule does not address the circumstances of all immigrant youth, is not a permanent solution for affected persons, and does not provide lawful immigration status or a path to citizenship.

Other Feedback and Recommendations

Comment: DHS received other general feedback and recommendations from commenters regarding the DACA policy and DACA recipients more generally. Some commenters requested that the agency consider allowing DACA recipients to serve in the military. Another commenter stated that the United States should cut military funding and use the money to increase support for DACA recipients. Another commenter said that, while DACA has granted certain privileges to recipients, they continue to feel threatened by the Government while lacking access to the democratic process. The commenter said that they would like the privilege of voting in the only country they have known as home.

Citing personal experiences, another commenter expressed concern that DACA recipients are unable to obtain a Commercial Driver License (CDL) and requested that recipients be allowed to have a CDL. Considering the national driver shortage and opportunities for business owners, the commenter reasoned that this change would allow DACA recipients to serve their communities.

Other commenters recommended that the agency implement more safeguards for children coming to the United States, including through background checks on DACA recipients' guardians or household members.

Response: DHS acknowledges these commenters' feedback but notes that their suggestions are outside of the purview of the Department and beyond the scope of this rulemaking. DHS, therefore, is unable to make any changes to the final rule in response to these comments.

Comment: Another commenter said that they would support the rule if it provided language stating that DACA would be ''a one-time thing.'' The commenter reasoned that there should not be an opportunity for newly arrived individuals to participate in a policy created for those ''who have fought tirelessly to achieve it.''

Response: As discussed in the NPRM and in this rule, DHS is acting consistent with the direction of the President to preserve and fortify the DACA policy, and in light of the particular contributions and reliance interests of DACA recipients and related parties. In accordance with the President's instruction and in recognition of the significant reliance interests at stake, DHS is generally retaining the threshold criteria from the Napolitano Memorandum and longstanding policy as proposed in the NPRM, including the requirement that DACA requestors be physically present as of June 15, 2012, and continuously resided in the United States since June 15, 2007.[131] Therefore, consideration for deferred action under DACA will not be available to recently arrived noncitizens under this rulemaking.

Comment: Some commenters stated that the proposed rule failed to provide flexibility for the administration in terms of terminating the DACA policy. A commenter objected that if, in the future, DHS does have sufficient resources to remove DACA recipients, DHS could not simply terminate this rule without notice. Another commenter described DACA as outdated, urged it be abolished, and stated that the policy was supposed to be temporary.

Response: DHS and the former INS have a long history of issuing policies under which groups of individuals without lawful status may receive a discretionary, temporary, and nonguaranteed reprieve from removal.[132] Deferred action under DACA is a form of prosecutorial discretion well within the Executive's authority to efficiently allocate limited enforcement resources.[133] This rule codifies an existing and appropriate use of such prosecutorial discretion to defer removal and does not expand upon or create new mechanisms by which the executive branch could exempt anyone from the enforcement of any law. DHS acknowledges that this rule codifies DACA, which reduces the agency's flexibility with regard to terminating or changing certain aspects of the policy, but reiterates the purpose of the rule is to preserve and fortify DACA, a policy that has been in place for 10 years.

Regarding a commenter's concern that DACA was intended to be a temporary policy, DHS notes that the Napolitano Memorandum did not impose temporal limits to the policy or otherwise indicate a temporary intent. To the extent that the policy was described as a temporary measure by President Barack Obama when he announced it in 2012, DHS notes that President Obama also stated that, ''[i]n the absence of any immigration action from Congress to fix our broken immigration system, what we've tried to do is focus our immigration enforcement resources in the right places,'' and that DACA is a measure ''that lets us focus our resources wisely while giving a degree of relief and hope to talented, driven, patriotic young people.'' [134]

As the DACA-eligible population remains a low priority for enforcement; in recognition of the investments that DACA recipients have made in their families, work, schools, and communities, and vice versa; and in light of the litigation history associated with the DACA policy, DHS has determined it is appropriate to codify the DACA policy in regulation. DHS agrees, however, that in general, such codification should not be necessary for policies guiding the case-by-case exercise of enforcement discretion. In response to a commenter's concern that promulgation of this rule restricts the flexibility of the Department to terminate the DACA policy, for example, if there are sufficient enforcement resources so as to not need to exercise prosecutorial discretion, DHS declines to make changes to the rule. In the event that DHS receives such a sustained infusion of resources,

[131] *See* new 8 CFR 236.22(b)(2) and (3).

[132] *See generally* CRS Report on Discretionary Reprieves from Removal. *See also* AIC Report on Executive Grants of Temporary Immigration Relief; CRS Report on EVD.

[133] *See Regents of the Univ. of Cal.* v. *DHS,* 908 F.3d 476, 487 (9th Cir. 2018) (deferred action ''arises . . . from the Executive's inherent authority to allocate resources and prioritize cases''), *aff'd,* 140 S. Ct. 1891 (2020).

[134] White House Office of the Press Secretary, *Remarks by the President on Immigration* (June 15, 2012), *https://obamawhitehouse.archives.gov/the-press-office/2012/06/15/remarks-president-immigration.*

Congress could invalidate this rule or DHS could rescind or modify it.

B. Background, Authority, and Purpose

1. Statutory Authority

Assertions That Proposed Rule Is Unlawful

Comment: Many commenters stated, without providing an additional substantive rationale, that the DACA policy is unlawful and illegal, unconstitutional, or otherwise does not follow the law as enacted. Some commenters said generally that neither DHS nor USCIS has legal authority to issue the proposed rule. Other commenters stated the matter is ''comprehensively'' covered by provisions of 8 U.S.C. 1325 pertaining to improper entry by a noncitizen. Other commenters said neither of the two statutes that grant DHS authority broadly, 6 U.S.C. 202(5) and 8 U.S.C. 1103, nor any other statute grants authority for DHS to issue the rule. Many commenters stated Congress has considered legislation to protect a DACA-like population a number of times in the past but declined to enact such legislation each time, even after the issuance of the Napolitano Memorandum. Other commenters said the rule bypasses Congress' role in the legislative process, and only Congress has the authority to make and revise immigration law.

Similarly, one commenter wrote that Congress has not enacted legislation to authorize DHS to propose rules to implement the DACA policy. The commenter referenced the various authorities that DHS cited in proposing the rule, concluding that none of them permits DHS to propose this rule. Specifically, the commenter cited sources that in their view establish: (1) prosecutorial discretion does not permit DHS to implement sweeping policy changes; (2) ''longstanding'' DHS policies do not create authority for the proposed rule; and (3) court decisions are inapplicable or explicitly foreclose DHS's interpretation of its authority.

The commenter went on to state that the courts, not DHS, determine whether DHS has authority to implement DACA. The commenter wrote that the courts have, in that respect, ''expressly concluded'' that DHS does not have that authority. The commenter further stated that, because the rule implements the same program that the courts reviewed, the reasoning in those court decisions applies with equal force to the proposed rule. The commenter characterized this rulemaking as demonstrating DHS's opinion that certain court decisions concerning DHS's authority do not apply to it. The commenter said DHS's policies, even if longstanding, do not hold greater weight than legal determinations by the judiciary, nor do they overcome the force of law as determined by the courts.

The commenter also stated that, throughout the NPRM, DHS cites a series of agency policies that Congress later codified, presumably to show authority for this rulemaking. The problem with these references, in the commenter's view, is the referenced policies are ''distinguishable and unrelated'' to the current proposed rule. The commenter wrote that in earlier instances of deferred action, DHS implemented a policy that was: (1) not held by a court of law to be outside the scope of DHS's authority; and (2) not relied on as authority for a proposed rule. The commenter said that a history of DHS policies, even where Congress ratified those policies, is not evidence of authority for an agency to implement the DACA rules or any rule because historical practice is not a duly enacted statute by Congress.

The commenter also stated that DHS is not consistent in its reliance on Congress' post-implementation treatment of DHS policy as authority for these rules. For example, the commenter wrote that DHS takes the position that Congress' inaction concerning the DREAM Act should not lead to an inference concerning the Secretary's authority, while simultaneously relying on Congress' inaction to support its position that the Secretary has authority to confer ''lawful presence'' as part of DACA. The commenter stated that DHS's ''completely subjective'' analysis illustrates why statutes, not Congress' action or inaction after a policy is implemented, must authorize any agency rulemaking endeavor.

Another commenter likewise wrote that maintaining DACA through rulemaking is both unlawful and bad immigration policy. The commenter stated that Congress has not authorized DACA, and DACA therefore is outside DHS's rulemaking authority. Citing the district court's 2021 decision in *Texas,* the commenter wrote that DHS bases the proposed rule on an impermissible interpretation of the INA. The commenter stated that DACA directly conflicts with Congress' legislative scheme to regulate the employment of noncitizens, adjustment of status of noncitizens who entered the United States without inspection, removal of certain noncitizens from the United States, and reentry into the United States by noncitizens who have accrued unlawful presence.

The commenter wrote that DACA is more than an exercise of prosecutorial discretion and instead goes further to ignore statutorily mandated removal proceedings and unlawfully provide immigration benefits to an ineligible population. The commenter also stated that Congress has spoken on DACA's legality by consistently and expressly rejecting legislation that would substantively enact the program or otherwise legalize DACA's intended beneficiaries. The commenter wrote that Congress has not implicitly ratified DACA, either. Citing case law, the commenter stated ratification requires ''a systematic, unbroken, executive practice, long pursued to the knowledge of the Congress and never before questioned.'' The commenter wrote DACA ''falls short'' of satisfying this standard ''because prior instances of Executive misconduct cannot be regarded as even a precedent, much less an authority for the present misconduct.'' The commenter stated that it disagrees with DHS's position that prior non-enforcement policies justify the proposed rule. And the commenter further said implementation of DACA would violate the Take Care Clause of the U.S. Constitution because it ''dispens[es]'' with certain statutes.

Multiple commenters stated that the rule cannot be issued as an executive decision. These commenters said DACA is an example of executive disregard of the Constitution and current law, and no administration has the authority to decide which laws agencies get to ignore. Many commenters stated the rule is in direct violation of U.S. immigration law, which requires that people living in this country illegally be apprehended and returned to their country. Some commenters also said there is an established procedure for U.S. citizenship, and DACA recipients should follow this path to legal citizenship the same as any other immigrant.

One commenter stated that, while previous administrations have granted deferred action to limited groups of immigrants, DHS lacks authority to provide ''unconditional and indefinite'' relief and benefits to a large group (''more than half million'') of noncitizens without lawful immigration status. Another commenter similarly remarked that the main flaw in DHS pointing to prior deferred action programs as justification for this rule is that ''none of them has the broad scope and indefinite timeframe of the [DACA] program.'' The commenter stated that ''a litmus test is whether the department created a program that is narrowly scoped, and has a time restriction, either

in terms of max number of renewals, or restricted to a bridge-gap measure before the applicant's next status take[s] effect.'' Providing examples, the commenter concluded that, while ''all previous deferred actions'' met these criteria, DACA does not. Another commenter asserted that the rule would grant lawful presence and work authorization to potentially hundreds of thousands of noncitizens by 2031 ''for whom Congress has made no provision and has consistently refused to make such a provision,'' and cited *King* v. *Burwell,* 576 U.S. 473, 474 (2015) for the proposition that ''had Congress wished to assign [a question of 'deep economic and political significance'] to an agency, it surely would have done so expressly.''

Multiple commenters stated that the rule comes on the heels of the *Texas* ruling, which struck down the DACA policy as unlawful. One commenter said that DHS mischaracterizes the district court's ruling throughout the NPRM in an apparent attempt to justify the NPRM as a legitimate rulemaking endeavor, writing that the finding that the Napolitano Memorandum violated the Administrative Procedure Act (APA) was only part of the district court's decision, and the district court also determined DHS could not cure DACA's underlying legal deficiencies even by using notice-and-comment rulemaking. The commenter stated the rule impermissibly substitutes DHS's own opinion in place of a legally binding court order. The commenter further said the rule demonstrates DHS's ''blatant disregard'' for the district court's ruling, exposing DHS to potential liability for contempt of court and setting a ''dangerous precedent'' with respect to our government's system of checks and balances. The commenter stated that regardless of whether DHS ''agrees'' with the district court's ruling, it is nonetheless bound by the ruling unless an appellate court overturns it. The commenter also said pursuing this rulemaking while litigation continues reflects a gross mismanagement of resources at DHS and USCIS. The commenter concluded by addressing the statutory authority of USCIS officers, stating DHS ''glosses over'' the distinct authorities Congress delegated to each of the three immigration components within DHS. Writing that USCIS is not an enforcement agency and, therefore, lacks the ability to grant deferred action to any noncitizen, the commenter stated the precise wording of the delegation in the Homeland Security Act (HSA) irrefutably demonstrates that Congress intentionally gave USCIS authority only to adjudicate immigration benefit requests, not to take (or decline to take) enforcement actions against nonimmigrants. Thus, the commenter said, even if DHS's pursuit of rulemaking while simultaneously appealing the district court's ruling in *Texas* were proper, USCIS lacks the authority to administer DACA, making DACA inherently *ultra vires* and exposing DHS to significant litigation risk.

Response: DHS respectfully disagrees with commenters' statements that this rulemaking is unlawful, illegal, unconstitutional, or represents bad immigration policy. Both the INA and the HSA confer clear authority on the Secretary to administer the immigration laws of the United States, including authority to set ''national immigration enforcement policies and priorities.'' [135] DHS, the former INS, and the U.S. Supreme Court all have long recognized the fundamental role that prosecutorial discretion plays with respect to immigration enforcement. As the U.S. Court of Appeals for the Ninth Circuit has explained, ''[T]he INA explicitly authorizes the [Secretary] to administer and enforce all laws relating to immigration and naturalization. . . . As part of this authority, it is well settled that the Secretary can exercise deferred action, a form of prosecutorial discretion.'' [136] Stated another way, ''[d]eferred action is simply a decision . . . by DHS not to seek the removal of an alien for a set period of time,'' [137] a decision well within DHS's discretion in light of competing policy objectives and scarce resources. Deferred action thus is a well-established form of prosecutorial discretion, acknowledging ''that those qualifying individuals are the lowest priority for enforcement.'' [138]

DHS likewise disagrees with commenters' assertions that this rulemaking fails to follow the law as established by Congress, conflicts with Congress' legislative scheme to regulate the employment of noncitizens, adjustment of status, removal, and reentry, or otherwise violates the Executive's duty to ''take care that the Laws be faithfully executed'' under Article II, Section 3 of the Constitution. To the contrary, DHS strongly believes this rule is consistent with the text of all relevant statutes and furthers Congress' goals in enacting the INA and HSA. DHS acknowledges that the Constitution vests Congress with the legislative power and, accordingly, the authority to make and revise the immigration laws. The Department's prioritization of the apprehension and removal of noncitizens who are a threat to national security, border security, and public safety is entirely consistent with the immigration laws, including provisions providing for mandatory detention and expedited removal of certain categories of individuals.[139] Indeed, as noted in the NPRM, a mandate to prioritize the removal of criminal offenders, taking into account the severity of the crime, has been included in every annual DHS appropriations act since 2009.[140] This rule facilitates those objectives.

More than 11 million undocumented noncitizens currently live in the United States,[141] demonstrating an obvious need for DHS to allocate its limited resources toward the removal of priority enforcement targets. For example, in fiscal year 2021, when ICE operations were dramatically impacted by the COVID–19 pandemic, ICE conducted a total of 74,082 administrative arrests of noncitizens and removed 59,011 noncitizens.[142] During fiscal years 2016–2020, ICE averaged 131,771 administrative arrests and 235,120 removals per year.[143] It is clear from

[135] 6 U.S.C. 202(5).

[136] *Ariz. Dream Act Coal.* v. *Brewer,* 855 F.3d 957, 967 (9th Cir. 2017).

[137] *Arpaio* v. *Obama,* 27 F. Supp. 3d 185, 192–93 (D.D.C. 2014), *aff'd,* 797 F.3d 11 (D.C. Cir. 2015).

[138] *Id.; see also AADC,* 525 U.S. at 484–85.

[139] *See, e.g.,* INA sec. 235(b)(1), 8 U.S.C. 1225(b)(1) (establishing ''expedited removal'' for certain noncitizens arriving in the United States); INA sec. 236(c), 8 U.S.C. 1226(c) (providing mandatory detention for certain criminal noncitizens); INA sec. 236A, 8 U.S.C. 1226a (providing mandatory detention of suspected terrorists); *see also, e.g.,* Public Law 114–113, 129 Stat. 2241, 2497 (providing that ''the Secretary . . . shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime''); DHS, *Secretary Mayorkas Announces New Immigration Enforcement Priorities* (Sept. 30, 2021), *https://www.dhs.gov/news/2021/09/30/secretary-mayorkas-announces-new-immigration-enforcement-priorities.*

[140] *See, e.g.,* Consolidated Appropriations Act, 2014, Public Law 113–76, div. F, tit. II, 128 Stat. 5, 251.

[141] *See* DHS, Office of Immigration Statistics (OIS), *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2015–January 2018* (Jan. 2021), *https://www.dhs.gov/sites/default/files/publications/immigrationstatistics/Pop_Estimate/UnauthImmigrant/unauthorized_immigrant_population_estimates_2015_-_2018.pdf.*

[142] ICE, *ICE Annual Report Fiscal Year 2021* (Mar. 11, 2022), *https://www.ice.gov/features/2021-year-review.*

[143] ICE, *Fiscal Year 2016 ICE Enforcement and Removal Operations Report, https://www.ice.gov/sites/default/files/documents/Report/2016/removal-stats-2016.pdf;* ICE, *Fiscal Year 2017 ICE Enforcement and Removal Operations Report, https://www.ice.gov/sites/default/files/documents/Report/2017/iceEndOfYearFY2017.pdf;* ICE, *Fiscal Year 2018 ICE Enforcement and Removal Operations Report, https://www.ice.gov/doclib/about/offices/ero/pdf/eroFY2018Report.pdf;* ICE, *Fiscal Year 2019 ICE Enforcement and Removal Operations Report, https://www.ice.gov/sites/*

Continued

these numbers that even if each of the estimated 1.7 million noncitizens who may be eligible to request initial or renewal deferred action under DACA (which as discussed in the regulatory analysis below is likely an overestimate) did so and were found to warrant deferred action as codified in this rule as low enforcement priorities, DHS would still lack adequate resources to pursue full enforcement actions against the estimated 9 million other undocumented noncitizens present in the United States. This rulemaking accordingly will allow DHS to focus its enforcement resources on the removal of dangerous criminal offenders and other noncitizens who threaten public safety and national security.

DHS shares commenters' recognition of and respect for the Constitution's separation of powers framework. But DHS disagrees with commenters' position that this rulemaking bypasses Congress' role in the legislative process or otherwise fails to adhere to DHS's proper place within the Government of the United States. DHS acknowledges that the INA generally provides for the removal of noncitizens who are in the United States without authorization. Never in the history of DHS or the former INS, however, has either agency or a court taken the position that the agency is obligated to seek the removal of every removable noncitizen in the United States at any given time. And both the long history of formal deferred action policies instituted both by DHS and the former INS (some of which Congress went on to ratify) and other forms of prosecutorial discretion that individual government officials lawfully exercise on a case-by-case basis every day belie any assertion to the contrary. DHS agrees that those prior policies are not ''authority'' for this rule. Rather, the authority for the rule lies in a range of statutory authorities, including DHS's general rulemaking authority under section 103 of the INA as well as DHS's power to exercise enforcement discretion, which is inherent in the delegation of authority over enforcement of the INA.[144] The prior, related policies discussed in the NPRM and by commenters are *evidence* of the Secretary's authority, recognized by Congress when it ratified those policies in later statutes without limiting INS's (and now DHS's) ability to create similar enforcement discretion policies in the future. DHS also notes that many of these policies also contained similar or the same ancillary features, including employment authorization upon showing of economic necessity, lawful presence for the limited purposes stated in 8 CFR 1.3, and nonaccrual of unlawful presence for the duration of the period of deferred action. The lawfulness of these ancillary features is addressed at length in the sections corresponding to each such feature later in this preamble.

DHS disagrees with the commenter's assertion that a policy granting lawful presence and work authorization to the DACA-eligible population is a matter of such ''deep economic and political significance'' as to constitute a ''major question,'' as recently described by the Supreme Court in *West Virginia* v. *EPA*.[145] While DHS expects that this rule would carry significant benefits and would result in significant tax transfers, this rule is not akin to the rule in *West Virginia,* where the agency's ''own modeling concluded that the rule would entail billions of dollars in compliance costs (to be paid in the form of higher energy prices), require the retirement of dozens of coal-fired plants, and eliminate tens of thousands of jobs across various sectors.'' [146] This rule involves DHS's enforcement posture towards a population that is likely to remain in the United States regardless of the existence of DACA; the costs imposed by this rule are borne by DACA recipients themselves; and the rule's indirect effects are nowhere near as vast as the effects described in *West Virginia.*

Even if the major questions doctrine did apply, there is clear statutory authority and agency precedent for the rule. Unlike the authority at issue in *West Virginia,* this final rule reflects ''the longstanding practice of [DHS] in implementing the relevant statutory authorities.'' [147] Congress was well aware of the long history of deferred action and similar enforcement discretion policies, as well as the deferred action provisions in the employment authorization and lawful presence rules, when Congress made the Secretary responsible for ''[e]stablishing national immigration enforcement policies and priorities''; [148] charged the Secretary with ''the administration and enforcement of [the INA] and all other laws relating to the immigration and naturalization of aliens''; [149] and authorized the Secretary to ''establish such regulations; prescribe such forms of bond, reports, entries, and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this chapter.'' [150] Likewise, although the Secretary inherited from the Attorney General his statutory authority for determining which noncitizens should be authorized for employment, that grant of power clearly endorsed a longstanding practice as discussed in section II.C.2.b below.[151] And as discussed in section II.C.3 below, after the Department of Justice established the lawful presence regulation pursuant to express statutory authority, Congress in fact amended 8 U.S.C. 1611 to provide DHS additional authority. These authorities have long provided the basis for the exercise of prosecutorial discretion when making immigration enforcement decisions, or described some of the consequences of those decisions. These are not ''ancillary provisions'' of the Act that are rarely used,[152] but rather are foundational powers used daily in the Secretary's routine administration of the nation's immigration system. Nor is the exercise of prosecutorial discretion as laid out in this rule a ''fundamental revision'' of the statutory scheme; the exercise of prosecutorial discretion is and has long been a consequence of a lack of resources to enforce the terms of that scheme against each and every individual who may violate it.[153]

As detailed below, these policies date as far back as 1956 and DHS and its precursor agencies have ''routinely'' implemented prosecutorial discretion policies of a similar scale and type as the DACA policy, *Biden* v. *Missouri,* 142 S. Ct. 647, 653 (2022). There is no sense in which this rule exercises a ''newfound power.'' And, although DHS recognizes that Congress has, on occasion, considered legislation concerning the population affected by this rule, such action does not negate the authority previously provided to and historically exercised by the Secretary in the same realm. As noted elsewhere in this preamble, unlike the legislative actions considered by Congress, the rule does not provide lawful status, a path to permanent residency or citizenship, or any other type of permanent immigration solution for the population, which the

default/files/documents/Document/2019/eroReportFY2019.pdf; ICE, *FY 2020 Annual Report, https://www.ice.gov/doclib/news/library/reports/annual-report/iceReportFY2020.pdf.*

[144] *See* 6 U.S.C. 202(3), (5); 8 U.S.C. 1103(a)(1), (3); *see also Arizona,* 567 U.S. at 396–97; *AADC,* 525 U.S. at 483–84.

[145] 142 S. Ct. 2587 (2022).

[146] *Id.* at 2604.

[147] *See Biden* v. *Missouri,* 142 S. Ct. 647, 653 (2022).

[148] 6 U.S.C. 202(5).

[149] 8 U.S.C. 1103(a)(1).

[150] 8 U.S.C. 1103(a)(3).

[151] 8 U.S.C. 1324a(h)(3).

[152] 142 S.Ct. at 2610.

[153] *Id.* at 2612.

Department agrees only Congress can enact.

DHS disagrees with commenters who stated that prior instances of deferred action or similar enforcement discretion policies referenced in the NPRM are materially different from deferred action under the DACA policy. In essence, commenters said that the validity of prior policies such as EVD, Family Fairness, and deferred enforced departure turned on those programs' ''interstitial'' nature. Those programs, in the commenters' view, simply provided a stopgap measure intended to serve only as a temporary solution while Congress legislated a permanent fix. That may have been the ultimate result for the affected populations, but it was by no means assured that Congress would act when legacy-INS implemented those policies. The INS relied not on an assurance of future Congressional ratification, but on its authority to exercise enforcement discretion when implementing those policies, with the possibility that Congress might one day act. DACA in this respect is no different from the earlier programs. Congress is actively considering legislation to provide substantive immigration benefits to a DACA-like population. Thus, to the extent commenters characterized prior instances of deferred action as ''interstitial'' simply because they occupied the space between an agency seeking to implement a certain policy and Congress providing an adjacent legislative solution, DACA occupies an identical space. And also like DACA, the administrative enforcement discretion policies practiced by the INS did not provide beneficiaries with lawful immigration status, protection from removal, or a pathway to citizenship until Congress made a change in law.[154]

DHS further disagrees with commenters who stated that Congress' consistent failure to enact DACA-like legislation is evidence that this rule exceeds DHS's authority. For one thing, many of the bills the commenters point to differ greatly from DACA in substance. Both the DREAM Act and the American Dream and Promise Act differ dramatically from DACA in the protections and substantive benefits that they would offer to their respective target populations, the most notable being lawful immigration status and a pathway to citizenship. DACA, by contrast, as preserved and fortified by this rule, does not and could not provide a blanket grant of lawful immigration status, conditional or permanent residence, or a pathway to citizenship because DHS lacks authority to do so without a change in law. For another, inaction is not legislation, and Congress does not legislate by failing to legislate. Congress' past inaction on any given topic is not a law. Congressional inaction may occur for any number of reasons, and it does not enact the status quo, or come with an account of Congress' reasons for declining to take action. In DHS's view, inaction as such has no bearing on the legality of an adjacent rulemaking. For example, the former INS instituted Family Fairness in the wake of Congress' express rejection of legislation that would have provided immigration benefits to spouses and children ineligible for such relief under the Immigration Reform and Control Act of 1986 (IRCA). Legislation stalls in Congress for myriad reasons, not the least of which include competing priorities of national and international importance and the sheer volume of business to which Congress must attend.

One more point bears mentioning with respect to congressional inaction in this space. While commenters drew much attention to Congress perennially declining to enact DACA-like legislation, commenters largely ignored Congress' comparable failure to legislatively override the DACA policy even though it has now existed for years. There is no basis to conclude that Congress has rejected a longstanding deferred action policy for the DACA population from its failure to enact more comprehensive legislation governing a similar population.

With respect to a commenter's statement that, setting aside the Secretary's authority to exercise prosecutorial discretion in favor of this rulemaking's target population, DHS cannot implement sweeping policy changes under the guise of prosecutorial discretion: DACA is no such sweeping change. As the NPRM makes clear, there is nothing new about a policy deferring enforcement action for nonviolent individuals who are low priorities for enforcement, nor is there anything new about the ancillary policies, regulations, and statutes associated with such forbearance, including according employment authorization to such individuals upon a showing of economic necessity, or deeming such individuals to be lawfully present for certain purposes or not unlawfully present for the duration of the deferred action. Indeed, as it relates to the core of the policy (*i.e.,* its forbearance element), the former INS first implemented the EVD program in 1956, which provided relief to certain immigrant professionals whose lawful immigration status lapsed simply by virtue of constraints on visa availability.[155] This program continued until 1990 and was joined along the way by a variety of other deferred action policies all geared toward making the most efficient use of the former INS's limited enforcement resources.[156] DHS also reiterates the prior deferred action policies in favor of (1) ''nonpriority'' cases identified in the former INS's 1959 Operations Instructions (OI); (2) spouses and children of noncitizens granted benefits under IRCA; (3) Violence Against Women Act of 1994 (VAWA) self-petitioners; (4) children eligible for benefits under the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA); (5) T visa applicants; (6) U visa petitioners; and (7) former F–1 students who lost their status due to intervening natural disasters.[157] Each of these populations by their nature possess characteristics that make them low enforcement priorities. DHS views the DACA population as prime candidates for deferred action for similar reasons.

The same commenter wrote that the ''longstanding'' nature of the above policies nevertheless does not excuse the absence of express statutory authority to engage in this rulemaking. DHS first disagrees with the commenter's premise that DHS lacks express statutory authority to issue this rule. To the contrary, as explained earlier, both the INA and the HSA vest the Secretary with authority to issue this rule by virtue of statutory directives that he administer and enforce the immigration laws of the United States, set ''national immigration enforcement policies and priorities,'' and ''establish such regulations; prescribe such forms of bond, reports, entries, and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out his authority'' under the INA.[158] This rulemaking is a lawful exercise of that authority, facilitating DHS's immigration enforcement priorities through a thoughtful exercise of prosecutorial

[154] *See* Alan C. Nelson, Commissioner, INS, *Legalization and Family Fairness—An Analysis* (Oct. 21, 1987), *reprinted in* 64 No. 41 Interpreter Releases 1191, App. I (Oct. 26, 1987); Memorandum to INS Regional Commissioners from Gene McNary, Commissioner, INS, *Re: Family Fairness: Guidelines for Voluntary Departure under 8 CFR 242.5 for the Ineligible Spouses and Children of Legalized Aliens* (Feb. 2, 1990); IMMACT 90, Public Law 101–649, sec. 301(g), 104 Stat. 4978, 5030 (1990).

[155] *See United States ex rel. Parco* v. *Morris,* 426 F. Supp. 976, 979–80 (E.D. Pa. 1977).

[156] *See* Adam B. Cox and Cristina M. Rodriguez, *The President and Immigration Law Redux,* 125 Yale L.J. 104, 122–24 (2015) (discussing the origins and various applications of EVD).

[157] *See* 86 FR 53747–53748.

[158] *See* 6 U.S.C. 112, 202; 8 U.S.C. 1103(a)(1), (3).

discretion. Because deferred action under the proposed rule would constitute a lawful exercise of prosecutorial discretion in line with over 60 years of similar policies (some of which, as discussed elsewhere in this preamble, came with grants of work authorization so recipients could support themselves and their families while in the United States without resorting to informal employment, which has the possibility of lowering wages and employment standards for some workers), DHS finds the commenter's arguments to the contrary unpersuasive.

DHS disagrees with multiple commenters' characterization of DHS's view of the July 2021 ruling of the United States District Court for the Southern District of Texas in the *Texas* litigation. Contrary to commenters' assertions, DHS respects the courts' role in this nation's government under the separation of powers framework. DHS has carefully and respectfully considered the court's ruling on all procedural and substantive issues involved in that litigation and is pursuing an appeal to vindicate its position on DACA's legality. In the meantime, DHS has complied with the district court's injunction, to the extent that the injunction has not been stayed, and will continue to do so as long as the injunction is in effect.

In any event, this rulemaking should not be construed as indicating that DHS doubts DACA's procedural or substantive legality. DHS elected to undertake this rulemaking for a variety of reasons, including to affirm administrative practices that help the Department to allocate its enforcement resources efficiently; accommodate the substantial reliance interests that have developed in connection with the DACA policy; implement the President's directive to preserve and fortify DACA; and facilitate compelling humanitarian objectives.

Last, DHS disagrees with the commenter's statement that USCIS lacks authority to administer DACA because it is not an enforcement agency. The authority to administer the immigration laws and set immigration enforcement priorities ultimately rests with the Secretary.[159] This rule is issued under these and other broad authorities; as a consequence, there is no basis to distinguish between USCIS and other immigration components as the commenter proposes. And in any event, USCIS has historically been delegated and has exercised a range of functions that would fall under the rubric of ''enforcement'' as described by the commenter.[160] DHS has determined that USCIS has the expertise and administrative infrastructure to assess on a case-by-case basis whether a DACA requestor has met the threshold criteria and warrants a favorable exercise of discretion. Housing administration of the DACA policy within USCIS also furthers DHS's interest in encouraging candidates for deferred action under DACA to come forward and identify themselves to the Federal Government. Proactively identifying noncitizens eligible for and deserving of deferred action under the DACA policy will ultimately conserve department resources by helping ICE and CBP identify noncitizens who are low priorities for removal should those components encounter them in the field, as discussed in Section II.A.8, and utilizes existing structures for collecting fees from DACA requestors to cover the costs of such adjudication.[161]

Assertions That DACA/the Proposed Rule Is Lawful

Comment: Multiple commenters stated the DACA policy and its implementation are constitutional, lawful, and within the authority of DHS and the executive branch. Some commenters stated that DHS has authority to fortify, update, and expand the DACA policy. Another commenter stated that DACA is legal and within DHS's authority, and that both Congress and the Federal courts have recognized that protecting the well-being of children is in the public interest. Citing sources, the commenter said the legislative history of the INA indicates Congress ''intended to provide for a liberal treatment of children'' and sought to keep mixed-status families together.[162] A different commenter stated that DACA is constitutional because ''it transformed the lives of many individuals who came to the United States improperly as youngsters and because the court decision that resulted would provide Dreamers broader access to American citizenship.'' Quoting from the NPRM, a joint comment wrote that Congress' failure to pass the DREAM Act or any of the other similar acts identified by the district court in *Texas* does not limit DHS's ability to make a rule similar to the DACA policy first set forth in the Napolitano Memorandum.

A commenter stated that the DACA policy is a lawful exercise of the Secretary's authority, even without notice-and-comment rulemaking. A different commenter stated that DACA has a strong legal foundation and agreed with DHS that the proposed rule ''should not be interpreted as suggesting that DHS itself doubts the legality of the 2012 DACA policy.'' Another commenter stated that, like DOJ and DHS, they strongly disagreed rulemaking is necessary for DACA. However, the commenter said, because litigation has challenged the legality of the policy and prompted DHS to engage in formal rulemaking, DHS taking the additional step to ''preserve and fortify'' the policy through the rulemaking process not only strengthens the legal foundation for the policy, but also provides DHS with the opportunity to expand and modernize it.

Referencing the proposed language at 8 CFR 236.21 set forth in the NPRM, a group of commenters characterized this section of the proposed rule as a ''clarification (for the courts)'' of DHS's authority to regulate in this space. The commenters stated they hoped the agency would keep this section as clear as possible given the likelihood of litigation.

One commenter said the proposed rule provides a ''rigorous'' review of the legal precedent and broad executive authority, all of which provides a ''strong'' justification for DACA's

[159] *See, e.g.,* 6 U.S.C. 112(a)(3) (''All functions of all officers, employees, and organizational units of the Department are vested in the Secretary''); 8 U.S.C. 1103(a)(1) (''The Secretary . . . shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens . . . .''), 1103(a)(3) (''He shall establish such regulations; prescribe such forms of bond, reports, entries, and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this chapter.''), 1103(a)(4) (''He may require or authorize any employee of the Service or the Department . . . to perform or exercise any of the powers, privileges, or duties conferred or imposed by this chapter or regulations issued thereunder upon any other employee of the Service.'').

[160] *See, e.g.,* DHS Del. No. 0150.1 (June 5, 2003) (delegating to USCIS the authority to place noncitizens in removal proceedings, to cancel a notice to appear before jurisdiction vests with DOJ, and to grant voluntary departure and deferred action, among other things); Memorandum from Secretary John Kelly to the heads of CBP, ICE, and USCIS, et al., *Enforcement of the Immigration Laws to Serve the National Interest* (Feb. 20, 2017) (''The exercise of prosecutorial discretion with regard to any alien who is subject to arrest, criminal prosecution, or removal in accordance with law shall be made on a case-by-case basis in consultation with the head of the field office component, where appropriate, of CBP, ICE, *or USCIS* that initiated or will initiate the enforcement action, regardless of which entity actually files any applicable charging documents . . . .'' (emphasis added)).

[161] *See* 86 FR 53764.

[162] *See INS* v. *Errico,* 385 U.S. 214, 220 n.9 (1966) (''The legislative history of the [INA] clearly indicates that the Congress intended to provide for a liberal treatment of children and was concerned with the problem of keeping families of United States citizens and immigrants united.'' (internal quotation marks omitted)).

establishment of national immigration policies and priorities and places the rule on strong legal footing. Another commenter stated that the historical examples of prior deferred action policies explain well why DACA is lawful as a subregulatory program fully within the Secretary's authority under the INA.

Response: DHS agrees with commenters that the proposed rule is a lawful exercise of DHS's authority under the INA. DHS agrees with commenters that the proposed rule is constitutional and that it furthers compelling humanitarian, public safety, and other policy objectives. Additionally, as discussed above, DHS agrees with commenters that Congress' failure to pass legislation to protect a DACA-like population does not implicate DHS's authority to engage in this rulemaking.

DHS agrees with commenters that the DACA policy has stood on strong legal footing since first set forth in the Napolitano Memorandum, even without engaging in full notice-and-comment rulemaking. DHS appreciates commenters' recognition of DHS's efforts to preserve and fortify DACA through this rulemaking. DHS agrees that 8 CFR 236.21 clearly articulates DACA's limited scope and DHS's authority for deferring action for the DACA population. DHS likewise agrees with commenters that DACA respects Congress' legislative scheme to regulate noncitizens present in the United States without authorization and eligibility for lawful immigration status, while providing stability to recipients through a lawful exercise of DHS's prosecutorial discretion.

DHS appreciates the commenter's concern about DACA recipients' current lack of ability to adjust status, but DHS disagrees with commenters to the extent they suggest the rule does or should provide a pathway to lawful immigration status, legal permanent residence, or U.S. citizenship. DHS appreciates commenters' concern about the current lack of a permanent immigration status for the DACA population. DHS reiterates its discussion in Section II.A.11 that it lacks the authority to provide legal immigration status through rulemaking. DHS nevertheless ultimately agrees with commenters that this rulemaking is a lawful exercise of its statutory authority.

Prosecutorial Discretion and Deferred Action Authority

Comment: Numerous commenters stated that DACA is a lawful application of DHS's broad authority to exercise prosecutorial discretion and defer enforcement action for certain noncitizen youth.

Multiple commenters referenced 8 U.S.C. 1103(a) in stating that Congress empowered the Secretary with broad authority to administer and enforce immigration laws, with one commenter stating that such authority must include the ability to set enforcement priorities for an agency with limited resources. Also citing 6 U.S.C. 202(5), commenters wrote that Congress has broadly authorized DHS to establish national immigration enforcement policies and priorities. One of these commenters said that, as a purely practical matter, the Executive must be able to set priorities for administrative agencies with limited resources, and it may do so by choosing to defer action in certain areas. The commenter stated both the Supreme Court and Congress have recognized this authority, as Congress has enacted statutes expressly recognizing the legal authority to grant deferred action, and the Supreme Court has acknowledged the ''regular practice'' of ''deferred action.'' Another commenter similarly stated that as a purely practical matter, the Executive must be able to set priorities for administrative agencies with limited resources, and it may do so by choosing to defer action in certain areas. The commenter stated both the Supreme Court and Congress have recognized this authority, as Congress has enacted statutes expressly recognizing the legal authority to grant deferred action and the Supreme Court has acknowledged the ''regular practice'' of ''deferred action.''

A commenter wrote that the president and executive agencies have the power to carry out legislation, interpret ambiguous provisions, and make decisions about how best to allocate scarce agency resources. Another commenter stated the Supreme Court on numerous occasions has reaffirmed the wide latitude agencies enjoy in deciding whether or when ''to prosecute or enforce'' laws within their purview. As recently as 2020, the commenter wrote, the Supreme Court affirmed the key part of deferred action when it stated in *Regents* that ''[t]he defining feature of deferred action is the decision to defer removal.'' These commenters and others stated that, as existing 8 CFR 1.3(a)(4)(vi) makes clear, this rulemaking fits within the deferred action framework because it does not confer legal status, but instead merely exempts individuals from accumulating ''unlawful presence.'' Similarly, a commenter agreed with USCIS that DACA is consistent with the INA because it is limited in scope and nature, conferring only ''lawful presence,'' not ''lawful status,'' which does not create a legally enforceable right for undocumented immigrants able to avail themselves of the DACA policy.

A commenter added that for decades the Federal Government has implemented deferred action as a discretionary forbearance of removal. The commenter reasoned that this policy of deferring removal of noncitizens who came to this country as youth did not then (and does not now) create new rights for those individuals; rather, it is merely a recognition that as an agency, DHS (through USCIS), just as every other law enforcement agency, must exercise enforcement discretion. The commenter, writing that the proposed rule rightfully sets forth the position that people who otherwise qualify for DACA are not a priority for removal, urged DHS to maintain this policy in the final rule and use its discretion accordingly. A commenter stated that deportations are a discretionary duty of the executive branch as established by *Regents, Trump* v. *Hawaii,* and other cases establishing executive branch authority to regulate immigration policy.

A commenter stated that Congress, which has the ability to prohibit DHS from granting deferred action and work and travel authorization, through funding or through legislation, has not done so, implying the policy does not fall outside of congressional intent.

A commenter stated the DACA policy has been in place for a decade, and no State filed suit to challenge the legality of the Napolitano Memorandum until 2018—more than 5 years after the memorandum was issued. But beginning long before 2012, the commenter remarked, DHS and INS routinely exercised prosecutorial discretion to deprioritize categories of individuals for enforcement and to provide these individuals with adjacent, necessary privileges, such as work authorization. The commenter stated that the proposed rule, like the Napolitano Memorandum, therefore does not constitute a deviation from established practice, nor does the proposed rule constitute abandonment of the Executive's duty to enforce the immigration laws. Rather, the commenter stated, it represents the Executive's educated judgment about the best and most efficient way to enforce the immigration laws. Another commenter said this history refutes the Department's prior assertion in the Duke Memorandum that deferred action programs should be initiated by Congress. In fact, the commenter wrote, Congress later clarified, expanded, or adopted through statute many of the

deferred action programs that originated with INS or DHS. The commenter stated that, rather than refute DHS's assertion of authority to make such exceptions, Congress used them as a ''legislative springboard,'' which the commenter said implies not only the legality of those programs, but also their political wisdom. The commenter concluded that DHS should thus use this long history of creating deferred action programs to rebut its prior assertion that only Congress should adopt deferred action policies as a matter of policy.

Commenters further stated that previous executive action bears out the Government's authority to exercise discretion in enforcing immigration laws, saying that, since 1956, immigration agencies have issued policies granting individuals temporary and discretionary relief from deportation and, in many cases, work authorization, without opposition from Congress or the courts. A commenter stated that these prosecutorial discretion policies have allowed the executive branch to balance competing domestic policy objectives, foreign policy concerns, and humanitarian considerations. Multiple commenters wrote that existing areas of humanitarian relief, such as VAWA self-petitions, U nonimmigrant status, and TPS, demonstrate the well-established character and practice of granting deferred action for sympathetic, nonpriority populations. Another commenter pointed to 17 deferred action policies other than DACA that were enacted without being judicially challenged. In particular, the commenter wrote, President Reagan's ''Family Fairness'' program often draws comparison with DACA, as it provided deferred action for the children of parents eligible for legal status and, like DACA, provided an opportunity for employment authorization.

Another commenter stated that even the detractors of DACA acknowledge its legality amid their challenges by recognizing DHS has the authority to defer enforcement against migrants. Subjected to scrutiny and rulemaking, the commenter said, DACA has been and remains a lawful vehicle for protecting migrants brought to the United States as young children. The commenter concluded that, just as the Napolitano Memorandum emphasizes not only the legality, but also the necessity, of exercising prosecutorial discretion on a case-by-case basis, so too does the proposed rule both meet and exceed the threshold requirements of the APA and INA. A commenter wrote that Congress and the courts have recognized the importance of child well-being and family unity as a basis for humanitarian considerations in immigration law and the executive branch's authority to exercise its discretion.[163] The commenter concluded that ''it clearly follows'' that it is well within DHS's authority to use the powers given to it by Congress to grant deferred action to immigrants who are not and should not be a priority for deportation—immigrants who came to the United States as children—and preserve the family unity and well-being of these immigrants' children. Commenters thus stated DACA is a lawful and appropriate use of the Executive's longstanding deferred action authority, unless and until Congress passes a permanent solution to address the problems of undocumented youth.

A commenter stated that DHS's decision to undertake full notice-and-comment rulemaking in this instance does not reflect a requirement to do so when implementing deferred action policies or exercising other forms of prosecutorial discretion in the future. Citing DOJ's Justice Manual and Supreme Court caselaw on prosecutorial discretion,[164] the commenter said that DACA and other forms of prosecutorial discretion lie within the executive branch's power to determine ''when, whom, how, and even whether to prosecute,'' a power that applies across criminal, civil, and administrative contexts. The commenter stated Congress and the Supreme Court have affirmed that prosecutorial discretion, including through deferred action, applies in the immigration context, and Congress also has given the executive branch the authority to establish national immigration enforcement policies and priorities.

Response: DHS agrees that deferring enforcement action for the DACA population on a case-by-case basis is a lawful exercise of DHS's broad prosecutorial discretion, which both Congress and the courts have recognized for decades. DHS also agrees that the DACA policy furthers compelling humanitarian and law enforcement objectives by allowing DHS to focus limited agency resources on priority targets and deferring action on the cases of certain noncitizens who entered the United States as children. DHS recognizes that Congress' inaction with respect to the DACA population has been taken by commenters to cut both ways; regardless of that inaction, DHS agrees with commenters that Congress has vested the Secretary with clear authority to administer and enforce the immigration laws and to establish national immigration policies, objectives, and priorities. DHS agrees with commenters that DACA facilitates a prudent set of immigration enforcement priorities, allowing DHS to utilize its limited resources efficiently by targeting high-priority cases, such as those that pose a threat to public safety, national security, or border security. DHS likewise agrees with commenters that the proposed rule comfortably fits within the deferred action framework that DHS and INS before it have utilized for decades.

DHS also agrees the extensive use of deferred action in the past by both INS and DHS to facilitate enforcement priorities further indicates the lawfulness of this rule. Although VAWA self-petitions, U-visas, and TPS are statutory forms of substantive immigration benefits (and therefore distinguishable from the DACA policy, which constitutes only an exercise of prosecutorial discretion to defer enforcement action against removable noncitizens), DHS accordingly nevertheless agrees with commenters that the long history of deferred action immigration policies originating with INS or DHS rebuts any assertion that such policies must always originate in Congress with a law specific to the particular population at issue.

DHS appreciates commenters' recognition of the numerous similarities between DACA and prior instances of deferred action and agrees the DACA population shares a number of sympathetic characteristics with the target populations of prior deferred action policies, making members of the DACA population prime candidates for deferred action themselves. DHS agrees that DACA is another in a long line of deferred action policies that have facilitated the necessary prioritization of enforcement resources by granting forbearance to sympathetic populations of noncitizens in the United States. DHS agrees that such populations have

[163] The commenter cited *Prince* v. *Massachusetts,* 321 U.S. 158, 165 (1944) (noting ''the interests of society to protect the welfare of children''); *Moore* v. *East Cleveland,* 431 U.S. 494, 503–04 (1977) (''Our [substantive due process] decisions establish that the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation's history and tradition.''); *INS* v. *Errico,* 385 U.S. 214, 220 n.9 (1966) (' 'The legislative history of the Immigration and Nationality Act clearly indicates that the Congress intended to provide for a liberal treatment of children and was concerned with the problem of keeping families of United States citizens and immigrants united.' '' (quoting H.R. Rep. No. 85–1199, at 7 (1957))).

[164] The commenter cited DOJ, Justice Manual, § 9–27.110 (Comment), *https://www.justice.gov/jm/jm-9-27000-principles-federal-prosecution#9-27.001*; *Bordenkircher* v. *Hayes,* 434 U.S. 357, 364 (1978); *Heckler* v. *Chaney,* 470 U.S. 821, 831–32 (1985); and *Arizona* v. *United States,* 567 U.S. 387, 396 (2012).

included certain pending U nonimmigrant petitioners before they have attained lawful status and certain VAWA self-petitioners prior to their final approvals to adjust to permanent resident status, among many other compelling population groups that have received deferred action and that are discussed in detail in the preamble to the proposed rule.[165] DHS disagrees, however, that TPS beneficiaries, who are in a lawful temporary status, are an example of noncitizens with deferred action as that is not accurate.

DHS shares commenters' view that in addition to DHS's authority to forbear from pursuing the removal of DACA recipients, DHS has authority to allow such DACA recipients to work during their time in the United States, and that work authorization is just as necessary and appropriate for the DACA population as it was, for example, for the population that received deferred action under the Family Fairness policy. DHS addresses comments related to work authorization, lawful presence, and non-accrual of unlawful presence more fully later in this preamble.

2. Litigation and Legal Disputes

Comment: Multiple commenters stated that the rule adequately addressed the concerns raised by the district court in *Texas,* which held DACA to be unlawful. One commenter said the rule responds to prolonged litigation over the policy's legality. Another commenter summarized the litigation involving DACA. Citing legal memoranda and court cases, the commenter stated the core components of DACA are legally and historically well-established, including deferred action, a well-established form of prosecutorial discretion under which the Federal Government forbears removal action against an individual for a designated period of time; employment authorization; and nonaccrual of unlawful presence. Another commenter wrote that the *Texas* district court was wrong in concluding notice-and-comment rulemaking was necessary to create the DACA policy, as well as in its concerns about the policy's substantive legality. A couple of commenters noted that the Supreme Court's June 23, 2016 affirmance without opinion of the Fifth Circuit's preliminary injunction blocking Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and expanded DACA is not precedential and does not bind DHS, and further noted that the Court's 2020 *Regents* decision does not restrict DHS from expanding DACA. The commenters said other courts have and would likely again grapple with similar questions. DHS therefore is, in the commenters' view, ''completely justified'' in continuing to litigate the district court's decision until a single, final disposition emerges.

A commenter stated that DACA does not violate the INA and is a lawful exercise of executive discretion conferred by Congress, contrary to the district court's 2021 decision in *Texas.* The commenter cited 8 U.S.C. 1103 in discussing DHS's authority and went on to say the Supreme Court recognized this authority with respect to immigration enforcement and removals in *Arizona* v. *United States* when it underscored that executive officials have ''broad discretion'' in deciding ''whether to pursue removal at all.'' [166] The commenter reasoned that the case-by-case consideration of DACA requests is not the automatic conferral of a benefit as some detractors have characterized it, but rather an exercise of discretion in deciding whether to invest limited enforcement resources into the removal of low-priority individuals. The commenter stated that, while the court in *Texas* held DACA violates the INA by making statutorily ''removable'' individuals unremovable, DACA does not make any individual unremovable because the agency may initiate removal proceedings against the individual at any time.

A commenter stated that it was ''unclear'' whether the rulemaking would be deemed legal if the litigation begun in 2018 is upheld by the Supreme Court but remarked that their research disputes that any irreparable harm or additional costs to States would be caused by the proposed rule.[167]

Citing *Regents* and another source, a commenter stated that, in response to litigation surrounding the Trump administration's efforts to rescind DACA, the Supreme Court held that DHS failed to properly rescind DACA procedurally, but the Court did not issue a finding that DACA was illegal. Regardless of how the Fifth Circuit decides DHS's appeal in *Texas,* the commenter remarked, it appears inevitable that the Supreme Court ultimately will have to make a determination as to the legality of the DACA policy. A university characterized the evidentiary record of *Regents* as a tool in this rulemaking, as it outlines the many benefits of DACA to the university and society, including expert testimony and studies about the value of DACA. A few commenters noted that they are participating or have participated in ongoing litigation to support the DACA policy.

Response: DHS agrees that undertaking notice and comment through the proposed rule puts DACA on stronger legal footing in light of the district court's decision in *Texas* and other pertinent litigation. DHS continues to believe that notice-and-comment rulemaking is not necessary to implement in the exercise of prosecutorial discretion a deferred action policy for the DACA population. Nevertheless, DHS agrees that the notice-and-comment process has significant value, as a means of obtaining a variety of input on proposed rules (including this one), and it also agrees with commenters that the proposed rule addresses the district court's procedural concerns and plays an important role in DHS's vindication of its position on DACA's legality.

DHS has given careful consideration to the district court's reasoning regarding the substantive legality of the DACA policy and the court's conclusion that the policy is not authorized by the INA. For reasons set forth above and below, in the preamble to the proposed rule,[168] and also reflected in the government's publicly available briefs in the appeal from the district court's decision, DHS respectfully disagrees with the district court's reasoning and conclusion regarding the policy's substantive legality. Notwithstanding that disagreement, DHS recognizes that it is currently subject to an injunction and that it is obligated to comply with that injunction to the extent that the injunction is not stayed. Nothing in this

[165] *See* 53736 FR 53746–53749 (discussing the history of at least 60 years of prosecutorial discretion policies that have provided various sympathetic groups protection from removal action). DHS does note with respect to the examples of the pending U nonimmigrant petitioners and the VAWA self-petitioners that once they are granted U nonimmigrant status or permanent resident status, these individuals are not like DACA recipients because they are in a lawful status and no longer subject to the prosecutorial discretion afforded by deferred action.

[166] 567 U.S. 387, 388 (2012); *see also id.* at 396 (''Discretion in the enforcement of immigration law embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime. The equities of an individual case may turn on many factors, including whether the alien has children born in the United States, long ties to the community, or a record of distinguished military service. Some discretionary decisions involve policy choices that bear on this Nation's international relations.'').

[167] The commenter cited Brannon and Albright (2017), Albright (2018), Brannon and McGee (2019), and Brannon and McGee (2021).

[168] *See* 86 FR at 53753 n.145, 53756 n.178, 53759–61, 53761 at n.235.

preamble or in the final rule itself is intended to suggest otherwise.

Additionally, DHS is clarifying at new 8 CFR 236.21(d) that this rule rescinds and replaces the DACA guidance set forth in the Napolitano Memorandum and governs all current and future DACA grants and requests from this point forward. It further clarifies that existing recipients need not request DACA anew under this new rule to retain their current DACA grants. Although incorporating such a provision into regulatory text is a departure from previous practice, in light of the various issues and concerns raised in ongoing litigation challenging the Napolitano Memorandum, DHS has determined that doing so is appropriate in this context.[169]

3. Other Comments and Suggestions

Comment: One commenter suggested that DHS more thoroughly address several arguments that it previously offered against DACA in the Duke and Nielsen rescission memoranda. On this point, the commenter stated, in the Duke Memorandum, Nielsen Memorandum, and subsequent court filings, DHS cited the risk of litigation as one basis for rescinding DACA, focusing on the risk of DACA being struck down as unlawful or enjoined to justify the position that DACA was too legally vulnerable to continue without properly balancing competing positive factors. The commenter said DHS's prior stance that DACA was bad policy because of litigation risk is inconsistent with the proposed rule, which finds that the benefits of the rule would exceed its costs. To address this inconsistency and give a ''reasoned explanation'' for ''facts and circumstances'' in the rescission, the commenter stated, DHS should address the risk of litigation in the final rule. The commenter recommended DHS: (1) explain how the prior rescission incorrectly analyzed litigation risk; or (2) conclude that the rule is justified even when litigation risk is properly accounted for. The commenter provided suggestions on how DHS may address these issues, citing an article that analyzed litigation risk in the context of DACA's rescission and identified four key factors for DHS to consider. The commenter stated that DHS should incorporate in the final rule an explanation for why its previous assertions about litigation risk are not dispositive here. In particular, the commenter added, DHS should explain how its previous attempt to rescind DACA failed to analyze properly the risks of litigation and put forth a more rational framework to analyze DACA's litigation risk.

A couple of commenters understood the proposed rule as indicating that the forthcoming final rule would displace the Napolitano Memorandum and establish a new and independent basis through which existing DACA recipients can maintain their deferred action. The commenters agreed with that approach and suggested the final rule state even more clearly that it supplants the Napolitano Memorandum, which the commenters said would benefit current DACA recipients by providing them with additional certainty. In addition, the commenters stated that this clarification would provide broader certainty by making even clearer that the pending litigation over the Napolitano Memorandum is moot because that memorandum no longer has any independent legal effect.

A commenter urged the administration to make all reasonable efforts to preserve and strengthen DACA, including ensuring that DHS is authorized to promulgate future policy and operational guidance for the policy, consistent with the objectives of the 2012 policy.

A commenter wrote that a policy such as DACA should be a law written by Congress and not made as an agency rule change. However, the commenter stated, given the current partisan nature of Congress and the low likelihood of Congress settling the issue of DACA anytime soon, the proposed rule allowing DACA to continue is ''perhaps the best we can hope for.''

Response: As indicated in the NPRM, the prior memoranda referenced by the commenter have been vacated or deemed inoperative by various courts.[170] DHS acknowledges that such memoranda assigned more significant weight to the risks associated with adverse litigation against the DACA policy, but as noted earlier in this preamble, litigation materialized as a consequence of attempts to rescind DACA as well, and DHS believes that the significant costs associated with DACA rescission would not be justified by the benefits identified in those memoranda, including the asserted litigation risk benefit which, as evidenced by the *Regents* litigation and other cases, did not fully materialize. DHS agrees with commenters that codifying DACA will provide recipients and their families, schools, communities, and employers with additional certainty. DHS also will utilize appropriate messaging to ensure DACA recipients are aware that the new DACA regulation, not the Napolitano Memorandum, governs the DACA policy going forward. DHS, however, will not be in a position to advise DACA recipients that pending litigation concerning the Napolitano Memorandum is moot unless and until a court issues a judgment of dismissal on mootness grounds.

DHS appreciates the comment concerning DHS's efforts to protect DACA recipients. DHS assures all interested parties that it is taking all available action to preserve and fortify DACA consistent with the President's directive. DHS likewise appreciates the commenter's statements concerning the desirability of Congress enacting legislation to protect the DACA population. In the absence of such action, DHS believes that DACA is a viable approach that accommodates the relevant reliance interests while preserving DHS's discretion on a case-by-case basis.

C. Comments on Proposed Provisions

1. Deferred Action/Forbearance From Enforcement Action (§ 236.21(c)(1))

Comment: Several commenters expressed general support for DHS's provision of an official definition of ''deferred action'' and for the definition proposed. A few commenters expressed concern with the proposed definition of ''deferred action.'' One stated that the definition does not guarantee the ability to permanently reside in the United States, which affects the ability to resettle, work, and thrive in the United States successfully and forces DACA recipients to ''live on the precipice of fearing deportation and being able to successfully contribute to the community in which they choose to reside.'' Another said that providing a definition creates safeguards but expressed concern regarding the provision stating that deferred action does not prevent DHS from initiating any criminal or other enforcement action against the DACA recipient at any time. One commenter specifically recommended removing the following language from proposed 8 CFR 236.21(c)(1): ''[a] grant of deferred action under this section does not preclude DHS from commencing removal proceedings at any time.''

One commenter stated that the rule should directly address DHS's prior statements that

> DHS should enforce the policies reflected in the laws adopted by Congress and should not adopt public policies of non-enforcement of those laws for broad classes and categories of aliens under the guise of prosecutorial discretion—particularly a class that Congress

[169] *See* new 8 CFR 236.21(d).

[170] 86 FR 53749–53751.

has repeatedly considered but declined to protect. Even if a policy such as DACA could be implemented lawfully through the exercise of prosecutorial discretion, it would necessarily lack the permanence and detail of statutory law. DACA recipients continue to be illegally present, unless and until Congress gives them permanent status.[171]

The commenter stated that DHS should explicitly recognize the merits and benefits of a broader approach, which enables the development of enforcement priorities under limited resources, reduces the need for further investigation by officers, and streamlines an enforcement officer's review of whether a DACA recipient should be an enforcement priority. According to the commenter, these benefits, which are inherent to a broad scope and the ease with which DACA can be applied, refute DHS's previous assertions that DACA is unwisely broad.

One commenter expressed strong support for the aspects of the proposed rule that would maintain forbearance from removal. Another stated that temporary forbearance of removal would not carry the same protections as a more permanent forbearance, and that identifying DACA recipients as generally a low priority for enforcement action does not assuage fears that removal actions will nonetheless be taken as anxiety and reservation remains about the lack of stability. While recognizing that USCIS may not be able to address this directly, since permanent congressional action is needed to at least in part address this barrier, the commenter said that USCIS ''tak[ing] all measures possible'' to expand the protections and rights of DACA recipients to the extent permitted is in the best interests of USCIS resources; local, State, and Federal economies; the well-being of U.S. communities; and the individuals themselves.

One commenter, by contrast, suggested that individuals should only be considered for forbearance when apprehended. The commenter stated that this would not only release the pressure on USCIS' ''already stressed system'' but also provide ''a more consistent application of law and allow[ ] DHS to propose rules to guide ICE and CBP on enforcement priorities.'' Another commenter stated that the proposed rule prevents the removal of DACA recipients despite Congress having dictated their eligibility for removal. This commenter also stated that the proposed rule is not simply a ''non-enforcement policy'' or prosecutorial discretion, but instead creates standardized proceedings by which DHS solicits and reviews requests from eligible aliens, effectively engaging in adjudications where the result is (likely) an affirmative act of approval. Another commenter opposing the rule stated there is a difference between forbearance from enforcement and actively granting the benefits of employment authorization, travel permission, and lawful presence. The commenter said that the logic that forbearance from enforcement action requires grants of immigration benefits through USCIS is flawed and unexplained.

Similarly, a commenter stated that the proposal to charge separate fees for the deferred action request did not adequately address the *Texas* ruling, which provided the agency an opportunity to modify the policy only to include temporary deportation forbearance. The commenter based this statement on concerns that DACA was housed within USCIS to give noncitizens ''permission to work lawfully in the country despite lacking a lawful immigration status.'' The commenter concluded that, instead of exploring a ''true 'forbearance' policy within one of the enforcement components'' in accordance with the court's order, DHS's proposal was ''not a good faith effort'' to adhere to the Federal district court's ruling and would ''continue the inappropriate practice of giving USCIS adjudicators . . . decision-making authority they do not have under the law.'' One commenter questioned why ICE would agree to continue, administratively close, or dismiss a DACA recipient's removal proceeding without prejudice, stating: ''Clearly any removal order or case logged against DACA recipients shall not be dismissed without prejudice because unless the case is based on wrong facts, DACA recipients did break immigration laws and it should be on their records, not without prejudice.''

Some commenters suggested that additional policies should be adopted for coordination among DHS subagencies to prevent the erosion of DACA protections for recipients related to removal proceedings, including:

- Not issuing NTAs against DACA recipients or DACA-eligible individuals unless and until USCIS terminates their DACA.
- Exercising favorable prosecutorial discretion by joining motions by DACA recipients or DACA-eligible individuals to reopen, terminate, dismiss, or administratively close removal proceedings. The commenter stated that these protections would be in line with May 2021 guidance issued by the ICE Office of the Principal Legal Advisor recognizing the dismissal of cases of noncitizens likely to be granted temporary or permanent relief or who present compelling humanitarian factors, as well as recent decisions recognizing immigration judges' authority to administratively close and terminate removal proceedings.
- Adopting provisions to provide for cooperation among components with respect to removal proceedings, ensuring consistent and fair DACA decisions.

A commenter stated that it is costly for ICE to litigate removal proceedings against DACA recipients and DACA-eligible individuals, adding that the cost savings referenced at 86 FR 53794 would be nullified if individual ICE officers issue NTAs or oppose, for example, motions to administratively close removal proceedings for DACA recipients and DACA-eligible individuals, and stating that the proposed rule erroneously assumes ICE acts in a manner consistent with DACA protections. Conversely, the commenter said, past practice demonstrated that ICE and CBP have issued NTAs to DACA recipients who, per DACA guidance and established definitions, are not enforcement priorities. The commenter concluded that, without regulatory language directing DHS components to act according to USCIS' DACA request determinations and eligibility guidelines, recipients would continue to be subject to ICE officers' de facto veto power over a DACA grant.

Another commenter stated that such additional policies would reduce mental health harms to recipients facing uncertainty while promoting efficiency and cost savings. The commenter said that the decreased likelihood of mental health problems would allow DACA recipients to flourish as members of society and of the U.S. workforce. Furthermore, the commenter stated that future administrations could alter ICE enforcement priorities without first going through notice-and-comment rulemaking, thus leaving DACA recipients vulnerable to termination of DACA with no due process protections. The commenter recommended that DHS codify the above additional protections to promote efficiency and due process and to adhere to the administration's directive to ''preserve and fortify'' DACA.

Response: DHS acknowledges the variety of views expressed, from support for providing an official definition of deferred action, to specific support for the definition proposed, to concern that the specific definition is insufficient,

[171] *See* Nielsen Memorandum at 2.

and to general opposition to forbearance from removal for DACA recipients.

DHS agrees with commenters that the proposed deferred action definition is consistent with longstanding legal and historical practice. DHS acknowledges commenters' concern with the temporary aspect of the definition of deferred action, but notes that DHS does not have the authority to provide a permanent solution absent action by Congress. DHS further acknowledges commenters' concern that the definition of deferred action does not prohibit DHS from initiating enforcement action; however, the purpose of deferred action is to identify a person as a low priority for removal, rather than to eliminate all possibility of enforcement action. DHS therefore intends to maintain the ability to determine that an individual is no longer a low priority for removal.

DHS disagrees with the suggestion that individuals should only be considered for forbearance when apprehended, as this merely shifts resource burdens within DHS, does not enable DHS to realize the full potential of resource savings, as discussed in Section II.A.8, and could create a perverse incentive for individuals to seek out immigration encounters. As explained in the proposed rule at 86 FR 53752, the proposed framework would enable DHS to continue to realize the efficiency benefits of the DACA policy. USCIS' determination that an individual meets the DACA guidelines and merits a favorable exercise of discretion assists law enforcement activities in several areas by streamlining the review required when officers encounter a DACA recipient.

DHS further disagrees that utilizing a standard process to consider requests for deferred action transforms DACA into more than prosecutorial discretion. As noted by the commenter who encouraged DHS to speak to the benefits of the approach taken here, this rule structures the exercise of prosecutorial discretion in a proactive, organized, and efficient manner. This approach allows for the exercise of the Secretary's authority while providing for case-by-case consideration and collection of fees to cover the cost of determining whether the noncitizen is a high or low enforcement priority. Such a structure has certain benefits, but does not make this rule any less of an exercise in enforcement discretion.

DHS disagrees with the suggestion that the rule ''requires grants of immigration benefits.'' Nothing in the Napolitano Memorandum, the proposed rule, or this final rule requires DHS to grant immigration benefits to recipients of deferred action. Rather, DHS, in the exercise of its discretion and pursuant to underlying statutory authority, may indicate its intention to forbear from removing certain individuals who are low priorities for enforcement. Separately, DHS also may grant ancillary benefits such as employment authorization, as well as provide for limited circumstances in which DACA recipients will be considered lawfully present, as explained more fully elsewhere in this rule. DHS further incorporates here its points in the preamble to the NPRM at 86 FR 53756–53762 regarding DHS's view that employment authorization, advance parole, and lawful presence may be provided in conjunction with DACA's forbearance of removal. But DHS reiterates its view that deferred action provides for temporary forbearance from removal without ''requir[ing]'' the conferral of other benefits.

DHS also disagrees with a commenter's characterization of the NPRM as it relates to the *Texas* ruling. As DHS explained in the NPRM, DHS proposed to unbundle the requests for deferred action and employment authorization to provide flexibility and reduce cost barriers to noncitizens who sought forbearance protections but did not need, want, or prioritize employment authorization. Upon consideration of comments, DHS has made changes to the rule to retain the existing requirement of bundled deferred action and employment authorization requests, as discussed in greater detail in Section II.C.2.c. DHS nonetheless considers those elements to be severable from each other, in the event that a court of competent jurisdiction disagrees with DHS and concludes that any aspect of this rule is unlawful. DHS also disagrees with the commenter's characterization of the rationale for vesting jurisdiction to administer DACA within USCIS. To the contrary, in addition to the reasons discussed in Section II.A.8, vesting jurisdiction within USCIS fortifies DHS's prioritized approach to immigration and border enforcement by allowing DHS to continue to realize the efficiency benefits of the DACA policy, as discussed in this rule. Additionally, in vesting jurisdiction with USCIS to exercise prosecutorial discretion in the form of DACA, DHS also retains streamlined procedures for terminating an individual's DACA and EAD, because the same agency that exercised prosecutorial discretion as an initial matter would be determining whether to terminate it, in consultation with immigration enforcement components when necessary.[172] USCIS also plays a crucial role in safeguarding the lawful immigration system of the United States, including by issuing Form I–862, Notice to Appear, to commence removal proceedings in some circumstances.[173]

DHS acknowledges commenters' suggestions that the rule include provisions relating to other DHS immigration components' enforcement actions with respect to DACA recipients or individuals who meet the DACA criteria. However, DHS believes that direction for CBP and ICE with respect to their handling of DACA recipients, beyond that which was contained in the NPRM, is most appropriately left for subregulatory guidance. Finally, DHS notes that the commenter suggesting that DACA recipients' removal proceedings should not be continued, administratively closed, or dismissed ''without prejudice'' misunderstands the meaning of ''without prejudice.'' In the removal proceedings context, an action taken ''without prejudice'' means without prejudice to further action (*i.e.,* that the recommencement of removal proceedings in the future will not be barred by the judicial doctrines of res judicata or collateral estoppel).

Accordingly, DHS will not be making any changes to 8 CFR 236.21(c)(1) in response to public comments.

2. Employment Authorization (§§ 236.21(c)(2) and 274a.12(c)(33))

a. General Comments on Employment Authorization

General Support for Work Authorization for DACA Recipients

Comment: Some commenters expressed support for strengthening and protecting employment authorization as a key part of the DACA policy. Multiple commenters discussed the benefits of employment authorization including self-reliance; access to health insurance, education, housing, and living needs; career advancement; safe working conditions; fair wages and narrowing of the wage gap between employment-authorized workers and workers without employment authorization; ability to obtain forms of identification; and the development, as well as the retention, of skilled workers in the community, especially frontline workers during the COVID–19 pandemic. (One study found more than 200,000 DACA recipients working in occupations deemed by DHS as ''essential critical

[172] *See* 86 FR 53752.

[173] *See, e.g.,* 8 CFR 239.1(a)(18) through (20) (authorizing ''Supervisory immigration services officers,'' ''Supervisory immigration officers,'' and ''Supervisory asylum officers,'' respectively, to issue NTAs).

infrastructure workers.'') [174] Commenters cited a 2020 survey of DACA recipients that found that nearly 90 percent of DACA recipients surveyed were employed; 83.7 percent of respondents reported that having work authorization related to DACA helped them become financially independent; and 86.4 percent reported that their increased earnings helped pay for tuition.[175]

Considering such personal and societal benefits, a commenter stated that it had significant interests in preventing the disruption of the employment relationship with its DACA-recipient personnel. The commenter stated that it employs 500 DACA beneficiaries across every division in the company, across 38 States, and in all regions of the country. Many commenters urged DHS to ensure that deferred action and employment authorization remain connected in the rule, and that DACA recipients' ability to request EADs is protected. Other commenters expressed support for including employment authorization in the proposed rule but commented that the proposed disaggregation of other benefits from enforcement forbearance would not make it any less important. Some commenters stated that DACA-eligible individuals should be granted work authorization, or the opportunity to work, because they deserve the opportunity to support themselves financially, and because they want to make, and are capable of making, important economic and labor contributions to society. A commenter stated that more should be done to minimize barriers to employment authorization. Another commenter recommended that DHS and the Federal Government continue to strongly defend the ability of DACA recipients to apply for work authorization and to reach their full potential. A commenter stressed that the proposed rule allows local communities to continue to benefit from the important contributions of the DACA workforce, including in frontline healthcare, law enforcement, social services, land-use planning, teaching, and road repair.

Response: DHS agrees employment authorization is an important component of the DACA policy with myriad positive impacts on recipients' families and communities. For one, employment authorization enables DACA recipients to exit the shadow economy of unauthorized employment, dramatically reducing the risk of exploitation by unscrupulous employers. Maintaining DACA recipients' ability to work lawfully while in the United States is an important component of DHS's broader initiative to preserve and fortify the DACA policy. DHS appreciates and agrees with commenters' recognition of DACA recipients' contributions to their communities. DHS agrees, as stated elsewhere in the NPRM and this preamble, that DACA recipients, on balance, overwhelmingly make positive contributions to this nation. DHS also agrees that DACA recipients' ability lawfully to work while in the United States is beneficial to their economic and psychological well-being.

In this regard, DHS emphasizes that self-reliance is beneficial not only to the social and economic prosperity of recipients of deferred action under the DACA policy, but also to the well-being of those individuals' families and communities, and to the workforce more broadly. Work authorization enables DACA recipients lawfully to support themselves and their families instead of risking potential exploitation in the shadow economy. As a commenter pointed out, companies have invested substantial resources in their DACA-recipient employees, and DHS agrees DACA recipients are not the only population that benefits from this rule; this rule also serves businesses' substantial reliance interest in the continued employment of employees in whom they have made significant tangible and intangible investments. Furthermore, a 2020 survey indicates that employment authorization for DACA recipients supports business creation, indicating that 6.1 percent of DACA recipients surveyed reported that they started their own businesses after receiving DACA, and that among respondents 25 years old and older, this increased to 7 percent.[176] Moreover, work authorization allows individuals to leave the shadow economy and work on the books to provide for their families, thereby reducing the risk of exploitation by unscrupulous employers and distortion in our labor markets. Work authorization addresses practical concerns that could otherwise result from a decision solely to grant temporary forbearance from removal, and DHS therefore believes that it is appropriate to allow DACA recipients to work in conformity with its authority at INA sec. 274a(h)(3), 8 U.S.C. 1324a(h)(3).

Employment authorization for DACA recipients also helps to prevent their need for public assistance to the extent such limited assistance is available to them. Although DACA recipients do not constitute ''qualified alien[s]'' for purposes of eligibility for most Federal public benefits under PRWORA,[177] certain excepted emergency, in-kind, and other public benefits do remain available to them.[178] In addition, a State may affirmatively provide State and local public benefits to noncitizens who are not lawfully present in the United States if the State passes such a law after August 22, 1996.[179] Several States have enacted such laws.[180] Therefore, if DACA recipients were to lack a means to earn their own living, they would be more likely to utilize the limited forms of public assistance available to them.

DHS appreciates one commenter's desire to see even more done to minimize barriers to DACA recipients' employment. This commenter advocated that DHS lower the application fees, shorten the application processing backlog, guarantee work authorization, and extend the duration of work authorization. However, as set forth elsewhere in this rule, DHS believes the current application fees are appropriate for the time being. DHS also reiterates the limits of this rulemaking, which, as discussed elsewhere in this preamble in more detail, focuses on preserving and fortifying the policy as set forth in the Napolitano Memorandum.

Positive Impacts on Universities and Healthcare Systems

Comment: Citing research, several commenters described DACA recipients' positive impact on their universities and

[174] *See* Svajlenka (2020).

[175] *See* Wong (2020).

[176] Wong, et al., *New DHS Policy Threatens to Undo Gains Made by DACA Recipients,* Center for American Progress (Oct. 5, 2020), *https://www.americanprogress.org/issues/immigration/news/2020/10/05/491017/new-dhs-policy-threatens-undo-gains-made-daca-recipients.*

[177] *See* 8 U.S.C. 1611(a) *et seq.;* 8 U.S.C. 1641(b) (providing definition of ''qualified alien'').

[178] *See* 8 U.S.C. 1611(b)(B) (providing for ''[s]hort-term, non-cash, in-kind emergency disaster relief'' to non-qualified aliens); 8 U.S.C. 1611(b)(1)(D) (providing non-qualified aliens with access to ''[p]rograms, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter)'' that ''deliver in-kind services at the community level, including through public or private nonprofit agencies''; ''do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources''; and ''are necessary for the protection of life or safety'').

[179] *See* 8 U.S.C. 1621(d). In addition, the general limitations PRWORA places on noncitizens' eligibility for State and local public benefits do not apply to certain emergency, in-kind, immunization, and other assistance. *See* 8 U.S.C. 1621(b).

[180] *See, e.g.,* Cal. Welf. & Inst. Code § 14007.8(a)(1); 130 Mass. Reg. 505.006(B); NY Soc. Serv. L. § 122; Or. Rev. Stat. § 414.231; Wash. Admin. Code 182–503–0535(2)(e); DC Code § 1–307.03.

communities. Commenters stated that work authorization is critical to DACA recipients' ability to make such positive contributions. A university described the academic contributions of DACA recipients. The university also cited the proposed rule's statement on the number of DACA recipients in healthcare to underscore the need for the rule and work authorization. The commenter further remarked that work authorization for DACA recipients allows them to engage more deeply with their university's curriculum, campus, and community. Noting the successful academic and professional careers of DACA recipient alumni, a commenter stated that work authorization is critical to DACA recipients' ability to contribute on and off campus, warning that the lack of work authorization often discourages individuals from pursuing educational growth. The commenter also remarked that it relies on DACA to retain valuable employees, noting its university system employs around 466 non-student DACA recipients. A group of commenters similarly pointed out DACA recipients' impact on institutions of higher education, citing several sources to support their position that DACA recipients enrich school environments. The commenters stated employment authorization granted after a DACA grant allows students to pursue higher education and other improved educational and economic outcomes. The commenters added that many DACA recipients have gone on to work and provide valuable services (such as serving in educational positions or healthcare posts) in the communities associated with their educational institutions, noting DACA recipients possess valuable skills—like foreign language fluency—that benefit employers.

Citing references, a commenter discussed in detail the current and future need for medical physicians and how DACA work permits allow medical schools to accept these noncitizens, enabling the number of matriculants with DACA to steadily grow since 2013. This commenter stated that over the course of one year, DACA-recipient physicians will collectively care for 700,000 to 2.1 million patients, totaling more than 5.1 million U.S. patients over the course of their careers. The commenter concluded that the administration should take action to expand eligibility for Federal student aid and education loans to DACA recipients to enable these individuals to pay for the incredibly high costs of medical education. Another commenter stated that the current healthcare staffing gaps associated with the COVID–19 pandemic could be filled by DACA recipients. The commenter cited research stating that 8,600 healthcare workers in California have DACA. The commenter concluded that DACA and work authorization would help to adequately address the current healthcare staffing shortage, which the commenter warned could last until 2026.

Response: DHS appreciates the commenters' recognition of DACA recipients' academic and professional contributions to their institutions and communities at large. DHS agrees that work authorization is critical to DACA recipients unlocking their full potential. By helping to lessen the financial burden of pursing higher education, DHS agrees that work authorization makes available to DACA recipients many educational and professional opportunities that otherwise would have remained out of reach.

DHS appreciates the comment citing statistics about the volume of care provided by DACA-recipient physicians. DHS deeply appreciates these contributions. DHS recognizes that DACA recipients fill critical roles in the healthcare field and the high cost of entry into this field, especially for physicians. At the same time, DHS lacks authority to alter DACA recipients' statutory ineligibility for Federal student aid through rulemaking. Comments concerning DACA recipients' eligibility for benefits not administered by DHS are also addressed elsewhere in this preamble. Still, DHS remains committed to preserving and fortifying the policies upon which DACA recipients and their families, employers, schools, and communities have come to rely.

''Economic Necessity'' and Work Authorization

Comment: A commenter stated that the proposed requirement to prove economic need appeared intentionally vague and could leave thousands of undocumented students without a form of income. Some commenters requested that the regulation provide clear guidelines and suggested that DHS limit discretion in the determination of ''economic necessity'' for all applicants. A commenter warned that ''economic necessity'' does not negate a student's expenses of pursuing an education (*e.g.,* tuition, living costs, groceries, textbooks, caring for family members) and said the term must acknowledge that higher education is vital for community and economic health. A commenter asked DHS to clarify that students' circumstances will be taken into account in determining ''economic necessity,'' citing education-related expenses such as internet and computers required during the COVID–19 pandemic. Another commenter likewise suggested DHS should further clarify the definition of economic necessity in the DACA context while providing language that acknowledges the ''reality'' that most DACA requestors have an economic necessity to work. The commenter reasoned work authorization is critical to DACA recipients' entry into the labor market and their ability to support themselves and their families. A commenter similarly suggested DHS establish a rebuttable presumption that DACA recipients have an economic necessity to work, stating such a presumption would simplify the application and adjudication process because the need to work to support oneself is very often self-evident.

A commenter expressed opposition to the proposal's provision granting work authorization to DACA recipients who establish an arbitrary economic need and suggested instead that all DACA recipients receive work authorization under the proposal. A few other commenters likewise opposed the economic need requirement for employment authorization. A commenter stated that requiring economic need imposes assumptions and limitations on DACA recipients' choices and growth. A commenter recommended the statement of economic need be eliminated, as EADs often are used as a primary form of identification for noncitizens, aside from their intended purpose. Without an EAD, the commenter stated, a noncitizen cannot obtain a Social Security number or State identification, which are necessary to conduct activities of daily life.

One commenter went further, saying DHS should prioritize a DACA framework that automatically grants work permit benefits alongside ''deportation protection.'' A commenter likewise recommended work authorization ''continue to be granted automatically and coincide with granting DACA.'' Other commenters similarly suggested automatic, permanent, or guaranteed work authorization grants alongside deferred action.

Numerous commenters added that USCIS verifies underlying status with a Form I–821D approval, which could be sufficient for I–9 authorization. They concluded the I–765 adjudication is an unnecessary use of the agency's time and resources that creates significant

repercussions due to delays in adjudication.

Response: DHS thanks commenters for their input on the economic necessity component of this rulemaking. Some commenters characterized the requirement to prove economic need as a new component of a DACA request. However, the economic need requirement is not new to DACA or to employment authorization for deferred action recipients more broadly. It has been part of the DACA policy since 2012 and the deferred action employment authorization regulation since 1987.[181] DACA recipients, like all other deferred action recipients, fall within the categories of noncitizens for whom employment authorization is discretionary, not mandatory as it is for certain categories where Congress has made employment authorization incident to the noncitizen's lawful immigration status.[182] The rule makes no change to that longstanding policy for deferred action recipients, including for DACA recipients.[183] As explained in the NPRM, 8 CFR 274a.12(c)(14) has, for decades, authorized deferred action recipients to apply for and receive an EAD if they establish economic necessity. The NPRM also explains that this rule does not change the eligibility of DACA recipients to apply for work authorization or alter the existing general rule that they must establish economic necessity.

DHS acknowledges some commenters' calls for DHS to eliminate the economic necessity requirement altogether, along with other commenters' suggestion to automatically grant employment authorization to DACA recipients alongside deferred action. DHS appreciates commenters' concern about DACA recipients' continued access to employment authorization under this rule. DACA is a discretionary policy, however, and DHS has determined that, as such, employment authorization also should remain discretionary and require a showing of economic need as has been the case since the beginning of the DACA policy in 2012, and in keeping with pre-existing regulatory requirements for deferred action recipients seeking employment authorization. To automatically grant employment authorization to every DACA recipient would mean that such authorization would effectively be ''incident to status,'' as it is for certain types of lawful immigration status, such as refugee, asylum, and TPS.[184] As previously discussed, DACA is fundamentally not a lawful immigration status; thus, DHS believes that making employment authorization effectively automatic upon a DACA approval would not be appropriate. Moreover, DHS believes that the general rule requiring DACA recipients to show economic need before they may receive discretionary employment authorization has proved workable in the past and remains workable today. It also bears noting that most recipients of deferred action under the DACA policy also have been approved for employment authorization based on economic need. At this time, DHS declines to change the requirement for DACA recipients relative to the general rule for other deferred action recipients or to otherwise disturb the longstanding rule.

DHS thanks commenters for their suggestions pertaining to expanding on the concept of economic necessity in the final rule to expressly recognize the costs of pursuing higher education. However, DHS declines to write such granularity into the final rule. This rule continues historical practice by basing the economic necessity inquiry on the Federal Poverty Guidelines and existing regulations at 8 CFR 274a.12(e). That regulation broadly provides an applicant's assets, income, and expenses all may constitute evidence of economic need to work. DHS believes that this regulation—particularly its provision for consideration of expenses—provides adjudicators with sufficient leeway to consider the costs attendant to pursuing higher education when determining an applicant's economic need to work. And while it may be true that DACA requestors' economic necessity to work is often obvious, DHS maintains its position that the current employment authorization framework is sufficient to capture all the types of costs and expenses, including those for higher education, that DACA requestors and recipients may have and that may support their economic need to work.

Moreover, DHS's decision whether to grant discretionary employment authorization entails more than verifying the requestor's identity through adjudication of the Form I–821D. As explained above, requestors must establish economic necessity to work. DHS therefore disagrees with the commenter that adjudicating the Form I–765 and accompanying Form I–765WS is an unnecessary use of DHS's time and resources. Rather, those adjudications ensure applicants establish the requisite economic need to work. Because the current framework on economic necessity and work authorization has not proven unworkable over DACA's 10-year lifespan, DHS elects to maintain the status quo on this point.

Employment Authorization for DACA Recipients Versus Visa Categories

Comment: A commenter suggested that instead of spending time pursuing a rule for DACA, DHS should have drafted rules governing employment authorization for F–1 OPT students waiting for H–1B visas or establishing an improved process to ensure H–1B visas are used within a fiscal year. Another commenter similarly stated that DHS should prioritize action for F–1 students who do not win the H–1B lottery or H–4 dependents who wish to support their families, critiquing the proposal for failing to explain why DACA recipients deserve employment authorization.

Response: DHS acknowledges that members of the DACA population are not the only category of noncitizens with pressing matters in need of agency attention and resources. However, the DACA policy has distinctive functions and serves distinctive needs (including protection of reliance interests). In addition, the President has expressly directed DHS to preserve and fortify the DACA policy, and that is the subject of this rulemaking. Because DACA recipients necessarily came to the

[181] *Control of Employment of Aliens,* 52 FR 16216, 16228 (May 1, 1987). *See also* Instructions to Form I–765, Application for Employment Authorization (revised Jan. 19, 2011), at 5 (instructions for form version in use at time DACA implemented and including requirement for deferred action recipients to file Form I–765 with authorization of deferred action and evidence of economic necessity for EAD); ICR Reference No. 201208–1615–002, Instructions to Form I–765, Application for Employment Authorization (revised Aug. 6, 2014), at 5 (continuing requirement for economic necessity for EAD for deferred action recipients, including specific reference to DACA recipients, and requiring revised financial worksheet, Form I–765WS (Form I–765 Worksheet) (Aug. 6, 2014)). Proof of economic necessity for an EAD has continued to date for deferred action recipients, including for those with DACA. *See* Instructions to Form I–765, Application for Employment Authorization (revised Aug. 25, 2020), at 16–17.

[182] *See* 8 CFR 274a.12(c) (categories of noncitizens for whom employment authorization may be provided in DHS's discretion, including for deferred action recipients under paragraph (c)(14)). *But see* 8 CFR 274a.12(a) (categories of noncitizens for whom employment authorization is ''incident to status,'' such as asylees, refugees, certain nonimmigrants, and others).

[183] As explained both in the NPRM and in this rule, the Attorney General and later the Secretary, have for decades interpreted their statutory authority to ''establish such regulations . . . and perform such other acts as he deems necessary'' for administering the INA (now vested in the Secretary) as allowing that officer to grant discretionary work authorization to recipients of deferred action. *See* 86 FR 53757. Congress confirmed this authority in INA sec. 274a(h)(3), 8 U.S.C. 1324a(h)(3), which expressly contemplates a framework in which the Attorney General (now the Secretary) may authorize certain classes of noncitizens for employment. This interpretation has stood undisturbed for over 30 years.

[184] *See* 8 CFR 274a12(a)(3), (8), and (12).

United States as children, and because of the substantial reliance interests that have developed over a period of time, DACA recipients occupy a unique space in the world of noncitizens in need of work authorization. To be sure, DHS acknowledges the circumstances of the populations that the commenter identifies and is taking steps to address them where appropriate, lawful, and feasible.

Other Comments on Work Authorization

Comment: Expressing support for DACA, a commenter remarked that recipients with more qualifications should receive better benefits, such as a stronger work permit. Similarly, a commenter suggested that DHS should recommend that the Department of Labor place DACA recipients with science, technology, engineering, and mathematics (STEM) degrees onto Schedule A so that highly educated DACA recipients may self-petition for permanent residence by filing a Form I–140.

A commenter stated that, should DACA recipients receive the ability to seek relief through a future longer term but nonrenewable work permit program, their ability to re-request deferred action under DACA should be protected. The commenter further reasoned, if a recipient obtained alternate relief through a longer-term work permit in the future, and Congress failed to pass a pathway to citizenship during the relief period, it would be important for those who did not renew their DACA request in that period to be allowed to request DACA again.

Response: Employment authorization for a DACA recipient is based upon the DACA recipient's eligibility for deferred action and demonstrating an economic necessity, as it is for all other deferred action recipients, and not on any other status or authorization to be in the United States. There is no ''stronger work permit'' that DHS could offer to DACA recipients solely based on their deferred action. Rather, when a DACA recipient is granted employment authorization, the DACA recipient is then generally eligible for employment anywhere in the United States and with any legal employer for the duration of the validity period of the employment authorization document without additional restriction.[185] DHS also does not have the authority to place DACA recipients on the Department of Labor's Schedule A. Thus, while some DACA recipients may have different skill sets, levels of education, or technical training, it is ultimately DACA recipients' eligibility for deferred action and economic necessity that make them eligible for employment authorization, and for the reasons explained and discussed throughout this preamble DHS is not changing the eligibility requirements for consideration for deferred action under DACA.

b. Authority To Provide Employment Authorization To Deferred Action Recipients

DHS Lacks Authority To Grant Work Authorization

Comment: A commenter stated, ''DHS does not have the authority to grant employment authorization documents . . . to aliens [for] whom the INA does not provide such benefits or for whom the INA does not expressly grant the Secretary discretionary authority, such as is the case with asylum-based EADs.'' The commenter stated Congress has established an extensive scheme for the admission of immigrant and nonimmigrant foreign workers into the United States. The commenter went on to write that Congress has not authorized DHS to create employment eligibility for classes of noncitizens not already provided by law, reasoning that designating new classes of employment-eligible populations undermines the deliberate scheme created by Congress, which contemplates intricate social, economic, and foreign policy considerations beyond the scope of DHS's interests and mission. The commenter stated INA sec. 274a(h)(3), 8 U.S.C. 1324a(h)(3) does not provide the authority that DHS claims because that section is ''merely definitional'' and does not itself grant the Secretary any authority. Citing the COVID–19 pandemic and inflation, the commenter wrote the U.S. Government has both a moral and legal obligation to ensure that U.S. workers of all backgrounds are first in line for jobs as the economy reopens and are not further harmed by unfair competition and wage suppression.

A commenter remarked that the proposal violates the provision at INA sec. 236(a)(3), 8 U.S.C. 1226(a)(3), prohibiting DHS from providing work authorization to an ''alien,'' citing the statutory language. The commenter further stated that the interpretation cited in the proposed rule, 86 FR 53758, does not reflect the actual meaning of the statute, and that any examination of legislative history is irrelevant when the statutory language is clear. Ultimately, the commenter opposed the proposed rule, stating that it is inconsistent with the ''INA's unambiguously specific and intricate provisions'' regarding immigration status and work authorization.

Response: DHS disagrees with commenters' position that DHS lacks authority to grant employment authorization to DACA recipients. The text of the relevant statute, understood in light of the relevant historical context, confers that authority on DHS. As the NPRM explains in detail, since at least the 1970s, the INS and later DHS have made employment authorization available for noncitizens without lawful immigration status but who receive deferred action or certain other forms of forbearance from removal.[186] As noted in the NPRM, INA sec. 274a(h)(3), 8 U.S.C. 1324a(h)(3), enacted in 1986 in IRCA, defines an ''unauthorized alien'' for purposes of employment authorization as a noncitizen who ''is not at that time either . . . an alien lawfully admitted for permanent residence, or . . . authorized to be so employed by this chapter or by the Attorney General'' (now the Secretary of Homeland Security). This provision plainly recognizes that the Secretary may authorize employers to employ certain removable persons, endorsing the longstanding, pre-IRCA agency practice. And even before Congress enacted section 274a(h)(3), INS and Congress had consistently interpreted the broad authority in INA sec. 103(a), 8 U.S.C. 1103(a), to allow the Secretary to grant work authorization. That section charges the Attorney General and, since 2003, the Secretary, with ''the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens,'' and authorizes the Secretary to ''establish such regulations; prescribe such forms of bond, reports, entries, and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out'' the Secretary's authority under the INA. That provision also plainly allows for the granting of discretionary employment authorization to certain noncitizens even when no additional statute expressly so provides.[187]

DHS finds the commenters' arguments to the contrary unpersuasive. One commenter disagreed with DHS's interpretation that INA sec. 274a(h)(3), 8 U.S.C. 1324a(h)(3), which defines an ''unauthorized alien'' for purposes of employment authorization as a noncitizen who ''is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this chapter or by

[185] *See* INA sec. 212(n)(4)(E), 8 U.S.C. 1182(n)(4)(E); 8 CFR 274a.12(c).

[186] *See* 86 FR 53737–53760.

[187] *See also id.* at 53757 and n.190.

the Attorney General.'' DHS has pointed out that this definition demonstrates that Congress recognized and accepted the former INS's long history of providing employment authorization to individuals under the general section 103 authority in the INA. The commenter stated that the section is ''merely definitional.'' But the commenter's reading of that provision fails to account for the importance of the definition of ''unauthorized alien'' in the statutory scheme and its extensive regulatory and legislative history.

In the decades leading up to IRCA, the INS frequently stated its view of its authority to grant work authorization to certain classes of noncitizens, or restrict the work authorization of the same.[188] The INS and later DHS have also regularly exercised that authority without congressional intervention.[189] In fact, Congress expressly acknowledged the Attorney General's—and now the Secretary's—authority to grant employment authorization to certain classes of noncitizens in 1974 when it passed the Farm Labor Contractor Registration Act Amendments, which in pertinent part made it unlawful for farm labor contractors knowingly to employ any ''alien not lawfully admitted for permanent residence, or who has not been authorized by the Attorney General to accept employment.'' [190] INS sought to codify its work authorization practice in a 1981 final rule permitting discretionary work authorization for certain noncitizens without lawful status, such as those who (1) had pending applications for asylum, adjustment of status, or suspension of deportation; (2) had been granted voluntary departure; or (3) had been recommended for deferred action.[191] In the proposed rule that preceded these changes, the INS explained that ''[t]he Attorney General's authority to grant employment authorization stems from section 103(a) of the Immigration and [Nationality] Act[,] which authorizes him to establish regulations, issue instructions, and perform any actions necessary for the implementation and administration of the Act.'' [192]

Congress then passed IRCA in 1986, making it unlawful for the first time for employers knowingly to hire an ''unauthorized alien (as defined in subsection (h)(3))'' for employment. 8 U.S.C. 1324a(a). Subsection (h)(3) defines an ''unauthorized alien'' in part as an individual whom the Attorney General has not authorized for employment. Thus, even though INA sec. 274a(h)(3) is ''definitional'' as one commenter observes, it is not meaningless or unimportant. To the contrary, that definition is part of IRCA and defines the scope of IRCA's core substantive provision that makes it unlawful to hire ''an unauthorized alien *(as defined in subsection (h)(3)).*'' 8 U.S.C. 1324a(a) (emphasis added). As INS explained in IRCA's implementing regulations:

> [T]he only logical way to interpret this phrase is that Congress, being fully aware of the Attorney General's authority to promulgate regulations, and approving of the manner in which he has exercised that authority in this matter, defined ''unauthorized alien'' in such fashion as to exclude aliens who have been authorized employment by the Attorney General through the regulatory process, in addition to those who are authorized employment by statute.[193]

In other words, Congress was well aware of INS's view of its authority to grant work authorization when it passed IRCA, and chose expressly to acknowledge INS's practice on this point, ratifying it in the most comprehensive immigration legislation in a generation.

For this same reason, DHS disagrees with the commenter's assertion that Congress' expressly authorizing certain classes of noncitizens for employment in the years since IRCA's enactment negatively implicates DHS's ancillary and longstanding authority to grant discretionary work authorization. This assertion depends on a misuse of the ''expressio unius est exclusio alterius'' canon. The express authorization was supplemental to the general authority that already existed, and not in derogation of it or contradictory to it. As explained above, Congress has had ample opportunity for input through legislation on INS's authority to grant work authorization over the years. But in enacting IRCA Congress ratified the Attorney General's (now the Secretary's) authority to grant work authorization to various classes of noncitizens. Nor did Congress disturb this text or alter this authority in any way in other watershed immigration legislation since that time, including the Immigration Act of 1990, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, or the REAL ID Act of 2005.

DHS acknowledges that in prior litigation, the agency took the position that INA sec. 274a(h)(3), 8 U.S.C. 1324a(h)(3) did not authorize the Secretary to grant work authorization to recipients of deferred action under the DACA policy.[194] However, after careful consideration, DHS now disagrees with that position. For the reasons explained throughout this preamble and the NPRM, Congress clearly ratified the Attorney General's longstanding authority to authorize classes of noncitizens for employment through the enactment of INA sec. 274a(h)(3), 8 U.S.C. 1324a(h)(3). DHS accordingly disagrees with the commenter that it lacks authority to provide EADs to recipients of deferred action under the DACA policy who establish an economic need to work.

DHS acknowledges the commenter's concern for citizen workers during this period of particular economic uncertainty, but DHS disagrees that this rule would result in material adverse effects on such workers. As explained in greater detail elsewhere in this rule,

[188] *See, e.g., Aliens and Nationality,* 17 FR 11469, 11489 (Dec. 19, 1952) (codified at 8 CFR 214.2(c) (1952)) (prohibiting a nonimmigrant in the United States from engaging in ''any employment or activity inconsistent with and not essential to the status under which he is in the United States *unless such employment or activity has first been authorized by the district director or the officer in charge having administrative jurisdiction over the alien's place of temporary residence in the United States.*'' (emphasis added)); *Aliens and Nationality,* 22 FR 9765, 9782 (Dec. 6, 1957) (codified at 8 CFR 214.2(c) (1957)) (same). *See also generally* Sam Bernsen, *Employment Rights of Aliens Under the Immigration Laws, In Defense of the Alien,* Vol. 2 (1979), at 21, 32–33 (collecting former INS Operating Instructions (OI) on employment authorization), *reprinted in https://www.jstor.org/stable/23142996*; Geoffrey Heeren, *The Immigrant Right to Work,* 31 Georgetown Immigr. L. J. 243 (2017). In addition, as noted in the NPRM, the former INS's OI in 1969 allowed for discretionary employment authorization to be issued to individuals who were provided voluntary departure, which permitted certain deportable noncitizens to remain in the United States until an agreed-upon date at which point they had to leave at their own expense but without the INS needing to obtain an order of removal. *See* INS OI 242.10(b) (Jan. 29, 1969).

[189] *See, e.g.,* 17 FR 11469; *Matter of S-,* 8 I&N Dec. 574, 575 (BIA 1960) (noting that ''the Immigration Service has issued printed material putting nonimmigrant aliens on notice that they may not engage in employment without permission of the Immigration Service Form I–358, which is routinely given to all entering nonimmigrant aliens.'' (cleaned up)).

[190] *See* Public Law 93–518 (Dec. 7, 1974).

[191] *See Employment Authorization to Aliens in the United States,* 46 FR 25079 (May 5, 1981).

[192] 45 FR 19563 (Mar. 26, 1980). The INS also stated that the Attorney General's authority to authorize employment of aliens in the United States was ''a necessary incident of his authority to administer the Act'' and had recently been ''specifically recognized by the Congress in the enactment of section 6 of [Pub. L. 94–571].'' *Id.* As described by the INS, that provision ''amended section 245(c) of the Act to bar from adjustment of status any alien (other than an immediate relative of a United States citizen) who after January 1, 1977 engages in unauthorized employment prior to filing an application for adjustment of status.'' *Id.*

[193] *Employment Authorization; Classes of Aliens Eligible,* 52 FR 46093 (Dec. 4, 1987).

[194] *See* Reply Br. for Pet'r at 19, *U.S. Dep't of Homeland Security, et al.* v. *Regents of the Univ. of Cal.,* 140 S. Ct. 1891 (2020) (No. 18–587).

including the RIA at Section III.A.4.d, the relationship between DACA recipients and U.S. workers is more complicated. For instance, the data consistently indicate that introducing skilled noncitizen workers to the workforce positively impacts the wages and employment of both college-educated and non-college-educated citizens, suggesting that DACA recipient workers falling into this category would generally be complementary to, rather than competitive with, U.S. citizen workers.

DHS likewise disagrees with the other commenter's position that INA sec. 236(a)(3), 8 U.S.C. 1226(a)(3), prohibits DHS from granting work authorization. DHS first notes INA sec. 236 governs the apprehension and detention of noncitizens pending removal proceedings. The commenter seeks to overextend that statute's reach, for there is no indication that Congress intended it to apply beyond the context of removal proceedings. In any event, as explained in the NPRM, DHS interprets the clause of INA sec. 236(a)(3) stating that DHS may not provide work authorization to a noncitizen in removal proceedings ''unless the alien . . . otherwise would (without regard to removal proceedings) be provided such authorization'' to represent Congress' further recognition that noncitizens who are not also permanent residents may nevertheless receive work authorization.[195] That clause (added in 1996) preserves the Secretary's authority to grant work authorization to deferred action recipients, as the Secretary had done pursuant to preexisting regulation, 8 CFR 274a.12(c)(14) (1995). DHS maintains its position that because Congress expressly referenced situations in which a noncitizen ''otherwise'' would receive work authorization, Congress preserved DHS's authority to grant work authorization to categories of noncitizens other than lawful permanent residents, including to deferred action recipients, consistent with DHS's longstanding interpretation of its statutory authority. Any other reading renders that statutory text superfluous.

DHS has further considered the district and appellate court opinions questioning DHS's authority to provide employment authorizations to DAPA or DACA recipients, and respectfully disagrees with those decisions for the reasons explained in the proposed rule.[196]

DHS Has Authority To Grant Work Authorization

Comment: Many commenters stated that the Department's statutory authority to provide work authorization to DACA recipients is clear, citing longstanding regulations and law to support their claim: INA sec. 103(a), INA sec. 274a(h)(3), and 8 CFR 274a.12(c)(9), (10), and (14). Citing INA sec. 274a(h)(3), one commenter stated that Congress delegated authority to DHS to administer and enforce the INA, saying the proposed rule is consistent with DHS's legal authority to grant work authorization to those ''who benefit from prosecutorial discretion.'' Other commenters similarly agreed that granting work authorization does not ''undermine'' the INA or IRCA, contrary to the district court's recent holding in *Texas.* A commenter also reasoned that if the agency did not provide employment authorization, then the agency's action would be arbitrary and capricious for failing to consider the third parties impacted by the loss of employment authorization. Citing INA sec. 274a(h)(3), a commenter warned ''undercutting'' the clear statutory and regulatory authority the Department has to grant employment authorization would have far-reaching impacts beyond DACA to many other vulnerable groups of migrants. Another commenter likewise applauded DHS's ''thorough'' explanation of its discretionary authority to grant deferred action and work authorization to certain individuals. Several commenters urged the Department to add a DACA-specific provision to longstanding work authorization regulations to clarify and reinforce the policy for DACA recipients.

Several other commenters expressed concern with the separation of work authorization and deferred action, writing that access to deferred action and work authorization are not separate in their view. The commenters stated that the ability for DACA recipients to live with their families and communities without fear of deportation is synonymous with their ability to work legally and contribute to their families' and communities' economic well-being. The commenters acknowledged State legislators cannot grant work authorization to DACA recipients and instead must rely on DHS's discretion to do so.

Response: DHS agrees with commenters that it has authority to grant work authorization to DACA recipients attendant to their grant of deferred action. DHS agrees the pertinent regulatory and legislative context indicates Congress' consistent recognition and ratification of this authority.[197] With respect to the comment suggesting that eliminating employment authorization for DACA recipients would be arbitrary and capricious, DHS takes the commenter's point regarding the benefits of employment authorization and existing reliance interests, but notes that DHS has not eliminated employment authorization from the policy. DHS agrees with commenters that DACA recipients and their communities would be negatively affected if discretionary employment authorization upon demonstration of economic necessity were eliminated from the DACA policy. To this end, DHS has included a DACA-specific EAD provision in this rule at new 8 CFR 274a.12(c)(33).

c. Unbundled Process To Make Form I–765 Optional

Support for Unbundled Process That Makes Form I–765 Optional

Financial Benefits to Applicants

Comment: Some commenters expressing support for the unbundled process stated that the provision would allow requestors to secure deferred action before applying for employment authorization, preventing them from losing the $410 Form I–765 filing fee upon a denial of deferred action. Other commenters said the unbundled process would provide flexibility and ease the financial burden for applicants who do not need employment authorization, such as some university students and those who are unable to work. Commenters said that the 181,000 DACA-eligible students in higher education would benefit from the ability to financially prioritize the separate requests, as many of these students may not need or want employment authorization during their enrollment in higher education. Another commenter reasoned that the $410 filing fee for Form I–765 is significant and a potential barrier for many requestors.

Response: DHS acknowledges these commenters' support for the proposed provision and agrees that an unbundled process would provide additional flexibility and reduce financial barriers to deferred action requests for some DACA requestors, including those who do not want to or cannot currently work. DHS agrees that the proposed unbundled process would provide DACA requestors with the ability to prioritize requests for forbearance from removal over employment authorization

[195] 86 FR 53759.

[196] 86 FR 53759–53760.

[197] *See* the preamble to the NPRM at 86 FR 53756–53760.

or to wait until they know their DACA request is approved before filing and paying the fees for an EAD, as needed. DHS has weighed these important interests carefully against countervailing considerations discussed below and, as discussed in greater detail in this section, has modified the proposed rule to codify the existing bundled process.

Protect the Integrity of DACA Against Future Litigation

Comment: Other commenters supporting the provision stated that unbundling the requests for employment authorization and deferred action would protect DACA recipients from the results of future litigation and possible deportation. A commenter agreed with what they perceived as DHS's rationale for the proposed change, namely that if employment authorization requests were optional, there would be a greater likelihood that the deferred action component of the policy and, thus, relief from deportation would be upheld if a court invalidated employment authorization for DACA recipients. Other commenters stated that while it was within the Executive's immigration authority to grant both deferred action and employment authorization, an unbundled process would bolster the continued existence of DACA in whole or in part.

A commenter stated that the proposed change would strengthen DACA's designation as an executive exercise of prosecutorial discretion because it would align DACA with other forms of prosecutorial discretion that grant employment authorization based on economic need. The commenter concluded that placing the program on firm ground with regard to prosecutorial discretion while providing financial relief and flexibility to DACA recipients would be essential ''until there is a permanent congressional solution.''

Response: DHS acknowledges commenters who reasoned that the proposed unbundled process would align DACA with other DHS exercises of deferred action and could fortify the forbearance component of the DACA policy in the event of ongoing or future DACA litigation. However, DHS disagrees that unbundling these forms is necessary to preserve and fortify the forbearance from removal component of the DACA policy. DHS therefore disagrees with commenters to the extent they characterize DHS's rationale for proposing the unbundled process as a necessary means to insulate the policy from litigation. Rather, DHS's primary reason for proposing the unbundled approach was to provide applicants with greater flexibility and to reduce cost barriers to eligible noncitizens who sought forbearance but did not want, prioritize, or have economic need for employment authorization. And as discussed throughout the NPRM and this rule, DHS strongly believes it is legally authorized to implement the DACA policy, including to grant recipients discretionary work authorization. DHS accordingly disagrees with commenters' position that unbundling forbearance from removal and work authorization is necessary to place DACA on stronger legal footing. This rule, moreover, includes both a DACA-specific EAD provision at new 8 CFR 274a.12(c)(33) and a severability provision at new 8 CFR 236.24. Thus, even if a court were to hold that DHS lacked authority to grant discretionary work authorization to DACA recipients, DHS maintains that the court should sever the work authorization provision from the rest of the regulation, leaving DACA's forbearance component intact. As unbundling the filing of the DACA request from the employment authorization application is not legally required to preserve the forbearance component of DACA, and as discussed in greater detail below, despite the greater financial and other flexibility it would offer DACA requestors, DHS has decided to modify the proposed rule to maintain the status quo policy that requires all DACA requestors to file Form I–765, Application for Employment Authorization, and Form I–765WS concurrently with their form I–821D, Consideration of Deferred Action for Childhood Arrivals.

Mixed Feedback on the Provision

Comment: Some commenters provided mixed feedback on the proposed unbundled process without opposing or supporting the proposal. These commenters acknowledged, as discussed above, that an unbundled process would provide greater flexibility, reduce cost barriers to requestors, and that unbundling the forms could better protect deferred action should a court strike down access to employment authorization. A commenter, however, questioned the purpose of DACA if recipients could not legally work and obtain Social Security numbers and expressed concern that the change would cause confusion for DACA recipients. Commenters expressed concerns about delays that would result in misaligned validity dates for deferred action and work authorization. Citing USCIS historical processing times data that DACA initial requests were taking on average nearly 6 months and DACA-related employment authorization requests were taking on average nearly 2 months to be processed, a commenter stated that unbundling Forms I–821D and I–765 could lead to additional delays in EAD adjudications, causing disruptions for U.S. employers and harming DACA recipients and their families. Likewise, a commenter stated that the rule, as proposed, could not guarantee the timely adjudication of employment authorization applications.

Without clearly supporting or opposing the proposed unbundled process, other commenters urged DHS to proceed with caution and suggested ways to ameliorate concerns with the proposed provision, including: clearly and carefully communicating the change to the DACA population, ensuring DACA recipients who work without authorization do not face penalties, maintaining a procedure that would not confuse or cause backlogs in applications due to the extended process, and adding language to the rule that DACA and EAD applications USCIS receives concurrently are adjudicated together and have the same validity dates.

Expressing support for this provision, a commenter raised concerns that the optional form would effectively change the cost of DACA and questioned whether the reduced cost would result in substantially lower revenue for USCIS.

Response: DHS acknowledges these comments on the proposed unbundled process. DHS agrees that the proposal would have provided additional flexibility to requestors regarding whether or when to request employment authorization in connection with their deferred action requests under the DACA policy. DHS, as discussed elsewhere in this rule, disagrees that unbundling these requests is necessary to strengthen the legal footing of the DACA policy or this rule. DHS also acknowledges these commenters' concerns that the proposed provision could introduce confusion among the DACA-eligible population and cause other unintended consequences, such as lengthier processing times, backlogs, and EAD validity dates that do not match the full 2-year period of deferred action for requestors who do not bundle their requests. USCIS has made important strides in reducing backlogs and ensuring efficient processing times for DACA-related requests. Of note, median processing times for DACA renewal requests and related employment authorization applications have decreased to half a month in Fiscal Year (FY) 2022 to date. As discussed above, since July 16, 2021, the *Texas*

district court order has prohibited USCIS from granting initial DACA requests and related employment authorization applications. Nevertheless, DHS agrees that an unbundled option could result in DACA recipients who receive EADs with validity periods of less than 2 years because the expiration date would necessarily be the end date of the deferred action period, while the EAD validity date would depend on the date of adjudication. DHS agrees with the commenter who suggested unbundling these forms could result in diminished cost recovery if a significant number of DACA requestors chose not to file Form I–765. In the NPRM, DHS considered carefully this concern and, based on projections, estimated that USCIS would charge, on average, approximately $93,736,500 less than the estimated full cost of adjudication for Form I–821D annually in FY 2022 and FY 2023 in the unbundled scenario.[198] Nevertheless, in the NPRM, DHS decided to hold the fee for Form I–821D below the approximately $332 estimated full cost of adjudicating that form alone and to propose the unbundled process to offer greater flexibility to DACA requestors, finding this framework to be in the public interest. In the NPRM, DHS explained its view that the proposed Form I–821D fee of $85 balances the need to recover some of the costs of reviewing DACA requests filed without Form I–765, including the costs of biometric services, with the humanitarian needs of the DACA requestor population and the benefits of expanding DACA to DHS and to communities at large. Many DACA recipients are young adults who are vulnerable because of their lack of immigration status and may have little to no means to pay the fee for the request for deferred action. However, DHS has considered these comments and, as further discussed elsewhere in this rule, has decided to instead codify the existing bundled process in this rule.

Opposition to the Optional Form I–765

Most commenters who provided feedback on this provision expressed concern about the consequences it would have for DACA recipients, the application process, program benefits, or the integrity of the program overall. Many of these commenters urged DHS to instead retain the existing bundled process that has been in place since 2012, with some stating the proposed unbundled process undermined DACA.

Recognition of the Rationale Behind the Provision

Comment: Many commenters opposed the proposal while also recognizing the financial and flexibility benefits the proposal would have provided to some requestors, as discussed in more detail above. Other commenters who expressed concern with the provision stated that they appreciated the absence of any substantive alterations to EAD adjudications or filing fees. One commenter noted that the requirement for the DACA request to be submitted with the employment authorization application is clearer, forces people to be ''all in or all out on the Employment Authorization,'' and provides a greater understanding of DACA and its benefits to requestors.

Response: DHS appreciates these commenters' recognition that the proposed unbundled process would have benefitted some DACA requestors by reducing cost barriers and expanding choice and flexibility for these individuals. However, the Department accepts that these commenters nevertheless preferred the bundled process, which is the longstanding status quo practice since 2012 of requiring both the DACA request and the employment authorization application to be filed simultaneously. DHS addresses these commenters' opposition to the proposal in this section, and, for the reasons discussed, has modified this rule to codify the existing and longstanding bundled process.

Litigation and Loss of Employment Authorization

Comment: Many commenters remarked that strengthening the legal position of deferred action through the proposed unbundled process would create an opportunity for the courts or future administrations to invalidate employment authorization for DACA recipients altogether.

A commenter stated that this change would be legally unnecessary, citing DHS's recognition that deferred action has never created an entitlement to employment authorization and that DACA recipients must show an economic necessity to obtain such authorization. The commenter concluded that the existing bundled process has promoted access to an important benefit while minimizing costs to requestors and DHS.

Another commenter remarked that an unbundled process could leave the program vulnerable to political attacks labeling DACA recipients as unproductive members of society, which could weaken support for DACA and leave the program open to future litigation. Similarly, another commenter noted that that the proposed unbundling could create an opportunity for individuals who are not motivated to work with authorization to forgo the Form I–765 filing fee.

Response: DHS disagrees that unbundling the deferred action and employment authorization requests would create any greater likelihood that the employment authorization for DACA recipients would be invalidated altogether. This rule again codifies an exercise of DHS's authority to grant employment authorization to DACA recipients and thereby serves to preserve and fortify DACA. This rule includes a DACA-specific EAD provision at new 8 CFR 274a.12(c)(33). Thus, DHS would need to engage in additional notice-and-comment rulemaking to remove the regulatory text and the ability for DACA requestors to request employment authorization. DHS agrees with commenters' assertion that the proposed change is not legally necessary to fortify the Department's authority to grant employment authorization to DACA recipients. As explained in detail in the NPRM and elsewhere in this rule, since at least the 1970s, the INS and later DHS have made employment authorization available for noncitizens without lawful immigration status but who receive deferred action or certain other forms of prosecutorial discretion.[199] In response to these comments, and for additional reasons explained elsewhere in this preamble, DHS is modifying the rule to adopt the existing bundled process instead of adopting the unbundled process as proposed in the NPRM. Finally, DHS notes that comments regarding political descriptions of DACA recipients are outside the scope of this rule and declines to respond to these comments.

DHS's Rationale Regarding the Need for Work Authorization

Comment: A few commenters critiqued DHS's rationale that some DACA requestors may not need employment authorization and questioned how likely it would be that DACA recipients would choose not to apply for an EAD. Similarly, a legal services provider stated that employment authorization is not an add-on benefit to DACA and that it would not expect any of its clients to request deferred action under the DACA policy without employment authorization. Echoing these arguments, a commenter further reasoned that it is

[198] 86 FR 53764.

[199] 86 FR 53757.

difficult to see work authorization and deferred action as two separate issues, adding that a deferred action-only DACA policy would have little to no value to individuals. A commenter reasoned that, as the only individuals who fit within the DACA policy under the *Texas* ruling and partial stay are seeking to renew DACA and have always requested deferred action alongside employment authorization, they would continue to request these protections jointly and would not require the additional flexibility. This commenter said that it would be important for recipients to have assurance that they would not have any lapses in employment authorization because of this change.

A commenter stated that the NPRM's projection that 30 percent of DACA requestors would opt out of requesting employment authorization was at odds with rapidly changing individual circumstances and the importance of having the ability to work even if it is not continually exercised. The commenter concluded the vast majority afforded the opportunity to request work authorization will do so.

Response: DHS agrees with these commenters that most DACA requestors likely will request employment authorization but reiterates that the unbundled process proposed in the NPRM was intended to not only offer options to requestors about whether to request employment authorization, but also when to request this authorization. DHS acknowledges some commenters' position that employment authorization is not an ''add-on'' benefit of deferred action, but DHS disagrees. Certainly, as discussed in the NPRM and elsewhere in this rule, policy considerations weigh heavily in favor of authorizing employment for individuals with deferred action. Nonetheless, as discussed throughout this rule, DACA is an exercise of prosecutorial discretion in the form of deferred action, upon which determination DHS has authority to confer employment authorization. Indeed, as other comments have indicated, there is likely to be a subset of the DACA population that does not want or need an EAD at a given time and, therefore, may benefit from the option to delay or defer requesting employment authorization. DHS also reiterates that although the *Texas* court order currently enjoins DHS from granting DACA to initial requestors, this rule addresses the threshold criteria and process for both initial DACA requests and renewal requests. DHS has carefully considered these comments, weighing the unbundled process's potential benefits to a subset of DACA requestors against the complications posed to the larger population of DACA requestors. Upon careful consideration, as explained below, DHS agrees that the benefits of the proposed unbundled process do not outweigh the potential negative impacts raised by commenters as discussed in this rule. DHS therefore has decided to modify the proposed rule and instead to codify the longstanding bundled process that requires requestors to simultaneously file Form I–765, Application for Employment Authorization, and Form I–765WS along with their Form I–821D, Consideration of Deferred Action for Childhood Arrivals.

Administrative Burdens on Applicants, Confusion, and Impacts on Pro Se Applicants

Comment: Many commenters stated that the proposed unbundled process would create unnecessary burdens for current DACA recipients who are accustomed to the bundled process and those who may unknowingly opt out of work authorization due to financial necessity, confusion, or a lack of legal assistance. Another commenter said that any confusion resulting from this change could deprive DACA recipients of access to or ability to work, which the commenter stated is necessary to establish their families' safety and security in the United States.

A commenter stated that, in its experience with the administration of and access to public benefit programs, duplicative applications create unnecessary barriers to participation, while increasing the administrative burden on requestors and the granting agencies. Similarly, commenters stated this change could increase time and resources spent on legal fees to submit additional paperwork or to navigate the new process. In addition to compounding burdens for requestors, agencies, and legal services providers, a commenter suggested that confusion related to this provision would overwhelm under-resourced organizations that assist DACA requestors.

A commenter said that many requestors with financial limitations may fail to understand the benefits of concurrently filing Forms I–821D and I–765. Other requestors, commenters remarked, may erroneously believe they can apply for deferred action and automatically receive employment authorization, or inadvertently fail to opt into applying for employment authorization, leading to further delays and the potential loss of employment opportunities.

Many commenters stated that the burden of this change could fall largely on pro se requestors, making the policy less accessible for those lacking proper guidance to navigate complex, evolving processes. A commenter said this provision would create an acute risk that pro se requestors would not understand that they must apply separately for an EAD under the new process, and that there would be a ''skeletal track'' resulting in deferred action alone. This confusion, the commenter warned, could result in EAD applications lagging behind DACA requests and subsequent losses in the work authorization period, despite paying the full fee for an EAD. Other commenters stated that these challenges would largely fall on first-generation noncitizens and requestors with limited resources.

Response: DHS acknowledges these commenters' concerns and recognizes the need for clarity regarding the process to request consideration for deferred action and employment authorization under the DACA policy. DHS has carefully considered these concerns and agrees that the population of DACA requestors is accustomed to the well-established bundled process that has been in place since 2012. DHS recognizes that diverging from this longstanding process could cause confusion and agrees that requestors without the assistance of attorneys or accredited representatives could be disproportionately and adversely impacted by the proposed change. DHS also recognizes that codifying the unbundled process could strain resources among nonprofit legal services providers because it could result in more requestors seeking assistance from these providers and introduce more procedural options to consider, causing legal services providers to spend additional time and resources explaining the change, counseling requestors, and preparing and filing unbundled forms. DHS also acknowledges commenters' concerns that while the proposed change could reduce cost barriers to forbearance from removal, those DACA requestors with acute economic distress such that they could not afford the filing fee under a bundled process also likely would be among those individuals with the most economic need for employment authorization. DHS also agrees that it is important that DACA recipients who pay the Form I–765 filing fee receive an EAD with a validity period that matches the full deferred action period, and that those who have limited resources may be disproportionately impacted by

delaying filing the Form I–765 due to inability to pay. Because DHS has decided to maintain the 2-year DACA deferred action validity period set forth in the Napolitano Memorandum, the Department declines to make changes to this rule that would extend employment authorization validity periods beyond that timeframe. However, after careful consideration of these concerns raised by commenters, and having carefully weighed the potential benefits against the unintended negative consequences raised by the proposal, DHS agrees to make changes in the rule to codify the existing bundled approach, rather than offering requestors the option of an unbundled process.

Delays in Adjudication and Gaps in Employment Authorization

Comment: Several commenters expressed concern that unbundling requests for employment authorization and deferred action would increase administrative burdens for USCIS and lead to delays that could harm DACA recipients' ability to meet economic needs through work. A commenter stated that an unbundled process would magnify delays in grants of deferred action or work authorization, leading to incomplete protection and increased uncertainty. Citing current USCIS backlogs, a commenter similarly expressed concern that an unbundled process would compound bureaucratic delays in an agency already experiencing backlogs in adjudicatory functions, including EAD processing. Commenters stated that an unbundled process not only would lead to delays but also could result in the improper denial of work authorization requests. A commenter added that employment authorization gaps heighten the delays employers already experience with noncitizen employees amid labor shortages. Other commenters stated that the unbundled process would result in misaligned validity dates for DACA and employment authorization, leading to the potential loss of a full term of employment authorization and uncertainty for employers and recipients.

Response: DHS recognizes that DACA recipients and employers have significant reliance interests in the DACA policy this rule aims to preserve and fortify. DHS acknowledges these commenters' concerns regarding processing delays and bureaucratic complications arising from an unbundled process. DHS agrees that DACA requestors and their employers have an interest in efficiently processed DACA-related employment authorization requests and in EAD validity dates that align with the authorized deferred action period. DHS notes that the median processing time for a DACA-related Form I–765 is 0.5 months in FY 2022, as of May 31, 2022,[200] reflecting important measures USCIS has taken to ensure properly filed requests are swiftly adjudicated. Nevertheless, DHS acknowledges it would require additional resources to operationalize an unbundled approach that results in multiple configurations of requests and an increased likelihood of ''second touch'' processing, whereby a requestor files a Form I–765 at some point after submitting their deferred action request. DHS has carefully weighed the intended benefits of additional flexibility for requestors and the potential unintended consequences of increased confusion, uncertainty, and bureaucratic delay, and agrees with these commenters that the flexibility benefits do not outweigh these potential negative impacts. DHS therefore agrees to adopt the suggestion of these commenters to codify the rule at new 8 CFR 236.23(a)(1) to require that a request for DACA also must contain a request for employment authorization filed pursuant to 8 CFR 274a.12(c)(33) and 274a.13.

Two-Tiered System and Unauthorized Employment

Comment: Many commenters stated that confusion, delays, or denial of work authorization under an unbundled process would create ''unequal DACA tiers'' between recipients with and without EADs. A few commenters expressed concern that unbundling deferred action and work authorization could create an opportunity for individuals who are not motivated to work with authorization to forgo the I–765 filing fee or for DACA recipients to avoid work at taxpayers' expense.

Most commenters who raised concerns about a two-tiered system discussed the adverse impact on unauthorized workers, workplace safety, and labor rights. A commenter stated that unbundling deferred action and work authorization would lead to persons opting out of paying the Form I–765 fee for reasons of poverty, suggesting that the choice to delay entry into the workforce would not be done freely. Another commenter said the proposed change to the application process would result in some DACA recipients being granted DACA and not employment authorization.

A commenter remarked that this provision would make work authorization more difficult to obtain, ''forcing'' some individuals into precarious situations where they pursue unauthorized employment. This outcome, the commenter stated, would run counter to the agency's intention of using its power to protect wages, facilitate workplace safety, and enforce other labor and employment standards. Another commenter noted that, whether due to fear, confusion, or cost, requestors may be deterred from accessing work authorization under an unbundled process, which would open the possibility of a new ''second class'' of DACA recipients without work authorization. These DACA recipients who lack employment authorization, commenters stated, would open the door for increased unauthorized employment and empower unscrupulous employers to take advantage of unauthorized labor, including lower pay and exploitative, even hazardous work conditions. A commenter added that unscrupulous employers often exploit the lack of employment authorization to chill workers' efforts to organize, protest substandard working conditions, and enforce wage, safety, and discrimination laws, and also interfere with collective bargaining rights, suggesting that the proposed change could cause irreversible harm to many individuals by forcing them into informal employment. Citing studies, a commenter stated that the economic consequences of this change and possible involvement in abusive work situations would be particularly acute for populations that are disproportionately harmed by systemic inequalities, including LGBTQ populations, racial minorities, and people with disabilities.

A commenter expressed concern that a reduced population of work-authorized DACA recipients would lead to the DACA population's increased reliance on nonprofits, community organizations, and city or State funding for daily needs.

Response: DHS acknowledges these commenters' concerns about the proposed unbundled process. DHS agrees that, to the extent that some DACA requestors would forgo employment authorization under the unbundled process, two groups of DACA recipients would result, those with and those without employment authorization. As discussed in the NPRM, DHS recognizes that, if offered the option to forgo employment authorization, some DACA recipients would opt out due to a financial

[200] USCIS, *Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year, Fiscal Year 2017 to 2022 (up to May 31, 2022), https://egov.uscis.gov/processing-times/historic-pt* (last visited June 29, 2022).

inability to pay the Form I–765 filing fee. However, DHS disagrees with the commenter that an unbundled process would force some DACA requestors into unauthorized employment, although DHS acknowledges that such unauthorized employment may be more likely to occur. While DHS acknowledges commenters' point that an unbundled process could result in confusion or uncertainty among DACA requestors, DHS reiterates that it proposed the unbundled process as a mechanism to offer more flexibility and make forbearance from removal more accessible to individuals who might otherwise forgo DACA altogether due to an inability to pay filing fees for employment authorization. Nevertheless, DHS recognizes and agrees with commenters that there are strong policy reasons to make employment authorization requests accessible for those to whom DHS has extended deferred action. As discussed above, self-reliance of community members is critical not only to social and economic prosperity, but also to individuals' personal well-being. While the DACA policy, even without employment authorization, has substantial value, DHS recognizes that without employment authorization, DACA recipients would be unable to engage in lawful employment to support themselves and their families, potentially exposing them to exploitation and crime. DHS has carefully weighed the benefits of increased flexibility offered by the proposed unbundled process against these unintended negative consequences and agrees to modify the rule to codify the existing bundled process instead of the proposed unbundled process.

The Provision Would Undermine the Purpose and Benefits of DACA

Comment: Some commenters warned that the proposed unbundled process would, as a result of other residual consequences of the provision, frustrate the main purpose of DACA, to provide both protection from deportation and the ability to work in the United States. A commenter reasoned that the decision to make employment authorization ''more challenging for DACA recipients belies [the] recognition of the pivotal role of employment authorization to the proper operation'' of DACA. Several commenters similarly said that the provision would undermine the rationale behind DACA. A commenter stated that separating forbearance from deportation and work authorization would have negative effects on its city economy, arguing that DACA without work authorization would mean an increase in poverty (including mixed-status families), a loss of desperately needed essential workers, and a significant loss to their city's economy and revenues. The commenter estimated that DACA-eligible New Yorkers contribute over $3 billion annually to New York City's GDP.

Commenters reasoned that deferred action and work authorization are not separate, as the ability for Dreamers to freely live with their families and communities is synonymous with their ability to legally work. A commenter said that DHS could not fortify DACA with a regulation that separates deferred action from employment authorization. In addition to stating the potential impacts of this change on the request process, the commenter added that the proposed change would weaken the purpose of DACA by undermining the worth and agency of childhood arrivals.

Many commenters noted that, if this provision led to any recipients losing their employment authorization, recipients also could lose the other benefits an EAD provides beyond the ability to work. Commenters said that the EAD functions as a foundational form of identification for many DACA recipients, who may find this new process confusing and, therefore, fail to reapply for this benefit. They reasoned that an EAD is often the only acceptable form of identification for obtaining a driver's license while providing access to a Social Security number, health insurance and preventative care, entrance to Federal buildings, social benefits, school registration for children, long-term educational opportunities, bank loans, and home utilities. Other commenters added that, without an EAD, DACA recipients have no way of demonstrating ''lawful presence,'' which is the criterion that some States have chosen to use for eligibility for a State identification card, which could in turn affect their right to domestic travel when full enforcement of REAL ID requirements begins. A commenter similarly stated that, even among those who do not require work authorization, an EAD is valuable for obtaining these additional benefits. Considering the loss of benefits for individuals only granted deferred action under this change, commenters suggested that recipients should be allowed to receive an alternative form of identification with their approved DACA request, including a Social Security number and Federal identification.

Response: DHS acknowledges these commenters' concerns. DHS agrees that the ability to request employment authorization has been an important component of the DACA policy since it was implemented in 2012. Although DHS reiterates that employment authorization is not incident to receipt of deferred action—which is an act of prosecutorial discretion—as it is incident to certain forms of lawful immigration status, such as TPS and asylum, DHS agrees that employment authorization is important to most DACA recipients. DHS also agrees with and is persuaded by comments that point to the many reasons beyond employment that DACA recipients may want or need an EAD to facilitate important aspects of daily living while they have deferred action. DHS acknowledges that DACA recipients may require an EAD for identification or to access a variety of State and local benefits, programs, or services. DHS agrees that the proposed unbundled process raises the prospect that some DACA recipients may unwittingly forgo or be deterred from applying for an important identity document or restrict their access to these benefits, programs, or services by virtue of forgoing an employment authorization request for any number of reasons discussed above. Although it is generally the purview of States and municipalities to make policies regarding eligibility of DACA recipients for these benefits, programs, and services, DHS has a strong interest in ensuring that individuals who have been granted DACA are not deterred from requesting an EAD to establish their identity and DACA forbearance. DHS appreciates the commenter's suggestion that DHS furnish individuals who request only deferred action under an unbundled process with an alternative identity document. However, DHS declines to adopt this suggestion as it would impose additional operational costs, could introduce confusion among States and localities, and would result in DACA recipients receiving an identity document not available to recipients of deferred action under other policies or processes. Instead, upon careful consideration of the important concerns raised by these commenters, DHS agrees to modify the final rule at new 8 CFR 236.23(a)(1) to require that a request for DACA also must contain a request for employment authorization filed pursuant to 8 CFR 274a.12(c)(33) and 274a.13.

Fee Waivers as an Alternative to the Unbundled Process

Comment: Commenters expressed concern that the proposed provision would have made filing Form I–765 optional while maintaining the existing fee structure. Recognizing that the provision would reduce fees for

applicants with financial hardship or not needing employment authorization, some commenters requested DHS consider other alternatives for making the application affordable or more accessible, including through fee waivers. A commenter also stated that, although separating the two forms and their fees could alleviate the financial burden of requesting DACA for some, it would not eliminate that burden entirely. Other commenters said that the only benefit of the unbundled process would be to offer a lower cost option, but stated that providing a fee waiver was a better alternative than restricting the application to a limited benefit for some. A commenter further expressed concern that DACA is one of the few immigration requests for which requestors are prohibited from requesting a fee waiver, while another commenter urged implementation of a fee waiver option, stating that the current fee exemption process for DACA requestors is cumbersome and further delays beneficiary status. Another commenter said that USCIS is authorized to carry out fee waivers under 8 CFR 106.3(b). To this end, a commenter recommended that USCIS allocate additional funds to waive the fee associated with Form I–765 to reduce the burden on DACA-eligible students.

Response: DHS agrees with commenters that policy interests favor making DACA accessible to those who meet the criteria and merit a favorable exercise of discretion and, as such, is not increasing the DACA-related fees in this rule. As discussed in greater detail elsewhere in this rule, DHS has carefully considered the suggestion to make fee waivers available to DACA requestors and weighed the benefits of fee waivers to requestors with the fiscal impact and objective to preserve and fortify DACA. Although DHS agrees to modify the rule to require the existing bundled process, DHS declines to adopt the suggestion to implement fee waivers.

Other Alternatives to an Unbundled Process

Comment: A commenter stated that DACA would benefit from not changing the application process in the manner set forth in the proposed rule due to the precarious situation of the policy's long-term viability. Alternatively, the commenter suggested that DHS amend the rule to provide an unbundled process option for initial DACA requestors should they be allowed to receive benefits in the future and maintain the existing bundled process for individuals seeking to renew their status. A different commenter recommended that the agency provide a way for requestors to affirmatively decline filling out an application for work authorization, instead of unbundling these processes. Another commenter suggested that either the rule maintain the bundled process or that an additional option be included that combines the work permit and DACA renewal instead of ''completely decoupling'' the two requests. Another commenter urged DHS to continue to grant employment authorization concurrently with deferred action and to prominently list on Form I–821D the significant benefits and any known drawbacks of having an EAD for requestors.

Response: DHS acknowledges and thanks commenters for these suggestions. As an initial matter, DHS reiterates that the proposed unbundled process would not have completely ''decoupled'' deferred action and employment authorization requests for the DACA population. Under the proposed rule, requestors would have retained the option to bundle and concurrently file these requests, but would have the added option of filing for employment authorization separately or not at all. Nevertheless, as discussed above, upon careful consideration of comments received and the extensive comments filed in opposition to the proposed unbundled process, DHS is modifying the rule to codify the longstanding bundled process. DHS believes that a consistent request process for both initial and renewal requestors would best ensure efficient processing and minimize processing delays or other bureaucratic drawbacks of an unbundled process noted by commenters. DHS therefore declines to adopt an unbundled approach for initial requestors. In light of DHS's decision to adopt the existing bundled process, DHS also declines to adopt suggestions to provide a means for requestors to affirmatively decline employment authorization or to list on Form I–821D the benefits and drawbacks of having an EAD.

d. Automatic Termination of Work Authorization

Comment: One commenter expressed general concern that, under the proposed rule, termination of a DACA grant would result in termination of the EAD as well, while another stated that the automatic termination of work authorization provision is an example of the proposed rule giving the policy ''more of a back[bone],'' stating that this was not strictly enforced beforehand.

Response: DHS acknowledges the range of views expressed, from one commenter's concern that individuals are no longer eligible to work lawfully once their EAD is terminated, to another commenter's support for the provision. However, DHS disagrees that this provision was not strictly enforced previously. Historically, when an individual's grant of DACA has been terminated, so too has the individual's employment authorization been terminated, because the underlying basis for the employment authorization no longer exists upon the termination of DACA.

DHS is revising 8 CFR 236.23(d)(3) in this rule to remove the cross-reference to 8 CFR 274a.14(a)(1)(iv), which was vacated in *Asylumworks, et al.* v. *Mayorkas, et al.,* civ. 20–cv–3815 (D.D.C. Feb. 7, 2022). As a result of the vacatur and additional revisions made to the DACA termination provisions to eliminate automatic termination based on filing of an NTA, as discussed elsewhere in this rule, DHS is further clarifying at 8 CFR 236.23(d)(3) that employment authorization terminates when DACA is terminated and not separately when removal proceedings are instituted.

3. Lawfully Present (§ 236.21(c)(3)) and Unlawful Presence (§ 236.21(c)(4))

In proposed 8 CFR 236.21(c)(3) and (4), DHS proposed that DACA recipients, like all other deferred action recipients, would continue to be considered ''lawfully present'' (a legal term of art) for the purpose of receiving certain title II Social Security benefits under existing 8 CFR 1.3(a)(4)(vi) and would not accrue unlawful presence for inadmissibility determinations under INA sec. 212(a)(9)(B), 8 U.S.C. 1182(a)(9)(B) while they have DACA. Both provisions reflect policy and practice for persons subject to deferred action more broadly since well before the inception of DACA. As detailed below, the public comments on these two proposals were overwhelmingly supportive of the two proposed lawful presence provisions, with only a few commenters expressing opposition to them. Several of the supportive commenters also provided recommendations for additional modifications to the proposed provisions. DHS responds first to the supporting comments, then to the opposing comments, and finally to those comments that supported the lawful presence provisions but recommended certain modifications.

Support for ''Lawfully Present'' and ''Unlawful Presence'' Proposals

Comment: In expressing their strong support for DHS's proposal that DACA recipients will continue to be deemed ''lawfully present'' for certain benefit purposes as noted in 8 CFR 1.3(a)(4)(vi), commenters provided several reasons. These reasons included: appreciation for DHS's clarification and confirmation that DACA recipients are ''lawfully present''; support for DHS's explanation in the preamble that it would continue to treat individuals granted deferred action under DACA as ''lawfully present,'' as well as the agency's discussion of the differences between lawful presence and lawful status; treating undocumented immigrants as ''lawfully present'' allows them to find employment to support themselves and their families; DACA recipients would be able to obtain Social Security numbers, an outcome the commenters said would allow individuals to obtain jobs and forms of identification, pay taxes, and surpass evidentiary barriers to services; the proposal on lawful presence would enable the recipients to qualify for Social Security and certain other public benefits; and there is no legitimate reason for treating DACA recipients differently from others with deferred action with respect to ''lawful presence.''

One commenter was particularly supportive of the proposal to treat DACA recipients as ''lawfully present'' for purposes of statutes governing eligibility for certain Federal benefits. Many commenters applauded the proposals for confirming that DACA recipients are deemed ''lawfully present'' and do not accrue unlawful presence, commenting that these individuals were not able to understand the implications of, nor control, their entry into the United States at a young age.

Many commenters were similarly supportive of the proposed rule's incorporation of DHS's longstanding policy that DACA recipients, like other deferred action recipients, do not accrue unlawful presence for purposes of the inadmissibility grounds in INA sec. 212(a)(9), 8 U.S.C. 1182(a)(9) while their deferred action is valid. In expressing their support, commenters noted the following: accruing unlawful presence could otherwise present an obstacle to future admissibility; removing lawful presence for DACA recipients would create a permanent underclass and prevent such individuals from pursuing a green card; the treatment of DACA recipients as lawfully present helps shield and protect DACA recipients against adverse immigration consequences associated with the accrual of unlawful presence, including bars on reentry; accrual of unlawful presence would present barriers for individuals or their relatives to pursue legal pathways to permanent residency; maintaining the proposed rule's provision on unlawful presence will help ensure that the largest possible percentage of DACA recipients remain eligible for other forms of immigration relief; and holding DACA protections always should prevent the accrual of unlawful presence.

Several commenters specifically responded to DHS's request for comments on whether persons who receive deferred action pursuant to the proposed rule should be regarded as ''lawfully present'' or ''unlawfully present'' for purposes of eligibility for specified Federal public benefits under 8 U.S.C. 1611(b) and admissibility under 8 U.S.C. 1182(a)(9), respectively. Commenters stated that individuals with deferred action always have been covered by the lawfully present regulation and that any other formulation would break from legal precedent and longstanding policy, as well as create an unworkable and overly complex adjudication framework. One commenter said that changing longstanding policy around deferred action and lawful presence would create a logistical nightmare in the complex realm of immigration law. The commenter further stated that if such a change were made retroactive, it would fly in the face of extensive legal precedent regarding retroactive lawmaking, but if the change were not retroactive, USCIS would have the problem of determining when different recipients had DACA that prevented the accrual of unlawful presence (pre-rule) and when their DACA did not protect them from accruing such unlawful presence. According to the commenter, this would involve an increase in adjudication and require the expenditure of more agency resources that would significantly counterbalance any possible benefit of such a change, resources the commenter noted the DACA policy is intended to preserve. The commenter also stated that this would present constitutional issues under the Fifth Amendment's equal protection guarantee [201] because that guarantee requires the Government to provide sufficient rationale if it wants to treat persons in similar situations in a disparate manner. The commenter noted that USCIS would need to increase adjudication as those who are similarly situated are offered rights that new DACA recipients are not. Other commenters made similar points regarding the disadvantages of changing the longstanding practice regarding DACA recipients' nonaccrual of unlawful presence, including the constitutional equal protection concerns and the difficulties of applying such a change. The commenters added that the change likely would necessitate DHS deciding which DACA recipients had not accrued unlawful presence prior to the rule given that it would likely not be retroactive as compared to those who would accrue unlawful presence after promulgation of such a change. A commenter also noted that removal of the lawful presence designation could undermine postsecondary educational opportunities for DACA recipients in the workforce.

Some commenters stated that they supported the provision to consider individuals with deferred action as lawfully present and opposed any DACA rule that would fail to confirm lawful presence for individuals with deferred action. Similar to the commenter noted above, these commenters said that any DACA rule that fails to include lawful presence could present Equal Protection Clause implications, citing the Fourteenth Amendment of the U.S. Constitution and stating that DHS must treat DACA recipients the same as individuals with other forms of deferred action. A form letter submitted by several commenters cited the Department of Health and Human Services (HHS) action stripping lawful presence for DACA recipients for Affordable Care Act (ACA) purposes as an agency action that received significant public opposition and worsened healthcare outcomes for impacted individuals. Several commenters noted that DHS should formalize its longstanding policy that DACA recipients granted deferred action do not accrue unlawful presence for purposes of INA sec. 212(a)(9), 8 U.S.C. 1182(a)(9).

Response: The Department acknowledges and appreciates the many

[201] The commenter cited both the Fourteenth and Fifth Amendments. Although the Equal Protection Clause of the Fourteenth Amendment does not apply to the Federal Government, the Supreme Court in *Bolling* v. *Sharpe,* 347 U.S. 497, 500 (1954), held that while ''equal protection of the laws' is a more explicit safeguard of prohibited unfairness than 'due process of law,' . . . discrimination may be so unjustifiable as to be violative of due process.'' In the case of racial discrimination in DC public schools, the Court found that no lesser Constitutional protections apply to the Federal Government through the application of the Due Process Clause in the Fifth Amendment than by application of the Equal Protection Clause of the Fourteenth Amendment.

reasons that commenters provided for their support of the proposed rule's two provisions on lawful presence (proposed 8 CFR 236.21(c)(3) and (4)). For the reasons detailed in Section III.E of the proposed rule and discussed further below,[202] DHS agrees that DACA recipients are provided deferred action and should continue to be deemed ''lawfully present'' like all other deferred action recipients—as they have been since the start of DACA—under 8 CFR 1.3(a)(4)(vi) for purposes of receiving title II Social Security benefits described in that regulation. Similarly, DHS agrees that the rule properly codifies DHS's decade-long policy that DACA recipients are similarly situated to other individuals with deferred action who have, since at least 2002, not accrued unlawful presence for purposes of INA sec. 212(a)(9), 8 U.S.C. 1182(a)(9) inadmissibility while action is deferred in their case.[203] The Department sees no reason to treat DACA recipients any differently from other deferred action recipients for these purposes, and therefore is retaining proposed 8 CFR 236.21(c)(3) and (4) in the final rule. DHS notes, however, that although it firmly believes it has the legal authority to promulgate these provisions, as described in its response below to the opponents of the lawful presence provisions, DHS also maintains its views on severability, as provided in 8 CFR 236.24 and discussed elsewhere in this rule, in the event that any portion of the rule is declared invalid, including one or both of these lawful presence provisions. In particular, even if a court determines that DHS does not have the legal authority to promulgate one or both of the lawful presence provisions, DHS intends that the remainder of this rule, including the forbearance and work authorization provisions, should be maintained.

DHS also notes the concerns expressed by some commenters that a rule that states that DACA recipients, unlike other deferred action recipients, lack lawful presence would violate equal protection principles and that changing this policy would create significant operational complexity for DHS. Since DHS has not taken such an approach and the rule continues the long-existent policy that DACA recipients, similar to other deferred action recipients, are lawfully present for certain public benefits and do not accrue unlawful presence for purposes of section 212(a)(9)(B) of the INA, DHS does not express a position regarding the commenters' hypothetical equal protection arguments. DHS will address the claim if it becomes necessary to do so in a subsequent forum. However, DHS concurs that changing the policy regarding lawful presence would create significant operational complexity if done prospectively, as USCIS would need to determine in future adjudications the specific amount of unlawful presence accrued by DACA recipients on an individual basis.[204]

Opposition to ''Lawfully Present'' and ''Unlawful Presence'' Proposals

Comment: A few commenters opposed the proposed rule's provisions on lawful presence for certain public benefits and the nonaccrual of unlawful presence while in DACA for inadmissibility purposes. One commenter, who also set forth a view of the overall illegality of DACA, wrote that the proposed rule not only ignored statutorily mandated removal proceedings but also went further to provide immigration benefits to people with no lawful access to immigration benefits. In support of this view, the commenter quoted from the district court in *Texas:* '' 'Against the background of Congress' 'careful plan,' DHS may not award lawful presence and work authorization to approximately 1.5 million aliens for whom Congress has made no provision.'' The commenter further stated that the message to the world is that illegal entry will be rewarded and unlawful presence will be mooted by executive action. The commenter said that promulgating a DACA regulation only perpetuates the problem. Another commenter who expressed opposition to the DACA policy and the rule's provision of lawful presence to recipients wrote that DHS is bound by the *Texas* district court's ruling that DACA is unlawful and cannot continue with DACA rulemaking just because it disagrees with the court.

One commenter stated that Congress' careful plan for the allotment of lawful presence forecloses the possibility that DHS may designate hundreds of thousands of people to be lawfully present. The commenter noted that the proposed rule would allow the Secretary to grant lawful presence and work authorization to every ''illegal alien'' in the United States. The commenter stated that the INA does not permit DHS to reclassify ''illegal aliens'' as ''lawfully present'' and eligible for Federal and State benefits, including work authorization. Another commenter similarly expressed opposition to the proposed rule for intentionally choosing not to enforce immigration law, stating that DACA recipients do not have lawful presence regardless of any economic activity in which they engage after entering the country illegally. The commenter further noted that the recipients' intent or age at the time has no relevance and that the commenter could not present a personal defense in court based upon a lack of knowledge of the law or lack of intent if charged of any crime. The commenter stated that illegally entering the United States is no exception.

Response: DHS appreciates these comments but continues to respectfully disagree with the commenters who oppose the two provisions in this rule related to lawful presence for the reasons described in the preamble to the proposed rule in Section III.E.[205] As noted elsewhere in this rule, DHS fundamentally disagrees with the commenters who stated DHS does not have the legal authority to implement the DACA policy or to promulgate a rule continuing the policy. DHS also believes it has the legal authority to continue providing DACA recipients the same longstanding treatment it has afforded to all other recipients of deferred action, who are deemed ''lawfully present'' under 8 CFR 1.3(a)(4)(vi) for title II Social Security benefits and under DHS's guidance on nonaccrual of unlawful presence for INA sec. 212(a)(9) purposes.

In PRWORA,[206] Congress provided the Attorney General (now Secretary) the authority to determine which noncitizens would be considered

[202] *See* 86 FR 53760–53762. *See also* DHS response under *Opposition to* ''*lawfully present*'' *and* ''*unlawful presence*'' *proposals* below.

[203] *See* Memorandum to Field Leadership from Donald Neufeld, Acting Associate Director, USCIS Office of Domestic Operations, *Consolidation of Guidance Concerning Unlawful Presence for Purposes of Sections 212(a)(9)(B)(i) and 212(a)(9)(C)(i)(I) of the Act,* at 42 (May 6, 2009) (hereinafter Neufeld Memorandum); Memorandum for Johnny N. Williams, INS Executive Associate Commissioner, from Stuart Anderson, INS Executive Associate Commissioner, *Re: Deferred Action for Aliens with Bona Fide Applications for T Nonimmigrant Status,* at 1 (May 8, 2002) (hereinafter Williams Memorandum); USCIS Adjudicator's Field Manual ch. 40.9.2(b)(3)(J).

[204] Several commenters cited *Vartelas* v. *Holder,* 566 U.S. 257(2012) (noted in ruling against retroactive application of a law that court was ''[g]uided by the deeply rooted presumption against retroactive legislation''). *Cf. also, e.g., Bowen* v. *Georgetown Univ. Hosp.,* 488 U.S. 204, 208 (1988) (''a statutory grant of legislative rulemaking authority will not, as a general matter, be understood to encompass the power to promulgate retroactive rules unless that power is conveyed by Congress in express terms''). DHS takes note of commenters' stated retroactivity concerns, but declines to express a view at this time as to whether retroactive application of a policy change regarding DACA recipients and the accrual of unlawful presence for section 212(a)(9)(B) purposes would be impermissibly retroactive.

[205] 86 FR 53760–53762.

[206] Public Law 104–193, 110 Stat. 2105.

''lawfully present'' for purposes of retirement and disability benefits under title II of the Social Security Act.[207] The Balanced Budget Act of 1997 [208] amended PRWORA to add substantially identical exceptions for Medicare and railroad retirement and disability benefits.[209] States may also affirmatively enact legislation making noncitizens ''who [are] not lawfully present in the United States'' eligible for State and local benefits.[210] Federal law also limits the availability of residency-based State postsecondary education benefits for individuals who are ''not lawfully present.'' [211] Thus, while there is no express definition of ''lawfully present'' or ''unlawfully present'' for all purposes, Congress clearly authorized the Secretary to determine who is ''lawfully present'' for certain purposes. DHS notes that in the intervening 26 years since the Attorney General determined by rule, 8 CFR 1.3(a)(4)(vi), that deferred action recipients are ''lawfully present'' for purposes of 8 U.S.C. 1611(b)(2), the provision has not been struck down by courts. Nor has Congress enacted any legislation contrary to the Secretary's determination to designate deferred action recipients as eligible for receiving Social Security benefits. To the contrary, Congress has enacted other similar provisions indicating that the Attorney General's determinations as to lawful presence for certain individuals make those individuals eligible for public benefits.[212] Noncitizens granted deferred action long have been considered ''lawfully present'' under 8 CFR 1.3(a)(4)(vi) for purposes of receiving title II Social Security benefits, and DHS sees no basis for distinguishing deferred action recipients under the DACA policy.

DHS also disagrees with the commenters who expressed opposition to the proposed codification of the decade-long DHS practice of including DACA recipients within the group of all other deferred action recipients who do not accrue ''unlawful presence'' for purposes of the inadmissibility grounds in INA sec. 212(a)(9)(B), 8 U.S.C. 1182(a)(9)(B). For purposes of those specific grounds, Congress stated ''an alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay authorized by the Attorney General [now Secretary] or is present in the United States without being admitted or paroled.'' [213] As DHS explained in the proposed rule, since 2002 the Government has interpreted this deeming provision enacted by Congress to mean that persons should not be deemed ''unlawfully present'' during ''period(s) of stay authorized by the Attorney General,'' including a period of deferred action.[214] DHS also notes that the first clause of the statutory definition of ''unlawfully present'' addresses how an alien's presence should be ''deemed'' after expiration of a period of stay, not during such a period. DHS sensibly construes Section 1182(a)(9)(B) as a whole not to deem a noncitizen ''unlawfully present'' during an authorized stay, regardless of whether the person was previously ''admitted or paroled.'' Otherwise, ''unlawful presence'' would accrue when a noncitizen's presence has been authorized by DHS. For example, asylum is a lawful status, but it does not constitute an ''admission'' (or parole).[215] Such an interpretation would mean noncitizens who entered without inspection and then received asylum would still accrue ''unlawful presence''—notwithstanding that they are authorized to remain in the United States, and in fact have lawful status. That would make little sense.

DHS's interpretation does not mean that, in a broad sense, deferred action recipients, such as those with DACA, are lawfully in the United States for all purposes.[216] Instead, the concept of ''lawful presence'' is a term of art, and very different from ''lawful status.'' It encompasses situations in which the executive branch tolerates an individual being present in the United States at a certain, limited time or for a particular, well-defined period. The term is reasonably understood to include someone who is (under the law as enacted by Congress) subject to removal, and whose immigration status affords no protection from removal, but whose temporary presence in the United States the Government has chosen to tolerate, including for reasons of resource allocation, administrability, humanitarian concern, agency convenience, and other factors. For these reasons, DHS believes that it is within its authority, as provided by INA sec. 212(a)(9)(B)(ii), 8 U.S.C. 1182(a)(9)(B)(ii) to deem DACA recipients, like other deferred action recipients, to be within ''a period of stay authorized by the [Secretary]'' and, thus, not accruing unlawful presence for purposes of inadmissibility under INA sec. 212(a)(9)(B).

DHS has further considered the district and appellate court opinions concerning DHS's authority to deem DAPA or DACA recipients ''lawfully present'' for certain purposes, and respectfully disagrees with those decisions for the reasons explained in the proposed rule.[217]

Support for ''Lawfully Present'' and ''Unlawful Presence'' Provisions, but With Suggested Modifications

Comment: A commenter stated that granting ''lawful presence'' instead of ''lawful status'' (as was the case under ''previous rulings,'' according to the commenter) would establish different rules and protections for DACA recipients.

A commenter who commended DHS for its proposal to continue treating DACA recipients as ''lawfully present,'' and for clarifying the distinction from ''lawful status,'' also requested that DHS include details in the final rule explaining that DACA recipients would be eligible for any other forms of Federal benefits for lawfully present noncitizens associated with future laws or prospective legislative immigration reform (*e.g.,* any such benefits contained in the proposed Build Back Better legislation if it is enacted). Multiple other commenters similarly requested that the final rule explicitly establish that DACA recipients, considered lawfully present and eligible to receive certain Social Security benefits, would be eligible for title IV Federal student aid programs like Pell grants, work study, and direct loans under proposed legislation's extension of eligibility for these programs to individuals with deferred action and TPS. The same commenters urged DHS to allow for flexibility for DACA recipient students to demonstrate title IV eligibility, if that

[207] *See* 8 U.S.C. 1611(b)(2).

[208] Public Law 105–33, 111 Stat. 251.

[209] 8 U.S.C. 1611(b)(3) and (4).

[210] 8 U.S.C. 1621(d).

[211] 8 U.S.C. 1623(a).

[212] 8 U.S.C. 1611(b)(3) and (4).

[213] 8 U.S.C. 1182(a)(9)(B)(ii).

[214] *See* 86 FR 53761 (citing Neufeld Memorandum; Williams Memorandum; USCIS Adjudicator's Field Manual ch. 40.9.2(b)(3)(J)).

[215] *In re V–X–,* 26 I&N Dec. 147, 150–52 (BIA 2013).

[216] Nor does DHS's interpretation address similar terms. For example, it is unlawful for an ''alien [who] is illegally or unlawfully in the United States'' to possess a firearm or ammunition. *See* 18 U.S.C. 922(g)(5)(A). Multiple courts have concluded that this criminal bar encompasses DACA recipients. *See, e.g., United States* v. *Lopez,* 929 F.3d 783, 786–87 (6th Cir. 2019) (in noting that DACA recipient was an ''alien illegally or unlawfully in the United States for purposes of section 922(g)(5)(A),'' court distinguished 8 U.S.C. 1611(b)(2–4), concerning specific public benefits for individuals who are ''lawfully present,'' and 8 U.S.C. 1182(a)(9)(B)(ii), concerning ''unlawful presence'' for inadmissibility purposes); *United States* v. *Arrieta,* 862 F.3d 512, 515–16 (5th Cir. 2017) (holding that DACA did not confer a legal status for purposes of section 922(g)(5)).

[217] 86 FR 53761–53762.

eligibility is extended to DACA recipients and those who qualify.

Several commenters expressed support for granting lawful presence to DACA recipients to confirm Social Security eligibility, with one commenter citing research [218] demonstrating that DACA recipients make significant contributions to Social Security and Medicare and that ending DACA could result in a $39.3 billion loss of Social Security and Medicare contributions over a 10-year period. The commenter further remarked that many States require lawful presence for public benefit eligibility. Citing research, a commenter similarly stated that the Social Security and Medicare trust funds would be significantly diminished if DACA recipients are not contributing to the program. The commenter also said that, because Social Security requires workers to reach retirement age with at least 10 years of covered work experience, some DACA recipients may pay Federal Insurance Contributions Act and Medicare taxes without ever receiving benefits. One commenter stated that the designation of lawful presence was important for DACA recipients to qualify for certain State benefits, referencing New York State regulations affording professional licensing eligibility to those ''not unlawfully present.''

Several of the commenters noted above, as well as other commenters, suggested that additional clarity was needed to assist State and Federal agencies in making decisions about benefit eligibility, including confirmation from USCIS that: (1) DACA recipients are authorized to be present in the United States during the period of their grant; (2) DACA recipients' grant of relief is identical to relief associated with any other person granted deferred action; and (3) individuals granted deferred action are permitted to establish domicile in the United States. Commenters also requested that the rule include language stating that individuals granted deferred action are not precluded by Federal law from establishing domicile in the United States, as this would assist the recipients in seeking certain State benefits. One such commenter also requested that DHS clarify that individuals with lawful presence are not prohibited from establishing domicile in the United States, stating that DACA recipients should be treated the same as other individuals with deferred action and suggesting that DHS take additional steps to communicate this clarification to other Federal and State agencies. The commenter said that confusion over whether DACA recipients can establish domicile in the United States would result in DACA recipients' exclusion from certain benefits and programs that are available to other individuals with deferred action (citing eligibility for residential property tax relief in South Carolina as an example of such exclusion).

Commenters noted that USCIS' posted Frequently Asked Questions (FAQs) on DACA [219] include the following helpful clarifications that have assisted State and Federal agencies in making decisions about eligibility for services and public benefits that they control:

- While distinguishing lawful presence from lawful status, USCIS clarifies that ''[a]n individual who has received deferred action is authorized by DHS to be present in the United States, and is therefore considered by DHS to be lawfully present during the period deferred action is in effect.'' (A. 1) [of the DACA FAQs]
- USCIS explains that ''[t]he relief an individual receives under DACA is identical for immigration purposes to the relief obtained by any person who receives deferred action as an act of prosecutorial discretion.'' (A. 3) [of the DACA FAQs]
- USCIS confirms that ''[i]ndividuals granted deferred action are not precluded by federal law from establishing domicile in the U.S.'' (A.5) [of the DACA FAQs]

By contrast, one such commenter said that some language in the proposed rule's preamble could contribute to confusion, such as the notation that the term lawful presence does not confer authorization or authority to remain in the United States, and gave examples at 86 FR 53740 and 53773. The commenter stated it assumed that the agency meant ''beyond the period of the grant'' or that ''individuals granted DACA do not have an absolute right to remain, and . . . may nevertheless be removed under certain conditions.'' The commenter recommended that DHS clarify that its interpretation of lawful presence is at least as broad as under previous DACA guidance. This commenter, as well as others, requested that DHS and USCIS confirm that individuals granted DACA are federally authorized to be present in the United States, and are considered to be lawfully present during the period of their grant; relief that DACA recipients receive is identical for immigration purposes to the relief obtained by any other person granted deferred action; and individuals granted deferred action are not precluded by Federal law from establishing domicile in the United States.

Commenters expressed support for the proposal's confirmation that DACA recipients would be considered lawfully present and its statement that DHS has treated persons who receive a period of deferred action under DACA like other deferred action recipients for purposes of establishing lawful presence. The commenters stated that this would ensure DACA recipients are eligible for Social Security and do not accrue unlawful presence toward the 3- and 10-year bars. The commenters further suggested that additional clarification was needed to ensure other Federal and State agencies understand the implications of a DACA grant, its relation to deferred action for other individuals, and any related interpretations of immigration law, citing DACA recipients' exclusion from certain healthcare benefits under the ACA as one example of the need for additional clarity.

One commenter recommended that DHS work with the HHS to extend health insurance coverage under the ACA to DACA recipients, stating that a lack of eligibility for ACA marketplace coverage contributes to higher uninsured rates among DACA recipients. Another commenter expressed support for providing access to affordable healthcare for all individuals, including DACA recipients, and urged DHS to ensure that DACA recipients are not excluded from purchasing subsidized health coverage through the ACA marketplace. Additional commenters agreed and recommended that DHS align the definition of ''lawfully present'' with eligibility requirements for certain health coverage programs to allow DACA recipients to access such programs and avoid disparate treatment. The commenters expressed concern about HHS' exclusion of DACA recipients from participation in Medicaid, the Children's Health Insurance Program (CHIP), and the ACA health insurance marketplace and said that other individuals with deferred action are eligible for such programs. The commenters questioned why DACA recipients are excluded from these important health programs and, citing research, said that participation in Medicaid is associated with higher educational attainment and greater financial stability. The commenters recommended that DHS clarify the definition of ''lawfully present'' to ensure DACA recipients are not excluded from Medicaid, CHIP, and subsidized health insurance through the ACA marketplace.

[218] *See* Magaña-Salgado and Wong (2017).

[219] USCIS, *Frequently Asked Questions, https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions* (last updated Aug. 31, 2021) (hereinafter DACA FAQs).

Citing research demonstrating the importance of access to healthcare for vulnerable immigrant populations, including immigrant women, a commenter also urged DHS to ensure that DACA recipients are eligible for all public benefits available to similarly situated immigrants, including Medicaid, CHIP, and subsidized health coverage through the ACA marketplace. The commenter said that access to healthcare is a critical equity consideration that the agency must consider in complying with Executive Order (E.O.) 13563 and its focus on promoting equity and fairness, and it urged DHS to ensure that DACA recipients are entitled to the same benefits as all other individuals considered ''lawfully present.''

A commenter recommended that DHS grant deferred action retroactively to erase periods of unlawful presence accrued prior to confirmation of deferred action, particularly noting that such retroactivity should cover any period since June 15, 2007, because DACA requestors must establish that they have resided in the United States since that date. The commenter further noted that USCIS has the authority for such retroactive application of deferred action and gave as an example current practice that permits USCIS to grant ''nunc pro tunc'' reinstatement of status to individuals who have filed untimely Extension or Change of Status applications, meaning that unlawful presence is erased because the applicant is considered to have been in status the whole time.

Response: DHS acknowledges and appreciates the many supportive comments on the proposed rule's two provisions regarding lawful presence, as well as the recommendations and suggestions for modifications. With respect to the comment that the rule only provides lawful presence to DACA recipients instead of the previous rulings' grant of lawful status, which the commenter indicated would institute different rules and protections for DACA recipients, DHS notes that DACA has never conferred lawful immigration status on recipients as the commenter mistakenly asserts, nor has any other grant of deferred action. DHS does not have the legal authority to deem deferred action recipients to be in a lawful immigration status by virtue of such deferred action. As discussed elsewhere in this rule and in the preamble to the proposed rule at Section IV.B, deferred action is not a lawful immigration status but rather is only an exercise of prosecutorial discretion not to remove a noncitizen from the United States for a designated period of time. Thus, DHS declines to modify the rule to provide protections to DACA recipients akin to those with lawful status.

DHS also declines to adopt the suggestion of the commenter who urged that the rule allow for the retroactive elimination of any unlawful presence time between June 15, 2007, and an individual's approval for DACA because the individual had to demonstrate continuous residence in the United States since that date to obtain deferred action under the DACA policy. The commenter likened this suggestion to a noncitizen who is in a lawful nonimmigrant status but who files late to extend or change that status to another nonimmigrant category and who, if approved, is allowed ''nunc pro tunc'' reinstatement of nonimmigrant status for the period between the initial status and the changed or extended status. Unlike the person who files late to change or extend a lawful nonimmigrant status and is approved, a DACA recipient is not in a lawful immigration status that is amenable to reinstatement ''nunc pro tunc,'' but rather enjoys a temporary period in which DHS has chosen not to remove them from the United States for a period of time in the future as an act of prosecutorial discretion. Thus, deferred action is a forward-facing step; forbearance not to remove a noncitizen for a period that already has passed would be meaningless and incompatible with DHS's general deferred action practices. For these reasons, DHS does not believe it may properly erase a person's pre-DACA unlawful presence by beginning deferred action from a date in the past.

Similarly, DHS is unable to adopt the suggestions of commenters to specify that DACA recipients will be considered ''lawfully present'' for purposes of current or future proposed legislation regarding noncitizens' eligibility for public benefits before such legislation is enacted. Until legislation is enacted that authorizes DHS to define who has lawful presence for particular purposes—as has occurred for the purpose of receiving certain Social Security benefits,[220] railroad retirement benefits,[221] and Medicare [222]—it is premature for DHS to attempt to predict the final terms of such legislation and the extent to which Congress may or may not authorize DHS to describe the categories of noncitizens who may be eligible to apply for particular public benefits. Other agencies whose statutes independently link eligibility for benefits to lawful presence may have the authority to construe such language for purposes of those statutory provisions.

In response to commenters who recommended that DHS make clear that DACA recipients are affirmatively authorized to be in the United States during the period of their deferred action, DHS has plainly stated in 8 CFR 236.21(c) that the Department intends to forbear from removing DACA recipients from the United States. This is consistent with the fact that the DACA policy is an exercise of prosecutorial discretion and does not confer lawful immigration status, affirmative authorization to remain in the United States, or a defense to removal. In that sense, DACA differs from a grant of lawful immigration status such as permanent resident status, asylum, or TPS. At the same time and as noted previously, DHS also views an individual's time as a DACA recipient as ''a period of stay authorized by the [Secretary]'' under section 212(a)(9)(B)(ii); therefore, while the individual has DACA, there is no accrual of ''unlawful presence'' for inadmissibility purposes. DHS believes that the rule is more precise and sufficiently clear on this point as well. In response to the request that DHS clarify that its interpretation of ''lawful presence'' in the rule is at least as broad as its interpretation under prior DACA guidance, DHS confirms that the rule reflects the same longstanding treatment of DACA recipients as ''lawfully present'' for purposes described in 8 CFR 1.3(a)(4)(vi), and with regard to their nonaccrual of ''unlawful presence'' for purposes of INA sec. 212(a)(9), 8 U.S.C. 1182(a)(9) while they have deferred action under DACA, as existed under DHS's DACA policy prior to implementation of this rule.

In terms of whether DACA is ''identical relief'' to other forms of deferred action, DHS agrees that forbearance from removal for a designated period applicable to the individual is true for DACA recipients as it is for all other deferred action recipients and that EADs for all deferred action recipients, including DACA recipients, are available based on a determination of economic need. However, DHS declines to adopt the suggestion made by some commenters to label DACA as ''identical relief'' to that provided to all other recipients of deferred action because DHS believes that using such a label could create confusion with respect to the bases for obtaining deferred action and the conditions that may apply to an

[220] 8 U.S.C. 1611(b)(2).

[221] 8 U.S.C. 1611(b)(4).

[222] 8 U.S.C. 1611(b)(3).

individual's deferred action. For example, guidelines differ depending on the category under which deferred action is provided, as well as with respect to individual requests that are granted outside of special policies.[223] Different periods of deferred action also may be provided, and conditions placed on the individual's deferred action may vary. For these reasons, DHS declines to adopt the suggestions to modify the rule to state that DACA is an ''authorization'' to remain in the United States or that it is ''identical'' to all other forms of deferred action.

The Department understands the concerns expressed by some commenters regarding DACA recipients' ability to obtain State and local public benefits that require applicants to demonstrate ''domicile'' in a particular locality. Some commenters requested that the rule state that Federal law does not prohibit DACA recipients from establishing domicile while others urged an affirmative statement that DACA recipients may establish domicile in the United States. Although the Department knows of no Federal law that prohibits DACA recipients from establishing domicile within the United States, the Department declines to amend the text of the rule to address ''domicile'' explicitly because doing so would be outside the scope of the rule, and Congress has not directed the Department to provide guidance on or a definition of ''domicile'' for any Federal, State, or local public benefit purposes.

The Department also understands and respects the concerns expressed by several commenters who requested that the rule clarify for Federal, State, and local governments that DACA recipients are considered ''lawfully present'' for purposes of all public benefits that require such presence for eligibility. However, absent a specific authorizing law, the Department does not have the authority to mandate that other Federal, State, and local departments and agencies provide benefits that they administer to DACA recipients, even when DHS categorizes them as ''lawfully present'' for certain discrete, limited purposes. Subject to enacted laws, DHS may only determine the categories of immigration status or other authorization (or lack of either) that apply to noncitizens. Through programs such as Systematic Alien Verification for Entitlements, DHS thus informs participating benefit-administering agencies of the immigration category that may apply to a particular person. DHS does not, however, establish the eligibility rules or administer Federal, State, or local public benefits such as those that provide for health, housing, food, education, and general welfare. Other departments and agencies, such as HHS, the Social Security Administration, and the U.S. Department of Agriculture, have those responsibilities.

With limited exceptions, noncitizens who are not ''qualified aliens'' as defined in 8 U.S.C. 1641 are not eligible for Federal public benefits.[224] Deferred action recipients are not encompassed within the definition of ''qualified alien.'' As such, they are generally excluded from receipt of Federal public benefits.[225] Congress, however, did expressly except certain Federal benefits from the restrictions in 8 U.S.C. 1611(a). With respect to certain title II Social Security benefits, railroad retirement benefits, railroad unemployment insurance, and Medicare, Congress provided that the restrictions shall not apply to noncitizens who are ''lawfully present'' as determined by the Attorney General (now the Secretary).[226] Other agencies whose statutes independently link eligibility for benefits to lawful presence may have the authority to construe such language for purposes of those statutory provisions. For instance, any future revision of this determination for Medicaid, CHIP, or with respect to the ACA Exchange and private market programs would need to be made by HHS. DHS has determined that addressing the eligibility of DACA recipients for additional benefits is beyond its legal authority and the scope of this rule.

Commenters also recommended that DHS work with other Federal agencies, such as HHS, to amend their guidance and regulations to clarify that DACA recipients are eligible for benefits under the ACA. DHS acknowledges the suggestion, but these topics are also beyond the scope of this rulemaking.

4. Discretionary Determination (§ 236.22)

a. General Comments on Discretionary Determination

Case-by-Case Determination and Discretion

Comment: A commenter said that DACA recipients should be vetted on a case-by-case basis. Another commenter stated that requestors should be considered for forbearance only when considered on a true case-by-case basis, which the commenter said would ease pressure on USCIS and provide a more consistent application of law. Similarly, a commenter said that DACA has a very low denial rate and that officers rarely ask for additional evidence to demonstrate that requestors have good moral character. The commenter added that the broad criteria for DACA ''leave almost no room for officers to exercise discretion.'' Another commenter said that the proposed rule deprives ICE and CBP officers of discretion. The commenter stated that the proposed rule suggests that officers may be able to make a determination without necessitating further investigation, but it is unclear how an officer could have used their discretion without a full picture of the individual's immigration and criminal history.

Response: DHS acknowledges commenters' concerns but disagrees with the suggestion that DACA requests will not be assessed on a case-by-case basis as a result of this rule or that the threshold criteria are so broad that officers are limited in their ability to exercise discretion. On the contrary, the rule explicitly requires case-by-case assessments. At new 8 CFR 236.22, DHS lays out several threshold discretionary criteria that USCIS will assess on a case-by-case basis as a review of the totality of the circumstances. DHS proposed in the NPRM that, even when a request meets all threshold criteria, USCIS would examine the totality of the circumstances in the individual case to determine whether there are negative factors that make the grant of deferred action inappropriate or outweigh the positive factors presented by the threshold criteria or by any other evidence.[227] DHS is retaining this same approach to the individualized case-by-case assessment in this final rule and is now codifying it at new 8 CFR 236.22(b) and (c).

Regarding one commenter's concern that the NPRM deprives ICE and CBP officers of discretion by suggesting that an officer may be able to make a determination without necessitating

[223] *See, e.g.,* Military Deferred Action (available to certain relatives of certain active and former members of the military), *https://www.uscis.gov/military/discretionary-options-for-military-members-enlistees-and-their-families*; Special Immigrant Juveniles—Consideration of Deferred Action, 6 USCIS PM J.4 [G.1], *https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf*; VAWA—Deferred Action, 3 USCIS PM D.5 [C.2], *https://www.uscis.gov/policy-manual/volume-3-part-d-chapter-5*.

[224] *See* 8 U.S.C. 1611(a).

[225] There are exceptions for certain emergency, in-kind, and other benefits, as well as other limited exceptions to PRWORA's restrictions. *See* 8 U.S.C. 1611(b)(1).

[226] *See* 8 U.S.C. 1611(b)(2), (3), and (4).

[227] 86 FR 53765.

further investigation, there appears to be some confusion as to DHS's intended meaning. The language referenced pertains to how the regulatory provisions would ''fortify DHS's prioritized approach to immigration and border enforcement'' by streamlining the review required when DHS officers encounter a DACA recipient.[228] As USCIS already will have reviewed the individual's immigration and criminal history and made the individualized determination to defer enforcement action against that individual according to the DACA policy, it may be duplicative for an officer to conduct a full review again in circumstances such as the primary inspection booth at a checkpoint. As the NPRM further notes, and as discussed in Section II.A.8, while officers must exercise their judgment based on the facts of each individual case, the prior vetting of DACA recipients provides a baseline that can streamline an enforcement officer's review of whether a DACA recipient is otherwise an enforcement priority.[229] However, where warranted by the evidence, ICE and CBP may find that certain DACA recipients no longer merit a favorable exercise of enforcement discretion. DHS therefore declines to make any changes in response to these comments.

Comment: A commenter expressed due process and notice concerns related to the discretionary case-by-case assessment as part of a totality of circumstances review. The commenter wrote that USCIS would be wise to attach an automatic right of judicial review to their DACA determinations. Given that Section IV.C of the proposed rule clearly lays out the factors the agency is to consider when making its decision, the commenter said that a reviewing court should have no problem assuring the agency action is not arbitrary or capricious.

Response: Because deferred action is by its nature an exercise of prosecutorial discretion and not a benefit, USCIS will not provide for the right to file an administrative appeal or allow for the filing of a motion to reopen or motion to reconsider.[230] Furthermore, an act of prosecutorial discretion is generally not reviewable by the courts. As discussed in the NPRM, USCIS may, however, reopen or reconsider either an approval or a denial of such a request on its own initiative.[231] In addition, a denied requestor would be allowed to submit another DACA request on the required form and with the requisite fees or apply for any applicable form of relief or protection under the immigration laws.[232] DHS therefore declines to make any changes in response to this comment.

USCIS Discretion To Deny if Criteria Are Met

Comment: Several commenters discussed the proposed rule's indication that, under the totality of circumstances review, even if all the threshold criteria are found to have been met, the adjudicator has discretion to deny deferred action if, in the adjudicator's judgment, the case presents negative factors that make the grant of deferred action inappropriate or that outweigh the positive factors. One commenter objected to using a totality of the circumstances test in lieu of granting those requests that meet threshold criteria and enumerated guidelines, even if this changes existing processes. The commenter stated that there would be too much room for adjudicator discretionary bias in the proposed process, particularly since there is no guidance or definition provided in the NPRM for determining the totality of the circumstances. Another commenter expressed concern about the proposed rule's layering of discretion and said the two-step process would be vulnerable to future abuses of discretion to deny requests. The commenter said that discretion is already exercised in devising eligibility requirements and the protocols for assessing them, thus there is no need for a final denial override that would discourage requestors out of concern that, even if fully eligible, they could be denied. Another commenter stated that, per the proposed rule, a requestor who has filed the proper documents, paid the required fees, and has a college degree may be denied DACA if USCIS, within its discretion, decides that the requestor's totality of positive contributions do not outweigh, for example, a one-time instance of driving under the influence.

Another commenter stated that they supported instituting the DACA policy via regulation but opposed empowering officers to deny, in an exercise of discretion, DACA requests that otherwise meet threshold criteria for a grant of deferred action. This commenter stated that the language of proposed 8 CFR 236.22(c) does not provide clarity to requestors or to USCIS adjudicators as to what circumstances would be considered nor what would make deferred action inappropriate, and the proposed rule preamble provides little additional clarity. The commenter said that the proposed rule states only that: (1) USCIS would review the totality of the circumstances to see if there are any negative factors that would make the grant of deferred action inappropriate or that outweigh the positive factors; and (2) foreign convictions, minor traffic offenses, and other criminal activity outside of what is described by proposed 8 CFR 236.22(b)(6) would be considered in the totality of the circumstances. However, the commenter said, there is no further guidance in the proposed rule as to what, if any, additional factors should be considered nor how to analyze any of these factors in making a determination to grant deferred action. Contrary to DHS's explanation that the threshold discretionary requirements in combination with the exercise of discretion is meant to promote consistency and avoid arbitrariness in grants of deferred action, the commenter wrote, applying discretion to these adjudications would have the opposite effect.

The commenter also said that the absence of clarity in the proposed rule combined with USCIS' policy guidance for applying discretion in adjudications would result in inconsistent and arbitrary grants of deferred action for those individuals who otherwise meet the threshold requirements for DACA. The commenter discussed the USCIS Policy Manual guidance on discretion, stating that it would be the primary tool used by adjudicators in making a discretionary analysis. The commenter said that: (1) the methodology for discretionary analysis set out in the USCIS Policy Manual would result in arbitrary and capricious decisions that are inconsistent and reliant on biased assumptions; (2) the Policy Manual does not provide clear guidelines for adjudication; (3) the Policy Manual's guidance regarding the weighing of discretionary factors is confusing and contradictory; and (4) amendments to the Policy Manual were based on a discriminatory and illegal animus toward immigrants and were intended to further undermine the function of the lawful immigration system.

Response: DHS maintains the position expressed in the proposed rule and codified at new 8 CFR 236.22(c) that it is appropriate for adjudicators to have discretion to deny a deferred action request, even if they have found that the requestor meets all of the threshold criteria, if in their judgement the case presents negative factors that make the grant of deferred action inappropriate or

[228] 86 FR 53752.

[229] *Id.*

[230] *See* new 8 CFR 236.21(b) and 236.23(c)(3).

[231] 86 FR 53769.

[232] *See* new 8 CFR 236.22(d) and 236.23(c).

that outweigh the positive factors.[233] As discussed in the NPRM, case-by-case assessment is a longstanding feature of deferred action determinations, inherent in the exercise of discretion, that can provide important benefits in cases where the balance of the circumstances and relevant equities suggests a result that could not have been codified in prior policy guidance.[234] While DHS recognizes that there may be costs associated with maintaining adjudicator discretion to deny a request even where the requestor meets the threshold eligibility guidelines at new 8 CFR 236.22, DHS has concluded that this approach maintains an appropriate balance of guidelines and discretion, which serves to promote consistency and avoid arbitrariness in these determinations.

DHS appreciates the commenter's feedback on the USCIS Policy Manual but declines to address it further as the Policy Manual is outside of the scope of this rulemaking. DHS is therefore not making any changes in response to these comments.

b. Threshold Criteria

Evidentiary Requirements for Threshold Criteria

Comment: A commenter recommended that DHS drastically reduce the evidentiary burden on DACA requestors. The commenter stated that currently, DHS requires initial requestors to produce decades' worth of evidence that is particularly difficult to gather given the age of many individuals when they entered the United States. The average age of a DACA recipient at the time they entered the country is only 7 years old, and given the length of time since then, the commenter said, primary evidence documenting physical presence may be impossible to obtain. Additionally, the commenter wrote that DHS has not publicly expressed any fraud-related concerns with affidavits. The commenter stated that with wildly varying Federal enforcement regimes in place, and many States creating hostile environments for noncitizen residents, immigrant families often go to great lengths to prevent their children from interacting with these systems, denying them the very proof that DHS currently requires to demonstrate DACA eligibility. In addition, the commenter said, whatever proof may have existed is rarely maintained long enough to be accessible, as many institutions maintain records for only 5 years or less before destroying them, and records are rarely digitally stored. The commenter concluded that establishing a standard of review that recognizes this reality and ensures that the broadest possible eligible population is able to request and receive DACA is in the interests of DHS, potential requestors, their communities, and the advocates who are devoting significant resources to helping them submit requests.

Referencing the proposed rule's discussion in the preamble of primary and secondary evidentiary requirements, a commenter stated that the provisions continue to reflect a first world understanding of documentation from countries of origin and the ability of a DACA requestor to find and obtain these records. The commenter said the provisions would benefit from greater clarification on further examples of circumstantial documentary evidence that DHS would accept as part of DACA requests from individuals who do not benefit from the powerful consular help that a country of origin like Mexico provides. Other commenters said that many farmworkers and their families may have difficulty accessing identification documents, such as birth certificates, as births may not be registered or may be registered incorrectly. Considering these concerns, the commenters encouraged DHS to maintain a flexible approach regarding documentation.

Response: DHS appreciates commenters' concerns and acknowledges that some DACA requestors may face substantial challenges in obtaining or providing primary or secondary evidence demonstrating they meet the threshold criteria. Recognizing these challenges and that the evidence available may vary from requestor to requestor, DHS is declining to specify in detail in this preamble and will not include in regulatory text the types of evidence that may or may not be sufficient to meet the threshold criteria for DACA, to avoid creating a list that may unintentionally be construed as exhaustive or limiting to adjudicators or requestors.

The DACA requestor has the burden to demonstrate that they meet the threshold criteria by a preponderance of the evidence.[235] Under the preponderance of the evidence standard, the sufficiency of each piece of evidence is examined for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.[236] DHS believes this standard provides an appropriate balance between ensuring that deferred action under the DACA policy is extended to the intended population and retaining a threshold that the evidence show that the facts are more likely than not to be so. This also has been the standard of proof for DACA requests since the initiation of the DACA policy, and it is the standard of proof applicable to immigration benefit adjudications as well, unless otherwise specified. DHS is therefore retaining the preponderance of the evidence standard at new 8 CFR 236.22(a)(3).

Consistent with longstanding practice and as proposed in the preamble of the NPRM, DHS will accept either primary or secondary evidence to determine whether the DACA requestor meets the threshold criteria. As used in this final rule, primary evidence means documentation, such as a birth certificate, that, on its face, proves a fact. Secondary evidence means other documentation that could lead the reviewer to conclude that it is more likely than not that the fact sought to be proven is true. In response to a commenter's request that DHS provide greater clarification of what may constitute qualifying secondary evidence, DHS is expanding here on the examples provided in the NPRM preamble, but cautions that these examples are not meant to be exhaustive. Such examples of secondary evidence may include baptismal records issued by a church or school records with a date of birth showing that the DACA requestor was born at a certain time, rental agreements in the name of the DACA requestor's parents, or the listing of the DACA requestor as a dependent on their parents' tax return to demonstrate periods of residence in the United States. Secondary evidence may, but does not necessarily, require corroboration with other evidence submitted by the requestor. DHS will evaluate the totality of all the evidence to determine if the threshold criteria have been met.

Affidavits

Comment: A commenter urged DHS to reduce barriers preventing people from receiving relief and to ensure the policy is accessible by continuing to accept affidavits. Another commenter suggested that DHS should incorporate into the final rule expanded ways for requestors to prove that they meet the eligibility criteria, including giving more weight to sworn affidavits and

[233] *See* 86 FR 53765.

[234] *See id.*

[235] *See* 86 FR 53766; proposed 8 CFR 236.22(a)(3).

[236] *Matter of Chawathe,* 25 I&N Dec. 369, 376 (AAO 2010).

letters for periods of continuous residence and proof of entry.

Another commenter stated that, if DHS publishes the proposed rule as is, it should clarify that affidavits will be accepted as evidence for all the eligibility requirements, including physical presence, continuous residence, and lack of lawful status. The commenter said that this policy should be codified in regulation, such as through a separate evidentiary section in 8 CFR 236.22. The commenter wrote that this regulation could adopt the ''any credible evidence'' standard used in other areas of immigration law, with which immigration practitioners are familiar, thus creating much-needed flexibility.

A joint comment also stated that DHS should demonstrate increased flexibility in allowing requestors to meet documentation requirements, commenting that farmworkers and their family members face extreme difficulty meeting the documentation requirements of DACA. To help remedy this issue, the commenter urged DHS to provide that affidavits would be accepted as secondary evidence for all requestors at all stages of their request and to not require supplemental documents beyond affidavits, as that undermines requestors who do not have other forms of documentation. Another commenter said that DHS could improve access to DACA by including references to sworn affidavits as acceptable evidence, accepting affidavits as proof of satisfying that the requestor came to the United States before reaching their 16th birthday, and accepting affidavits from the requestors themselves.

Response: DHS acknowledges commenters' concerns regarding the challenges some DACA requestors face in obtaining primary and secondary evidence to demonstrate eligibility under the threshold criteria. However, as discussed in the response above, DHS is declining to specify in detail in this rule the types of evidence that may or may not suffice to meet the threshold criteria for DACA, to avoid creating a list that may be unintentionally viewed as exhaustive or limiting to adjudicators or requestors. DHS therefore declines the commenter's suggestion to create a separate evidentiary section within new 8 CFR 236.22.

As stated in the NPRM and consistent with longstanding practice, while there are certain circumstances in which affidavits may be submitted in lieu of primary or secondary evidence, affidavits are generally not sufficient on their own to demonstrate that a requestor meets the DACA threshold criteria. This is reflective of DHS's desire to balance that under the preponderance of the evidence standard, the evidence must show that the facts asserted are more likely than not to be so, while also allowing for some flexibility to account for circumstances in which DACA requestors may not have access to primary or secondary evidence for reasons beyond their control.

One circumstance in which affidavits may be used in lieu of primary and secondary evidence is in support of a requestor meeting the continuous residence requirement. Another circumstance is where there may be a shortcoming in documentation with respect to brief, casual, and innocent departures during the continuous residence period before August 15, 2012. DHS will consider affidavits in these contexts in recognition of the challenges DACA requestors may face in obtaining primary or secondary evidence in these contexts, particularly for those who may have been very young during the periods for which documentation is needed.

Finally, as discussed in further detail below, in recognition of the challenges faced in obtaining primary and secondary evidence for the start of the continuous residence period for new initial requestors for DACA who may have been very young at the time of entry to the United States, DHS will consider affidavits in this context when assessing whether the new initial requestor has submitted sufficient evidence to demonstrate their residence in the United States at the beginning of the continuous residence period.

(1) Arrival in United States Under the Age of 16

Support for the ''Arrival in United States Under the Age of 16'' Criterion

Comment: A few commenters generally supported maintaining the criterion of arrival into the United States before age of 16. One of these commenters said that this criterion would preserve the character of DACA as a program for individuals brought to the United States as children.

Response: DHS acknowledges commenters' support for maintaining the threshold requirement of arrival in the United States prior to age 16. DHS is retaining this threshold requirement in the final rule at new 8 CFR 236.22(b)(1), reflecting the Department's desire, as described in the NPRM, to limit DACA to those who came to the United States as children, and who therefore present special considerations that may merit assigning lower priority for removal action due to humanitarian and other reasons.

USCIS Should Revise the ''Arrival in United States Under the Age of 16'' Criterion

Comment: Many commenters suggested changing the criterion regarding age at the time of entry to expand eligibility for DACA to those who entered at or after the age of 16. A few commenters stated that the threshold criterion of arrival before the age of 16 has left otherwise eligible immigrant youth and students out of DACA and the critical protection it offers. Another commenter said that these potential requestors who would be left out either arrived after their 16th birthday but before becoming an adult at age 18, or they had no proof that they entered the United States before the age of 16 (*e.g.,* their birthday is in the summer, and they turned 16 before enrolling in school). The commenter said that changing this criterion would ensure that more immigrant youth are covered and would improve their ability to cite more reliable evidence, such as school records, to prove their entry.

While some of these commenters did not suggest a specific age for modifying this threshold requirement, others urged DHS to change the age of entry to be consistent with other laws that define childhood and the age of majority. Many commenters suggested that DHS revise the arrival age to 18, with some saying that a minor is legally defined as someone under age 18. Some commenters stated that some of the proposed legislation for Dreamers requires a requestor to have entered the United States before the age of 18, including the DREAM Act, the Health, Opportunity, and Personal Empowerment Act, and the American Dream and Promise Act. A few commenters noted that the definition of an unaccompanied child under Federal law references children without a parent or legal guardian and without lawful immigration status who have not yet reached the age of 18 (6 U.S.C. 279(g)(2)). A joint comment submission also said that the cutoff age of 16 is contrary to other U.S. societal norms regarding who is considered a child, such as individuals under 18 not being allowed to vote, join the military, or work in most hazardous occupations.

Some commenters urged DHS to expand the age of entry to 21, as INA sec. 101(b)(1), 8 U.S.C. 1101(b)(1) defines a child as ''an unmarried person under twenty-one years of age.'' A couple of commenters remarked that this definition governs other types of immigration benefits (*e.g.,* family-based

visa petitions and derivative status on a parent's application). One commenter wrote that expanding the age to 21 would be consistent with other humanitarian immigration classifications such as Special Immigrant Juvenile (SIJ) classification. This commenter also cited the United Nations (UN) definition of a child as under the age of 18, under the UN Convention of the Rights of a Child, and definition of a youth as between the ages of 15 and 24 years. A couple of commenters said that DACA should be available to individuals who entered the United States prior to 21 years of age, or at most 18 years of age, to ensure that immigrant youth would be covered, as is the intended rationale for DACA.

One commenter stated the rule perpetuates the inconsistency and unfairness of an age-16 cap, and said that whether looking at ages of majority, high-school enrollment ages, humanitarian definitions of unaccompanied children, or the INA itself, defining children as under 18 or under 21 is more common and accurate. The commenter concluded that retaining this threshold requirement would echo anti-immigrant propaganda hostile to treating 16- and 17-year-old teenagers as children.

One commenter stated that the proposed rule must offer a justification and explanation for the age cutoff rather than reiterating the policy from the Napolitano Memorandum, as there is no way to determine that this decision of age 16 is not capricious. Another commenter stated that DHS should be concerned that the proposed rule would entirely exclude younger ''Generation Z'' undocumented students. The commenter remarked that this would amount to an unforced error and create bitterness and disillusionment among young people who have lived in the United States most of their lives and have witnessed the benefits of DACA.

Response: DHS acknowledges commenters' concerns about immigrant youth who may be similarly situated to those in the DACA population but who may not meet the criterion of having arrived in the United States prior to their 16th birthday. However, as discussed elsewhere in the NPRM and this rule, DHS has decided to focus this rulemaking on preserving and fortifying DACA, as directed by President Biden's memorandum. DHS has determined that the best approach to preserving and fortifying DACA for those recipients—and their families, employers, schools, and communities—who have significant reliance interests in DACA is to codify the threshold criteria as articulated in the Napolitano Memorandum.

DHS also recognizes that certain laws and intergovernmental bodies may define a child as a person up to the age of 18 or 21.[237] However, DHS notes that there is precedent in immigration law for limiting eligibility for a benefit to those under the age of 16, such as in the context of adoption-related immediate relative petitions, orphan cases, and Hague Convention adoptee cases—except in limited circumstances.[238] With this point in mind, and with an emphasis on protection of reliance interests for this particular rulemaking, DHS therefore disagrees that retaining the threshold requirement of arrival in the United States under 16 years of age is arbitrary or capricious and declines to make any changes in response to these comments.

(2) Continuous U.S. Residence From June 15, 2007

General Concerns With the ''Continuous Residence'' Date

Comment: Some commenters provided personal anecdotes about individuals not having access to DACA, and the opportunities that accompany it, due to the June 15, 2007, threshold date. A couple of commenters called the eligibility cutoff date arbitrary. Another commenter also described the requirement for continuous residence as arbitrary and wrote that the requirement would exclude many otherwise eligible applicants.

Response: DHS acknowledges that, as a result of the continuous residence date requirement, there are noncitizens who will not be eligible to request deferred action under the DACA policy. However, in the Department's effort to preserve and fortify DACA, it is maintaining this threshold criterion in line with longstanding policy and the Napolitano Memorandum.[239] As discussed elsewhere in this rule and the NPRM, this approach reflects the reliance interests of those who already have received DACA and those similarly situated who have not yet requested DACA, and their families, employers, schools, and communities. As discussed above, DHS has determined the best way to preserve and fortify DACA as directed by President Biden's memorandum is to codify in regulation the longstanding criteria in the Napolitano Memorandum. It is also informed by DHS's assessment that this and other threshold criteria in the Napolitano Memorandum advance DHS's important enforcement mission and reflects the practical realities of a defined class of undocumented noncitizens who, for strong policy reasons, are unlikely to be removed in the near future and who contribute meaningfully to their communities, as discussed elsewhere in this rule. Finally, as discussed in greater detail in Section II.A.7, DHS also is retaining this requirement in recognition of the Department's desire to avoid creating an incentive to migrate in order to attain eligibility for deferred action under DACA. DHS is therefore not making any changes in response to these comments.

USCIS Should Revise the ''Continuous Residence'' Date

Comment: Many commenters discussed the exclusionary effects of the continuous residence threshold and suggested that USCIS revise the 2007 date to a more recent date in order to include more individuals. One commenter cited sources indicating that of the more than 450,000 undocumented students in higher education nationwide, less than half are DACA-eligible. The commenter said that the DACA policy, without an update to the eligibility criteria, would continue to beget this counterintuitive outcome of leaving new generations of students without avenues to success. Echoing these concerns, multiple legal services providers offered examples of clients who would be negatively impacted by the requirement. Other commenters asked that DHS consider either removing the continuous presence requirement in the rule or adjusting the date to provide relief for individuals who arrived in the United States after 2007.

Other commenters stated that USCIS should preserve and fortify DACA without turning back the clock to 2012. The commenters said that DACA's original eligibility date was arbitrary, and USCIS could advance the date to expand the number of eligible individuals through rulemaking, thus strengthening the program's humanitarian impact while yielding greater economic and social benefits. A commenter similarly said that DACA's timeline still operates from the Napolitano Memorandum, which has remained untouched despite the lack of progress in getting any permanent legislative solutions passed through Congress. The commenter said it is time to strengthen, not weaken, the program and protect those who have grown up in the United States as the only home they have ever known.

[237] *See, e.g.,* INA sec. 101(b)(1), 8 U.S.C. 1101(b)(1); 6 U.S.C. 279(g)(2); UN Convention on the Status of the Child.

[238] *See* INA sec. 101(b)(1)(E), (F), and (G), 8 U.S.C. 1101(b)(1)(E), (F), and (G).

[239] *See* new 8 CFR 236.22(b)(2).

Many commenters said that USCIS should revise the ''continuous residence'' date or ''continuous presence'' date to 5 years before the publication or implementation of this final rule to expand eligibility for DACA to younger individuals. Some of these commenters stated that the 2007 continuous residence date was 5 years before President Obama created DACA, and another remarked that this would be consistent with other areas of immigration law, such as naturalization. Other commenters similarly wrote that the continuous residence requirement should be updated to be closer to the date of the final rule given that the 2007 date is based on the 2012 issuance of the initial DACA policy. Similarly, another commenter said that DHS should draw from the original intent of DACA in 2012, which required a minimum continuous presence of 5 years, not 14 or more, which is unduly burdensome. The commenter said that Dreamers who spend their entire lives in the United States would be left without any relief if DHS does not adjust the continuous presence requirements to reflect the original intent of President Obama's Executive order.

Commenters recommended a number of alternative continuous residence dates, including June 15, 2017, January 21, 2021, or five years prior to the publication of the final rule. Commenters stated that advancing the continuous residence date would provide more young people with the opportunity to succeed and contribute to society. One of these commenters noted that, because individuals must be age 15 or over to request DACA and have had continuous presence since June 15, 2007, by June 15, 2022, the number of Dreamers eligible to apply would be locked into place, not including those over the age of 15 who had not yet applied. The commenter said that this would mean that the past 14 years of Dreamers, many of whom would be entering high school in the coming year, would not be eligible and would have no career prospects, which the commenter said would go against the purpose of DACA.

A joint submission expressed support for a continuous presence date 5 years prior to publication of the final rule that would be updated annually. Another commenter suggested that the continuous presence date should be revised to 5 years prior to when a requestor is first eligible for DACA.

Another commenter reflected this view, also stating that the rule should provide that moving forward, the President should review this requirement every 2 years to determine if it should be further extended. Another commenter wrote that DHS should require no more than 3 years of continuous residence for DACA requestors.

Multiple commenters said that DHS should establish a rolling continuing presence requirement. Some commenters said that there should be a rolling date instead of moving the June 15, 2007 date forward, specifically suggesting a 5-year continuous presence from the date of the filing of the request for DACA consideration, which the commenter said would allow DHS the ability to make case-by-case determinations about its enforcement priorities as it relates to this population well into the future. Commenters said that this would expand DACA to populations of noncitizens who, but for their date of entry, would meet the criteria for DACA, and one remarked that it would reduce the burden of gathering 14 years of evidence of continuous residence. Another wrote that this suggestion would focus eligibility on those with significant ties to the United States, would not require routine regulatory updates, and would preserve the disincentive to immigrate to attain DACA protections.

Some commenters wrote that DHS should remove the requirement for continuous presence prior to a certain date, and instead require continuous presence prior to a certain age, as this would expand protection to undocumented youth. Similarly, a commenter stated that USCIS should eliminate the date requirement for continuous residence, and instead require that a person has lived in the United States before turning 18. The commenter stated that this would allow those originally left out of the policy to request DACA, while easing the burden on requestors who lack 14 years of continuous residence documentation. Another commenter wrote that the continuous residence requirement should be removed from the rule as long as applicants meet age and uninterrupted residence requirements.

Response: While DHS appreciates the many suggestions of commenters to modify or remove the continuous residence requirement to expand the threshold criteria to include a broader population, as noted above, DHS is maintaining this threshold criterion in line with longstanding policy and the Napolitano Memorandum.[240] As discussed elsewhere in this rule and the NPRM, this approach reflects the reliance interests of those who already have received DACA and those similarly situated who have not yet requested DACA, and their families, employers, schools, and communities. This approach is also consistent with DHS's longstanding message that DACA is not available to individuals who have not continuously resided in the United States since at least June 15, 2007.[241] While several commenters stated that advancing the date for the start of the continuous residence requirement would not create an incentive to migrate to attain deferred action under DACA, DHS believes that advancing the date or eliminating the requirement would potentially undermine the agency's enforcement messaging, but that by keeping the dates from the 2012 Napolitano Memo, DHS is clear that it is not incentivizing future migration flows. As discussed in the NPRM and in additional detail in Section II.A.7 of this preamble, border security is a high priority for the Department, and by codifying the longstanding DACA policy, including the original continuous residence date, DHS focuses this rulemaking on the problem identified in the proposed rule and avoids the possibility of creating any unintended incentive for migration.

Comment: A commenter wrote that DHS does not offer a rationale for codifying the 2007 continuous residence date outside of stating that it would not impact border security. The commenter stated that this appears to be a reference to a false argument that DACA encourages unauthorized border crossings. Another commenter also mentioned DHS's decision to link the rationale for the continuous residence requirement to border security concerns, writing that this justification is not related to the agency's goals with DACA. The commenter wrote that DACA was initially intended to recognize the positive economic and social impacts of granting deferred action to young people brought to the United States at least 5 years prior to the policy's creation. The commenter stated that DHS does not explain why it only has considered alternatives where that goal is frozen in the past, rather than using a date such as analogously utilizing the date from other border policy, November 1, 2020 (which has been included in recent enforcement priorities memoranda), or implementing a 5-year cushion from the present. The commenter said that merely invoking border security is an insufficient justification, reasoning that moving the relevant dates forward would increase the positive effects that DACA already

[240] *See* new 8 CFR 236.22(b)(2).

[241] *See* new 8 CFR 236.22(b)(2).

has had on communities and on the national economy.

Response: DHS disagrees with commenters that the Department's strong interest in border security is an insufficient justification for maintaining the continuous residence requirement as proposed in the NPRM. It is also not DHS's only justification for codifying this threshold criterion. As discussed above, DHS's desire not to undermine its enforcement messaging, together with its adherence to the President's directive to preserve and fortify the DACA policy; its desire to protect the reliance interests of DACA recipients and those similarly situated and their families, employers, schools, and communities; and the Department's need to preserve finite resources, all serve as the underlying bases for DHS's determination to maintain this longstanding threshold requirement from the Napolitano Memorandum.

DHS also disagrees that retaining the continuous presence requirement for DACA conflicts with recent enforcement policy, including the September 30, 2021, DHS Guidelines for the Enforcement of Civil Immigration Law (''Enforcement Guidelines''), which are currently not in effect.[242] While the Enforcement Guidelines highlight that noncitizens who are ''apprehended in the United States after unlawfully entering after November 1, 2020,'' will be considered a threat to border security and are therefore a priority for apprehension and removal, it also clarifies that any noncitizen ''apprehended at the border or a port of entry while attempting to unlawfully enter'' as of the effective date of the memorandum is also a priority for apprehension and removal.[243] This serves to reinforce the Department's enforcement messaging while continuing to recognize that it must prioritize its use of limited resources.

Comment: A commenter said that continuous residence should incorporate a universal exception for brief, casual, and innocent departures, not the unsupportable distinction between departures before and after August 15, 2012. The commenter went on to state that such a bright-line rule is severe and unfair as there are many reasons why an individual may need to travel abroad and therefore interrupt their continuous residence. Another commenter recommended that DHS consider extraordinary circumstances when determining whether travel outside of the United States disrupts continuous residence, reasoning that it is unfair to deny DACA to an individual who would otherwise qualify, but for a brief, casual, or innocent departure after August 15, 2012, that resulted from an emergency or other exigent circumstance.

Response: DHS acknowledges that there may be reasons why a DACA requestor would need to travel abroad during the continuous residence period following August 15, 2012. However, it has been DHS's longstanding policy to allow for exceptions to the continuous residence period only for any brief, casual, and innocent travel *prior* to August 15, 2012, as this is the date of implementation of the DACA policy. After this date, noncitizens who met the DACA criteria could plan accordingly. Furthermore, those granted DACA after that date had the ability to request advance parole for certain kinds of travel. Prior to that date, in contrast, the DACA population may not have been eligible for advance parole. DHS therefore declines to make the commenters' suggested changes to the brief, casual, and innocent exception to the continuous residence requirement.

Documentation Standards for the ''Continuous Residence'' Date

Comment: Multiple commenters suggested that USCIS reduce the evidentiary burden and amount of documentation required to prove continuous residence. One commenter suggested that the evidentiary requirements in the proposed rule preamble could deter qualified requestors from making requests under the policy and require significant attorney and paralegal effort for nonprofits to prepare successful requests. Another commenter said that noncitizen requestors may fear interacting with systems that could provide the necessary documentation and, as a result, would not have the appropriate evidence of continuous residence. One commenter similarly wrote that some States create hostile environments for noncitizen residents, resulting in noncitizen families avoiding institutions that could provide acceptable proof of physical presence in the country.

Other commenters stated that the continuous residence requirement should be satisfied for the relevant year if a requestor submits one document demonstrating residency during that particular year; or for multiple years if a requestor submits one document covering multiple years in the continuous residency period. Similarly, other commenters said that DHS should clarify that: (1) there is no minimum number of documents that a DACA requestor must provide per year to demonstrate continuous residence; and (2) agency adjudicators must draw reasonable inferences from the totality of the evidence of residence a requestor provides, including presuming residence for a reasonable period of time on the basis of point-in-time evidence that the requestor resided in the United States on a particular date. For example, in some cases a single document (such as a tax filing or lease) should suffice as evidence of residence for an entire year. In other cases, the requestor may show continuous residence over the course of a year by producing three or four point-in-time documents such as date-stamped photos or records of calls or purchases.

The commenter further stated that DHS should adopt a standard of accepting ''any credible evidence'' of a requestor's continuous residence. This standard of proof applies in other immigration contexts where, the commenter wrote, as in the DACA policy, requestors or applicants may experience significant difficulty obtaining primary or secondary evidence. Examples of documents that the commenter said should qualify as ''credible evidence'' include tax returns or tax transcripts (which, according to the commenter, should establish a full year of presence), a date-stamped photo of the requestor at a recognizable location in the United States, credit or debit card statements showing purchases made in the United States, insurance policies, vehicle registrations, and cell phone records showing calls placed from the United States. Another commenter also said that USCIS should adopt a ''credible evidence'' standard for the various forms of evidence that are allowed to show continuous residence, including primary sources like school and work records, as well as

[242] Memorandum from Alejandro N. Mayorkas, Secretary, DHS, to Tae D. Johnson, Acting Director, ICE, et al., *Guidelines for the Enforcement of Civil Immigration Law* (Sept. 30, 2021), *https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf* (hereinafter Enforcement Guidelines). On July 5, the U.S. Court of Appeals for the Sixth Circuit vacated a nationwide preliminary injunction that a district court had entered against the Enforcement Guidelines. *Arizona* v. *Biden*,—F.4th—, 2022 WL 2437870 (6th Cir. July 5, 2022). The district court's injunction had previously been stayed pending appeal. Nevertheless, the Enforcement Guidelines are not currently in effect because, on June 10, another district court vacated the guidance nationwide. On July 7, 2022, the Fifth Circuit denied the government's request to stay the district court's decision. *Texas* v. *United States,* 40 F.4th 205 (5th Cir. 2022). On July 21, 2022, the Supreme Court denied the Government's application for a stay of the district court's nationwide vacatur, but granted the petition for writ of certiorari. *United States* v. *Texas,* No. 22–58 (22A17), 597 U.S. ____, 2022 WL 2841804 (July 21, 2022). The case will be set for argument in the first week of the December 2022 argument session.

[243] *Id.* at 4.

secondary sources like parent documentation, church records, and affidavits. A commenter wrote that DHS should ensure that any credible evidence of continuous residence is accepted and clarify that it will draw reasonable inferences of residence and expand the use of affidavits to do this.

One commenter stated that the proposed rule is vague as to how much evidence requestors need to supply to prove continuous residence and added that the requirement that requestors provide as much documentation as ''reasonably possible'' is unclear. The commenter wrote that this vagueness has resulted in advocacy groups creating their own documentation requirement guidance with varying standards to better inform requestors. Another commenter stated that the requirements for documentation of continuous presence should be relaxed during the COVID–19 pandemic, writing that DACA requestors may have difficulty producing documentation from this period.

Response: DHS appreciates commenters' concerns and desire for greater clarity on the evidentiary requirements for the continuous residence requirement. DHS also acknowledges commenters' request for additional leniency in the evidentiary requirements for continuous residence, particularly in the context of the COVID pandemic and in light of the challenges that noncitizens may face in obtaining primary and secondary evidence. However, as discussed above, DHS is refraining from specifying in detail in this rule the types of evidence that may or may not be sufficient to meet the threshold criteria for DACA, to avoid creating a list that may be unintentionally exhaustive or limiting to adjudicators or requestors. DHS will take commenters' suggestions under advisement in the development of any subregulatory guidance on this subject.

Comment: A commenter said that it would be burdensome for initial DACA requestors to find proof of their continuous residence in the United States for 14 years, as well as burdensome for DHS officers who must then review 14 years' worth of documentation. The commenter recommended allowing requestors to show they have continuously resided in the United States for a shorter period prior to submitting their request, a length of time that they described as more reasonable. A commenter wrote that the added benefit of a shortened continuous residence requirement would be a reduced workload on legal service providers and, as a result, increased access to immigration services for requestors. Other commenters stated that updating the eligibility dates would help prevent some of the documentation burdens of providing proof of continuous presence.

Response: DHS acknowledges that retaining the continuous residence requirement as proposed in the NPRM results in requestors needing to provide documentation for a lengthy period, which may be burdensome for some requestors. However, as stated above, DHS is maintaining this threshold guideline in its efforts to preserve and fortify DACA, in recognition of the particular reliance interests of those who already have received DACA and those similarly situated who have not yet requested DACA, and their families, employers, schools, and communities, and consistent with the agency's longstanding enforcement messaging. DHS declines to make any changes in response to these comments.

Affidavits as Acceptable Evidence of Continuous Residence

Comment: Multiple commenters stated that various forms of evidence, including affidavits attesting to presence, should be sufficient for the continuous residence criterion. One commenter expressed support for the use of affidavits as acceptable evidence for the start of the continuous residence period in initial requests and for any other gap in the continuous presence timeline, stating that as affidavits are written under the penalty of perjury, they should be taken as accurate. Another commenter stated that acceptance of affidavits is particularly important because undocumented individuals, and particularly those who are Indigenous and do not speak common languages, often do not have access to the services and resources that would provide the kinds of evidence DACA has previously required (*e.g.,* bank accounts, valid employment documents, evidence of property ownership).

Response: As discussed above and in the preamble of the NPRM, affidavits may be submitted to demonstrate that the requestor meets the continuous residence requirement if there is a gap in documentation for the requisite periods and primary and secondary evidence is not available. DHS will consider affidavits in this context in recognition of the challenges DACA requestors may face in obtaining primary or secondary evidence in these contexts, particularly for those who may have been very young during the periods for which documentation is needed. As described further below, DHS also will consider affidavits when determining if the requestor has submitted sufficient evidence of their residence in the United States at the start of the requisite continuous residence period for new initial DACA requests where the requestor was unable to access primary or secondary evidence due to their young age at the time of entry to the United States.

Comment: Several commenters responded to DHS's request for comments on whether affidavits should be considered acceptable evidence of the start of the continuous residence period for new initial requestors for DACA who may have been very young at the time of entry to the United States. Multiple commenters expressed support for the use of affidavits as acceptable evidence of the start of the continuous residence period in initial DACA requests, as new requestors may have been very young at the time of entry and may have difficulty obtaining primary or secondary evidence. One commenter noted that this is a particular challenge for those who arrived as very young children as they typically do not enter the formal educational system until age 5 and therefore often do not have formal primary documentation of their presence in the United States until their enrollment in school.

Other commenters agreed that the use of affidavits should be acceptable evidence of the start of the continuous residence period for this population, but added that the use of affidavits should not be limited to just those who were very young at the time of entry. One commenter said expanding the use of affidavits is especially necessary if DHS retains the continuous residence requirement as proposed in the NPRM, as it would be difficult for requestors to demonstrate over 14 years of evidence for continuous presence. Similarly, another commenter said that other requestors, not just those who were very young at the time of entry, would face challenges in providing documentation.

Response: In the NPRM, DHS requested comments on whether affidavits should be considered acceptable evidence of the start of the continuous residence period for new initial requestors for DACA who may have been very young at the time of entry to the United States and may have difficulty obtaining primary or secondary evidence to establish this threshold requirement.[244] Many commenters expressed support for this suggestion, and as a result, DHS is clarifying in this final rule preamble that it will consider affidavits when determining if the requestor has

[244] 86 FR 53767.

submitted sufficient evidence of their residence in the United States at the start of the continuous residence period for new initial requestors who were very young at the time of entry to the United States. As one commenter noted, part of the challenge that those who arrived in the United States as a young child may face is that they may not have primary or secondary evidence of their physical presence until they enter the formal educational system. As age 8 is the highest age at which school attendance becomes compulsory within the United States, DHS plans to extend the flexibility of submitting affidavits for the start of the continuous residence period for new initial requestors who arrived in the United States at or before age 8 in subregulatory guidance.[245]

While DHS appreciates commenters' requests to further extend this flexibility beyond new initial requestors who arrived as very young children, as noted above, DHS will continue to consider affidavits to support evidence that the requestor meets the continuous residence requirement if there is a gap in documentation for the requisite periods and primary and secondary evidence is not available.

Other Comments on the ''Continuous Residence'' Date

Comment: Multiple commenters urged an exception that would allow deported individuals to meet the continuous residence requirement. Several commenters also stated that the proposed rule would penalize those individuals who complied with a legal directive to depart, noting that those who are subject to a final order of removal but who do not depart the United States remain eligible for DACA. The commenters further noted that many of those who departed the United States under a removal order did so as children, not on their own volition and without understanding the legal context.

Response: DHS will consider deferred action under DACA for noncitizens with final removal orders that have not been executed who otherwise meet the threshold guidelines for DACA, as DHS may still elect to exercise discretion as to whether to remove the noncitizen. However, it has been long-standing practice and policy for DHS to consider departures on or after June 15, 2007, due to an order of exclusion, deportation, voluntary departure, or removal to interrupt the continuous residence criterion. In such a scenario, continuous residence would not only be interrupted by the departure, but the noncitizen may also be barred from re-entering the United States for years or permanently, further inhibiting any ability to comply with the continuous residence requirement.[246]

(3) Physical Presence in United States

Support for ''Physical Presence in the United States'' Criterion

Comment: A commenter stated that physical presence within the United States on the day that DACA was announced is an important qualifier toward acceptance and ensures that the policy is not being exploited by individuals entering the country after the fact to gain deferred status.

Response: DHS acknowledges the commenter's support for maintaining the threshold criterion of being physically present in the United States on June 15, 2012, which is the date of issuance of the Napolitano Memorandum. For the same reasons described above and as proposed in the NPRM, DHS is codifying this criterion in this rule.[247]

USCIS Should Revise the ''Physical Presence in the United States'' Criterion

Comment: Numerous commenters suggested moving forward the physical presence requirement from June 15, 2012, to expand eligibility for DACA to a larger population. Several commenters stated that the date is arbitrary and suggested removing this criterion or substituting it with a larger timeframe.

Multiple commenters said that the rule should advance the date for physical presence from June 15, 2012, to the date the final rule is implemented. A commenter similarly suggested advancing the date of physical presence to the date of final rule promulgation. Relatedly, another commenter recommended that the date should be advanced to a time closer to when individuals submit requests and recommended a time period of 5 years from the date the rule is published or implemented. A commenter recommended advancing the date for physical presence to at least 5 years prior to submitting a request.

Another commenter recommended replacing the June 15, 2012, date with a flexible standard that would expand access to those individuals who otherwise would qualify for DACA. The commenter stated that this recommendation would align with the enforcement priorities set by the Secretary on September 30, 2021. A commenter suggested that a rolling date approach and linking the requirement dates only to the date of the request would reduce significant documentation burden on requestors and increase consistency with the Napolitano Memorandum.

Several commenters recommended that DHS advance the physical presence requirement to January 1, 2021, which matches the date proposed in H.R. 6, the American Dream and Promise Act of 2021. Many of these commenters stated that DHS has not updated the physical presence date in 9 years, and there is nothing that prevents DHS from moving the date in recognition that there are many Dreamers who arrived since the original physical presence date who are otherwise eligible for DACA. The commenter said that most individuals who would benefit would not be enforcement priorities, and enabling these Dreamers to access higher education and employment authorization through DACA would help them contribute to their communities and would be in line with the intent of the Napolitano Memorandum.

Similarly, a commenter suggested a revised date of January 20, 2021, stating that prescribing a date is at the discretion of USCIS and the rule should be more inclusive. Other commenters recommended updating the date to January 21, 2021, and another suggested updating the date to June 15, 2020. One commenter stated that if the requirement for physical presence is to be retained, the date should be based on the age of the requestor when they immigrated to the United States, rather than an arbitrary date from a policy memorandum.

A few commenters stated that the requirement of physical presence on June 15, 2012, should be eliminated, but the requirement of physical presence at the time of filing of the DACA request should be retained. One of these commenters said that this would ensure that DACA remains available only to individuals currently in the United States.

A commenter suggested that DHS grant deferred action and extend eligibility for a work permit to individuals who arrived after June 15, 2012, but meet all other eligibility criteria and commit to teaching or other public service. Given the teacher shortage and the need to diversify the teaching profession, the commenter asked that consideration be given to

[245] *See* Institute of Education Sciences, National Center for Education Statistics, State Education Practices, *Table 1.2. Compulsory school attendance laws, minimum and maximum age limits for required free education by state: 2017, https://nces.ed.gov/programs/statereform/tab1_2-2020.asp.*

[246] *See* INA sec. 212(a)(9)(B)(i)(I) and (II), INA sec. 212(a)(9)(C)(i)(I); 8 U.S.C. 1182(a)(9)(B)(i)(I) and (II), 8 U.S.C. 1182(a)(9)(C)(i)(I).

[247] *See* new 8 CFR 236.22(b)(3).

other eligibility factors, including individuals who desire to teach.

Response: DHS appreciates commenters' suggestions to modify or eliminate the physical presence requirement to expand eligibility for DACA to a larger population. However, for the same reasons as discussed in the continuous residence section above, DHS is maintaining this threshold criterion in line with the longstanding DACA policy, under which DACA is not available to individuals who were not physically present on June 15, 2012, the date of issuance of the Napolitano Memorandum.[248] As discussed in the NPRM and elsewhere in this rule, border security is a high priority for the Department, and by codifying the longstanding DACA policy, including the physical presence criterion, DHS is preserving its finite resources and avoiding the possibility of creating any unintended incentive for migration.

(4) Lack of Lawful Immigration Status

USCIS Should Eliminate the ''Lack of Lawful Immigration Status'' Criterion

Comment: Numerous commenters stated USCIS should eliminate the threshold criterion that the requestor demonstrate that they were not in a lawful immigration status on June 15, 2012. Many of these commenters said that Documented Dreamers should be eligible to request DACA, with some stating that these children know America as their country, contribute to society, and should not be discriminated against. Some of these commenters said that, absent a clear, legal pathway to citizenship for Documented Dreamers, eligibility to receive DACA would allow Documented Dreamers an opportunity to remain in the United States with families, and access work and educational opportunities. Another commenter stated that expanding eligibility for immigrant youth in lawful status that meet all other DACA requirements would provide an opportunity to end one of the artificial distinctions that separates immigrant youth based on how they arrived in the United States.

Many commenters said that the exclusion of Documented Dreamers is unjust to children brought here lawfully by their parents and with lawful status (*e.g.,* H–4 dependents) who will have to self-deport when they ''age out'' at 21 due to backlogs. Other commenters stated that, by removing this requirement, thousands of young people who grew up in the United States as dependents of nonimmigrant visa holders and had lawful status on June 15, 2012, would be afforded protection.

Citing sources, several companies stated that many Documented Dreamers follow in the footsteps of their parents and are leaders in STEM fields, only to age out of status at age 21. The commenters said this situation is untenable for these children and their employees on high-skilled visas who face the prospect of separation from family members if their child ages out before they receive a green card. Other commenters stated that the proposed criterion would result in the loss of valuable talent and potentially significant contributions to the national economy by children of visa holders that age out. The commenters also said this issue hinders U.S. companies' ability to retain highly skilled workers and prevents the United States from competing in the global economy, citing a source indicating the net economic cost of losing Documented Dreamers is over $30 billion.[249] Another commenter similarly stated that the parents of Documented Dreamers have skills that allowed them to build U.S. technologies, and every U.S. company has been able to be a leader in the world because of these high-skilled immigrants who were given visas and did everything right. The commenter said it is inhumane to ask Documented Dreamers to self-deport because of an unfair policy.

Another commenter asked DHS to update this criterion to allow individuals who had lawful status in the United States on June 15, 2012, but subsequently lost such status by the time of their request, to qualify for DACA. The commenter said that this update could be accomplished by changing the criterion to read: ''had no lawful status at the time of filing of the request for DACA.'' The commenter further remarked that Documented Dreamers have been raised in the United States, went to school here, graduated from the U.S. education system, and have gone on to become productive members of our society, contributing greatly to the national economy and communities.

Response: DHS thanks commenters for highlighting the important contributions of Documented Dreamers and agrees that many have strong ties to the United States and may not have known another country as their home. DHS also acknowledges that, as a result of the longstanding ''lack of lawful status'' criterion, Documented Dreamers are not able to request deferred action under the DACA policy. However, as with the other threshold criteria, in the Department's effort to preserve and fortify DACA, DHS is maintaining this criterion in line with longstanding policy.[250] As discussed in Sections II.A and III.A of this rule and in the NPRM, this approach reflects the Department's acknowledgement of the reliance interests of those who already have received DACA and those similarly situated who have not yet requested DACA, and their families, employers, schools, and communities. It also preserves limited agency resources while retaining the Napolitano Memorandum's focus on providing forbearance from removal for those who entered as children and did not have lawful status as of the time of the creation of the policy.

Comment: A commenter said that the lack of lawful status provision is outrageous and strange in that it would require DACA requestors to show they broke the law to be eligible. Some commenters said that it would encourage further unauthorized immigration.

Response: As discussed above and in the NPRM, this rule reflects the reality that DHS enforcement resources are limited, and that sensible priorities for the use of those limited resources are vital. It also recognizes that, as a general matter, DACA recipients, who came to this country many years ago as children, lacked the intent to violate the law, have not been convicted of any serious crimes, and remain valued members of our communities. Furthermore, the rule requires that a noncitizen have entered the United States prior to the age of 16 and have been continuously present in the United States since June 15, 2007, to meet the threshold criteria for DACA.[251] As discussed in Section II.A.7, the rule will not forbear the removal of any noncitizen who arrived after that date. Because DHS has declined to expand the threshold eligibility criteria and for the other reasons discussed in Section II.A.7, DHS disagrees with commenters that the ''lack of lawful status'' criterion would incentivize further irregular migration.

Comment: Multiple commenters stated that the June 15, 2012 date was arbitrary and that USCIS did not

[248] *See* new 8 CFR 236.22(b)(3).

[249] *See* Dip Patel, *Biden's Immigration Plan Must Reform DACA to Cover Dreamers Whose Parents Are Here Legally,* NBC News ''Think'' (Dec. 4, 2020), *https://www.nbcnews.com/think/opinion/biden-s-immigration-plan-must-reform-daca-cover-dreamers-whose-ncna1248885*; David J. Bier, *Huge Fiscal Benefits of Including Legal Immigrant Dreamers in the DREAM Act,* Cato at Liberty (Oct. 23, 2017), *https://www.cato.org/blog/huge-fiscal-benefits-including-legal-immigrant-dreamers-dream-act.*

[250] *See* new 8 CFR 236.22(b)(4).

[251] *See* 8 U.S.C. 236.22(b)(1) and (2).

sufficiently justify the reason for retaining the date. Several commenters remarked along the same line that DHS should remove the requirement that DACA requestors have no lawful status on that date in order to qualify for deferred action under the DACA policy. One commenter said that the proposed rule's claim that the requirement is implicit in the Napolitano Memorandum's reference to children and young adults who are subject to removal because they lack lawful immigration status ignores the memorandum's key goal, which was to give consideration to the individual circumstances of each case and not remove productive young people to countries where they may not have lived or even speak the language. Additionally, the commenter said that there is precedent from previous deferred action initiatives, such as a 2009 deferred action initiative via memorandum for certain widows of U.S. citizens.

Response: As several commenters point out, this explicit guideline was not in the Napolitano Memorandum issued on June 15, 2012. However, DHS disagrees that retaining this longstanding criterion conflicts with the primary goals of the Napolitano Memorandum or the underlying motivations in creating the DACA policy. To the contrary, this requirement is consistent with the purpose of the policy, inasmuch as it limits the availability of the policy to those individuals who were subject to removal at the time the memorandum was issued, and therefore reflects that the DACA policy is an enforcement discretion policy, allowing DHS to focus its limited enforcement resources on higher priority populations.[252] While DHS recognizes that there are other noncitizens, including Documented Dreamers, who will not be able to request deferred action under the DACA policy as a result of DHS codifying the lack of lawful immigration status criterion in this rule, as discussed above, this approach reflects the Department's careful balancing of its directive to preserve and fortify DACA, as well as the reliance of DACA recipients and those who have not yet requested DACA on the Napolitano Memorandum's criteria.

Other Comments on the ''Lack of Lawful Immigration Status'' Criterion

Comment: A few commenters urged the Department to consider amending proposed 8 CFR 236.22(b)(4) to remove the reference to June 15, 2012, and only require a lack of lawful immigration status on the date of filing the DACA request. Commenters suggested that this change would better align with the intent of DACA to protect young people brought to the United States as children and reduce the significant burden of demonstrating lack of lawful status going back to 2012. Alternatively, some commenters suggested other modifications to the date of the criterion, including changing the date in proposed 8 CFR 236.22(b)(4) to the date the final rule is promulgated, or using a period of time, instead of a concrete date, in the provision.

Response: DHS appreciates commenters' suggestions and understands that the criterion that the requestor demonstrate lack of lawful status as of June 15, 2012, may present a burden to some requestors or result in others being unable to meet the DACA criteria. However, for the reasons stated above, DHS is retaining this threshold criterion as proposed.

(5) Education

Support for the ''Education'' Criteria

Comment: A few commenters provided general support for the educational criteria, stating that educational opportunities provide a chance for DACA recipients to further their contributions to society. While suggesting changes to other threshold requirements, another commenter recommended no changes to the current educational requirements.

Other commenters supported the codification of longstanding standards for establishing when an individual is ''currently . . . enrolled in school'' for purposes of the threshold criteria as proposed at 8 CFR 236.22(b)(5). The commenter stated that doing so would offer additional stability to DACA requestors as they consider their educational options and assess the consequences of those decisions for obtaining DACA.

Response: DHS appreciates commenters' support for the proposed education guideline and agrees that educational opportunities provide a chance for DACA recipients to further their contributions to society, and agrees that maintaining the current standards will provide clarity and stability for DACA requestors. As discussed in the NPRM, this guideline also reflects DHS's recognition of the importance of education and military service to the United States and the Department's desire to support and promote such opportunities.[253] In accordance with longstanding DHS policy and the Napolitano Memorandum, DHS is therefore codifying the guideline that a DACA requestor must be currently enrolled in school, have graduated or received a certificate of completion from high school, have obtained a GED, or be an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.[254]

As proposed in the NPRM preamble, and in accordance with longstanding DHS policy, to be considered enrolled in school for the purposes of new 8 CFR 236.22(b)(5), the DACA requestor must be enrolled in one of the following as of the date of the request:

- A public, private, or charter elementary school, junior high or middle school, high school, secondary school, alternative program, or homeschool program that meets State requirements;
- an education, literacy, or career training program (including vocational training) that has a purpose of improving literacy, mathematics, or English, or is designed to lead to placement in postsecondary education, job training, or employment and where the requestor is working toward such placement; or
- an education program assisting students either in obtaining a regular high school diploma or its recognized equivalent under State law (including a certificate of completion, certificate of attendance, or alternate award), or in passing a GED exam or other State-authorized exam (*e.g.,* HiSet or TASC) in the United States.[255]

Such education, literacy, or career training programs (including vocational training), or education programs assisting students in obtaining a regular high school diploma or its recognized equivalent under State law, or in passing a GED exam or other State-authorized exam in the United States, include programs funded, in whole or in part, by Federal, State, county, or municipal grants, or administered by nonprofit organizations. Under longstanding policy, which DHS currently plans to maintain (but could revise to the extent consistent with law at a future date) programs funded by other sources would qualify if they are programs of demonstrated effectiveness.[256] As discussed in the NPRM, DHS does not consider enrollment in a personal enrichment class (such as arts and crafts) or a recreational class (such as canoeing) to be an alternative educational

[252] *See* 86 FR 53767.

[253] 86 FR 53768.

[254] *See* new 8 CFR 236.22(b)(5).

[255] 86 FR 53768.

[256] *Id.*

program.[257] Therefore, enrollment in such a program will not be considered to meet the ''currently enrolled in school'' guideline for purposes of this final rule.

As noted above, DHS is also codifying the longstanding policy as proposed in the NPRM that a DACA requestor also can meet the educational guideline if they have graduated from high school or received a GED.[258] To meet this component of the educational guideline, consistent with longstanding policy and as discussed in the preamble of the NPRM, the DACA requestor will need to show that they have graduated or obtained a certificate of completion from a U.S. high school or have received a recognized equivalent of a high school diploma under State law; have passed a GED test or other equivalent State-authorized exam in the United States; or have graduated from a public or private college, university, or community college. USCIS considers graduation from a public or private college, university, or community college as sufficient proof of meeting the educational guideline because a college or university generally would require a high school diploma, GED certificate, or equivalent for enrollment.[259]

Finally, DHS also is codifying the longstanding policy as proposed in the NPRM that a DACA requestor may meet the educational guideline if they are an honorably discharged veteran (including honorably discharged reservists) of the Coast Guard or Armed Forces of the United States. As has been longstanding policy and as discussed in the NPRM preamble, current or ongoing service in the Coast Guard or Armed Forces of the United States will not, however, qualify under this component of the guideline, although such service may, in some instances, qualify noncitizens for other forms of enforcement discretion or for lawful immigration status.[260]

Opposition to the ''Education'' Criteria

Comment: One commenter voiced opposition to the proposed educational criteria, stating that the intent of the DACA policy—to protect young people who were brought to the United States as children and lacked the intent to violate the law—has no relation to an individual's educational attainment. The commenter stated that if the educational requirements were removed, and noncitizens who qualify for DACA but for the education requirements could enter the workforce, States could benefit from increased tax revenue from those requestors. The commenter asked that if the educational requirements remain as proposed, the Department address what constitutes ''demonstrated effectiveness'' such that requestors are not limited based on the type of educational program they attend.

Another commenter opposed the education criteria that DACA recipients graduate high school and stated that the education requirements are unnecessarily stringent. The commenter asked why—if an individual has not been eliminated from disqualification due to any other criteria—their ability to pass the 12th grade would make an impact on their qualification.

Response: DHS acknowledges that there are many noncitizens who may meet the threshold guidelines for DACA but for the education requirement. DHS also does not disagree that were such noncitizens to be granted deferred action and work authorization under the DACA policy, States could potentially benefit from their increased economic contributions and tax revenue. However, DHS disagrees that the education criteria as codified in this rule is too stringent. To the contrary, DHS provides myriad ways for DACA requestors to meet this threshold guideline, including enrollment in a variety of educational programs, graduation from high school or a GED program, or honorable discharge from the Coast Guard or Armed Forces of the United States.[261]

DHS also disagrees that the education criteria is unsupported by the foundational principles undergirding the creation of the DACA policy. As the Napolitano Memorandum highlights, this policy was intended to defer removal for ''productive young people'' who have ''contributed to our country in significant ways.'' [262] While the Department recognizes that there are many ways that the DACA population have and continue to contribute to the United States and their communities, by incorporating an education criteria into the threshold guidelines, DHS is highlighting the importance of education and military service by considering those who give back and invest in their future through education to be lower priorities for enforcement action.

In response to one commenter's request to address what constitutes ''demonstrated effectiveness'' for alternative education programs that are not publicly funded, DHS notes that it has provided subregulatory guidance on its website explaining that when looking at demonstrated effectiveness, USCIS reviews:

- the duration of the program's existence;
- the program's track record in assisting students in obtaining a GED, or a recognized equivalent certificate;
- receipt of awards or special achievement or recognition that indicate the program's overall quality; and/or
- any other information indicating the program's overall quality.[263]

DHS believes that these factors provide flexibility to requestors while also maintaining a threshold level of educational quality as it relates to a program's overall effectiveness, and that such factors are best provided in subregulatory guidance rather than in regulation. DHS is therefore not making any changes to new 8 CFR 236.22(b)(5) in response to these comments.

Other Comments on the ''Education'' Criteria

Comment: Several commenters recommended creating a hardship waiver for people who, for example, had to drop out of high school to work, to be caregivers due to the pandemic, due to domestic violence, or due to other reasons. Some commenters suggested that a requestor demonstrate compelling circumstances for the inability to satisfy the educational guidelines in Form I–821D, Part 8 or include an addendum in their DACA request for USCIS' consideration. Several commenters recommended adding a caregiving exemption to the educational requirements that would recognize the importance of domestic work, paid or unpaid, in immigrant communities. One of these commenters reasoned that caring for family members requires significant time and can be a barrier to meeting the current educational requirements. Another of these commenters requested that DHS also provide a hardship exemption to the education criteria in recognition of the financial hardship and challenges of residing in a remote location faced by many farmworker families. The commenter noted that farmworkers also have inflexible and long work hours that further exacerbate difficulties in obtaining an education. Another commenter urged DHS to expand eligibility to those who were unable to graduate from high school or earn a GED, stating that the requirement is biased toward youth who have supports that allow them to pursue an education.

Some commenters also recommended adding an exemption to the educational

[257] *Id.*

[258] *Id.*

[259] *Id.*

[260] *Id.*

[261] *See* new 8 CFR 236.22(b)(5).

[262] Napolitano Memorandum at 2.

[263] DACA FAQs.

requirement through community service. One commenter reasoned that allowing a community service exemption would demonstrate a commitment to DACA objectives through structured volunteer activities and would strengthen future employability in the nonprofit sector.

Response: DHS appreciates the commenters raising the importance of caregiving and community service and agrees that these are meaningful occupations that contribute to society. DHS also acknowledges that caregiving duties, financial hardship, residing in a remote location, inflexible work schedules, domestic violence, the pandemic, and other challenges may impact a requestor's ability to meet the education criteria. However, as noted above, DHS believes that there is sufficient flexibility in the various ways a requestor may satisfy this threshold guideline to enable requestors in a variety of circumstances to find a program that fits their needs. For the reasons articulated throughout this rule, DHS also is retaining this threshold guideline as proposed in its efforts to preserve and fortify the policy. DHS therefore declines to create an exemption to the education criteria for hardship, caregiving, community service, or other reasons.

Comment: Some commenters recommended that individuals in current or ongoing military service be eligible to meet the education criteria, not just those who have received an honorable discharge. One commenter stated that this expansion of eligibility for current military service members would align with the requirements of the Department of Veterans Affairs benefits. Another commenter requested that USCIS clarify that union apprenticeships qualify as approved educational programs that meet current requirements.

Response: DHS appreciates commenters raising these possibilities for expanding the education criteria to include current military service or union apprenticeships. However, as discussed elsewhere in this rule, DHS is retaining this and the other threshold criteria as proposed in its efforts to preserve and fortify DACA, and in recognition of the reliance interests of current DACA requestors and those similarly situated who have not yet requested DACA, and their families, employers, schools, and communities.

Comment: A commenter referenced former USCIS Director Francis Cissna's May 25, 2018 response to Rep. Steve King's questions regarding the education levels of DACA recipients. The commenter said that the NPRM does not mention, as stated by Director Cissna, that education is a required field on Form I–821D for initial requests but is not a required field on renewal requests. The commenter went on to cite education-related figures for approved DACA recipients from 2012–2018, questioning whether the rule is simply allowing 800,000 children to get work authorization and a driver's license with little apparent hope of reaching their dreams. Another commenter said that many DACA requestors only register to study while the request is processed and then they abandon their studies.

Response: As discussed above, DHS incorporated the education criteria into the threshold guidelines for DACA in recognition of the importance of education and military service and of the contributions that DACA requestors make to the country. For example, one study of the effects of DACA on educational achievement concluded that, because of DACA, more than 49,000 additional Hispanic youth obtained a high school diploma, and that the gap in high school graduation between citizen and noncitizen youth in the study's sample closed by 40 percent.[264] The same study found positive, though imprecise, impacts on college attendance.[265]

DHS also recognizes that there may be circumstances beyond a requestor's control that may impede their ability to participate in or complete certain educational programs, and for that reason, DHS intentionally provided a variety of options for meeting this threshold guideline.

It is DHS's position that participation in or graduation from educational programs is beneficial to requestors and to the community writ large. As stated elsewhere in this rule, many DACA recipients have gone on to continue their studies at post-secondary and professional levels, and some have become doctors, lawyers, nurses, teachers, or engineers.[266] Approximately 30,000 DACA recipients are healthcare workers, and many of them have helped care for their communities on the frontlines during the COVID–19 pandemic.[267] DHS therefore disagrees with the commenters that this rule provides work authorization to DACA recipients without supporting educational outcomes or contributions.

DHS acknowledges commenters' correct assertion that DHS does not currently require requestors to affirmatively provide evidence of their continued participation in educational programs upon seeking renewal of DACA. Once the threshold educational guideline is met by evidence provided for adjudication of the initial request, DHS focuses its renewal adjudications on critical issues such as whether the individual continues to meet the criminality, public safety, national security, and continuous residence guidelines.

(6) Criminal History, Public Safety, and National Security

General Comments

Comment: Some commenters generally expressed that DACA should be more forgiving of minor offenses, with most stating that young people, like everyone, make mistakes that should not result in excessive punishment or deprive them of DACA. However, one commenter expressed that the requirement related to criminal history was sound judgment.

One commenter stated that DHS failed to elaborate on why it allows convicted criminals to obtain DACA, whereas law-abiding prospective immigrants are not considered for deferred action and employment authorization, saying that existing data do not support that officers exercise discretion in granting DACA. Another commenter said that DHS failed to conduct meaningful studies on crimes DACA recipients have committed and their negative impacts on U.S. society or on crime victims, nor did DHS consider any measures to enhance national security, such as banning all persons with any criminal records from receiving DACA. The commenter went on to cite data indicating that more than 10 percent of the approved DACA recipients have at least one arrest, which the commenter said was not acknowledged in the rule. This commenter questioned how much discretion the adjudicating officer has, stating that it is unimaginable that someone who has been accused of crimes such as murder or assault could receive favorable discretion.

A commenter expressed concern over the use of vague language to disqualify individuals who pose a threat to national security or public safety, stating that this abstract language provides no standard or guidance as to how an individual can prove by a preponderance of the evidence that they meet this requirement. Further, the

[264] Kuka (2020).

[265] *Id.*

[266] *See* Gonzales (2019); Svajlenka (2020); Wong (2020); Zong (2017).

[267] Svajlenka (2020). DACA recipients who are healthcare workers also are helping to alleviate a shortage of healthcare professionals in the United States and they are more likely to work in underserved communities where shortages are particularly dire. Chen (2019); Garcia (2017).

commenter stated that this vague language leaves open the possibility of uneven and discriminatory application, and officers who are unfriendly to the policy's ideals may wield it to exclude otherwise-qualified individuals for dishonorable and politically motivated aims. The commenter said that this concern is based on the historical use of similar grounds to incite fear and discriminate against individuals based on race, religion, sexual orientation, political ideology, and various other identities. Another commenter suggested eliminating or narrowing the public safety discretionary factor, stating that overbroad categorizations of being a threat to public safety rely heavily on often unfounded allegations of gang membership or participation in criminal activities, and that public safety long has been used as a pretext for criminalizing immigrants.

Multiple commenters opposed DHS requiring or requesting juvenile records as part of the DACA adjudication process, stating that requiring such records is a breach of confidentiality for juveniles and may be illegal in some States, such as California. The commenter recommended that DHS refrain from requesting juvenile records as a nationwide policy to ensure a consistent and fair process across all States.

Response: DHS acknowledges the variety of comments on this issue, ranging from concern that the rule should be more forgiving of minor offenses, to agreement with the criteria, to objection that someone with a criminal conviction at all (regardless of the severity of the offense) can receive DACA. DHS maintains that the criminal history, public safety, and national security criteria, as proposed, strike an appropriate balance that is generally consistent with the spirit of DHS's Enforcement Guidelines, which focus on threats to national security, public safety, and border security. Excluding all individuals with any criminal records from receiving DACA, as proposed by one commenter, would not serve DHS's enforcement priority goals, as DHS does not have the ability to pursue removal of every individual without lawful status who has a criminal record. DHS agrees with commenters that the rule should be forgiving of some minor offenses and maintains that the criteria as proposed do accomplish that goal: individuals with isolated minor convictions are not categorically excluded, including those with minor traffic offenses. While those with three or more misdemeanor convictions will not be granted DACA, this reflects DHS's judgment that an individual with multiple misdemeanor convictions, however minor as individual offenses, generally does not warrant a favorable exercise of enforcement discretion in the form of DACA.

DHS acknowledges one commenter's reference to the November 2019 USCIS report ''DACA Requestors with an IDENT Response,'' [268] which includes data reflecting that approximately 10 percent of DACA requestors approved between 2012 and October 2019 had been arrested or apprehended for a criminal offense or immigration-related civil offense, but disagrees that the NPRM did not acknowledge this data as it is explicitly referenced in the preamble to the NPRM at 86 FR 53752. Additionally, because the report reflects arrests and apprehensions—not charges or convictions—and includes apprehensions for immigration-related civil violations which cannot be systematically excluded from the report, the report is significantly overinclusive and not a reliable basis for informing the development of the criminal conviction-related criteria.

DHS acknowledges a commenter's view that whether someone poses a threat to national security or public safety is vague, but disagrees with the assertion that this may lead to discriminatory application or that officers will use this provision to exclude individuals for dishonorable or politically motivated aims. Determining whether someone poses a threat to national security or public safety is at the heart of DHS's mission, and Congress has directed the Secretary to prioritize national security, public safety, and border security. These concepts are longstanding and familiar to officers based on both experience and training, and are incorporated into DHS's enforcement priorities, as reflected in the rule.

DHS further disagrees with a commenter's assertion that existing data do not support the conclusion that officers should exercise discretion in adjudicating DACA requests. The DACA policy has historically included threshold discretionary criteria that USCIS assesses on a case-by-case basis as a review of the totality of circumstances. The assessment of whether a requestor meets these criteria itself entails the exercise of discretion by adjudicators—such as whether the requestor meets the criminal history, public safety, and national security criteria or whether they meet the continuous residence criterion, and additionally, even when a requestor meets all threshold criteria, USCIS adjudicators have had (and will continue to have) discretion to determine that in the totality of circumstances, a favorable exercise of discretion is nonetheless not warranted. Thus, USCIS data on DACA denials is itself an indication that officers exercise discretion in adjudicating DACA requests. USCIS data through December 31, 2021, reflects that USCIS has denied 107,245 DACA requests since the policy was implemented.[269]

With respect to juvenile delinquency records, as explained elsewhere in this rule, USCIS does not consider a juvenile delinquency determination a conviction for immigration purposes, consistent with longstanding DACA policy and Board of Immigration Appeals (BIA) precedent. Also consistent with longstanding DACA policy, USCIS does not consider juvenile delinquency adjudications as automatically disqualifying for DACA. If a requestor cannot provide the record because it is sealed or because State law prohibits even the individual to whom the record relates (*i.e.,* the DACA requestor) from themselves disclosing the record, USCIS still may request information about the underlying conduct in order to perform a case-by-case analysis of whether the individual presents a threat to public safety or national security and whether a favorable exercise of prosecutorial discretion is otherwise warranted.

Mandatory/Categorical Criminal Bars to DACA

Comment: One commenter recommended no changes be made to the criminal criteria as drafted in the proposed rule. However, many commenters opposed categorically denying DACA based on contact with the criminal legal system, suggested removal of the criminal conviction bars entirely, and recommended instead instituting a case-by-case review for those with such convictions. Commenters stated that the proposed criminal criteria are much broader than DHS's current memorandum on enforcement priorities, undermining the claim that the criminal criteria identify young people who are a high priority for removal, and that categorical bars by their nature eliminate the option of case-by-case determinations.

[268] USCIS, Office of Policy & Strategy, Research & Evaluation Division, *DACA Requestors with an IDENT Response: November 2019 Update* (Nov. 2019), *https://www.uscis.gov/sites/default/files/document/data/DACA_Requestors_IDENT_Nov._2019.pdf* (last accessed February 25, 2022).

[269] USCIS, *Deferred Action for Childhood Arrivals (DACA) Quarterly Report (Fiscal Year 2022, Q1)* (Mar. 2022), *https://www.uscis.gov/sites/default/files/document/reports/DACA_performancedata_fy2022_qtr1.pdf* (last visited June 2, 2022).

Commenters added that as a result, mandatory criminal bars require DHS to deny certain requestors even when they have demonstrated that they warrant favorable discretion, noting that the very nature of DACA means that every eligible requestor entered the United States as a child, and this fact alone should obligate DHS to consider each case in the totality of circumstances without being constrained by mandatory criminal bars. One commenter stated that consideration of the final DHS enforcement priorities, issued after the proposed rule was published, should be incorporated into the final rule so that no one is denied DACA who is not an enforcement priority. The commenter further noted that the statement in the proposed rule that where DACA guidelines may not align with current or future enforcement discretion guidance, USCIS may consider that guidance when determining whether to deny or terminate DACA even when the guidelines are met, invites future administrations to nearly end DACA by determining that all immigrants encountered by DHS may be enforcement priorities. Commenters stated that eliminating criminal conviction exclusions would decrease barriers for individuals with criminal records seeking DACA, bringing the policy into compliance with basic tenets of racial equity as well as compliance with E.O. 13985.

Commenters who oppose the criminal conviction criteria stated that they are arbitrary and discriminatory; unjustly transfer the racial inequities of the criminal legal system into the administration of DACA in light of the long history of racial disparities in the U.S. criminal legal system; unfairly exclude communities who already are criminalized, surveilled, and facing discrimination; impose a ''double punishment'' on largely Black, Brown, and Indigenous immigrants who already have served their full sentences and complied with consequences; ignore the disparities in the criminal legal system and the over-policing and over-prosecution of people, particularly youths, in communities of color; and do not sufficiently take into account the impact on children, as children whose parents or caregivers would be ineligible could experience the harms of family separation through detention or deportation.

One commenter noted that no other area has changed as significantly since 2012 as social perceptions of the criminal legal system, concluding that the rule's exclusions for criminal history are fundamentally incompatible with this reform movement. A legal services provider shared anecdotal examples of how the criminal bars disproportionately affected its clients. Another commenter stated that removing the criminal bars would align with the dual intentions of DACA—to preserve DHS resources and provide relief to individuals brought to the United States as children—because it would provide relief to a broader population and lead to greater stability for more families, more opportunities to pursue education or careers, and increased tax revenue. The commenter further noted that removing the criminal bars would acknowledge the capability of rehabilitation.

Commenters said that the criminal framework within DACA includes a unique system of criminal bars, separate from the grounds of inadmissibility and deportability, that is used to unfairly target certain members of the DACA population, by singling out certain contact with the criminal legal system based on the type of offense or conduct, and that does not account for differences in sentencing or severity of punishment across different localities. Commenters stated that this encourages officers to reach beyond the criminal legal system's disposition and form their own judgment without the benefit of due process.

Some commenters recommended eliminating certain per se criminal bars, including minor traffic offenses, driving under the influence, 8 U.S.C. 1325 (improper entry) and 1326 (reentry of removed individuals), and offenses involving marijuana or related paraphernalia, in light of the decriminalization of marijuana.

Commenters stated that a conviction does not necessarily indicate whether an individual poses a threat to persons or property, or otherwise does not warrant deferred action. The commenter further stated a conviction is an unreliable predictor of future danger, and is an unreliable indicator of past criminal conduct because of disparate policing practices and the significant number of people who may plead guilty to a crime for a number of reasons. The commenter stated that by adopting categorical criminal bars, the agency prevents itself from considering mitigating circumstances or humanitarian concerns.

One commenter stated that individualized consideration for those few exceptional cases in which DHS has an objectively reasonable, particularized belief that criminal history is currently relevant should account for differences in sentencing or severity of punishment across different localities and provide an opportunity for the requestor to respond to and explain the information. The commenter further noted that the rule does not require most sentences described to be actually served and fails to cut off consideration of past conduct based on the passage of time since the conviction. Another commenter also recommended that the conviction definitions consider actual time served rather than potential sentences imposed.

One commenter stated that when a conviction occurred should limit exclusions, reasoning that no one should be defined solely by their long-past actions. The commenter recommended considering actual sentences served rather than the potential sentences captured by the felony and misdemeanor conviction definitions in order to reflect the courts' assessments of offense severity.

Response: DHS appreciates and acknowledges the range of views expressed by the commenters, with one supporting the criminal criteria as drafted, and many opposing categorical criminal criteria and instead recommending a framework that considers aggravating and mitigating factors on a case-by-case basis. DHS notes commenters' comparison of the criminal criteria with the Enforcement Guidelines, observation that the criteria are distinct from the criminal grounds of inadmissibility and deportability, and attention to the fact that the definitions provided of felonies and misdemeanors reference potential sentences rather than actual time served. DHS acknowledges commenters' statements that: the criminal criteria are arbitrary and discriminatory, systemic racism or other disparities may result in disproportionate contact with the criminal legal system, and it is improper to draw conclusions about future threats to public safety based on the fact of a past conviction.

Despite the limitations and imperfections of the criminal legal system, criminal convictions rendered under Federal and State laws often carry immigration consequences. It is therefore consistent with immigration law generally for DHS to take convictions into consideration when determining whether to favorably exercise its enforcement discretion to defer removal action. It is likewise consistent with Federal law definitions of felonies and misdemeanors for DHS to classify offenses for DACA purposes based on the potential sentence, rather than time served. DHS maintains that for purposes of consideration under DACA and consistent with longstanding DACA policy, it remains appropriate for USCIS to take into consideration a requestor's criminal convictions. As

noted in the NPRM, DHS acknowledges that the threshold DACA criteria and DHS's broader enforcement priorities may not always perfectly align. In its effort to preserve and fortify DACA, DHS does not believe that it is necessary or beneficial to tie the DACA threshold criteria to the specific DHS enforcement priorities that are in place at any given time, in light of the possibility for the priorities to change, because the DACA criteria are such that the DACA population will generally be considered a low priority. Although the criteria outlined in this rule are the primary factors considered in determining whether to grant DACA, because deferred action is a case-by-case act of prosecutorial discretion, DHS may consider other relevant factors, including changed enforcement priorities, when determining whether to grant deferred action in an individual case. Factors outside of the threshold criteria may not universally overrule the threshold criteria in all cases such that changed enforcement priorities render the threshold criteria entirely moot, but because DHS may consider all factors in a case, the current enforcement priorities may properly be taken into consideration. DHS acknowledges that as a result, there may be cases in which ICE or CBP determine in their discretion that an individual is not a priority for removal even when USCIS determines the individual does not warrant a favorable exercise of enforcement discretion in the form of DACA. But DACA was never intended to capture *every* individual who ICE or CBP determines is not a priority for removal. Indeed, the very nature of discretion is such that different DHS components may exercise their discretion differently based on differing operational considerations, reaching different outcomes for an individual, all while remaining within the boundaries of the applicable guidelines.

The criminal criteria reflect a targeted approach to considering public safety concerns, identifying convictions that do not support the favorable exercise of enforcement discretion, and balancing the positive equities of the requestor population as reflected in other threshold criteria. While the criteria serve as important benchmarks for consideration of DACA, they do not prevent or replace a case-by-case weighing of all relevant factors by USCIS adjudicators. Moreover, as explained in the proposed rule, DHS seeks to retain the threshold criteria of the DACA policy as applied by USCIS since 2012 in part due to recognition of the significant reliance interests in the continued existence of the DACA policy of individuals who previously have received DACA grants, and those similarly situated who have not yet requested DACA, as well as their families, employers, schools, and communities. DHS determined that the best approach to preserving and fortifying DACA to ensure the continued existence of the policy to is to codify the existing threshold criteria. Accordingly, DHS believes the criminal criteria as proposed, and as implemented for 10 years, enable USCIS to identify more readily those who are likely to be a low priority based on their positive equities and successfully advance DHS's important enforcement mission.

Accordingly, DHS will not make any revisions to 8 CFR 236.22(b)(6) as a result of these comments.

Waivers and Exceptions

Comment: Multiple commenters stated that the rule should, at a minimum, include a waiver for individuals who trigger the criminal bars, so DACA requestors would not be rendered ineligible without a case-by-case determination. Commenters said that adjudicators should be able to consider the totality of circumstances, mitigating factors, and positive equities, including the severity of the crime, the age of the individual at the time the crime was committed, rehabilitation, minor drug-related offenses, whether a conviction was related to the individual having been a survivor of domestic violence or human trafficking, the time that has passed between the conviction and adjudication of the DACA request, length of residence, community ties, family ties, the impact of a possible denial of a request on U.S. citizen or permanent resident family members, and mental and physical health. One commenter said that requestors should be allowed to seek a waiver for ineligibility, similar to the waiver available under INA sec. 212(h), 8 U.S.C. 1182(h).

A few commenters stated that a program rooted in a case-by-case exercise of discretion should not categorically exclude a class of individuals without providing them an opportunity to present their equities to an adjudicator who can weigh the totality of the circumstances. Other commenters also noted concern that barring whole categories of individuals imports the biases of the criminal legal system into immigration decision making and unfairly targets portions of the population who are already targets of discriminatory policing practices. Some commenters said that DHS should use its authority to grant extraordinary circumstances waivers in cases of DACA requestors with felony convictions to avoid the unjust, disproportionate impact of the felony conviction bar on communities of color and LGBTQ DACA-eligible individuals.

Multiple commenters also noted that the existing DACA policy allows a waiver of the criminal exclusions due to ''exceptional circumstances,'' but stated that it is unclear what evidence a requestor should submit to establish exceptional circumstances, nor is it clear how adjudicators determine if the standard is met. One commenter urged DHS to codify and expand the availability of this exception for convictions from the existing DACA policy.

Response: DHS acknowledges commenters' concerns regarding communities of color and LGBTQIA+ individuals being disproportionately impacted by the criteria, and the suggestion that the criminal criteria include a waiver or exception that takes into consideration aggravating and mitigating factors on a case-by-case basis. However, DHS declines to accept the recommendation that DHS codify the longstanding ''exceptional circumstances'' exception to the criminal conviction criteria. Commenters correctly note that historically, under DACA FAQs 61 and 66,[270] USCIS retained discretion to determine that an individual with a disqualifying conviction nonetheless warranted a favorable exercise of enforcement discretion due to exceptional circumstances after careful consideration of the specific facts of the case. DHS is choosing not to codify that exception because it believes that the criminal criteria strike the correct balance for determining what criminal history should be disqualifying for enforcement discretion under DACA. Moreover, DHS notes that despite the long history of this exception, USCIS rarely, if ever, found exceptional circumstances that warranted a grant of DACA where the requestor did not meet the criminal guidelines. If such cases arise in the future, DHS may, where appropriate, consider the DACA requestor for other forms of enforcement discretion.

Statute of Limitations

Comment: One commenter stated that there should be no misdemeanor bar in the rule, but if there is one, there should be a ''statute of limitations'' on misdemeanors. Other commenters similarly stated that the rule should impose a statute of limitations, saying

[270] DACA FAQs.

that lack of a statute of limitations is punitive because few people are the same person they were 5 or 10 years before when they made bad decisions. Multiple commenters specifically recommended that DHS establish an administrative statute of limitations for consideration of convictions that occurred 5 or more years before the request date, and one recommended that all conviction-based exclusions be limited to within 5 years of the rule's promulgation.

Several commenters said that DACA-eligible youth have developed deep ties to family and community in the United States, deserve the chance to rehabilitate and contribute, and should not suffer further consequences if they have successfully completed the terms of any sentence resulting from a criminal conviction. A few commenters also stated that this approach would be in line with the administration's current enforcement priorities, which lists how long ago the conviction occurred as one of the factors in deciding whether to exercise prosecutorial discretion.

One commenter stated that this change to the rule is necessary when Southeast Asian immigrant and refugee communities have a long history of being over-policed and racially profiled, and to prevent further repercussions of racial inequities and injustices in the criminal legal system that disproportionately impact Black and Indigenous communities and other people of color.

Response: DHS acknowledges commenters' suggestion that the criminal criteria include an administrative ''statute of limitations'' to limit USCIS from considering convictions that occurred more than 5 or 10 years ago as automatically disqualifying. DHS further acknowledges commenters' statements that individuals may have rehabilitated following older convictions and that contact with the criminal legal system is often the result of systemic racism.

Despite the limitations and imperfections of the criminal legal system, criminal convictions rendered under Federal and State laws often carry immigration consequences. It is therefore consistent with immigration law generally for DHS to take convictions into consideration when determining whether to favorably exercise its enforcement discretion to defer removal action. DHS maintains that for purposes of consideration under DACA and consistent with longstanding DACA policy, in the exercise of discretion, it remains appropriate for USCIS to take into consideration convictions even if they occurred more than 5 or 10 years in the past. The criminal criteria reflect a targeted approach to considering public safety concerns, identifying convictions that do not support the favorable exercise of enforcement discretion, and balancing the positive equities of the requestor population as reflected in other threshold criteria. As explained in the proposed rule and elsewhere in this rule, DHS seeks to retain the threshold criteria of the DACA policy as applied by USCIS since 2012 in part due to recognition of the significant reliance interests in the continued existence of the DACA policy of individuals who previously have received DACA grants, and those similarly situated who have not yet requested DACA, and their families, employers, schools, and communities. Accordingly, DHS believes the criminal criteria as proposed, and as implemented for 10 years, enable USCIS to identify more readily those who are likely to be a low priority based on their positive equities and successfully advance DHS's important enforcement mission. Accordingly, DHS will not make any revisions to 8 CFR 236.22(b)(6) as a result of these comments.

Expunged and Juvenile Convictions

Comment: Many commenters stated that the rule should clearly prohibit consideration of expunged convictions and juvenile delinquency adjudications in DACA determinations, including the many ways in which expungement is defined, and opposed the rule's reference to the definition of conviction at INA sec. 101(a)(48)(A), 8 U.S.C. 1101(a)(48)(a) because it includes expunged convictions. One commenter said that this could be read to limit DHS's discretion in this area.

Commenters stated that expungements were available for similar programs such as the Special Agricultural Worker and other legalization programs of the 1980s and are included in legislation currently before Congress. They noted recognizing the validity of expungements is critical to meeting the intent of DACA and giving effect to important safeguards of the criminal legal system that recognize the capacity for rehabilitation of impacted individuals and the special vulnerabilities of youth and counter the impact of policing in our communities. One commenter stated that expunged, sealed, or otherwise vacated records are a powerful indicator of change in an individual. One commenter noted that many DACA recipients are Black, Latinx, and/or other people of color who come from communities harmed by a history of racial injustice and a deeply flawed law enforcement system.

Multiple commenters stated that considering expunged convictions and juvenile delinquency adjudications as disqualifying convictions would be a damaging departure from longstanding DACA policy that would result in current DACA recipients being unable to renew. Many stated that, at a minimum, the rule should codify existing DACA policy, which provides that expunged convictions and juvenile delinquency determinations do not presumptively bar an applicant from receiving DACA and are considered on a case-by-case basis to determine whether, under the particular circumstances, a favorable exercise of prosecutorial discretion is warranted.

However, multiple commenters opposed the case-by-case review of expunged convictions and juvenile delinquency adjudications as provided by current policy. Commenters stated that it leads to differing decisions for similarly situated requestors based on the adjudicating officer, undermining the finality of a State or local judicial decision to set aside and expunge an individual's criminal conviction, noting that the very purpose of expungement is to eliminate collateral consequences arising from the existence of the conviction on an individual's record. Commenters also noted that it wastes valuable agency time, as State and local authorities already examined the facts of the case and concluded that the conviction merited expungement, and almost all States have expungement mechanisms that do not allow for the expungement of felonies.[271] Another commenter stated that current guidance does not align with the purpose of expungement, nor comport with relevant research on young adults, their decision-making process, and their brain development. They cited the importance of the research because it suggests a person's past juvenile record is not indicative of their adult potential.

Commenters cited academic research demonstrating that individuals with expunged convictions present a low public safety risk and, thus, should be a low priority for removal, like other members of the DACA-eligible population. Additionally, a commenter said that legislative and policy changes providing for expungement—including automatic expungement—reflect an increased desire to create second-chance

[271] *See* Restoration of Rights Project, *50-State Comparison: Expungement, Sealing & Other Record Relief, https://ccresourcecenter.org/state-restoration-profiles/50-state-comparisonjudicial-expungement-sealing-and-set-aside* (last updated Oct. 2021).

opportunities in employment, housing, and professional licensing for individuals with prior criminal convictions. Commenters also stated that, in the criminal legal system, an expunged conviction is removed from the system entirely, including for housing, loan, employment, voting, and all other purposes, and DHS must similarly abide by this standard.

Commenters also noted that the immigration system recognizes the special position of juveniles in immigration court proceedings, where a juvenile delinquency adjudication is not considered to be a criminal conviction for immigration purposes and does not trigger adverse immigration consequences that flow from a conviction, which has been repeatedly affirmed by the BIA. Therefore, commenters state that the same should be true regarding DACA. One said that no conduct committed when under 18 should exclude someone from receiving DACA and that juvenile convictions should not be considered a negative factor, noting the inconsistency of saying that children lacked intent to violate the law in coming to the United States but then holding them responsible as a collateral consequence for other conduct while adolescents.

Response: DHS agrees with commenters that the longstanding DACA policy of not considering expunged convictions and juvenile delinquency adjudications as automatically disqualifying should be continued. DHS did not intend for the rule to abandon this policy as reflected in DACA FAQ 68,[272] which provides that expunged convictions and juvenile delinquency adjudications are not considered disqualifying convictions for purposes of the criminal criteria, but instead are assessed on a case-by-case basis to determine whether, under the particular circumstances, a favorable exercise of prosecutorial discretion is warranted.

However, DHS disagrees with commenters that case-by-case consideration of such criminal history should be eliminated and that the rule should prohibit entirely any consideration of expunged convictions or juvenile delinquency adjudications. By conducting an individual, case-by-case assessment that takes into consideration the nature and severity of the underlying conduct, DHS is giving effect to the State or local judicial determination to erase the conviction itself from the individual's criminal record, while still allowing DHS to consider the underlying facts to make a proper determination as to whether a requestor poses a threat to public safety or national security and whether the favorable exercise of prosecutorial discretion is otherwise warranted. While DHS recognizes that in other immigration contexts, expungements are generally considered convictions for immigration purposes with few exceptions, providing for case-by-case consideration of the underlying nature and severity of the criminal offense rather than categorically excluding requestors with otherwise disqualifying convictions that were expunged is consistent with the nature of DACA as an exercise of enforcement discretion—as distinct from an adjudication involving statutory eligibility requirements plus the exercise of adjudicative discretion—and reflects a balancing of the use of guidelines and discretion, which serves to promote consistency and avoid arbitrariness in DACA determinations.

Likewise, in the case of juvenile delinquency adjudications, DHS agrees that the rule should not depart from longstanding DACA policy and BIA precedent establishing that a juvenile delinquency determination is not a conviction for immigration purposes.[273] Nonetheless, for the same reasons explained above, DHS maintains that it is appropriate for adjudicators to still consider the underlying conduct as part of a case-by-case analysis of whether the individual presents a threat to public safety or national security and whether a favorable exercise of prosecutorial discretion is otherwise warranted.

In this final rule, DHS is revising 8 CFR 236.22(b)(6) to clarify that expunged convictions and juvenile delinquency adjudications are not considered automatically disqualifying under the criminal history criteria. However, consistent with longstanding policy, expunged convictions and juvenile delinquency adjudications will still be assessed on a case-by-case basis to determine whether the individual presents a national security or public safety concern and otherwise warrants a favorable exercise of discretion.[274]

Misdemeanors

Comment: Multiple commenters asserted that the single-misdemeanor bar should be eliminated because the offenses are undefined, overbroad, and arbitrary, with one stating that the definition was at best vague and at worst unjustly punitive. A commenter noted that these categories are broad and subject to interpretation, and conduct is criminalized differently in different jurisdictions, so there will continue to be wildly inconsistent application and arbitrary adjudications, stating that it undercuts the underlying spirit and intention of DACA, which was created to assist DHS by providing a well-defined framework for exercising its discretionary prosecutorial power and minimizing DHS waste on non-priority enforcement cases. One commenter suggested DHS define each offense rather than listing crimes, since States have different versions of every law; another suggested considering them on a case-by-case basis since young adults make dumb mistakes very often and a mistake should not ruin someone's life.

Commenters also stated that the use of an arbitrary length of sentence imposed in determining a particular misdemeanor is disqualifying is inappropriate and arbitrary, and will further prevailing trends of inequality in the justice system, as well as disparate treatment based on the applicant's jurisdiction and its sentencing scheme. One noted that this provision undervalues a federalist system in which a misdemeanor offense in one system can be considered a felony in another, and sentencing varies by locality.

One commenter stated that the misdemeanor definition used for the single-conviction and three-conviction bars include offenses that are considered non-criminal ''violations'' under New York law. The commenter noted that a violation of disorderly conduct under New York law is a violation, not a crime, but is a common disposition in criminal courts, often for minor alleged conduct, and pleas to this violation are often the release valve for the criminal legal system, yet regularly lead to ineligibility for DACA. The commenter stated that maintaining this bar will force people to choose between quickly and efficiently disposing of their case and defending their innocence through often prolonged and unnecessary litigation to ensure they do not face a bar to obtaining DACA. The commenter additionally noted the criminal bars would disparately impact those who are routinely criminalized because of disparate policing practices, including based on race, sexual orientation, and gender, or in connection with experiences of trafficking and domestic violence, stating that DACA recipients often come from vulnerable communities that may be more susceptible to low-level offenses. Another commenter stated that disqualifying individuals based on

[272] DACA FAQs.

[273] *Matter of Ramirez-Rivero,* 18 I&N Dec. 135 (BIA 1981).

[274] *See* new 8 CFR 236.22(b)(6).

convictions incurred by a system characterized by institutionalized discrimination and racism only serves to compound punishment on Black and Brown immigrants.

Multiple commenters noted appreciation of the clarified definition of a ''significant misdemeanor,'' but nonetheless opposed the criminal bars, stating that they add to the harmful rhetoric of immigrants as criminals. Some of these commenters expressed concern that a ''significant misdemeanor'' offense from many years ago may act as a bar to DACA, despite positive discretionary factors.

Many commenters said that individuals should not be barred from DACA by any single offense or offenses where a sentence of less than 90 days was imposed. The commenters stated that adjudicators have applied the misdemeanor bars inconsistently in the DACA context, State criminal legal systems present a wide array of different treatment for different offenses, and regional differences in policing compound the impact of disparate treatment for individuals who otherwise would be eligible for DACA. By adopting this measure, the commenters stated that the rule would increase consistency in DACA adjudications and ensure that individuals are not disqualified for offenses for which a lesser sentence was imposed.

One commenter said that TPS has a limit of two misdemeanors, and this rule should do the same.

Response: DHS acknowledges commenters' suggestion to remove single defined misdemeanors as disqualifying for DACA purposes, to instead consider such offenses on a case-by-case basis, and to provide that any offenses where a sentence of less than 90 days was imposed should not be disqualifying. DHS further notes commenters' statements that the categories of offenses listed are vague and broad and that contact with the criminal legal system is often the result of systemic racism.

Despite the limitations and imperfections of the criminal legal system, criminal convictions rendered under Federal and State law often carry immigration consequences. It is therefore consistent with immigration law generally for DHS to take convictions, including misdemeanors, into consideration when determining whether to favorably exercise its enforcement discretion to defer removal action. DHS maintains that for purposes of consideration under DACA and consistent with longstanding DACA policy, it remains appropriate for USCIS to take into consideration a requestor's misdemeanor convictions. The criminal criteria reflect a targeted approach to considering public safety concerns, identifying convictions that do not support the favorable exercise of enforcement discretion, and balancing the positive equities of the requestor population as reflected in other threshold criteria. In addition to the merits of this targeted and balanced approach, and as explained in the proposed rule, DHS has decided to codify the threshold criteria of the DACA policy as applied by USCIS since 2012 in part due to recognition of the significant reliance interests in the continued existence of the DACA policy of individuals who previously have received DACA grants, and those similarly situated who have not yet requested DACA, as well as their families, employers, schools, and communities.[275] Furthermore, DHS has determined that retaining the criteria as set forth in the Napolitano Memorandum defines the population of those who may request DACA to those who are likely to continue to be a low priority for removal under the Department's general enforcement priorities. Accordingly, DHS believes the criminal criteria as proposed, and as implemented for 10 years, enable USCIS to identify more readily those who are likely to be a low priority based on their positive equities and successfully advance DHS's important enforcement mission. Accordingly, DHS will not make any revisions to 8 CFR 236.22(b)(6) as a result of these comments.

DHS acknowledges the commenter's statement that New York ''violations'' are ''non-criminal'' and often lead to denial of DACA requests. DHS further acknowledges that New York's penal code does not classify violations, such as disorderly conduct, as ''crimes'' but rather labels them ''petty offenses.'' [276] DHS notes, however, that New York violations are punishable by up to 15 days of incarceration.[277] As such, New York violations meet the Federal definition of a misdemeanor as an offense for which the maximum term of imprisonment authorized is 1 year or less but greater than 5 days, which has been in DACA policy since 2012 and is codified in this rule at new 8 CFR 236.22(b)(6). Moreover, New York violations meet the minimum constitutional requirements for criminal convictions discussed by the BIA in *Matter of Eslamizar,* such as requiring the ''beyond a reasonable doubt'' standard of proof.[278] DHS recognizes that certain low-level crimes, which some States and localities do not term ''misdemeanors,'' will be encompassed under the Federal definition of that term in this rule. However, DHS believes that the rule's standardized sentence-based definition helps DHS treat many different State and local offenses similarly for DACA purposes, rather than relying on the many variations of terminology and classifications in State and local penal codes.[279] For these reasons, DHS declines to change this rule to exclude New York violations from being considered misdemeanors for DACA purposes.

Driving Under the Influence (DUI) Convictions

Comment: Multiple commenters recommended eliminating misdemeanor DUI convictions as an automatic bar to DACA, and several recommended instead a case-by-case review. One commenter said that including a DUI conviction is extreme, and that there should be allowances for one bad experience.

Another commenter suggested that DHS clarify its DUI restrictions under the proposed rule. The commenter stated that DUI charges should be reviewed on a case-by-case basis, or at a minimum the rule should provide that a DUI with no aggravating factors is an exception, because a DUI can have varying degrees of threat and culpability. The requestor also recommended including an exception for requestors under age 21 with a DUI conviction, absent aggravating factors on a case-by-case basis. Another commenter acknowledged that violent or drug crimes are a concern, but similarly stated that a single DUI should not be a bar to DACA and it is not an inadmissibility ground in other programs. A different commenter asked why the bar is so high for an undocumented person just to obtain DACA protections, when there are

[275] 86 FR 53766.

[276] N.Y. Crim. Proc. L. § 1.20(39). *See also Galenson* v. *Kirwan,* 324 N.Y.S. 2d 540, 541 (N.Y. Sup. Ct. 1971) (noting the revision of the N.Y. Penal Law that classified violations as petty or non-criminal offenses, but that retained criminal procedures and actions for trying and sentencing offenders).

[277] *See* N.Y Penal L. § 10.00(3) (''A 'violation' means an offense, other than a 'traffic infraction,' for which a sentence to a term of imprisonment in excess of fifteen days cannot be imposed.'')

[278] *See* 23 I&N Dec. 684, 687–88 (BIA 2004) (BIA provided helpful guideposts in assessing whether a conviction for an Oregon violation was a criminal conviction, including noting constitutional requirements of beyond a reasonable doubt standard of proof and the right to counsel where imprisonment is a possibility).

[279] State law is not controlling for Federal immigration purposes. *See, e.g., Franklin* v. *INS,* 72 F.3d 571(8th Cir. 1995).

lawyers with multiple DUIs that still hold their licenses.

Multiple commenters stated that DUIs have not been consistently or fairly adjudicated in DACA requests, which has led to erroneous denials and requests for evidence that are highly dependent upon the State in which the applicant resides. For example, the commenters said that: (1) some State laws criminalize sitting in a vehicle while inebriated, without attempting to operate it; (2) other States have statutes that criminalize offenses considered less than a ''regular'' DUI but that still have some element of impairment, or simply include the word ''impairment'' in the title, and these have been counted as DUI bars to DACA; and (3) yet other State laws do not require any finding of impairment of the ability to drive safely due to consumption of a substance, and some of these laws have been wrongly counted as a DUI and an automatic bar to DACA. The commenters concluded that because of this inconsistency, the rule should eliminate DUIs from the list of specific misdemeanors that would automatically bar someone from qualifying for DACA.

A commenter stated that, if DHS must continue to include DUIs in the list of enumerated misdemeanors, at minimum, it should clearly define that term to ensure consistent adjudication throughout the country. Because of the diverse State-law definitions of ''DUI,'' the commenter wrote, requestors are erroneously denied due to a misdemeanor conviction that may constitute a DUI in one State but not another. The commenter said that a consistent definition would allow requestors to assess their eligibility and adequately prepare their requests with a full understanding of the consequences of their criminal convictions.

One commenter stated that a DUI is inappropriate as a categorically elevated misdemeanor given the array of circumstances covered and differential outcomes based on access to counsel and other means that depend on privilege and racial hierarchies. If DUI is included, the commenter suggested that elements of the offense should be defined to require either a blood alcohol content finding of 0.08 or higher or a finding of impaired ability to drive safely, noting that ICE has used such a definition. The commenter also recommended defining ''impairment'' as ''to a degree that renders the operator incapable of safe operation.''

A legal services provider stated that, despite having paid fees, attended court hearings, and participated in rehabilitation classes, several of its clients have either lost DACA protection or been ineligible to apply. The commenter said that the uncertainty and upheaval to the lives of these individuals is immeasurable and further stated that individuals who seek to request DACA, and were otherwise eligible but for a single DUI conviction, will never have the opportunity to ''rise out of the shadows'' and take a path of greater success.

One commenter said that the DUI rule should be the same for DACA as it is for applying for citizenship to leave room for mistakes: if you have one in the last 5 years or two in the last 10 years, you cannot apply.

Response: DHS acknowledges commenters' suggestions to remove misdemeanor DUIs as disqualifying for DACA and instead consider such convictions on a case-by-case basis and to provide a clear definition of DUI for DACA purposes. DHS further notes commenters' concerns with inconsistent adjudications and variations in State law.

DHS maintains that for purposes of consideration under DACA and consistent with longstanding DACA policy, it remains appropriate for USCIS to consider a single DUI conviction disqualifying for DACA. The criminal criteria reflect a targeted approach to considering public safety concerns, identifying convictions that do not support the favorable exercise of enforcement discretion, and balancing the positive equities of the requestor population as reflected in other threshold criteria. As explained in the proposed rule and elsewhere in this section, DHS seeks to retain the threshold criteria of the DACA policy as applied by USCIS since 2012. DHS determined that the best approach to preserving and fortifying DACA, as directed by the Biden Memorandum, for these recipients, future similarly situated requestors, as well as their families, employers, schools, and communities, who have significant reliance interests in the continued existence of the DACA policy is to codify the existing threshold criteria.

Accordingly, DHS believes the criminal criteria as proposed, and as implemented for 10 years, enable USCIS to identify more readily those who are likely to be a low priority based on their positive equities and successfully advance DHS's important enforcement mission, and who are likely to continue to be a low priority under DHS's general enforcement priorities. DHS agrees with commenters that a clear definition of a DUI conviction for DACA purposes is valuable to promoting consistent adjudications, and longstanding internal guidance has provided such a definition. However, DHS believes that such a definition is appropriately provided in subregulatory guidance to allow DHS the necessary flexibility to make revisions if changes in State laws or other circumstances make such adjustments necessary and appropriate. Accordingly, DHS will not make any revisions to 8 CFR 236.22(b)(6) as a result of these comments.

Domestic Violence

Comment: Multiple commenters recommended that the rule remove misdemeanor domestic violence convictions as a categorical bar to DACA, but most also stated that if the bar is retained, the rule should include a clear definition of a domestic violence offense for DACA purposes. Commenters noted that the lack of a definition has led to inconsistent adjudications and irrational bases for denials. Some of these commenters stated that, in practice, any misdemeanor related to a domestic conflict has been deemed a bar to DACA. The commenters said that consistent adjudications necessitate a definition of a domestic violence offense and a requirement that the person have been convicted of that offense. Also, the commenters reasoned, it is not possible for defense counsel to provide an adequate *Padilla* [280] advisal of the immigration effect of a plea without a clear definition of domestic violence. In addition, commenters said that DACA requestors who initially were charged with a domestic offense, but who were either convicted of a different offense not related to domestic conflict or never convicted of any offense at all, are routinely denied DACA.

Multiple commenters specifically recommended that DHS use the definition of a ''crime of domestic violence'' from INA sec. 237(a)(2)(E)(i), 8 U.S.C. 1227(a)(2)(E)(i), which requires conviction of a ''crime of violence'' (as defined in 18 U.S.C. 16(a)) in a qualifying domestic situation. One of the commenters said that definition ''provides a relevant waiver for survivors of domestic violence who have a conviction but were not the primary perpetrators of violence in their relationships.'' Another of the commenters added that the new DHS enforcement priorities state that ''a categorical determination that a domestic violence offense compels apprehension and removal could make victims of domestic violence more reluctant to report the offense conduct.'' Several commenters noted the potential impact of the bar on survivors of

[280] *Padilla* v. *Kentucky,* 559 U.S. 356 (2010).

domestic violence, stating that it is not uncommon for both the victim and perpetrator to be arrested, or for survivors of domestic violence to be convicted of crimes as a result of their victimization, and warned that perpetrators could potentially take advantage of the legal system to terrorize survivors.

One commenter suggested DHS abandon the domestic violence conviction exclusion and instead adopt a totality of circumstances approach with a presumption that an individual with a misdemeanor conviction for domestic violence who was not physically incarcerated for over 30 days be considered prima facie eligible for DACA.

Response: DHS acknowledges commenters' suggestions to remove misdemeanor domestic violence convictions as disqualifying for DACA and instead consider such convictions on a case-by-case basis and to provide a clear definition of domestic violence for DACA purposes, and DHS notes commenters' concerns with inconsistent adjudications and the exclusion's impact on victims of domestic violence.

DHS maintains that for purposes of consideration under DACA and consistent with longstanding DACA policy, it remains appropriate for USCIS to consider a single domestic violence conviction disqualifying for DACA. The criminal criteria reflect a targeted approach to considering public safety concerns, identifying convictions that do not support the favorable exercise of enforcement discretion, and balancing the positive equities of the requestor population as reflected in other threshold criteria. As discussed above, DHS does so in recognition that a central purpose of this rulemaking is to preserve and fortify DACA as directed by the President's memorandum, and modifications to the threshold criteria related to criminal history, public safety, and national security could invite additional challenges to the policy. DHS therefore does not believe that changing the threshold criteria best serves it purpose of preserving the policy for those DACA recipients and other similarly situated individuals who have not yet requested DACA, and their families, employers, schools, and communities, all of whom have significant reliance interests in the continued existence of the DACA policy. Accordingly, DHS believes the criminal criteria as proposed, and as implemented for 10 years, enable USCIS to identify more readily those who are likely to be a low priority based on their positive equities and successfully advance DHS's important enforcement mission. The DHS Enforcement Guidelines acknowledge that a categorical determination that domestic violence offenses compel apprehension and removal could make victims more reluctant to report offenses; however, this is provided as an example in the Enforcement Guidelines of how the broader public interest is material in deciding whether to take enforcement action in a particular case, noting the specific facts of the case should be determinative. As noted in the NPRM and elsewhere in this rule, the threshold DACA criteria and DHS's broader enforcement priorities may not always perfectly align, as DHS has determined that to best preserve and fortify DACA, it is beneficial to maintain the longstanding threshold criteria rather than to tie the criteria to the specific DHS enforcement priorities in place at a given time. Regardless, the approach to domestic violence convictions reflected in this rule is still generally consistent with the spirit of the DHS Enforcement Guidelines: while the threshold criteria serve as important benchmarks for consideration of DACA, they do not prevent or replace a case-by-case weighing of all relevant factors by USCIS adjudicators, just as the DHS Enforcement Guidelines emphasize case specific determinations. DHS agrees with commenters that a clear definition of a domestic violence conviction for DACA purposes is valuable to promoting consistent adjudications, and longstanding internal guidance has provided such a definition. However, DHS believes that such a definition is appropriately provided in subregulatory guidance to allow DHS the necessary flexibility to make revisions if changes in State laws or other circumstances make such adjustments necessary and appropriate. Accordingly, DHS will not make any revisions to 8 CFR 236.22(b)(6) as a result of these comments.

Minor Traffic Offenses

Comment: Several commenters generally stated that minor traffic offenses should not be added as disqualifying offenses for DACA purposes, as a minor traffic offense does not make someone a high priority for enforcement and would open the door for disproportionately punishing communities of color, which are generally targeted by law enforcement. Numerous commenters supported including a definition of ''minor traffic offenses'' to prevent arbitrary deprivation of DACA and help prevent a minor traffic violation from being incorrectly deemed a misdemeanor. Multiple commenters recommended that the rule define ''minor traffic offenses'' as any traffic-related infraction, misdemeanor, or felony where there was no serious bodily injury to a third party, including driving without a license, driving on a suspended license, driving without insurance, and violating traffic regulations such as speeding, regardless of the level of offense under State law—noting that Florida, Georgia, Illinois, Indiana, Kentucky, and Missouri all classify driving without a license as a felony. In contrast, one commenter discouraged DHS from defining ''minor traffic offenses'' and opposed including language that permits USCIS to consider such offenses in its discretion, stating that State traffic and criminal codes create consequences that are proportionate to the violation and the threat of deportation should never be a consequence of a minor traffic offense.

Multiple commenters stated that minor traffic offenses should explicitly be excluded from consideration in a totality of circumstances analysis, in addition to being excluded from triggering misdemeanor or felony bars, but stated that where a traffic offense does involve serious bodily injury, USCIS should use a totality of circumstances analysis to determine if a favorable exercise of prosecutorial discretion is warranted. Commenters stated that undocumented individuals face disproportionate barriers to obtaining driver's licenses, which they said directly leads to higher instances of traffic-related offenses. Commenters also noted that police officers are more likely to stop drivers of color than white drivers and that consideration of racially disparate minor traffic offenses in a totality of circumstances analysis compounds the racist impact of such traffic stops on communities of color. One commenter stated that minor traffic offenses are irrelevant to the objectives of DACA or any applicant's fitness.

A commenter said that the proposed rule eliminates the ''minor traffic offenses'' exception that always has existed and that this change would be ''fatal'' to new applicants, as almost any young immigrant who has been here since 2007 has had three or more traffic tickets. The commenter stated that the preamble language about considering minor traffic offenses in the totality of circumstances contradicts the unambiguous and mandatory language of the proposed rule, and officials would be obliged to follow the rule. The commenter also said that this provision would result in unequal treatment of immigrants, depending on where they live and whether their State allows licenses for undocumented immigrants.

Response: DHS acknowledges commenters' support for adopting a definition of minor traffic offenses in light of the variations in State laws, the suggested definition some commenters provided, and other commenters' recommendation that such offenses be explicitly excluded from consideration in a totality of circumstances analysis. DHS notes that some commenters misunderstood the request for comments on whether to add a more detailed definition of minor traffic offenses to the rule as a request for comments on whether to make minor traffic offenses disqualifying offenses in the rule. DHS does not intend to treat minor traffic offenses as per se disqualifying for DACA purposes; rather, DHS will consider such offenses in the totality of circumstances to determine if a DACA requestor merits a favorable exercise of prosecutorial discretion. DHS disagrees with the suggestion that the rule prohibit USCIS from considering such offenses at all, as excluding particular factors is generally inconsistent with a totality of circumstances approach.

DHS maintains that for purposes of consideration under DACA and consistent with longstanding DACA policy, it remains appropriate for USCIS to consider a requestor's entire offense history along with other facts to determine whether, under the totality of circumstances, an individual warrants a favorable exercise of enforcement discretion. The criminal criteria, including the ability to consider an individual's entire offense history, reflect a targeted approach to considering public safety concerns, identifying convictions that do not support the favorable exercise of enforcement discretion, and balancing the positive equities of the requestor population as reflected in other threshold criteria. As explained above, DHS has determined that retaining the existing threshold criteria is the appropriate mechanism by which to preserve and fortify the DACA policy. In weighing the interests of preserving the policy to ensure its continued existence against altering the threshold criteria, DHS believes the criminal criteria as proposed, and as implemented for 10 years, enable USCIS to identify more readily those who are likely to be a low priority based on their positive equities and successfully advance DHS's important enforcement mission. DHS agrees with commenters that a clear definition of minor traffic offenses for DACA purposes is valuable to promoting consistent adjudications. However, upon consideration, DHS believes that such a definition is appropriately provided in subregulatory guidance to allow DHS the necessary flexibility to make revisions if changes in State laws or other circumstances make such adjustments necessary and appropriate. Accordingly, DHS will not make any revisions to 8 CFR 236.22(b)(6) as a result of these comments.

Immigration-Related Offenses

Comment: One commenter stated that the final rule should codify the exception for immigration-related offenses in the regulatory text, as USCIS officials would be bound by the regulatory text, not the policy statements in the preamble to the **Federal Register** notice. Another commenter said that criminal exclusions should not be based on immigration-related conduct, as the proposal rightly recognizes in eliminating immigration-related offenses characterized as felonies or misdemeanors under State laws. The commenter said that one of the starkest examples of criminalizing immigrants is Federal law on border crossings and recommended removing convictions under 8 U.S.C. 1325 (improper entry) and 1326 (reentry of removed individuals) from consideration.

Response: As explained in the preamble to the NPRM, DHS intends to continue its longstanding policy that convictions under State laws for immigration-related offenses will not be treated as disqualifying crimes for the purposes of considering a request for DACA. Although the NPRM did not propose to codify this exception in the regulatory text and instead only referenced the exception in the preamble, because 8 CFR 236.22(b)(6) specifies that a requestor must not have been convicted of a felony, misdemeanor as described, or three or more other misdemeanors and this is an exception to that general premise, DHS agrees with the commenter's suggestion that this exception for State-level immigration-related offenses should be codified in the regulatory text. Accordingly, DHS is revising 8 CFR 236.22(b)(6) to include this exception.[281] While DHS acknowledges that certain federal statutes criminalize unlawful entry and re-entry, such regulation in the field of immigration is properly within the realm of the federal government, in contrast with State-level immigration offenses which may be preempted.[282] DHS therefore has determined it is appropriate to consider federal immigration-related criminal offenses in determining whether the DACA criteria are met. Of course, where appropriate, DHS may consider such offenses when exercising discretion in individual cases.

(7) Age at Time of Request

Comment: A number of commenters suggested that DHS should remove the proposed rule's criterion that DACA requestors were born on or after June 16, 1981, (''upper age limit'') and are at least 15 years of age at the time of filing their request (''lower age limit''), unless, at the time of filing their request, they are in removal proceedings, have a final order of removal, or have a voluntary departure order.

Some commenters recommended eliminating the age limits to include requestors who meet all other requirements. Many of these commenters described the age limits as arbitrary and stated that they unfairly bar individuals from requesting DACA based on their age when DACA was announced, which is no fault of their own. Other commenters said the age limits disregard the benefits of protection for requestors under 15 years old and the continued necessity of protection for individuals who were older when DACA first was implemented.

Some commenters who suggested removing the upper age limit reasoned that childhood arrivals excluded by this limit have been living in the United States for more than 15 years without any immigration relief, that the limit goes against equal protection and law, and that it divides families and prevents individuals who have resided in the United States for decades longer than DACA recipients from receiving protections. Other commenters said that eliminating the upper age limit would particularly benefit older noncitizens who are more likely to have U.S. citizen children, and that doing so also would benefit older adult learners. Other commenters said that removing this age cap would further DACA's goal by addressing an arbitrary date that excludes many otherwise eligible requestors and would allow people who already are not enforcement priorities to receive lawful status and work authorization. Some commenters stated that DHS previously attempted to remove this age cap in a 2014 memorandum that was rescinded following the 2016 *Texas* opinion, partially due to failure to comply with the APA. The commenters said that nothing precludes the agency from

[281] *See* new 8 CFR 236.22(b)(6).

[282] *See, e.g., Arizona* v. *United States,* 567 U.S. 387 (2012).

removing this age cap through the instant notice-and-comment process.

Several commenters also urged DHS to remove the lower age limit, stating that parents want relief from deportation for their children as early as possible, and that opportunities for growth and development, such as school field trips, job opportunities, and driver's permits, arise before a child turns 15. Additionally, the commenters said that high school students pursuing a college education would benefit from having DACA and using their EAD and State identification card to prove their identity when taking college admission exams, and to be able to list a Social Security number on college applications. Likewise, some commenters who supported eliminating the lower age threshold stated that work authorization is important to youth in agricultural communities where the Fair Labor Standards Act allows children as young as age 12 to work in agriculture. Another commenter said the lower age cap leaves many young noncitizens with the fear of deportation, leading to poor mental health outcomes.

Some commenters stated that the age at time of request requirements impose undue barriers for requestors and should be revised. A couple of commenters suggested lowering the minimum age requirement for requestors and providing protections to children from removal until they are eligible to request DACA.

Other commenters discussed the exclusionary effects of the age restrictions and suggested that USCIS revise the age criterion to include noncitizens who were not above the age of 35 on June 15, 2012. Citing sources, one commenter discussed multiple benefits of raising the maximum age of requestors to 35, including a strengthened economy, less spending on enforcement, and improved access to healthcare for a greater number of immigrants. A commenter reasoned that not updating the outdated age eligibility criteria would have negative consequences on the health, well-being, and growth of undocumented individuals, their families, communities, and the economy. Other commenters stated that changing the dates and removing the age cap to expand eligibility would demonstrate to Congress the need for legislation to preserve and fortify DACA.

Response: DHS appreciates the many suggestions of commenters to modify or remove the upper and lower age caps in the threshold criteria and recognizes that the criteria exclude certain noncitizens who arrived as children from consideration for DACA deferred action and employment authorization and delays it for otherwise eligible noncitizens until age 15. DHS agrees that it has legal authority to modify or remove these age caps through notice-and-comment rulemaking. However, as discussed elsewhere in the NPRM and this rule, DHS has determined as a matter of policy to focus this rulemaking on preserving and fortifying DACA by generally retaining the threshold criteria of the Napolitano Memorandum. Retaining the criteria fortifies the longstanding policy upon which the DACA population and their families, employers, schools, and communities have relied for a decade.

(8) General Comments on Criteria and Comments on Multiple Overlapping Criteria

DACA Eligibility Criteria Related to Age and Dates Should Be Expanded

Comment: Commenters suggested that DHS change certain guidelines so that the proposed rule and DHS's Enforcement Guidelines correspond with one another, and so that DHS can concentrate its resources on border security. Specifically, the commenters recommended that DHS remove the age cap and require that requestors have continuously resided in the United States since November 1, 2020, to the time of filing the request; were physically present in the United States on the date of enactment of the proposed rule, as well as at the time of filing the request; and had no lawful immigration status on the date of enactment of the proposed rule, as well as at the time of filing of the request.

Another commenter suggested that work authorization be expanded to include recipients regardless of status to add additional security to the lives of recipients and their families.

Response: DHS acknowledges these commenters' suggestion to amend certain threshold criteria to align with the Secretary's enforcement priorities as defined in the Enforcement Guidelines. However, DHS reiterates that it is issuing this rule to preserve and fortify the DACA policy, to ameliorate legal uncertainty, and to clarify criteria for the DACA population, which, along with their families, employers, and communities, has significant reliance interests in DACA. Nor could DHS extend employment authorization to any non-DACA population through this rulemaking due to its limited scope. DHS therefore declines to make changes to the rule in response to this comment.

High Bar for DACA Recipients

Comment: A commenter said that multiple criteria, including criminal history and education, set a higher bar for DACA recipients than for the rest of the U.S. population. Another commenter said that DACA recipients have registered themselves to be under a microscope—they have given up their personal information and agreed to a higher standard than the average citizen.

A commenter stated that DACA has stricter requirements than does the process of adjustment of status or naturalization, which negatively impacts young people and their families. The commenter urged DHS to view DACA recipients as future U.S. citizens and, thus, ensure that the eligibility requirements are not stricter than those for adjustment of status or naturalization since strict requirements do not influence whether a DACA recipient ultimately will gain citizenship.

Response: DHS acknowledges these commenters' statements and suggestions. DHS reiterates that this rule is a reflection of the Department's authority to identify a target population—and the threshold criteria for inclusion in this target population—for deferred action as an exercise of prosecutorial discretion. DHS agrees that, by virtue of requesting DACA, requestors must provide personal information and have the burden to establish they satisfy threshold eligibility criteria and otherwise merit the favorable exercise of discretion. DHS reiterates that DACA is a form of time-bound deferred action, which requires an assessment of positive and negative discretionary factors. DHS notes that the eligibility criteria for benefit classifications such as adjustment of status and naturalization are outside the scope of this rulemaking, and disagrees that criteria for DACA, an exercise of prosecutorial discretion, necessarily should align with the criteria for adjustment of status or naturalization. DHS therefore declines to make changes to the rule in response to these comments.

Other Comments

Comment: Multiple commenters recommended that the final rule should explicitly state USCIS will accept new requests to prevent ambiguity caused by previous court decisions that kept USCIS from accepting new requests. Some of these commenters wrote that many more people would qualify for this vital policy if they are able to apply, and these future recipients should not be excluded as they merit the same

favorable exercise of discretion. Another commenter said that it supports DHS's decision to apply the proposed rule to both current and future DACA requestors, as both groups have reliance interests and should not be denied significant opportunities afforded by DACA.

One commenter stated that it assumed an extension of time would be given to requestors who missed a qualification deadline during the time of the July 16, 2021 injunction.

A commenter said that the proposed rule fails to provide alternatives to its narrow and outdated coverage. Another commenter stated that it disagreed with the notion that DACA's coverage cannot be expanded due to the reliance interests of previous recipients of DACA and those similarly situated who have not yet requested DACA.

Response: DHS acknowledges these commenters' concerns but for reasons expressed throughout this preamble, DHS believes the scope of this rule is amply justified. DHS does not assert in this rulemaking that reliance interests prohibit DHS from altering the criteria set forth in the Napolitano Memorandum. Rather, as explained in this rule, this focus on reliance interests and preservation of the primary features of the policy is consistent with the President's directive to preserve and fortify DACA, as well as the Supreme Court's decision in *Regents,* as described above. Further, DHS also has determined that the criteria contained in the Napolitano Memorandum successfully advance DHS's important enforcement mission and reflect the practical realities of a defined population of undocumented noncitizens who, because of limited enforcement resources are unlikely to be removed in the near future and who contribute meaningfully to their families, their communities, their employers, and the United States generally, as discussed elsewhere in this rule. Moreover, the establishment and continued application of these threshold criteria, while allowing for the residual exercise of discretion to account for other relevant considerations, serves to promote consistency and avoid arbitrariness in these determinations. Finally, because this final rule codifies longstanding threshold criteria, DHS does not believe any requestors impacted by the *Texas* decision have qualification deadlines that would need extension upon implementation of this rule. DHS therefore declines to adopt changes in response to these comments.

Comment: A commenter expressed support for DACA but recommended that DHS pick a date and, from that day forward, no person, including children, should be allowed to remain in the United States without lawful status.

Response: The comment is outside the scope of the proposed rule. DHS nonetheless acknowledges this commenter's suggestion, and emphasizes that it enforces the immigration laws consistent with available resources, statutory requirements, and agency priorities, including a particular focus on those who pose a threat to our national security, public safety, and border security. However, DHS maintains authority to exercise prosecutorial discretion and defer the removal of noncitizens lacking lawful status. DHS declines to make changes to the rule in response to this comment.

5. Procedures for Request, Terminations, and Restrictions on Information Use (§ 236.23)

a. Fees and Fee Waivers

Fees Are Too Low

Comment: A commenter stated that the proposed $85 DACA filing fee was too low and recommended that this fee should be at least $250. Another commenter recommended a larger one-time fee. A commenter stated that DACA requestors should at least pay the full cost of adjudicating their cases plus a surcharge to fund enforcement and restitution initiatives. The commenter went on to cite figures relating to USCIS' backlog. The commenter also stated that USCIS disclosed to Congress in 2018 that to fund DACA processing, the agency dipped into funds from application fees of lawful visa applicants and their sponsors. The commenter further remarked that the fee proposed in the NPRM for the Form I–821D is woefully insufficient to cover the costs associated with adjudicating a DACA request. The commenter reasoned that the cost of processing an initial DACA request is $446 and the cost of processing a DACA renewal request is $216, yet the proposed rule only requires DACA requestors to pay an $85 fee to cover the cost of fingerprinting, essentially making the cost of adjudication free to the requestor.

Another commenter stated that USCIS may make $310 less per DACA request for any number of requests, which could diminish the agency's budget by $34.9 million annually, or $384 million over the next 11 years. The commenter said that the proposed restructuring of the fees would make it nearly impossible for USCIS to meet its obligation for ensuring that the USCIS has enough capital to cover the total cost of full adjudication for each request considered, which is $332, and USCIS would recover only $85 of this potential cost from each request. The commenter remarked that, under the proposed fee restructuring, each request would recover $247 less than the potential cost of full adjudication, and that the proposed rule acknowledges that, under the current structure, USCIS would charge $93 million less than the estimated full cost of adjudication for every DACA request received annually. The commenter stated that the final rule should include evidence to justify the risks of the proposed rule for funding USCIS operations. The commenter further stated that estimating how many requestors would no longer apply for employment authorization under the proposed fee restructuring would allow for more accurate estimates of the total losses that USCIS would face. A commenter asked if the Government would be affected financially by the drastic reduction in the cost of DACA requests, or if the change would be negligible. Another commenter remarked that more research is needed to justify how restructuring fees may affect USCIS operations that rely on those fees for funding.

Response: As explained elsewhere in greater detail, this rule is amending DHS regulations to codify the existing requirement that requestors file Form I–765, Application for Employment Authorization, which currently requires a $410 fee, with Form I–821D, Consideration of Deferred Action for Childhood Arrivals, and reclassifying the $85 biometric services fee as a Form I–821D filing fee, to recover any additional DACA adjudication costs.[283] In the NPRM and Supplemental Cost Methodology Document, DHS explained that the current $85 fee for DACA would not recover the full costs for individuals who did not request an EAD and pay the full costs of the Form I–765. 86 FR 53764. At the time USCIS conducted its cost analysis for the proposed rule, it estimated that the unit cost of Form I–821D was $332. *Id.* This represents the most recent unit cost estimates for Form I–821D.

USCIS cost estimates may change over time. New information may be available, such as more recent receipts or adjudication hours. Estimates may use different assumptions. For example, the Supplemental Cost Methodology Document in the NPRM docket did not distinguish between initial and renewal DACA requests. However, the older USCIS cost estimate cited by a commenter relied on older information

[283] *See* new 8 CFR 236.23(a)(1).

and distinguished between initial and renewal DACA requests.[284] That old estimate used draft FY 2019–2020 fee rule information. The published proposed rule for the FY 2019–2020 fee rule had different results than the draft cited by the commenter. In the supporting documentation accompanying the FY 2019–2020 proposed fee rule, USCIS estimated the unit cost for Form I–821D was $273.[285] Ultimately, DHS removed DACA fees [286] from the final fee rule, which was later enjoined.[287] DHS maintains its position that the $332 in the NPRM and Supplemental Cost Methodology Document represents a reasonable estimate of the Government's costs of processing these forms. In the future, DHS plans to propose new USCIS fees in a separate rulemaking after reviewing fees for Form I–765 and other immigration benefit requests.[288] DHS determined that the cost for adjudicating concurrently filed Forms I–765 and I–821D, as required in this final rule, is a negligible increase in costs compared to the $332 estimated in the NPRM for adjudicating Form I–821D alone. USCIS determined there is a negligible workload difference between adjudicating Form I–821D alone and the combined Forms I–821D/I–765 DACA adjudicative action.[289] As such, DHS determined the $332 estimated cost in the NPRM is reasonable to use for the final rule. DACA requestors will therefore be covering the full cost of adjudicating a DACA request and should not create a deficit in USCIS' budget. However, DHS disagrees that DACA filing fees should include a surcharge to fund enforcement and restitution initiatives because DHS has an interest in ensuring that requests for DACA are accessible to those who may meet threshold criteria. As discussed throughout this rule, the DACA policy reflects an appropriate use of the Department's resources to exercise deferred action for a specific population of individuals who are low priorities for removal. As discussed elsewhere, it serves DHS's interest in conserving enforcement resources when the DACA policy is accessible for those who are potentially eligible to come forward to submit requests so that DHS can conduct background checks and determine whether they merit the exercise of prosecutorial discretion and thereby conserve other congressionally appropriated resources for higher priority enforcement uses.

Fees Are Too High

Comment: By contrast, many commenters stated that DACA-related fees are too high and urged DHS to reduce them to make DACA more accessible. Commenters stated that many requestors come from low-income backgrounds and struggle to cover the costs. Others noted that the COVID–19 pandemic has resulted in a loss of work for many, while many DACA recipients continue to work in essential roles, with one commenter noting that DACA recipients with front-line jobs have endured additional costs related to acquiring Personal Protective Equipment and covering the costs of their own healthcare due to exclusions from ACA subsidies. Many commenters stated that requiring individuals to pay $495 in fees to renew DACA every 2 years presents a challenging financial burden. A commenter stated that the cost of filing the request for deferred action together with the application for work authorization should be reduced to a level that is realistically affordable to DACA-eligible requestors based on their age and level of income. The commenter said that the fees for deferred action and work authorization together amount to 69 hours of work at the Federal minimum wage rate, and there is no fee waiver available. The commenter stated that because the forms are lengthy, with legal jargon and generally confusing language, many requestors need filing assistance, with associated costs as high as $900. In addition to the costs of filing fees and filing assistance are the costs for obtaining documents, making copies, and mailing them. Other commenters cited research from the Migration Policy Institute indicating that fees remain a barrier to DACA renewal and that an estimated 35 percent of DACA eligible individuals live in families with incomes less than 100 percent of the Federal Poverty Line. Commenters expressed concern that requestors often seek private loans that later develop into more challenging financial burdens. Other commenters cited data that 36 percent of DACA recipients reported a delay submitting their request to raise funds. A number of commenters stated that the fees created barriers to employment and would lead otherwise eligible noncitizens to engage in unauthorized employment.

Response: DHS acknowledges these commenters statements related to DACA related fees. DHS recognizes that the $85 Form I–821D filing fee, proposed to replace the existing $85 biometrics fee, coupled with the current $410 Form I–765 filing fee, may present a financial barrier to otherwise eligible requestors. However, DHS disagrees with comments that fees are arbitrarily determined. As stated in the NPRM, DHS recognizes that many DACA requestors are young adults who are vulnerable because of their lack of immigration status and may have little to no means to pay fees associated with a DACA request. DHS also acknowledges that DACA-eligible noncitizens may have a variety of financial burdens that make it difficult to afford the fees. DHS has accounted for filing costs to the requestors in the RIA, including the time burden for completing the request, costs related to assistance in completing and filing a DACA request, travel costs, and filing fees.

USCIS is funded primarily by immigration and naturalization benefit request fees charged to applicants and petitioners and must balance the need to recover some of the costs of reviewing DACA requests with the humanitarian needs of the DACA requestor population. As discussed in the NPRM and in this rule, DHS proposed to eliminate the DACA biometrics fee, replace it with an $85 Form I–821D filing fee, and unbundle the Forms I–821D and I–765 as a mechanism to recover some costs of adjudicating these requests while providing an option that would reduce financial barriers to DACA requestors. However, as discussed Section II.C.2.c, after careful consideration of comments, DHS has made changes in the rule to codify the existing bundled form requirements, thus requiring requestors to concurrently file Form I–821D with associated $85 filing fee, Form I–765 with associated filing fee (currently set at $410), and Form I–765WS. DHS has determined this fee structure to be reasonable because it fully recovers adjudicatory costs. DHS has already determined, as explained in the NPRM and in the context of the unbundled filing process proposed, that it is in the

[284] USCIS, *USCIS Responses to the Congressional Research Service* (Oct. 2018), *https://www.uscis.gov/sites/default/files/document/questions-and-answers/USCIS_Responses_to_Congressional_Research_Service_CRS_Questions_on_DACA_Costs.pdf*.

[285] *See* USCIS, *FY 2019/2020 Immigration Examinations Fee Account: Fee Review Supporting Documentation* (Apr. 2019), *https://www.regulations.gov/document/USCIS-2019-0010-0007*. On page 24, the Model Output column of Appendix Table 3, Proposed Fees by Immigration Benefit Request, is $273 for Form I–821D. Model Output is the projected total cost from the ABC model divided by projected fee-paying volume. It is only a unit cost forecast (using a budget) and not the actual unit cost (using spending from prior years). USCIS does not track actual costs by immigration benefit request.

[286] 85 FR 46801.

[287] *See* 85 FR 46788 (Aug. 3, 2020) and 86 FR 7493 (Jan. 29, 2021).

[288] *See* 87 FR 5241.

[289] *See* Table 3 of the Supplemental Cost Methodology Document and the subsequent paragraph on page 8.

public interest to hold the fee for Form I–821D, Consideration of Deferred Action for Childhood Arrivals, below the estimated full cost of adjudication. But DHS has not so determined for the Form I–765, Application for Employment Authorization, which is filed by millions of noncitizens outside the DACA population. Additionally, as DACA is an act of enforcement discretion designed to allow DHS to focus enforcement resources on higher-priority cases, DHS believes it is appropriate for DACA recipients to cover the cost of adjudicating their requests. DHS therefore declines to make changes to the fee amounts proposed in the NPRM.

Need for Fee Waivers

Comment: In light of the financial hardship fees present many DACA requestors, many commenters urged DHS to permit DACA requestors to request a waiver or reduction of the filing fee, in addition to the existing limited fee exemption criteria. One commenter suggested eliminating the fees completely or, at a minimum, providing a fee waiver. A commenter cited data stating that naturalization almost doubled when eligible applicants were offered a fee waiver and increased by 30 percent when they were simply informed of their eligibility for a fee waiver. One commenter supported a fee waiver, even if it requires raising the overall fee for DACA requests to cover the adjudication costs of those who cannot pay.

Commenters proposed a variety of approaches to expand fee waiver access to the DACA population. Some commenters suggested a ''hardship waiver'' for individuals under economic or employment difficulties, including challenges affording secondary education, especially with the lack of access to Federal and State tuition aid, or those who are forced to prioritize other costs, such as childcare. Other commenters recommended reduced fees for individuals not interested in work authorization, especially students; and fee waivers for employment authorization applications. A commenter suggested replacing fee exemptions before applications with regular fee waivers simultaneous to applications. A commenter suggested that DHS can allow the fee waiver by amending 8 CFR 106.3 to add a paragraph providing that DACA requestors may apply for a waiver of any fees for DACA and any associated filing. Another commenter reasoned that the hardship of a recurring fee for DACA renewal requestors is considered an emergent circumstance that allows for USCIS to authorize a fee waiver.

Response: DHS acknowledges commenters' suggestion to make fee waivers broadly available to DACA requestors. DHS recognizes that fee waivers may make DACA more accessible to eligible noncitizens who may have insufficient resources to pay DACA related fees. The INA authorizes DHS to establish and collect fees for adjudication and naturalization services to ''ensure recovery of the full costs of providing all such services, including the costs of similar services provided without charge to asylum applicants or other immigrants.'' [290] Through the collection of fees established under that authority, USCIS is funded primarily by immigration and naturalization fees charged to applicants, petitioners, and other requestors.[291] As discussed above, DHS is adopting in this rule the existing bundled process and fee structure that includes filing fees associated with the Form I–821D, Consideration of Deferred Action for Childhood Arrivals, and the Form I–765, Application for Employment Authorization.

DHS recognizes that some DACA requestors face economic hardship that impacts their ability to pay the required fees, but notes that DACA, as an exercise of prosecutorial discretion that allows DHS to focus limited resources on higher priority cases, is not an immigration benefit or associated filing authorized for fee waiver under INA sec. 245(l)(7), 8 U.S.C. 1255(l)(7), and that it is appropriate for beneficiaries of this enforcement discretion to cover the cost of adjudication.

In the NPRM, USCIS estimated the full cost for processing Form I–821D using the agency's established cost methodology and the available parameters at the time of the review.[292] USCIS estimated that the total cost of adjudicating Form I–821D is approximately $125.9 million. USCIS assumed that all DACA requestors in the workload would pay the fee.[293] Dividing the total cost by the estimated DACA workload resulted in a unit cost of approximately $332 each, as illustrated in Table 4 of the of the Supplemental Cost Methodology Document. If some DACA requestors received fee waivers, then that would decrease the fee-paying workload and increase the unit cost. For example, if only 50 percent of DACA workload paid the fee, then the unit cost would be approximately twice as high because of the lower divisor.[294] USCIS uses 50 percent for illustrative purposes only. USCIS does not know how DACA fee waivers would affect fee-paying receipts. Based on FY 2021 revenue and receipts, USCIS estimates that approximately 44 percent of Form I–765 filings unrelated to DACA paid the $410 fee. USCIS analysis indicated that approximately 77 percent of the TPS population may have paid the fee for Form I–765 because these individuals have a valid EAD as of April 12, 2021. Using any of these fee-paying percentages would reduce DACA revenue estimates.

DHS estimates that making fee waivers available to DACA requestors for Form I–765 would result in a reduction of approximately $72,324,000 and $100,105,600 in fees paid in FY 2022 and 2023, respectively, from the current policy permitting only limited fee exemptions. DHS must carefully balance the interest of making DACA available to those who may meet the criteria with the need for adequate resources to process requests efficiently and effectively. A reduction in fees collected would either negatively impact processing times or require increased fee amounts paid by others to offset revenue diminished by waived fees. In weighing these important interests, and in line with President Biden's directive to preserve and fortify DACA, DHS has determined that maintaining the existing fee structure with limited fee exemptions strikes the appropriate balance. For these reasons, DHS declines to modify the rule to extend fee waivers for DACA and related work authorization requests.

Fee Exemptions

Comment: Several commenters urged DHS to broaden its DACA fee exemption

[290] INA sec. 286(m), 8 U.S.C. 1356(m).

[291] On August 3, 2020, DHS published a final rule, *U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements* (hereinafter 2020 Fee Schedule Final Rule), which was to be effective October 2, 2020. 85 FR 46788 (Aug. 3, 2020). The 2020 Fee Schedule Final Rule, among other things, established a new USCIS fee schedule and effectively transferred the USCIS fee schedule from 8 CFR 103.7(b) to the new 8 CFR part 106 at 8 CFR 106.2, *Fees.* However, before the 2020 Fee Schedule Final Rule took effect it was enjoined. *See Immigr. Legal Resource Ctr.* v. *Wolf,* 491 F. Supp. 3d 520 (N.D. Cal. 2020); *Nw. Immigrant Rts. Proj.* v. *USCIS,* 496 F. Supp. 3d 21 (D.D.C. 2020). At this time, DHS is complying with the terms of these orders and is not enforcing the regulatory changes set out in the 2020 Fee Schedule Final Rule, including the specific fees found in 8 CFR 106.2. 86 FR 7493 (Jan. 29, 2021). Nothing in this proposed rule proposes any change to that ongoing compliance.

[292] *See* Supplemental Cost Methodology Document.

[293] *Id.* at 8.

[294] *Id.* at 8–9. In Table 4, the Total Cost of Form I–821D Activities and Cost Objects is $125,853,334. The unit cost is the total cost divided by 379,500. The calculation for the 50 percent example is $125,853,334/(379,500 * 50%) = $663.26.

policy. Commenters also suggested DHS should, at minimum, codify the availability of fee exemptions for DACA and DACA-related EADs, stating that fee exemptions are a valuable failsafe for eligible individuals, and fee waivers should be available to the DACA requestor population to facilitate their entry into the workforce. The commenters took the position that adding a provision to the rule stating fee exemptions will be available under certain circumstances will help to ensure that the fee exemptions will remain available to requestors. The commenters provided draft language for the proposal at 8 CFR 263.23(a)(5) to clarify the availability of fee exemptions for DACA-related application for employment authorization. Some commenters suggested codifying the availability of fee exemptions and expanding to a broader group of people, such as children under age 18, similar to the policies for U Nonimmigrant Status petitioners or VAWA self-petitioners.

Response: DHS acknowledges these commenters' suggestion to codify and broaden its DACA fee exemption criteria. DHS agrees fee exemptions are necessary in some situations. Under current policy and practice, a requestor may be considered for a fee exemption if they submit a letter and supporting documentation to USCIS demonstrating that they meet one or more of the following circumstances: (1) their annual income is less than 150 percent of the U.S. poverty level, they are under 18, and are either homeless, in foster care or otherwise lacking any parental or other familial support; (2) they cannot care for themself because they suffer from a serious, chronic disability and their income is less than 150 percent of the U.S. poverty level; or (3) they have, at the time of the request, accumulated $10,000 or more in debt in the prior 12 months as a result of unreimbursed medical expenses for themself or an immediate family member, and their income is less than 150 percent of the U.S. poverty level.[295] As discussed in this rule, DHS must carefully weigh the interest of access to DACA with the need to collect fees at a level that ensures recovery of the full cost of providing immigration services except under very limited circumstances. DHS has determined that the current fee structure with limited fee exemptions strikes the appropriate balance. For these reasons, DHS declines to modify the rule to codify or expand fee exemptions for DACA and related work authorization requests. DHS has further determined that subregulatory guidance provides the best vehicle for fee exemption guidance so that DHS maintains flexibility to retain or modify such agency procedures as necessary in the future, and thus declines to modify the rule to codify the existing fee exemption guidance.

Other Alternatives To Reduce the Fee Burden

Comment: A commenter recommended reducing the total fee for DACA by half if DHS does not lengthen the 2-year validity period for DACA related EADs. Another commenter suggested that fee waivers should be available to DACA renewal requestors, if not available for all requestors. A different commenter suggested that all fees should be capped at $250 and that the fee for associated advance parole requests be reduced or eliminated. Other commenters suggested that DHS reallocate funds to provide financial assistance and fee waivers for DACA requestors. Another commenter who suggested that the DACA request should be free and reasoned that any lost revenue could be replaced by dissolving ICE and its subsidiary departments. Other commenters suggested that fees should be as minimal as possible to still maintain the necessary DHS funding. Another commenter suggested that renewal fees for DACA should be less than the initial request fees because it should not take as much labor to review renewal requests. A different commenter said that the $85 fee for Form I–821D is appropriate if it is entirely devoted to application processing but suggested a reduction to the EAD fee. The commenter recommended mitigating costs as much as possible to facilitate employment.

A commenter suggested that DHS base fees on the requestor's age and income. Other commenters recommended establishing a family plan to ease the financial burden on families that must file separately for individual family members.

Response: DHS acknowledges the suggestions raised by these commenters. As discussed above, DHS has carefully considered the DACA fee structure, weighing the interests in recovering the costs of adjudicating these requests and in reasonably mitigating financial barriers to requestors. DHS has concluded that the proposed fee structure, in which the Form I–821D and Form I–765 filing fees, within a bundled filing process, recover the costs of processing DACA requests, represents a reasonable approach to balance these interests. Although DHS recognizes the commenter's suggestion that initial and renewal requests should have different filing fees because renewal requests require less time to adjudicate, DHS has concluded that having two fees would be administratively burdensome and potentially confusing to requestors. Furthermore, as this rule does not modify longstanding threshold criteria to expand DACA eligibility, DHS expects that the majority of DACA requests moving forward will be renewal requests. DHS therefore declines to make changes to the rule in response to these comments. DHS also notes that recommendations regarding appropriations, budget allocation, and dissolution of DHS agencies fall outside the scope of this rule and declines to address these comments further.

b. USCIS Jurisdiction (Including Comments on Inability To Grant DACA to Someone in Immigration Detention)

Comment: Most commenters who submitted comments on this topic requested that USCIS adjudicate DACA requests from detained individuals rather than require DACA-eligible individuals to secure release from detention before their request can be granted. Several commenters expressed concern that the proposed approach would bar detained individuals from seeking DACA. Other commenters expressed that extending USCIS jurisdiction over detained individuals would provide more protection to immigrant youth. Commenters argued that the proposed framework would deprive certain individuals of the main benefit of DACA—the ability to demonstrate their low priority for removal and their eligibility for deferred action (which, according to a commenter, would necessarily constitute a strong basis for release from detention). One commenter argued that denying access to DACA to detained young people deprives them of a tool to advocate for their release and defend themselves against deportation while in removal proceedings.

Commenters expressed concern that the proposed approach would lead to unnecessary and prolonged detention of DACA-eligible individuals. A commenter similarly opposed the approach stating it would lead to unnecessary detention, where the commenter stated that they had witnessed abuse, inadequate legal and medical services, unsanitary conditions, and lax COVID–19 protocols.

Several commenters expressed concern that DACA decisions should be made by USCIS and not be subject to separate action or decision by ICE. Commenters argued that providing

[295] DACA FAQs.

USCIS jurisdiction over detained cases would permit USCIS to make informed decisions based on the totality of the circumstances.

Several commenters opposed granting ICE veto power over DACA decisions. Commenters expressed concern about ICE's decision-making process for release from detention, stating that the process is notoriously arbitrary and disorganized and noting inconsistent decisions would block individuals from receiving DACA even if USCIS determines an applicant is eligible and merits a favorable exercise of discretion. Another commenter stated that ICE staff often fail to execute ICE's mandate, fail to review cases accurately, are unresponsive to counsel, and are not transparent or accountable in decision-making. Other commenters expressed concern that ICE or CBP could prevent renewal of a DACA grant keeping an individual detained, and cited examples of *Inland Empire* class members who were unable to renew their DACA request due to being detained.

A commenter noted that release from detention is often based on factors that do not bear on an individual's fitness for DACA, and that decisions about bonds are similarly arbitrary and subject to great variety across different regions of the United States. Several commenters stated their concern that ICE and CBP detention decisions may be based on noncitizens' contact with the criminal legal system that does not always lead to a disqualifying conviction, and permitting ICE or CBP to take DACA decisions away from USCIS would unfairly reproduce racial inequities associated with the criminal legal system (stating that many DACA recipients are Black, Latinx, or other people of color whose communities experience a high rate of policing).

Response: DHS acknowledges commenters' concerns regarding the requirement that detained individuals be released from detention for USCIS to grant their DACA request. DHS likewise acknowledges commenters' requests to place DACA decisions solely in the hands of USCIS rather than ICE or CBP. DHS emphasizes that foundationally, DACA is a policy guiding the exercise of prosecutorial discretion for certain individuals who are low enforcement priority, and as such, is necessarily connected to, and dependent on, immigration enforcement decisions made by the Department's enforcement agencies. USCIS' role in considering requests from individuals identifying themselves as low enforcement priorities does not strip ICE and CBP of the responsibility to enforce the immigration laws. DHS has determined that the balance of the relevant agencies' responsibilities is best served by permitting individuals who have been apprehended and are currently in immigration detention to identify themselves as DACA-eligible so that ICE may consider whether they are a low enforcement priority such that they should be released from custody, after which USCIS may then approve or deny their request. DHS notes that USCIS has not previously had jurisdiction to grant DACA to a noncitizen in immigration detention under custody of ICE and that under longstanding DACA policy, detained noncitizens were instructed to identify themselves to ICE for potential release to pursue their DACA request.[296] Under current procedures, if, after review, these noncitizens appear to meet the DACA criteria, ICE may release them to file a DACA request with USCIS.[297] DHS believes that, as provided in this rule, permitting detained individuals to instead begin the DACA request process by filing a request with USCIS before being released from detention will make the decision-making process more efficient while maintaining ICE's role in determining the enforcement priority level of individual detainees. While requestors may file their requests while detained, under this rule, USCIS may not grant these requests until the individuals have been released from detention.

DHS acknowledges the concerns expressed by commenters regarding release-from-detention policies and the potential impact of decisions by individual ICE officers. As originally envisioned by the Napolitano Memorandum, DACA is one portion of implementing the Department's overall enforcement strategies. The Napolitano Memorandum included guidelines for identifying low enforcement priority individuals for deferred action under what became the DACA policy, including those individuals in detention and removal proceedings, and envisioned individuals would self-identify as candidates for deferred action. Similarly, the Department's Enforcement Guidelines set out enforcement priorities and instruct enforcement agencies to exercise discretion as appropriate for individuals outside of those priorities. While all discretionary enforcement and adjudicatory decisions involve multiple decisions made by a single enforcement officer or adjudicator, DHS asserts that consistent policies, training, and review best address concerns of individual ICE officers ''vetoing'' otherwise DACA-eligible noncitizens. Additionally, DHS has set up a case review process for noncitizens to obtain expeditious review of enforcement actions, including decisions on detention.[298]

DHS thanks commenters for highlighting concerns that differential policing of communities will affect detention decisions based on contact with the criminal justice system. DHS acknowledges that arrests and convictions are best understood in the totality of the circumstances.

DHS acknowledges the related concern that detention of a DACA recipient could prevent that individual from renewing a DACA grant. However, individuals with DACA are generally not subject to enforcement action absent a determination that enforcement discretion is no longer warranted, typically due to activity that would serve as a basis for termination of the DACA grant. Additionally, DHS encourages DACA recipients to file renewal requests within the recommended filing window to best avoid gaps between periods of deferred action under DACA.[299]

Inefficiency Concern

Comment: Some commenters suggested it would be more efficient for USCIS to adjudicate requests from detained noncitizens. Several commenters stated that the proposed bifurcation of DACA adjudication for detained and non-detained individuals would be inefficient and impede individuals from making a showing of low priority for removal and eligibility for deferred action. One commenter suggested that ICE be granted authority to adjudicate DACA in certain cases to avoid double adjudication and promote efficiency.

Response: DHS appreciates suggestions on ensuring efficiency in the implementation of DACA. DHS emphasizes that USCIS remains responsible for the adjudication of all DACA requests. As discussed above, USCIS has determined that permitting detained individuals to request DACA from USCIS prior to release will increase efficiency. This change will

[296] DACA FAQ 12; ICE, *Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), https://www.ice.gov/daca* (last updated Mar. 17, 2022).

[297] ICE, *Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), https://www.ice.gov/daca* (last updated Mar. 17, 2022).

[298] ICE, *Contact ICE About an Immigration/Detention Case, https://www.ice.gov/ICEcasereview* (last updated June 24, 2022).

[299] DACA FAQ 49.

also resolve situations under the previous policy where a requestor who had already been released from detention could be found ineligible for DACA because they were detained when they submitted the DACA request. DHS asserts that specific details of intra-department coordination between ICE and USCIS are best handled through subregulatory guidance in order to retain operational flexibility and to best respond to the circumstances that individual cases may present.

Lack of Justification or Rationale for Rule

Comment: Commenters stated there is no reason why USCIS would be prohibited from adjudicating DACA from detained individuals, noting that USCIS regularly adjudicates other applications for detained individuals. Another commenter stated that no other immigration benefit effectively precludes detained individuals from applying, and that tying approval for DACA to detention status is unprecedented and unwarranted. One commenter stated that DHS risks violating the principle that immigration detention be nonpunitive by promulgating a DACA rule that deems detained individuals ineligible for DACA. A commenter stated that there was no evidence on the ICE website suggesting that individuals cannot be granted DACA while in custody, and remarked that detained individuals have previously sought and been granted DACA, with that approval informing subsequent decisions on the individual's release from custody. The commenter further stated that it was arbitrary and capricious to require release from custody before USCIS can grant a DACA request because DACA eligibility requirements do not require that an individual *not* be detained and that past practice had created a reliance interest in adjudicating DACA requests from detained individuals.

Response: DHS acknowledges that USCIS sometimes adjudicates immigration applications and petitions benefiting detained individuals. DHS submits that as a discretionary exercise of prosecutorial discretion, DACA is difficult to compare to immigration benefits, some of which may be granted to detained individuals, and refers to the above response regarding the balance of responsibility between ICE and USCIS. DHS believes that it would not be appropriate to grant enforcement discretion under the DACA policy to an individual that ICE has determined warrants continued detention. As explained above, since the inception of the DACA policy, USCIS has not exercised jurisdiction to grant DACA to a detained individual. Both the USCIS DACA FAQs and the ICE public web page containing DACA information instruct detained individuals to identify themselves for potential release to seek DACA with USCIS.[300] Additionally, to answer the first question on Form I–821D, Consideration of Deferred Action for Childhood Arrivals, the requestor states ''I am not in immigration detention.'' [301] Acknowledging that some cases may present complicated detention histories, DHS submits that any such request referred to by commenters was likely granted in error if the requestor was in fact detained at the time of the adjudication of the request. DHS also notes that the regulation permits detained individuals to submit requests for DACA to USCIS, which were previously denied under the existing DACA policy. Given the longstanding DACA policy, DHS does not believe requestors have a reliance interest in USCIS adjudicating DACA requests from detained requestors. DHS recognizes the strong interest a noncitizen in immigration detention may have in requesting and receiving DACA, but denies that the rule's approach is punitive; in these cases, the immigration enforcement entity detaining the potential DACA requestor applies the Department's enforcement strategy in determining whether to release that person from detention prior to or in coordination with another agency's decision to grant deferred action for a period of time.

Further Recommendations

Comment: One commenter criticized DHS for failing to include in the proposed rule guarantees that ICE would release DACA-eligible individuals from detention. Another commenter recommended aligning DACA with other humanitarian programs by providing similar safeguards to other classes of vulnerable people DHS has recognized as unsuitable for detention, such as SIJ petitioners, petitioners and applicants for U and T nonimmigrant status, and VAWA self-petitioners. The commenter recommended expeditious processing of DACA requests for detainees, including explicitly allowing USCIS to accept biometrics taken by ICE to facilitate the processing; that the rule afford automatic stays of removal for requestors until requests are adjudicated; and that the rule consider directing immigration judges to sua sponte continue proceedings where a DACA request is pending, and to terminate or administratively close proceedings where there is evidence that USCIS approved a DACA request. The commenter also urged USCIS to consider a prima facie or bona fide determination process for DACA requestors.

Response: DHS appreciates the suggestion to include guarantees that ICE will release DACA-eligible individuals from detention. Specific guidance on how USCIS and ICE will cooperate to address detained individuals who request DACA is best addressed in subregulatory guidance.

DHS notes that the DACA policy serves important humanitarian aims, as do immigration benefit requests such as U and T nonimmigrant status, SIJ classification, and relief under VAWA; however, there are important distinctions between DACA—a policy to exercise prosecutorial discretion to defer removal of noncitizens who demonstrate they are a low enforcement priority—and those benefits that are designed to assist abused, neglected, or abandoned minors, and victims of crime, human trafficking, and domestic battery or extreme cruelty. DHS notes that, unlike for petitions for U nonimmigrant status, there is no annual cap on the number of DACA requests that may be approved, and as a result, requestors do not wait years for a final adjudication of their request. As a result, DHS has not found it necessary to create a prima facie or bona fide determination policy for DACA. DHS appreciates suggestions on managing removal proceedings over the course of the adjudication of a DACA request. Because the rule is not a joint DHS/DOJ rule, DHS cannot insert provisions binding EOIR, though it notes the suggestions as applied to ICE's Office of the Principal Legal Advisor. DHS appreciates the request to streamline processing by allowing USCIS to accept biometrics taken by ICE. USCIS is examining whether it has the legal authority and technical capability to submit to the Federal Bureau of Investigation biometrics collected by a criminal justice agency or from a non-criminal justice agency when the biometrics were collected for a different purpose from USCIS' purpose of use. DHS will continue to explore the feasibility of permitting USCIS to use biometrics collected by ICE for

[300] DACA FAQs 12–14; ICE, *Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), https://www.ice.gov/daca* (last updated Mar. 17, 2022).

[301] USCIS, Form I–821D, Consideration of Deferred Action for Childhood Arrivals, *https://www.uscis.gov/sites/default/files/document/forms/i-821d.pdf.*

adjudication of DACA requests from detained individuals.

c. Grants and Denials of a Request for DACA (Including Additional Evidence, 2-Year Period, Consultations, Notice of Decision)

Two-Year Grant Period for Deferred Action and Work Authorization

Comment: Many commenters opposed the 2-year DACA validity period, commenting that it is too short, limits DACA recipients' ability to plan between renewals, and places a financial burden on applicants due to a frequent and complex renewal process. A commenter also stated that the validity period undermines the goals of DACA by generating fear of imminent deportation or loss of schooling or work authorization approximately every 1½ years. Commenters expressed concern that the 2-year validity period for DACA and related EADs, coupled with slow processing times for renewals and a lack of sequential renewal option (such that DACA is renewed from the date of expiration of the previous grant, avoiding any overlap in approval periods), negatively impacts DACA recipients, employers, and others, causing lapses in deferred action that result in accrual of unlawful presence, lost work authorization and potentially suffering other lasting harms. A commenter stated that delays and lapses in employment authorization result in a trickle-down effect to manufacturers of consumer goods, customers, and other business stakeholders when applicants lose the ability to work. Some commenters highlighted that the 2-year period for DACA EADs creates additional burdens for USCIS, as well as requestors.

Commenters recommended that the DACA grant period be extended beyond 2 years, with suggestions ranging from 3 to 10 years. Commenters stated that longer grant periods would result in less taxing administrative processes and judicial review of renewals and, consequently, reduced backlogs. Commenters also expressed concern surrounding the financial hardship DACA recipients face, stating that many recipients are from low-income families and cannot afford the renewal fee. A commenter advocating for longer validity periods stated that working families need and deserve stability and the ability to plan for the future, and that a 2-year validity period is too short to provide adequate assurances that it is worth the risk to submit a detailed, personal application to DHS. The commenter also noted that the short timeframe creates disincentives for employers looking to hire and train DACA recipients. Commenters cited studies indicating the benefits of extending DACA and EAD grants beyond 2 years, including cost and time savings for applicants, reduced administrative burdens for USCIS, and avoided consequences for recipients, employers, and the workforce upon loss of employment authorization. Other commenters similarly discussed the economic benefits of extending DACA and EAD grants beyond 2 years. Commenters stated that USCIS approves more than 98 percent of DACA renewal requests each year and extending the validity period would reduce the burden of biennial renewal requests, while supporting DHS's stated policy goal of prioritizing limited enforcement resources. The commenters further stated that the Department could make this extension without undermining its enforcement authority, as it would retain the discretion to revoke DACA at any time.

Response: DHS acknowledges these commenters' concerns regarding the 2-year validity period for DACA and associated employment authorization. DHS recognizes and appreciates that biennial renewal requests may cause uncertainty for DACA recipients and employers and impose higher costs than a longer validity period. DHS also agrees that extending DACA and associated EAD validity periods could improve stability for recipients and reduce adjudicatory costs. DHS acknowledges one commenter's concern that the 2-year validity period could provide a disincentive for employers to hire and train DACA recipients, but notes that the commenter did not provide data to support this statement, and other sources indicate an 84- to 89-percent employment rate among DACA recipients.[302]

DHS must carefully balance the benefits of a longer validity period with the nature of deferred action as a discretionary, temporary exercise of prosecutorial discretion. In other contexts, DHS has provided deferred action for periods both greater than and less than 2 years. As DACA recipients do not have an underlying petition or application for nonimmigrant or immigrant status pending adjudication, DHS believes 2 years is an appropriate frequency for review and decision on whether to continue to favorably exercise discretion in the form of deferred action. DHS also has determined that codifying the longstanding 2-year validity period for deferred action best achieves President Biden's directive to preserve and fortify DACA. DHS appreciates that DACA recipients may risk either overlap or gaps in their DACA and EAD validity periods when renewing their requests and reiterates the importance of filing their renewal requests in accordance with guidance published on the USCIS website to mitigate these risks. Regarding a commenter's concern that 2 years is too short of a period of both deferred action and employment authorization to be worth the risk of submitting detailed, personal information to USCIS, DHS notes that this rule clarifies longstanding policy protecting information provided in DACA requests from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings unless DHS initiates immigration enforcement proceedings against the requestor due to a criminal offense, fraud, a threat to national security, or public safety concerns.[303] DHS therefore declines to make changes in the rule in response to these comments.

DACA Renewals: Sequential Grant Periods

Comment: Some commenters stated that, due to fluctuating processing times and concerns over losing work authorization, DACA recipients rarely benefit from the full 2-year validity period in practice. As such, these commenters stated that most DACA recipients submit their renewal applications well before the grant has expired, resulting in additional time and costs for requestors and USCIS. Because USCIS currently assigns the renewal approval date as the date the validity period begins, early filing can result in an overlap between the grant periods, described by one commenter as reducing the effective validity period to 1½ years.

Commenters recommended that the agency instead issue sequential approval validity dates for renewal requests. Some of these commenters stated that sequential grants, which they asserted were previously piloted, would allow DACA recipients to receive full 2-year periods of deferred action rather than one overlapping into the next. Commenters stated this would allow recipients to avoid disruptions to their work or education and better plan for the future, while another commenter stated it would mitigate the punitive effect on recipients who file renewal requests early. Another commenter

[302] Congressional Research Service, *Deferred Action for Childhood Arrivals (DACA): By the Numbers* (Apr. 14, 2021), *https://sgp.fas.org/crs/homesec/R46764.pdf*.

[303] *See* new 8 CFR 236.23(e).

suggested that sequential grant periods would reduce USCIS' workload.

Response: DHS thanks commenters for the suggestion to forward-date DACA and associated EAD validity periods. DHS recognizes that this suggestion could reduce recipients' disruptions to education and employment and mitigate the risk of gaps or significant overlap in validity periods. DHS notes that sequential grant periods were not previously piloted, but will continue to evaluate operational and processing mechanisms to improve efficiency and reliability for the DACA population and, if appropriate, issue subregulatory guidance. DHS therefore declines to make changes to the rule in response to these comments.

Automatic Renewals or Extensions

Comment: Some commenters urged USCIS to issue automatic extensions of deferred action and work authorization validity upon receipt of a DACA renewal request or when USCIS is experiencing staffing issues and processing delays. Commenters suggested automatic extensions would mitigate the profound impact of lapses in protection and disruption in employment for those who timely file renewal requests but risk lapse due to USCIS backlogs, as well as assist requestors who experience other financial and practical obstacles in the renewal process. As an alternative to automatic EAD renewals, commenters suggested that the agency add DACA to the list of employment authorization categories that receive an automatic 180-day extension of their EAD validity period when an employment authorization renewal application is timely filed. A commenter noted that the alternative 180-day automatic extension is an existing process that currently includes TPS holders. The commenter further reasoned that allowing for automatic extensions would be in line with the agency's rationale that this safeguard provides additional stability to U.S. employers and individuals eligible for employment authorization. A commenter added that allowing the receipt notice for a DACA-based EAD renewal application to serve as temporary work authorization would avoid disruptions to the workforce and free up USCIS resources used towards inquiries on pending cases.

Response: DHS appreciates these commenters' suggestions to automatically extend deferred action and employment authorization temporarily upon filing of a DACA renewal request. DHS notes that in FY 2022, USCIS has reduced median processing times for DACA renewal requests and related employment authorization requests to 0.5 months, as of May 31, 2022.[304] DHS reiterates that the decision to grant deferred action—initially and upon a renewal request—is a case-by-case determination of whether to favorably exercise prosecutorial discretion. Providing automatic temporary extensions of deferred action to DACA renewal requestors would be inconsistent with DHS's treatment of other deferred action populations' requests for renewed deferred action and the nature of enforcement discretion. DHS therefore declines to modify the rule to codify automatic temporary extension of deferred action based upon the filing of a renewed request. As employment authorization granted in connection with DACA is predicated upon the grant of deferred action, DHS also declines to make changes to the rule to qualify DACA renewal requestors for automatic extensions of their EADs beyond the validity of the underlying deferred action. DHS acknowledges that certain applicants who have filed Form I–765 in other categories are eligible for the automatic temporary extension. However, under 8 CFR 274a.13(d)(iii), a category can only be designated as eligible if the category does not require the adjudication of an underlying application or petition before the adjudication of the renewal application. DACA-based renewal requests for employment authorization do not meet this regulatory requirement.[305] DHS therefore declines to make changes to the rule in response to these comments.

Lapsed DACA Requestors

Comment: Some commenters recommended that USCIS deem as a renewal request any request from an individual who has previously been granted DACA, regardless of the length of time since their prior DACA grant lapsed. Citing instructions for USCIS considerations of DACA requests, a commenter opposed the current policy whereby DACA requests qualify for renewal only if the requestor files within 1 year after their last period of deferred action expired. The commenters concluded that, as DHS is enjoined from granting initial DACA requests, current policy bars eligible individuals from obtaining DACA when they delay renewal due to financial, legal, or other reasons. Commenters suggested that the policy could be updated in the instructions and online DACA FAQs.

A commenter recommended that USCIS provide an optional backdating of deferred action grants for requestors whose DACA expires and who later apply for initial or renewal of DACA. This, the commenter said, would prevent requestors from accruing unlawful presence during USCIS adjudication delays or other barriers to renewal.

Response: DHS acknowledges and thanks these commenters for their suggestions. DHS recognizes that in light of the *Texas* district court order, former DACA recipients whose DACA has lapsed for more than 1 year are precluded from receiving a renewed grant of DACA. However, DHS reiterates that this rule aims to preserve and fortify DACA for both initial and renewal requestors. DHS notes that ''initial'' DACA requests must be accompanied by evidence demonstrating that the requestor meets all of the DACA guidelines at the time of filing, while renewals only require evidence of some of the criteria, on the understanding that only some criteria are related to factors that are more prone to change (*e.g.,* comparing evidence of criminal history to evidence that the requestor entered the country before 2007). DHS believes it is important to retain the ability to fully review eligibility in cases where DACA has been allowed to lapse for a significant period of time. DHS also believes that granular policy matters such as filing requirements for lapsed recipients are better addressed through subregulatory guidance and therefore declines to modify the rule in response to these comments. DHS also declines to make changes to the rule to allow for back-dating DACA grants to retroactively eliminate the accrual of any unlawful presence for individuals whose DACA expires and later are granted DACA again. As discussed above, deferred action is a forward-facing step; the decision to forbear removal of a noncitizen for a period that has already past would be meaningless. For these reasons, the Department does not believe it may properly erase a person's pre-DACA unlawful presence by beginning deferred action from a date in the past.

DHS Should Waive Biometrics Collection for Renewal

Comment: Several commenters urged the agency to utilize existing biometrics

[304] USCIS, *Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year, Fiscal Year 2017 to 2022 (up to May 31, 2022), https://egov.uscis.gov/processing-times/historic-pt* (last visited June 29, 2022).

[305] *See* USCIS, *Automatic Employment Authorization Document (EAD) Extension, https://www.uscis.gov/working-in-the-united-states/information-for-employers-and-employees/automatic-employment-authorization-document-ead-extension* (last updated July 22, 2022).

for DACA renewals rather than requiring new biometrics every 2 years upon renewal. Some of these commenters reasoned that there is no clear rationale for requiring new biometrics as biometrics are unlikely to change, and requesting them is costly for both the Government and requestors. Some commenters further reasoned that Application Support Center closures during the COVID–19 pandemic and the successful use of prior biometrics demonstrate that this step is unnecessary for DACA renewal. A commenter further reasoned that many DACA requests face significant physical and psychological struggles with presenting for biometrics. The commenter requested that, at minimum, USCIS allow the reuse of biometrics upon the request of requestors or their representatives where presenting for biometrics would impose an unnecessary burden on the requestor.

Response: DHS acknowledges commenters' suggestion to reuse requestor biometrics for DACA renewal requests. DHS notes that as of May 31, 2022, USCIS reduced FY 2022 median processing times for DACA renewal requests and related employment authorization requests to 0.5 months.[306] DHS continues to evaluate and implement, as appropriate, strategies to improve efficiency in processing DACA requests. DHS thanks commenters for the suggestion to reuse biometrics, but wishes to maintain flexibility in this type of processing decision and will consider whether to adopt this suggestion in subregulatory guidance. DHS therefore declines to make changes to the rule in response to these comments.

Denials of a Request for DACA

Comment: Some commenters urged USCIS to provide requestors the reasons for denial or intended denial and allow requestors an opportunity to respond, with one commenter stating the requirement to submit another request without full knowledge of any administrative or eligibility errors in the first request unnecessarily increases costs for the individual seeking protection or renewal of protections.

Response: DHS appreciates these suggestions. Given the nature of deferred action as an exercise of prosecutorial discretion, as opposed to a benefit request, defined in 8 CFR 1.2, the decision to not confer deferred action, either initially or upon a renewed request, is appropriately an action within DHS's sole and unreviewable discretion. DHS further notes that as a matter of existing practice and policy, USCIS typically issues either a Request for Evidence or a Notice of Intent to Deny that identifies the reason(s) DHS intends to deny, and provides an opportunity for requestors to respond before a request is denied. Furthermore, if DHS denies a DACA request, the notice of denial will generally state the reasons for denial. DHS acknowledges that a request denied as a matter of discretion will not repeat the negative discretionary factors in the request, but those issues are identified to the requestor in the RFE or NOID prior to DHS issuing a denial. DHS therefore declines to make changes to the rule in response to these comments.

Other Comments and Recommendations

Comment: One commenter suggested that the agency consider a faster request process such that requestors would be able to apply between 30 and 45 days prior to the EAD permit expiring and possibly eliminating the fingerprinting process.

Response: DHS acknowledges this commenter's suggestions, but believes that operational considerations to improve adjudicatory efficiency and the potential reuse of biometrics for renewal applicants are better addressed through subregulatory guidance. DHS therefore declines to make changes to the rule in response to this comment.

d. Notice to Appear or Referral to ICE

Comment: Some commenters stated that automatic NTAs after denial should not be permitted under any circumstances. While the commenters supported the rule's listing of situations in which USCIS would issue an NTA or refer a denial to ICE, noting it would provide clarity for requestors, they expressed concern about the inclusion of denials for fraud on that list. The commenters expressed concern that issuing an NTA after a denial for fraud could have a ''chilling effect'' on requestors that might frustrate DACA's ultimate goals, as requestors unfamiliar with immigration law could worry that simple errors could be perceived as fraud. The commenters asserted that issuing NTAs to fraud-based denials does little to further the sensible DHS priorities of ''protecting national security, border security, and public safety.''

Response: DHS appreciates the commenters' concerns, and notes that NTAs are not automatic, as each denial and decision to initiate removal proceedings by issuing an NTA or referring a denied requestor to ICE is made by an adjudicator after assessing the evidence in a case. In response to the suggestion that denials for fraud should not be issued an NTA, DHS notes that the proposed 8 CFR 236.23(c)(2) codifies and clarifies longstanding DACA policy, including on referring fraud-based denials to ICE for purposes of removal proceedings.[307] As such, DHS does not anticipate a change in requestors' behavior based on fear of filing errors being mistaken for fraud. However, DHS appreciates the concern and will consider public perception when developing filing instructions, website language, and other public messaging. DHS strongly disagrees that countering immigration fraud does little to further DHS priorities. Combatting fraud and misrepresentation is central to DHS's mission and to DHS's ability to provide immigration benefits and relief to qualifying individuals. In recognition of this principle, Congress provided a specific ground of inadmissibility to address the use of fraud or willful misrepresentation when obtaining a benefit under the INA.[308]

e. Appeals and Reconsideration

Comment: A few comment submissions addressed appeals and reconsideration of DACA denials. A few commenters said that the final rule should include a reconsideration process for requestors to challenge denials, with procedural protections and legal representation. While recognizing that reconsideration motions and appeals may not be required, one commenter stated that this does not explain why the proposed rule does not create a process for challenging denials and stated that the costs of an erroneous denial to the requestor, their family, community, and society are too high to rely on re-request as the sole corrective. One commenter stated that to promote filing and fairness, DACA requestors should have, among other things, avenues to challenge denials or terminations.

Commenters opposed the proposed rule's exclusion of administrative appeals, reopening, or reconsideration stating that it violates USCIS' inherent authority to exercise discretion to review prior decisions, as Service Officers generally retain an inherent ability to review past decisions via motion or appeal, citing 8 CFR 103.5 as an example. Commenters also noted that the proposed rule would limit the

[306] USCIS, *Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year, Fiscal Year 2017 to 2022 (up to May 31, 2022), https://egov.uscis.gov/processing-times/historic-pt* (last visited June 29, 2022).

[307] DACA FAQ 26.

[308] INA sec. 212(a)(6), 8 U.S.C. 1182(a)(6).

authority inherently granted to all USCIS officers and add another unnecessary burden to an immigration system that is already overburdened with gratuitous regulatory and administrative complications. Commenters further stated that the proposed rule would not stop officers from acting of their own accord and questioned whether attempting to foreclose any review of past DACA decisions would result in an increase in motions and letters requesting the reviewing Service Officer to exercise discretion to reconsider their decision via self-motion. Commenters also stated that the proposed rule will undermine USCIS' ability to adjudicate DACA requests, because the failure to provide an opportunity for reconsideration will undermine the deference attributed to USCIS when a DACA decision is challenged in APA litigation. The commenters noted criticism of the AAO and stated that USCIS should instead be empowered to exercise its inherent authority to review past DACA denials or rejections. The joint submission stated that DACA requestors must be afforded a mechanism for challenging denials on the basis of abuse of discretion and that whether a mechanism is embedded in the proposed rule will not prevent DACA recipients from attempting to challenge a DACA denial through an APA challenge. Finally, the submission stated that this would be one of the only instances where an applicant is barred from seeking to have a negative decision reviewed, reconsidered, or appealed, which they stated is notable given the lack of uniformity and clarity on which misdemeanors make an applicant ineligible, for example.

One group of commenters stated that incentivizing denied requestors to create and submit new materials rather than appealing or amending their prior requests burdens both USCIS and requestors because USCIS must reprocess and consider requests that are only marginally different from those it already considered, while requestors spend additional money on filing fees and try to ascertain and fix the error that led to the prior denial. The submission stated that allowing amendments to requests prior to denial would reduce workloads, as requestors could correct their forms that otherwise would impact their requests. They further stated that creating an appeal structure would not be procedurally difficult because such a structure already exists for appealing denials caused by administrative errors, and parallel structures already exist for most other immigration processes through the AAO. They stated that expanding the existing DACA appeals process to accommodate substantive appeals and allow amendments to correct requestor errors is not likely to be substantially difficult.

Response: DHS appreciates commenters' suggestion that the rule include a reconsideration process for challenging denials or terminations. However, DHS disagrees with commenters that such a process is appropriate for DACA decisions. Given the nature of deferred action as an exercise of prosecutorial discretion, rather than as a benefit request as defined in 8 CFR 1.2, the decision not to exercise favorable enforcement discretion or not to continue to do so is appropriately an action within DHS's sole and unreviewable discretion.

While DHS recognizes that refiling a DACA request after denial requires an expenditure of money, time, and effort for the DACA requestor, so too would filing a motion to reopen/reconsider or an administrative appeal to the AAO, if USCIS were to permit such motions or appeals. Individuals seeking reopening, reconsideration, or appeal of a benefit request must do so by filing a Form I–290B, Notice of Appeal or Motion with a statement and supporting evidence, and generally must pay a $675 fee.[309] DHS additionally notes that it generally issues an RFE or a NOID before denying a DACA request, providing requestors notice of deficiencies in the request and an opportunity to fix them.

DHS also disagrees with commenters who state that by not providing for administrative appeals or motions to reopen or reconsider, DHS is violating USCIS' inherent authority to exercise discretion to review prior decisions. The preamble to the proposed rule specifies that USCIS would still be permitted to reopen or reconsider a DACA approval or denial on its own initiative.[310] The rule does not impact USCIS' inherent authority to reopen or reconsider its decisions, in its discretion. Further, under current policy and practice as reflected in DACA FAQ 25,[311] USCIS may also reopen or reconsider its DACA decisions if a DACA requestor seeks review of their DACA denial by contacting the USCIS Contact Center for creation of a Service Request, where the requestor believes USCIS incorrectly denied the request due to certain administrative errors. DHS intends to maintain the ability for requestors to request review via the Contact Center in certain limited circumstances involving administrative error, however DHS believes this process is best suited to subregulatory guidance.

DHS further disagrees with commenters who state that the rule will undermine the deference attributed to USCIS when challenged in APA litigation and in any event, does not believe that the availability of deference to USCIS' decisions on DACA requests when challenged in litigation should determine how the final rule addresses the availability of appeals and reconsideration.

While DHS agrees with commenters that an existing appeal structure exists at the AAO for certain benefit requests, DHS disagrees with the cited criticism of the AAO and maintains that establishing an appeal process for DACA denials is inconsistent with the nature of deferred action as a temporary, favorable exercise of immigration enforcement discretion that gives some cases lower priority for enforcement action.

Accordingly, DHS is not making any changes to 8 CFR 236.23(c)(3) in response to public comments.

f. Termination of a Grant of DACA (Including Comments on Discretionary/Automatic Termination and Alternatives)

Notice of Intent To Terminate and Automatic Termination Upon Filing an NTA

Comment: No commenters wrote to support the termination provisions presented as the primary proposal in the proposed rule. Many commenters stated that USCIS should be required to provide a Notice of Intent to Terminate (NOIT) prior to terminating DACA in all cases in order to provide notice of the proposed grounds for termination and a fair opportunity to respond. Several of these commenters said that this change would preserve due process by allowing DACA recipients the opportunity to correct misinformation and provide supplementary support or documentation, thus preventing unjustified terminations. Similarly, many commenters emphasized the importance of fairness and accuracy in the decision process for terminating a DACA grant, stating that terminating a DACA grant without notice or opportunity to respond is inconsistent with the rule's principle of allowing USCIS to make decisions based on the totality of the circumstances. Commenters also stated that terminating a DACA grant without notice would be

[309] Only special immigrant Iraqi or Afghan nationals who work for or on behalf of the U.S. Government are not required to pay the Form I–290B filing fee.

[310] 86 FR 53769.

[311] DACA FAQs.

arbitrary and capricious in violation of the APA.

One commenter suggested that USCIS implement the third proposed alternative in the NPRM to specify the instances in which USCIS generally will issue a NOIT, with opportunity for the DACA recipient to respond before USCIS makes its final decision on DACA termination. Another expressed general agreement with implementing this third alternative but requested that the agency provide a narrower definition of cases involving criminal offenses or concerns regarding national security or public safety so as to only include the most extreme threats to public safety.

One organizational commenter stated that it was disappointed that the proposed regulation at 8 CFR 236.23(d)(1) would permit USCIS to terminate a DACA grant at any time in its discretion with or without issuance of a notice of intent to terminate and urged USCIS to provide DACA recipients with a fair process before termination. The commenter requested that, at minimum, USCIS provide the recipient with an opportunity to respond, reasoning that procedural fairness is essential to minimize the risk of erroneous deprivation and to decrease racially disparate outcomes. The commenter proposed various amendments to the language at 8 CFR 236.23(d)(1) regarding USCIS' discretionary authority to terminate DACA. The commenter stated that providing notice and an opportunity to respond would: (1) decrease the risk of erroneous DACA terminations; (2) decrease the potential for racially discriminatory decision-making; and (3) honor the deeply held reliance interests that DACA recipients possess.

Many commenters opposed automatic termination based on the filing of an NTA, stating that the rule should not allow ICE or CBP to force USCIS to automatically terminate DACA by issuing and filing an NTA. Some of these pointed out that allowing ICE or CBP to take these actions is contradictory to the core principle of the proposed DACA regulations, which allows USCIS to make considered decisions based on the totality of the circumstances. Similarly, other commenters stated that automatic termination of DACA upon issuance of an NTA undermines the tenets of DACA, which protects against removal and can be requested while in proceedings. Other commenters stated that USCIS is in the best position to make DACA determinations based on agency policy and that ICE and CBP should not be permitted to override USCIS' determinations. Commenters also stated that automatic termination upon NTA filing is arbitrary and capricious under the APA.

Multiple commenters expressed concerns that the proposal would perpetuate racial disparities in policing and the criminal justice since, since NTAs are often issued as a result of encounters with local law enforcement, which disproportionately impact Black people and other people of color. Many other commenters expressed similar concerns, adding that criminal charges are often later dismissed, but if a DACA recipient is placed in removal proceedings on the basis of a criminal charge that is eventually dismissed, their DACA protections are unjustifiably terminated regardless.

One commenter also stated that automatic termination would be a significant change to policy without adequately addressing DACA recipients' serious reliance interests, particularly for those granted DACA after the filing of an NTA or in the presence of a final order of removal who have made career and life plans for the immediate future in reliance on the continuation of DACA, and specifically, on the continuation of the individual's DACA despite the filing of an NTA. Another stated that there are significant reliance interests in the continuation of existing DACA grants because people make consequential decisions based on the 2-year grants of deferred action and many rely on DACA recipients for financial, emotional, and other support.

Many commenters supported the NPRM's first option in alternative two: striking the provision regarding automatic termination of DACA solely based on the filing of an NTA for all DACA recipients. Some recommended going further and specifically prohibiting DACA termination based solely on the filing of an NTA, with one proposing to allow exceptions for fraud, national security threats, or public safety concerns with additional safeguards and a NOIT. Multiple commenters stated that the alternatives proposed did not go far enough and presented problems with consistency and due process. One stated that they agreed with only the second proposed alternative, which would strike or modify the provision regarding automatic termination of DACA solely based on the filing of an NTA. A few commenters opposed the second option in alternative two, stating that tying automatic termination to the issuance of a final removal order would be irrational since individuals with final orders of removal still can be granted DACA. One commenter suggested that the later point in the process when DACA should terminate automatically is upon removal. A few commenters opposed the first alternative—limiting automatic termination based on NTA filing to certain individuals, such as those subject to investigation, arrest, or conviction of an Egregious Public Safety (EPS) offense or who fall within certain terrorism or national security-related inadmissibility or deportability grounds—as too broad and vague, and as continuing to present due process concerns.

Multiple commenters recommended that, at a minimum, if DHS is not inclined to provide NOITs before terminating DACA in all cases and to eliminate automatic termination upon NTA filing, the rule should codify the approach required by the *Inland Empire-Immigrant Youth Collective* v. *Nielsen* (''*Inland Empire*'') injunction and apply it to all DACA recipients. Commenters stated that DHS provided insufficient explanation for why DHS proposes to depart from the *Inland Empire* approach that it has followed for nearly 4 years and why instead DHS seeks to codify an approach that was already found unlawful by the *Inland Empire* court.

Response: DHS agrees with commenters that in most cases, there are good reasons to give DACA recipients adequate notice and an opportunity to respond prior to termination of their DACA. This approach will promote fairness and accuracy in the decision-making process for terminating a DACA grant by allowing DACA recipients the opportunity to correct any incorrect information and provide supplementary information to rebut the intended basis for termination.

DHS further agrees that the *Inland Empire* preliminary injunction provides a framework for the limited circumstances in which termination without a NOIT is necessary. However, DHS now intends to issue NOITs in even broader circumstances than required by *Inland Empire,* in recognition of the concerns raised by commenters about fairness and accuracy in the termination process. Accordingly, DHS is revising 8 CFR 236.23(d) to adopt the first option in alternative two (eliminate automatic termination based on filing of an NTA) and to codify that USCIS will issue a NOIT prior to terminating DACA in most circumstances not involving travel without advance parole, but retains discretion to terminate without a NOIT when the DACA recipient has been convicted of an EPS offense or a national security offense. For these purposes, an EPS offense is a crime

involving significant risk to the safety of others,[312] and a conviction for a national security offense is a conviction relating to conduct described in 8 U.S.C. 1182(a)(3)(B)(iii) (terrorist activity), (iv) (engage in terrorist activity), or 1227(a)(4)(A)(i)) (national security). This approach is a modified, simpler approach than required by the *Inland Empire* injunction, which permits USCIS to proceed quickly to termination (but not automatic termination) for those individuals who present a potential egregious public safety or national security risk. Eliminating automatic termination based on NTA issuance and generally providing NOITs except in circumstances involving certain convictions also mitigates commenters' concerns that automatic termination fails to take into consideration DACA recipients' reliance interests.

Automatic Termination Upon Departing the United States Without Advance Parole

Comment: Many commenters opposed automatic termination due to departure without advance parole, and multiple commenters specifically supported the fourth alternative proposed in the NPRM: providing an exception for departure without advance parole under exigent circumstances. Commenters said that this change would give DACA recipients much-needed flexibility, as recipients may experience emergency situations where they need to leave the country temporarily, but do not have time to obtain an advance parole document, or where the departure is brief and accidental. One commenter described obtaining an advance parole document as an arduous process that can take weeks, which complicates efforts to seek emergency advance parole when visiting a dying family member or attending to other pressing matters. Another commenter stated that the USCIS Contact Center may be unable or unwilling to schedule an in-person emergency advance parole appointment in time for those who need to depart on short notice. If given an appointment but denied emergency advance parole, the commenter stated, the DACA recipient would need to make the impossible choice between seeing a loved one for the last time and maintaining their right to reside and work in the country they call home.

Commenters supported what they called a more humane approach that would consider the totality of the circumstances of the individual's departure. One commenter remarked that any DACA recipient who leaves the United States without an advance parole document should have the opportunity to explain their circumstances prior to the termination of their DACA grant. One commenter requested that USCIS communicate specific criteria under which a person would be allowed to leave the United States without securing an advance parole document, including the circumstances that would warrant leaving without advance parole, how long a DACA recipient would be permitted to remain outside of the United States, what evidence they might need to prove their request matches prescribed circumstances, the types of travel documentation they would need to bring along, and the process for returning.

Response: DHS agrees with commenters that there may be some limited circumstances where a DACA recipient departs the United States without first obtaining an advance parole document due to exigent circumstances—such as departures that are accidental or involuntary, and in such circumstances the automatic termination of their DACA may not be warranted. In consideration of the comments received, DHS is eliminating the provision at 8 CFR 236.23(d)(2)(ii) on automatic termination of DACA following departure without advance parole and revising 8 CFR 236.23(d)(2) to provide that USCIS may terminate DACA after NOIT if a DACA recipient departs the United States without first obtaining advance parole and subsequently enters without inspection. Generally, a recent entry without inspection will be a significant negative factor warranting termination of DACA as a threat to border security, but where there are exigent circumstances, such as accidental or involuntary border crossings, DHS may choose to continue exercising prosecutorial discretion and allow the grant of deferred action to continue. DACA recipients who depart the United States without first obtaining advance parole but who are paroled into the United States may resume their DACA upon expiration of the period of parole. However, DHS notes that DACA recipients who depart the United States without first obtaining an advance parole document run a significant risk of being unable to reenter the United States, and that obtaining an advance parole document prior to departure is strongly encouraged to reduce the risk of being unable to return and resume DACA.

Effect of Prior Termination

Comment: Several commenters discussed USCIS' past practice of automatically denying renewal requests for anyone whose DACA grant had been terminated previously at any point. The commenters stated that many DACA grants have been terminated based on arrests or charges that ultimately did not result in any serious criminal conviction. Considering these concerns, the commenters suggested that prior automatic termination of DACA not be used to justify the denial of a renewal request.

Response: DHS acknowledges commenters' concerns but believes that the elimination of automatic termination based on NTA issuance in the final rule will largely alleviate these concerns. Except in limited circumstances described elsewhere in this preamble and at new 8 CFR 236.23(d)(1), USCIS will generally issue a NOIT before terminating an individual's DACA. Where USCIS proceeds to termination and the individual also has a renewal request pending, USCIS believes that immediate denial of the pending renewal in light of the termination remains appropriate, as the underlying basis for the termination remains true such that favorably exercising prosecutorial discretion to grant a new period of deferred action is not warranted. In cases where an individual files a new DACA request after their DACA has been terminated, USCIS does not automatically deny the new request. However, DHS continues to believe that considering all relevant factors and evidence is appropriate in determining whether to grant a DACA request, including the basis for a prior termination, which may be an indication the individual is no longer a low enforcement priority. Accordingly, DHS is not making any revisions to the regulations based on these comments.

g. Restrictions on Use of Information Provided by DACA Requestors (Including Information Sharing and Privacy Concerns)

Comment: A few commenters expressed support for codifying the restrictions on use of information in the final rule. One commenter also stated that they supported the exceptions to the restrictions on information use as proposed in the rule, including for identifying and preventing fraudulent claims, for national security purposes, and for the investigation or prosecution of a criminal offense.

Response: DHS appreciates commenters' support for codifying the

[312] *See, e.g.,* definition of EPS in *Revised Guidance for the Referral of Cases and Issuances of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens,* USCIS PM–602–0050 (Nov. 7, 2011).

restrictions on use of information from DACA requestors in this rule. DHS proposed to codify the longstanding policy that has governed the use of information provided by DACA requestors to mitigate the possibility that noncitizens eligible for DACA may be disincentivized to file a request and become known to the U.S. Government. As described in the NPRM, under this longstanding policy, information provided by DACA requestors is collected and considered for the primary purpose of considering their DACA requests and may not be used for immigration enforcement-related purposes apart from limited exceptions.[313] In furtherance of the Department's dual desire to minimize concerns that DACA requestors may have in providing their information through the submission of a DACA request while also retaining exceptions for limited national security or public safety purposes, DHS is now codifying this policy at new 8 CFR 236.23(e).

Comment: Expressing concern about information sharing and use among ICE, CBP, and other Federal, State, or local law enforcement agencies, a few commenters advocated that DHS further strengthen data privacy under proposed 8 CFR 236.23(e). A few commenters recommended that DHS both ensure and demonstrate that requesting DACA would not lead to immigration enforcement against a requestor. A group of commenters said that the ''need to know'' policy for sharing information with ICE and CBP should be clarified, because the list of uses and instances in which information can be shared is not presented as exhaustive, making it possible to demonstrate ''need to know'' in other circumstances that may have a lower evidentiary threshold. Instead, the commenter suggested that DHS definitively enumerate the exclusion of any specific uses and instances not listed. A commenter requested that agencies protect DACA by strengthening data privacy, reasoning that the fear of immigration enforcement could preclude recipients from enrolling in healthcare coverage. Another commenter urged DHS to strengthen protections around the personal identifiable information (PII) of DACA recipients and expressed concern around ICE handling DACA recipients' PII. The commenter, along with another commenter, said that DACA recipients' PII should never be used for enforcement purposes. Another commenter recommended specific regulatory language for this provision to ensure the protection of requestors' information from being shared with immigration enforcement agencies, along with appropriate administrative penalties for violations.

Response: DHS acknowledges these commenters' recommendations to further enhance data privacy in this rule, including to enumerate the exclusion of specific uses not listed. DHS however respectfully declines to write such granularity into the final rule. As discussed above, the rule codifies longstanding prohibitions on use of information for enforcement purposes with specific exceptions. This longstanding practice has worked to protect against improper uses of information provided in DACA requests for enforcement purposes. In January 2022, the U.S. Government Accountability Office (GAO) published a report on the extent to which USCIS shares information on DACA requestors and recipients with immigration enforcement agencies and for what purpose. The GAO report found that, in keeping with the DACA information-sharing policy, USCIS has shared information with ICE, for immigration enforcement purposes, on a small number of DACA requestors and recipients who engaged in activities that disqualified them from DACA, estimating that from June 2012 to June 2021, of the 106,000 DACA requests that USCIS denied, USCIS referred fewer than 900 cases (less than 1 percent) to ICE.[314] The report did not make any recommendations for necessary changes. Given this conclusion and DHS's experience since the inception of DACA, DHS believes that the longstanding policy governing use of DACA information sufficiently protects DACA requestors' privacy. Regarding one commenter's request that there be appropriate administrative penalties for violations of the information use provision, DHS declines to address penalties in regulatory text, as DHS components already have robust systems in place for ensuring that its personnel follow applicable laws, regulations, policies, and procedures in the performance of their duties, including but not limited to information sharing and use.

Comment: Some commenters expressed concern with broad exceptions pertaining to fraud, national, security, and public safety that in their view undermined the protective provisions under proposed 8 CFR 236.23(e). Citing reports indicating that some gang databases are unreliable, one commenter recommended that the regulations eliminate these exceptions. The commenter added that, at the very least, the regulations should delineate the situations warranting national security or public safety exceptions that justify initiating removal proceedings while compelling DHS to establish clear and convincing evidence to bolster the exception when a requestor, recipient, or family member or guardian listed in the request is placed in removal proceedings.

Another commenter recommended that the regulations provide specific, clear and precise circumstances supporting a national security or public safety exception warranting initiation of proceedings. Pursuant to these exceptions, commenters recommended that, if removal proceedings are initiated against a DACA requestor or recipient, or against family members or guardians listed in a DACA request, DHS should assume the burden of proof to support the exception. Similarly, some commenters recommended that DHS be compelled to prove to the Immigration Judge by clear and convincing evidence that the information divulged in the request was not a basis for commencing removal proceedings. If DHS cannot meet this burden of proof, the commenters suggested that removal proceedings be terminated.

Response: DHS acknowledges commenters' concerns with the use of information provided in DACA requests for the purposes of immigration enforcement. DHS notes that new 8 CFR 236.23(e)(2) prohibits the use of information pertaining to family members or guardians provided in DACA requests for the purpose of enforcement proceedings against such family members or guardians, without exception. DHS refers commenters requesting additional guidelines on when removal proceedings may be initiated to the discussion of issuance of an NTA above.

Comment: One commenter stated that data privacy protections were and continue to be important for building sufficient trust between the DACA requestor and the government to submit sensitive information but expressed concern that there are few enforceable controls preventing ICE from accessing information on DACA requestors. The group recommended that USCIS prevent both direct and indirect disclosure of information in DACA requests to ICE or CBP. To the extent mutually accessible data systems must be used between agencies, another commenter recommended that USCIS be allowed to track which agencies view that

[313] 86 FR 53771.

[314] GAO, Report No. GAO–22–104734, *Immigration: Information on Deferred Action for Childhood Arrivals* (Jan. 2022), *https://www.gao.gov/assets/gao-22-104734.pdf* (last visited May 22, 2022).

information and to monitor and enforce limitations on the rationale for access or acceptable uses of information.

Some commenters recommended that USCIS modify the information use provisions to further restrict information use and sharing. These commenters recommended the provisions forbid the disclosure, circulation, or use of all past or future information—including via electronic systems—for reasons beyond implementing DACA. In the event that another agency obtained any information submitted during the DACA process, or if the information was used for any reason beyond carrying out the DACA policy, the commenters recommended that DHS notify the DACA requestor.

Several commenters also recommended that DHS incorporate guidelines on information storage and electronic access, including strict protocols on accessing information stored or obtained electronically, as well as transparency and oversight measures. One commenter urged DHS to make multiple specific improvements to information protection and sharing, including by establishing stronger safeguards for data from noncitizens who were denied DACA, such as not entering biographical information, biometric information, information about the requestor's family, or immigration status information for denied requestors into the A-file. The commenter said these protections are needed because these individuals are vulnerable to identification and removal by enforcement officers, even if their case is not affirmatively referred to ICE. This risk could deter individuals from requesting DACA. This commenter also suggested reconsidering the Form I–812D disclaimer and limiting third-party data sharing, because the combined risk and complexity it poses could potentially deter eligible DACA recipients and their family who depend on deferred action.

A commenter requested a firm and transparent commitment from all branches of the U.S. Government to refrain from collecting or sharing information on DACA requestors with ICE, including geolocation data from private apps requestors use. Another commenter urged DHS to limit its collection of biometric and biographical data to information that is absolutely necessary to verify eligibility for temporary forbearance under DACA. This commenter also requested the opportunity for public comment on any future proposals to expand biometric data collection or use.

Response: DHS appreciates commenters' suggestions for building trust among the communities that DACA is intended to benefit. DHS notes that since the inception of the policy, the DACA requestor population has stepped forward to request DACA under the same guidelines on information use to be codified in this rule. DHS acknowledges the suggestion for monitoring access to data systems accessible by multiple agencies but believes that such modifications to DHS data systems are unwarranted at this time. As support for the adequacy of the current policies DHS refers to the GAO report on DACA information sharing referenced above, which documents the small number of DACA requests that have been referred to ICE for further investigation or issuance of an NTA and makes no recommendations for changes to DHS policy or practice. DHS therefore declines to make any changes to the rule in response to these comments.

Comment: Commenters wrote that requestors should be permitted to redact false Social Security numbers from documents used to demonstrate continuous residence, and privacy guidelines should state that this information will not be shared with immigration or law enforcement agencies or used against the requestor in any other manner.

Response: DHS recognizes that individual requestors will submit the evidence that they believe is appropriate in support of the threshold guidelines. However, DHS will afford the appropriate weight to the evidence based upon the information included. As noted elsewhere in this preamble, under the preponderance of the evidence standard, the sufficiency of each piece of evidence is examined for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

In response to commenter's request to modify the information use provision, as discussed above, the rule codifies longstanding prohibitions on use of information with specific exceptions. This longstanding practice has worked to protect against improper uses of information provided in DACA requests for enforcement purposes. DHS therefore respectfully declines to write such granularity into the final rule.

6. Severability (§ 236.24)

Comment: A number of commenters addressed the severability provision of the proposed rule. One commenter expressed support for the severability provision of the proposed rule because it would mitigate risks associated with the fact that the DACA policy faces continued litigation risk. Another commenter supported making DACA benefits severable, reasoning that this aspect of the rule aligns with longstanding principles of contract law.

A commenter said that inserting a severability provision in the regulation is not enough to protect and insulate EADs from litigation and preserve access to work authorization. Another commenter echoed this while also expressing concern that future administrative or legal actions could create barriers to DACA recipients' efforts to secure work authorization in a timely manner. Another group of commenters argued against separating deferred action from work authorization, including via the severability provision, arguing that a severability provision should not be necessary because granting employment benefits to DACA recipients does not violate the INA.

Response: A severability clause is a standard legal provision. It indicates DHS's intent that if a court finds that a specific provision of a rule is unlawful, the court should allow the remainder of the rule to survive. Those provisions that are unaffected by a legal ruling can be implemented by an agency without requiring a new round of rulemaking simply to promulgate provisions that are not subject to a court ruling.

DHS understands the concern that if one portion of the rule is severed from the others by a court it could lead to undesirable consequences for DACA recipients. However, although DHS believes that all portions of this rule are well within its legal authority, if a court finds that portions of the rule are unlawful it is preferable to sever and strike only those portions, rather than having the rule stricken in its entirety. Although the important goals and policies reflected here are best served if each of the portions of the rule remains intact, DHS recognizes that each portion of the rule will remain workable without the others. Therefore, even if portions of the rule are struck down DHS will implement the provisions of this rule that survive judicial review. For example, DHS will continue to implement 8 CFR 236.21(c)(1) (relating to forbearance) and 8 CFR 236.21(c)(2) (relating to employment authorization) even if DHS is prohibited from deeming DACA recipients ''lawfully present'' for purposes of receiving certain Social Security benefits (8 CFR 236.21(c)(3)) or the unlawful presence provisions at INA sec. 212(a)(9)(B), 8 U.S.C. 1182(a)(9)(B) (8 CFR 236.21(c)(4)). Similarly, although there are significant benefits to providing work authorization alongside forbearance, forbearance remains

workable and desirable without work authorization, and DHS would have adopted the forbearance portion of the policy even if it did not believe that the work authorization portion of the rule were legally authorized. There are further discussions of the comments received on the separation of deferred action and work authorization elsewhere in this preamble.

7. Advance Parole and Adjustment of Status

Strengthening and Expanding the Availability of Advance Parole

Comment: Many commenters expressed support for the proposal's clarification that advance parole will continue to be an option for DACA recipients. Several commenters remarked that DACA recipients should have the right to travel internationally and requested that DHS remove the requirements for advance parole or expand the circumstances that make DACA recipients eligible for advance parole. Other commenters stated that including advance parole for DACA recipients in regulation will allow them to study and conduct research abroad and would be critical for opening opportunities to develop international skills and gain experience via study abroad programs. Commenters described DACA recipients' significant contributions to campus life, corporate success, and the overall economy, and said that these contributions have engendered significant reliance interests, including recruiting and investments by educational institutions and employers.

Many commenters requested expanding advance parole beyond employment, educational, or humanitarian grounds. Commenters noted that current categories are often not applicable for DACA recipients, or that they may be difficult to predict or document months in advance. Some commenters reasoned that delays or denial of parole based on narrow restrictions have adverse impacts on students' educational experiences and outcomes and stated that DACA recipients' access to advance parole improves their educational outcomes and enhances their contributions on campus. Several commenters stated that there was no statutory, regulatory, or practical reason for the narrow grounds for advance parole available to DACA recipients. One commenter requested that USCIS exercise its discretion to issue advance parole to DACA recipients for the broadest range of travel purposes when justified by urgent humanitarian need or significant public benefit, arguing that USCIS is clearly authorized to exercise such discretion. The commenter reported inconsistent application of the current standards by adjudicators and suggested that applying a broader interpretation and maximum discretion would be more efficient, allowing USCIS to timely adjudicate applications for advance parole.

Many commenters suggested DHS expand the grounds for advance parole to include any reason for travel. One commenter requested that advance parole apply to DACA recipients in the same manner as it is applied for TPS recipients (requiring less documentation of specific reasons for travel). Other commenters agreed and recommended that DHS harmonize advance parole requirements for DACA with other forms of humanitarian relief (such as TPS) that require less documentary evidence and allow travel for any reason. Other commenters recommended travel standards be revised to include cultural and familial reasons. One commenter cited research demonstrating that a high percentage (35.4 percent) of DACA students interviewed meet the clinical cutoff for anxiety, and recommended that DHS expand the parameters for advance parole to provide a greater opportunity for DACA recipients to travel abroad and visit family and loved ones over holiday breaks to support mental health.

Response: DHS acknowledges the comments in support of advance parole for DACA recipients. DHS agrees with the commenters that allowing DACA recipients to apply for advance parole is consistent with the INA. The INA authorizes DHS to grant parole on a case-by-case basis, for urgent humanitarian reasons or significant public benefit, to individuals, at the discretion of DHS. 8 U.S.C. 1182(d)(5). Advance parole allows a noncitizen to leave the United States and then be paroled back in, consistent with INA sec. 212(d)(5), 8 U.S.C. 1182(d)(5) and 8 CFR 212.5(f). The statute provides that the Secretary may parole ''*any* alien applying for admission to the United States'' for the purposes in the statute. 8 U.S.C. 1182(d)(5) (emphasis added). Because DACA recipients who depart the United States and seek to reenter are applicants for admission, they are statutorily eligible to apply for parole.[315] And because parole is not an ''admission,'' DACA recipients remain eligible for parole even if they are ''inadmissible'' under 8 U.S.C. 1182.[316]

Consistent with these comments in support of advance parole, DHS reiterates that under the rule, it would continue its adherence to that standard. In response to the commenters who suggest broadening the standard for advance parole to include all reasons for travel, or all reasons for travel if a significant public benefit or urgent humanitarian reason is articulated, DHS has considered this request, but declines to make changes, as statutory language in INA sec. 212(d)(5) that limits DHS's exercise of parole to urgent humanitarian or significant public benefit reasons requires case by case consideration of the reason for travel. While DHS acknowledges commenters' requests to specifically broaden DACA recipients' access to advance parole beyond travel for humanitarian, employment, and educational purposes, DHS declines to set such standards in this rule. DHS has generally found that permitting DACA recipients to travel in certain circumstances for humanitarian, educational, or employment related reasons provides a significant public benefit or is justified as an urgent humanitarian reason for travel. DHS additionally notes that specific instructions for applying for an advance parole document under several categories are provided in the Form I–131, Application for Travel Document itself, and declines to write them into this rule for only DACA requestors.[317]

With respect to the commenters who requested that advance parole for DACA recipients be harmonized with the standards for granting travel authorization to TPS beneficiaries, DHS first notes that TPS, unlike DACA, is a lawful immigration status expressly prescribed by statute. Indeed, Congress expressly contemplated that TPS beneficiaries be able to travel and return with advance authorization.[318] In addition, the law requires that a TPS beneficiary who travels abroad with such prior authorization, ''shall be inspected and admitted in the same immigration status the alien had at the time of departure'' unless certain narrow exceptions related to mandatory ineligibility for TPS apply.[319] DACA, on

[315] Although some DACA recipients were admitted as nonimmigrants or under other authorization, they overstayed their authorization period in the United States. When they depart and seek to reenter, they would become ''applicants for admission'' and may be paroled at that time in DHS's discretion.

[316] *See* 8 U.S.C. 1101(a)(13)(B) (''An alien who is paroled . . . shall not be considered to have been admitted.'').

[317] Form instructions are incorporated into regulations by operation of 8 CFR 103.2(a)(1).

[318] *See* INA sec. 244(f)(3), 8 U.S.C. 1254a(f)(3).

[319] *See* 8 U.S.C. 1254a note (''Aliens Authorized to Travel Abroad Temporarily'') (This note derives from section 304(c) of the Miscellaneous and

Continued

the other hand, is not a statutorily-provided immigration status like TPS, but merely forbearance from removing an individual from the United States. Accordingly, the Department has a reasonable basis for prescribing different criteria for TPS beneficiaries seeking permission travel and for DACA recipients seeking advance parole.

Advance Parole and Relation to INA Sec. 245(a)

Comment: Commenters stated that expanding the categories for advance parole would eliminate barriers to adjustment of status and would streamline the adjudication workload. Several other commenters expressed support for the proposed rule's recognition that DACA recipients who travel abroad and return to the United States can be paroled back into the country and will satisfy the ''inspected and admitted or paroled'' requirement for adjustment of status under INA sec. 245(a), 8 U.S.C. 1255(a). Expressing support for expanding the circumstances for requesting advance parole, a commenter said that advance parole has allowed many DACA recipients to travel internationally and satisfies the ''inspected and admitted'' requirement for adjustment of status. Multiple commenters expressed concern about the uncertainty of being allowed to reenter when DACA recipients return to a port of entry, arguing that this uncertainty prevents many DACA recipients from applying for advance parole. As a solution, the commenters recommended establishing a parole-in-place program, similar to the program available for U.S. military families, for eligible DACA recipients to adjust their status to lawful permanent resident to reduce uncertainty and promote administrative efficiency. Another commenter remarked that undocumented immigrants should have a pathway to achieve legal status without risking prohibitions or restrictions on international travel and reentry into the United States, suggesting that a Reentry Permit should be made available to DACA recipients because this population should be permitted to travel and reenter the country legally without fear of rejection or other consequences.

Conversely, one commenter referred to the court's discussion in *Texas* stating that allowing DACA recipients to receive advance parole contradicts Congress' intention to restrict adjustment of status eligibility for those who have not been lawfully admitted or paroled into the United States. The commenter disagreed with DHS's rationalization that DACA recipients are subject to the same urgent humanitarian or significant public benefit analysis the statute requires, and therefore, providing DACA recipients the ability to seek advance parole is in line with the authorization provided by Congress in the statute. The commenter argued that applying the parole standard does not mean that ''Congress intended to create a class-based exception to the adjustment of status restriction or the bars to reentry.''

Response: Advance parole is rooted in INA sec. 212(d)(5), 8 U.S.C. 1182(d)(5), which authorizes parole on a case-by-case basis for urgent humanitarian or significant public benefit reasons. The INA contains several relevant statutory provisions and requirements for eligibility for adjustment of status to that of a lawful permanent resident, including those laid out at INA sec. 245, 8 U.S.C. 1255, which requires, among other things, that applicants for adjustment of status be eligible for an immigrant visa and be admissible under INA sec. 212, 8 U.S.C. 1182, and that applicants were ''inspected and admitted or paroled'' into the United States. Although advance parole granted to DACA recipients may aid certain recipients later seeking adjustment of status in meeting the requirement in 8 U.S.C. 1255(a) to have been ''inspected and admitted, or paroled,'' that effect of parole was determined by Congress. Parole may have a similar effect with respect to the restriction in 8 U.S.C. 1182(a)(6)(A)(i), which applies only if an individual is ''present in the United States without being admitted or paroled,'' but that too was determined by Congress and is likewise independent of DACA itself.[320] Moreover, even if parole removes a particular bar to subsequent adjustment of status, parole itself does not entitle any individual to adjustment of status; each applicant for adjustment of status must meet all other statutory requirements relevant to their particular basis for adjusting status to that of a lawful permanent resident and be granted adjustment in an exercise of discretion, and those requirements are not affected by this rule. So long as DHS acts within the limits of its parole authority in 8 U.S.C. 1182(d)(5), there is no conflict with Congress' expressed intent for eligibility for adjustment of status. As discussed above, DHS believes the DACA-based advance parole guidance does just that. DHS also disagrees with the characterization of this process as ''class-based,'' as all advance parole decisions are made on a case-by-case, individualized basis. DHS therefore declines to make any changes in response to the comments either requesting expansion or limitations to Congress' requirements for adjustment of status, which is beyond the scope of rulemaking.

Reducing Financial and Administrative Burdens for DACA Recipients Seeking Advance Parole

Comment: A few commenters recommended that DHS design a streamlined, less intricate, or less costly application process for advance parole. Some commenters recommended incorporating advance parole with a reduced or eliminated fee into the final rule. Another commenter requested that USCIS expand DACA provisions to allow for a right of reentry and stated that requiring DACA recipients to file form I–131 (at a significant cost of $575) creates delays and increased paperwork burdens. Other commenters recommended that DHS allow applications for advance parole to occur at the same time as both initial DACA requests, and requests for DACA renewal. One commenter suggested that the final rule allow for departures from the United States for 6 months or 1 year instead of the discrete windows allowed under current policy. The commenter further recommended USCIS develop clear procedures and criteria for adjudication of advance parole applications to allow for more efficient

Technical Immigration and Naturalization Amendments Act of 1991, Public Law 102–232, 105 Stat. 1733, 1749 (Dec. 12, 1991) (as amended). This provision requires admission in TPS of a TPS beneficiary who travels abroad with prior authorization, unless the individual is inadmissible for reasons that are also certain mandatory criminal or security ineligibility bars to TPS in INA sec. 244(c)(2)(A)(iii), 8 U.S.C. 1254a(c)(2)(A)(iii)). *See generally Duarte* v. *Mayorkas,* 27 F.4th 1044 (5th Cir. 2022). Accordingly, DHS is no longer using the advance parole mechanism to authorize TPS travel. *See Rescission of Matter of Z-R-Z-C- as an Adopted Decision; agency interpretation of travel authorized by TPS beneficiaries,* USCIS PM–602–0188 (Jul. 1, 2022).

[320] In response to the Intervenors' discovery request in *Texas,* USCIS estimated, with a +/− 1.5% margin of error, that between 13,908 and 14,358 requestors who were approved for DACA between June 2012 and June 2018 and who had subsequently adjusted to LPR status as an immediate relative (*i.e.,* qualified spouse, child, or parent of a United States citizen) could not have met the requirement in 8 U.S.C. 1255(a) to have been ''inspected and admitted, or paroled'' but for their entries to the United States on DACA-based advance parole granted prior to the filing of their Forms I–485 for adjustment of status. *See* Fed. Defs.' Revised Resp. to Def.-Intervenors' Revised Disc. Req., dated November 8, 2019, provided in *Texas.* Reaching this estimate involved several months of intensive statistical research, data sampling, manual file reviews, and subsequent data analysis. DHS has not had another occasion to undertake such a labor-intensive effort to update this estimate, which was based on the sampling of cases from the first 6 years of DACA.

and effective processing of such applications.

Another commenter stated that long processing times and the 2-year grant of DACA present challenges for DACA recipients to travel freely internationally. The commenter noted that USCIS policies already provide for a combined EAD and advance parole document for applicants for adjustment of status and recommended expanding this option to allow DACA recipients to receive joint EAD and advance parole cards. Similarly, a commenter suggested creating an EAD travel card for work, educational, or humanitarian purposes.

Response: DHS recognizes the financial costs and time required for adjudication of applications for advance parole for DACA recipients. The advance parole adjudication process, however, is the same for DACA recipients as for all noncitizens filing Form I–131 Application for Travel Document, including the filing costs, which are set by the fee rule, and processing times for an advance parole document. While acknowledging the financial costs and time required for processing advance parole requests, DHS notes that other noncitizens face similar processing times and fee costs for travel documentation and declines to provide differentiated treatment to DACA recipients. In response to concerns regarding the timing of advance parole, DHS does offer an expedited adjudication for exceptionally urgent reasons, and does offer longer time periods for advance parole where warranted. Finally, with regard to requests for a combination employment authorization document and advance parole card as is available for adjustment of status applicants, DHS has considered the various concerns of commenters, but notes that DACA recipients granted a temporary reprieve from removal action and applicants for adjustment of status awaiting visa availability are differently situated, and has determined not to create new forms, identity documents, and additional operational processes for advance parole for DACA recipients.

Easing or Eliminating Need for Advance Parole

Comment: A commenter expressed concern about what they perceived as DACA recipients' inability to travel internationally, writing that a continued restriction on international travel could hinder their professional development and prevent them from traveling abroad to visit relatives. Several commenters likewise requested that DHS consider proposals to eliminate advance parole requirements or travel restrictions more generally. One commenter stated that advance parole for DACA recipients was unnecessarily restrictive and costly, and recommended that DHS consider ways to facilitate travel for DACA recipients by loosening advance parole requirements, including permitting DACA recipients to travel without advance parole in emergency situations. One commenter expressed general support for allowing DACA recipients to travel internationally and expressed a willingness to pay for an upgraded DACA that would allow for international travel without needing to establish advance parole.

Response: DHS acknowledges the commenter's concern about DACA recipients' ability to engage in international travel. DHS notes the existing DHS policy of granting advance parole to DACA recipients in its discretion on employment, educational or humanitarian grounds, if the applicant satisfies certain criteria, allowing recipients to travel internationally in some circumstances.

DHS also acknowledges commenters' requests to ease or eliminate advance parole requirements for DACA recipients, as well as the uncertainty associated with returning to the United States. DHS notes that it lacks the authority to do so through rulemaking. DHS does not have the legal authority to eliminate the statutory requirements for parole under INA sec. 212(d)(5), 8 U.S.C. 1182(d)(5), or broaden the requirement beyond the statutory standard of urgent humanitarian reasons or significant public benefit. For these reasons, and those discussed above, DHS is not altering the advance parole requirement in the rule.

D. Other Issues Relating to the Rule

1. Public/Stakeholder Engagement (*e.g.,* Requests To Extend the Comment Period)

Public Engagement

Comment: One commenter stated that DHS should communicate with immigrant communities and organizations about the rule and should read every comment submitted. Other commenters commented that DHS should continue to collaborate with and provide information to farmworker communities about DACA. The commenters suggested that DHS continue to share information in accessible languages, including Indigenous languages, through a variety of media, and engage in outreach sessions with trusted voices in the farmworker community.

Response: DHS appreciates these commenters' suggestions. DHS has reviewed and carefully considered all comments that fall within the scope of this rulemaking. DHS communicates with the DACA requestor population through the online DACA FAQs, social media, and other stakeholder engagements, which it intends to continue upon publication of this rule.

2. Administrative Procedure Act and Rulemaking Requirements

Compliance With the Administrative Procedure Act

Comment: A few commenters wrote that DHS should establish DACA through notice-and-comment rulemaking following the requirements of the Administrative Procedure Act (APA). Others voiced opinions on the sufficiency with which the rule complies with the APA. One commenter remarked that the proposed rule was so long and complex that it may subvert the APA's public comment process.

Response: In this rule, DHS is establishing DACA through notice-and-comment rulemaking in accordance with the APA. During this process and as DHS explains throughout this rule, DHS has complied with the APA, in particular by welcoming comments on and carefully considering all comments received during the comment period. DHS understands that notice-and-comment rulemaking and the associated documents can be long and complex, but this rulemaking follows the appropriate process, and the rule is at an appropriate level of detail.

Negotiated Rulemaking

Comment: Multiple commenters requested that DHS require negotiated rulemaking for future changes made to the final rule since negotiated rulemaking involves enhanced stakeholder input and would be in the public's best interest.

Response: DHS appreciates that negotiated rulemaking can provide additional collaboration with affected parties outside of notice-and-comment rulemaking. All comments received during the comment period have been considered. However, DHS declines to limit the available means by which future changes to DACA regulations or policies can be made by requiring negotiated rulemaking, which is not a process typically used by DHS.

Future Changes Timeline

Comment: Multiple commenters suggested that any future changes to the final rule should not take effect for 240 days because modifications to DACA could result in significant impacts to those involved.

Response: DHS understands that future changes to these regulations could have significant effects on DACA recipients and in some instances longer lead times to implement changes might be desirable. Recognizing this, DHS will take such effects into consideration when considering future changes to the regulations and will comply with the APA and other legal requirements when doing so.

3. Processing Time Outlook (Including Comments on Backlogs)

Comment: Many commenters expressed general concern about long processing times and urged DHS to improve its infrastructure to shorten timeframes or otherwise address backlogs that slow down the immigration process overall to give individuals the chance to succeed academically and economically and preserve families. Citing research and government data, commenters highlighted wait times for DACA requests lasting more than 11 months, as well as an 85-percent increase in the USCIS backlog between 2015 and 2020. A commenter noted that that the COVID–19 pandemic has exacerbated processing delays at a time when many DACA recipients are on the front lines as essential workers. Commenters expressed concern that long wait times threaten DACA recipients' safety and jobs, and cause stress and uncertainty, and that processing delays of renewal requests cause lapses in recipients' work authorization.

Commenters suggested additional ways for USCIS to address processing times, including: resuming expedited request criteria for DACA recipients to reduce the backlog of requests; prioritizing processing of initial and renewal DACA requests; completing processing within 60 days and prioritizing renewal requests nearing their validity expiration; addressing staffing shortages that have contributed to the backlog; and DHS leveraging congressional appropriations to improve DACA request processing.

Response: DHS appreciates commenters' concerns with processing times for DACA-related requests and suggestions for improving efficiency in considering these requests. DHS recognizes the significant impact that backlogs and delays have on requestors, and acknowledges that policy changes, court rulings, and resource constraints in recent years contributed to increased backlogs and processing delays. As discussed in this rule, USCIS has taken important steps to ensure properly filed requests are swiftly adjudicated. These steps are reflected in significantly improved processing times for renewal requests. As of May 31, 2022, the FY 2022 median processing time for a DACA-related Form I–765 is 0.5 months.[321] Further, USCIS continues to examine strategies for ensuring efficient processing of DACA-related requests.[322] Indeed, this rule serves to codify threshold criteria, clarify processes, and establish a filing and fee structure intended to fortify DACA and support efficient processing of requests. DHS takes under advisement commenters' suggestions, but believes that the operational details of resource allocation and prioritization of adjudications are best addressed through subregulatory guidance, which provides greater flexibility to address fluctuating workloads.

4. DACA FAQs

Comment: A commenter stated that the DACA FAQs are a large source of policy clarification that should be examined carefully, recommending that the final rule clarify that relevant policy and operational directives, or other guidance, will be incorporated or updated as appropriate, including anything related to pandemic relief assistance for DACA recipients. The commenter produced a non-exhaustive list of DACA FAQs that should be preserved, including those pertaining to request processing, acceptable documentary evidence, travel, and fee exemptions, as well as those that proscribe information sharing with immigration enforcement authorities.

Response: DHS appreciates the commenter's suggestions and has incorporated into the preamble and regulatory text some of the guidance from the DACA FAQs, including guidance on the definition of ''currently enrolled in school'' and acceptable documentary evidence in support of the threshold criteria. DHS takes under advisement the commenter's suggestions regarding any future revisions of the DACA FAQs.

5. Other Comments on Issues Relating to the Rule

Other Comments

Comment: A commenter requested that DHS remove what it described as dehumanizing language from the regulation, including the use of the word ''alien.'' The commenter said that the use of this language is at odds with the Biden administration's own proposed immigration legislation and direction from the Department's leaders, citing relevant memoranda. Another commenter objected to the use of the term noncitizen and encouraged DHS to use the term ''alien'' instead.

Response: While the term ''alien'' is a legal term of art defined in the INA for immigration purposes, DHS recognizes that the term has been ascribed with a negative, dehumanizing connotation, and alternative terms, such as ''noncitizen,'' that reflect our commitment to treat each person the Department encounters with respect and recognition of that individual's humanity and dignity are preferred. DHS will use the term ''alien'' when necessary in the regulatory text as the term of art that is used in the statute, but where possible DHS will use the terms ''requestor'' or ''recipient'' to refer to those who are seeking or who have received deferred action under the DACA policy.[323] This preamble uses the term noncitizen for that same reason.

Comment: A commenter stated that Asian and Pacific Islander communities have historically low rates of DACA requests and attributed this to cultural stigma, language barriers, high application fees, difficulties collecting required documents, and a lack of awareness. The commenter requested that USCIS work to remove these barriers to accessing the DACA policy.

Response: DHS appreciates commenter's request and takes it under advisement as it considers outreach to Asian and Pacific Islander communities.

Comment: A commenter stated that DACA provides essential protections and opportunities for survivors of gender-based violence. However, the commenter requested that DHS do more to protect this vulnerable population and consider establishing an ''amnesty'' program for DACA requestors who are survivors of sexual misconduct, harassment, and abuse that would provide automatic protection against deportation resulting from their report of such victimization.

Response: DHS appreciates the commenter's support of the DACA

[321] USCIS, *Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year, Fiscal Year 2017 to 2022 (up to May 31, 2022), https://egov.uscis.gov/processing-times/historic-pt* (last visited June 29, 2022).

[322] *See, e.g.,* USCIS, *USCIS Announces New Actions to Reduce Backlogs, Expand Premium Processing, and Provide Relief to Work Permit Holders* (Mar. 29, 2022), *https://www.uscis.gov/newsroom/news-releases/uscis-announces-new-actions-to-reduce-backlogs-expand-premium-processing-and-provide-relief-to-work.* Also, since April 2022, DACA recipients have had the option to submit their renewal request and associated work authorization request online. *See* USCIS, *USCIS Announces Online Filing for DACA Renewal Forms* (Apr. 12, 2022), *https://www.uscis.gov/newsroom/news-releases/uscis-announces-online-filing-for-daca-renewal-forms.*

[323] *See, e.g.,* new 8 CFR 236.21(c)(2) and 236.22(a)(3).

policy and acknowledgement that it provides important protections to eligible survivors of gender-based violence. However, the commenter's request to create a program that would provide automatic protection against removal for DACA requestors who report their victimization goes beyond the scope of this rulemaking.

Comment: One commenter said that any modifications or updates to DACA should allow spouses of U.S. citizens to obtain legal status by paroling in place.

Response: DHS acknowledges the commenter's feedback but notes that this suggestion is beyond the scope of this rulemaking.

E. Statutory and Regulatory Requirements

1. Impacts and Benefits (E.O 12866 and E.O. 13563)

a. Methodology and Adequacy of Cost-Benefit Analysis

(1) Methodology of the RIA

Comment: One commenter approved of DHS's consideration of various costs and benefits such as application costs and earned income of DACA recipients. The commenter also recommended that DHS supplement the RIA by more thoroughly addressing several arguments that DHS previously offered against the DACA policy in its rescission memoranda.

Response: DHS considered the input and suggestions received throughout the public comments and adjusted the RIA where it deemed applicable and feasible. The adjustments made are described in applicable comment responses and corresponding RIA sections. Additionally, we refer readers to Table 3 in the RIA of this final rule. The table provides details of the changes and adjustments made in the estimates of the analysis from the NPRM to the final rule. DHS also addresses the Duke and Nielsen recission memoranda in detail in Section II.B.3.

(2) Comments on Population Estimates and Assumptions

Comment: A commenter stated that the proposed rule should have also considered half a million existing DACA recipients, not just new DACA recipients in the labor market analysis section, which, the commenter stated, is not a small number.

Response: DHS appreciates the comment regarding the population estimates in labor market analysis section. As presented in the RIA, DHS analyzed possible labor market impacts relative to two baselines, a No Action baseline where only future DACA recipients where considered, and a Pre-Guidance baseline where existing and future DACA recipients were considered, consistent with the commenter's suggestion. The RIA details this methodology and analysis.

Comment: A group of commenters stated that DHS assumptions about the DACA population are unsound. The commenter stated that new intakes under the DACA policy, ''declined consistently between FY 2014 and FY 2016,'' even before the announced decision to rescind DACA further curtailed ''new intakes in FY 2018–2020.'' The commenter further reasoned that conditioning DACA eligibility on having ''continuously resided'' in the United States since June 2007 and having been ''physically present'' in the United States since June 2012 would reduce DACA's new intakes more quickly than what DHS population estimates reflect.

Response: DHS appreciates the comment regarding the assumptions about the projections of an active DACA population presented in the RIA. The purpose of presenting active DACA population projections is not to project the trend of the ''stable'' period of FY 2015–FY 2017 identified in the RIA. DHS identified the ''stable'' period of FY 2015–FY 2017 as a period that was characterized by relatively consistent operations of the DACA policy in which there were no requestor surges nor stoppages in the processing due to policy changes or litigation. Although the rate of increase of the active DACA population was slowing during the ''stable'' period as some recipients ceased renewing their DACA requests, and the number of Initial Approved Requests was declining, DHS does not assume the same trend in the active DACA projections, as it is uncertain what trends will emerge in the future. Instead, DHS uses the average population during the ''stable'' period as the estimated active DACA population. By using the average population during the ''stable'' period, DHS is better able to account for policy uncertainties and the policy's population, and the gap between the views supporting the existence of large numbers of potentially eligible requestors and the views supporting the opposite. Further, although the threshold criteria set forth a minimum age at the time of request, which could reduce the number of future eligible requestors, DACA intake data for FY 2021 indicate the possibility still exists that there are many adults who may meet threshold criteria for consideration under the policy and could submit a request.[324] For example, under threshold criteria in place since 2012 and as codified by this rule, a 15-year-old in 2025 would not meet threshold criteria, but an 18-year-old in 2025 would. There could be many or few 18-year-old potential requestors. Among those potential requestors, many or only a few might choose to request DACA, decisions that could be influenced by personal circumstances, political environments, and other factors.

Comment: A commenter stated that DHS projections in the NPRM at Table 8, 86 FR 53786, overstate the growth in the DACA population and inadequately account for the aging of the DACA population due to the threshold criteria. The commenter suggested that even if the proposal to unbundle the Forms I–821D and I–765 result in a larger number of initial applications, the number of initial applications resulting from this change will be too small to justify USCIS' estimates of the active DACA population. The commenter suggested that DHS should adopt more empirically responsible and internally consistent DACA modeling estimates. However, the commenter did not propose any specific methodological suggestions or guidelines for USCIS to implement, other than to take greater account of the role of age.

Response: DHS appreciates the commenter drawing attention to the NPRM's projections of an active DACA population, including the estimated labor force participation rate for the DACA population discussed in the NPRM RIA. As described in the NPRM RIA, the 30-percent threshold is based on data from the Bureau of Labor Statistics (BLS) on the labor force participation rates by age cohort. DHS acknowledges that such participation may fluctuate over time. As it relates to the population estimates more generally, as discussed in the NPRM RIA and in a previous comment response, the phenomenon of ''aging in'' to eligibility under the DACA threshold criteria does not solely control DHS's projections of the active DACA population, or prevent growth in the active DACA population in line with DHS projections.

DHS acknowledges that the projections may be an overestimate, as discussed above. DHS estimated this population based on available internal and external data, and carefully considered a wide variety of economic, policy, and legal expertise and relevant

[324] Source: USCIS, Office of Performance and Quality, NPD, C3, ELIS, queried Aug. 2021, TRK#8129.

literature. DHS acknowledges the possibility that the average age of the projected active DACA population could increase and, as a result, a higher proportion of active DACA individuals might choose to participate in the labor market relative to the NPRM. Therefore, in the final rule RIA, DHS is adjusting upwards the estimated percentage of DACA recipients who might choose to participate in the labor market from the estimated rate of 70 percent in the NPRM to the estimated rate of 78 percent in the final rule. The assumptions and methodology of this adjustment are discussed in greater detail in Section III.A.4.a.6.

Comment: A commenter expressed concern with the Department's methodology, noting it was sensitive to specific modeling assumptions that could cause an under- or overestimation of the residual subpopulation. They also noted that the Department does not have a tested methodology to predict how many potential DACA-eligible individuals will request DACA, and that to predict future DACA requests, DHS used historical request data that USCIS collected from individuals over the last several years, rather than estimating the overall DACA eligible population and then further estimating the share of the population eligible to request DACA in the future. However, despite these concerns, the commenter generally approved of the Department's population calculating methodology, noting that, all methodologies face challenges and that they see no reason to believe that another methodology would yield a more accurate estimate.

Response: DHS appreciates the commenter's support of DHS's analytical efforts as well as the feedback on the projections of the active DACA population. DHS has determined that estimating the population of those who are potentially eligible for DACA is not necessary to estimate the number of individuals who might choose to request DACA in the future. While estimating the total DACA-eligible population would offer an upper bound of potential requestors, such an estimate would not offer a precise number of those who will submit requests that are approved. Thus, it would likely be overinclusive because DHS lacks accurate data about several of the DACA criteria in the potentially eligible population, such as educational attainment and criminal histories, as well as the discretionary analysis performed in each request. Nevertheless, given external estimates of potential DACA-eligible populations, DHS believes that the projections offered in the NPRM RIA and this rule are within the possible upper-bound estimates given the historical data on the policy, the uncertainty surrounding the DACA policy and its population, public comments that support larger or smaller population estimates, existing literature, and available expertise on the policy.

Comment: A commenter stated that given the bias of all available data, DHS should be cautious in considering the Migration Policy Institute's data suggesting that 700,000 DACA-eligible individuals have not submitted initial requests. The commenter expressed concern regarding DHS's statement that DACA requestors will stop ''aging in'' to the policy in June 2022, but that this should not impact the number of requests, based on available data. The commenter said that past administration attempts to rescind DACA and the recent Texas court case that bars new requestors have skewed the available data.

Response: DHS appreciates the comment concerning the assumptions in developing projections of the DACA population in this rule. To estimate the relevant populations for this rule, DHS considered the DACA-eligible population estimates from the Migration Policy Institute. As discussed in elsewhere in this section and in Section III.A.4.a.1, DHS agrees with the commenter that the ''age in'' restriction of the policy will not necessarily impact the number of potential DACA requestors, at least in the short run, and DHS did not base the population estimates on this restriction. Additionally, recent attempts at rescinding DACA and the district court injunction prohibiting DHS from administering DACA for new requestors were not factors that impacted DHS's population projections. The two baseline assumptions and the methodology for population projections are detailed in Sections III.A.2 and III.A.4, and III.A.4.a.1, respectively.

(3) Comments on Wage Rates

Comment: One commenter cited literature and other information in support of this rulemaking. The commenter stated that extending work authorization to undocumented noncitizens would reduce the wage penalty for those undocumented noncitizens, stabilize immigrant wages, and benefit the overall economy. The commenter stated that the wage-earning profiles of undocumented workers are far below authorized noncitizens' and citizens' workers' age-earning profiles and is virtually flat during most prime working years. The commenter further stated that undocumented noncitizen women work fewer hours at lower pay than do their undocumented noncitizen male counterparts, and that State-level restrictions on undocumented employment increased the male wage penalty by around 40 percent. The commenter suggested that work authorization improves career and earnings prospects for DACA recipients and the resulting increase in earnings and spending increases tax revenue and labor demand, benefitting U.S. workers overall.

Response: DHS appreciates the comment in support of this rulemaking and in drawing attention to the direct and indirect wage penalty implications discussed in the NPRM RIA. In consideration of this comment, DHS presents additional qualitative discussion in the final rule RIA regarding the potential wage penalty implications of this rulemaking given the size of the affected population. For example, assuming all else is constant, granting employment authorization to undocumented noncitizens and allowing them to find employment in the formal labor market could reduce the number of undocumented workers in the informal labor market. Thus, informal labor market wages would rise as employers would find it necessary to raise wages to attract remaining informal labor market undocumented participants. In this scenario, the wage gap between documented and undocumented noncitizens would shrink. Conversely, ''State-level restrictions'' on the hiring of undocumented noncitizens could reduce employer demand for undocumented workers, lowering wages for this group, thus increasing the wage gap. These outcomes, however, are heavily dependent on theoretical assumptions. For example, countervailing forces may be present that could affect not just the magnitude of these wage penalty outcomes, but even push them in opposite directions.

b. Benefits (No Action Baseline, Pre-Guidance Baseline, or Unspecified)

Quantifying the Benefits of Advance Parole

Comment: A commenter wrote that certain benefits of advance parole to DACA recipients, such as the ability to maintain family ties across generations, simply cannot be quantified and that these and other benefits outweigh the policy's costs. The same commenter responded to DHS's request for comment on how to quantify the benefits of advance parole by stating that advance parole allows some DACA recipients to ''be the bridge between

generations who cannot cross borders,'' providing an anecdotal example. Another commenter acknowledged DHS's qualitative discussion of the benefit of advance parole and offered suggestions to quantify this benefit, including assessing economic data on travel spending. Other commenters responded to USCIS' statement that the benefits of advance parole could not be quantified, stating that 45,000 DACA recipients have been approved for international travel under advance parole as of August 2017 (citing the Congressional Research Service). The commenters said that this figure demonstrates the deep importance of advance parole and listed other reasons why advance parole was beneficial for DACA recipients, including enhanced opportunities to apply for adjustment of status, participation in enriching educational programs, travel for work, and ability to visit families in countries of origin.

Response: DHS appreciates the suggestions from commenters that past demand for international travel under advance parole is indicative of the benefit to DACA recipients of traveling for work and education, or to visit families in countries of origin. DHS has taken these comments into consideration in the RIA of this rule but does not quantify these benefits. While some of the assumptions that commenters suggested would permit DHS to quantify benefits like a reduction of fear and anxiety, there is cause for concern about the accuracy of such estimates. For example, assuming average annual spending on international trips to be representative of the value of advance parole to a DACA recipient could either overstate the kind of spending that a DACA recipient would do or underestimate the nonmonetary benefit of attending a relative's funeral. Describing such impacts as non-quantified in the RIA should not be construed as a denial of their occurrence nor magnitude.

Comment: A commenter stated that, based on the USCIS analysis, the benefits of allowing DACA recipients to stay in the United States and work over 20 years at a 7-percent discount rate would be $400 billion and would far outweigh the approximately $7 billion in costs. Another commenter urged USCIS to consider the incalculable benefits DACA provides in terms of equity, human dignity, and fairness, as well as lifetime benefits to the economy. The commenter said that the proposed rule lays out some benefits that would be hard to quantify, such as: (1) a reduction of fear or anxiety for DACA recipients and their families; (2) an increased sense of acceptance and belonging to a community; (3) an increased sense of family security; and (4) an increased sense of hope for the future. Another commenter similarly said that DHS should acknowledge that the proposed rule's quantifiable costs can be, and are, outweighed by the unquantifiable benefit to DACA recipients, their communities, and the nation.

Response: DHS appreciates the commenters' support of the rule and the additional evidence of the benefits of the DACA policy they provide. DHS presents its analysis of costs and benefits of the rulemaking in the RIA. In addition, DHS considers and discusses the unquantifiable impacts of this rule in the RIA. DHS agrees that the unquantifiable benefits are substantial and broadly agrees with the commentator's characterization of some of those benefits, including reduction of fear and anxiety.

Comment: A commenter urged DHS to use available research to quantify the mental health benefits of the proposed rule and offered suggestions on how to do so. The commenter also offered suggestions on how to quantify: (1) DACA's benefits from granting individuals the ability to travel outside of the United States; (2) the ancillary benefits of EADs; and (3) the benefits of streamlined enforcement encounters.

Response: DHS greatly appreciates the commenter's valuable suggestions regarding a methodology to address the quantification of certain benefits of this rulemaking. Consistent with E.O. 13563, DHS agrees that quantification and monetization are desirable, to the extent feasible and consistent with the best available evidence. As discussed in the NPRM and in this final rule, a complete valuation of many of these benefits is challenging and complex. There could be starting points as to how much DACA requestors value these benefits, such as filing costs, possibly representing a minimum willingness-to-pay value. It is not clear, however, that these starting points adequately capture the welfare benefits to the requestors. In addition, DHS appreciates the commenter's suggestion to use proxies, such as average U.S. population treatment costs for anxiety, average U.S. population international travel costs, or average driver licenses' costs. These are all instructive starting points or proxies for estimation of lower bounds, and DHS has referred to them in its final analysis. At the same time, and as explained in that analysis, DHS continues to believe that such starting points and proxies do not permit a full and accurate valuation of these benefits to this population. Given this point, other public comments, and DHS's own assessment, DHS has determined that these unquantifiable benefits are of great positive magnitude and that attempts to fully monetize them raise serious conceptual, normative, and empirical challenges. Consistent with E.O. 13563, DHS has determined that considerations of human dignity are among the main drivers of this rule, which is focused on fortifying and preserving a policy for a vulnerable population that has been present in the United States since 2012 and is a low priority for enforcement measures, and on protecting the reliance interests of DACA recipients and similarly situated noncitizens, their families, schools, employers, communities, and States. The final analysis thus offers relevant information on the challenging task of fully quantifying and monetizing considerations of human dignity. Consistent with E.O. 13563, human dignity greatly matters and is a relevant consideration even if it cannot be quantified or turned into monetary equivalents.

Comment: A commenter stated that the economic benefits cited in the proposed rule come not only from DACA protections, but also from the benefit of work authorization. The commenter said that the proposed rule does not acknowledge that by introducing the option of severing the requests. The commenter stated that this provision creates a potential gap between a DACA grant, when an applicant can begin to establish reliance interests, and the economic production cited as a motivating factor behind the proposed rule.

Response: DHS appreciates the comment regarding the benefits of work authorization associated with DACA. DHS considered other request and fee structures as well as public input on this topic. As discussed in greater detail in Section II.C.2.c, DHS has decided to codify the longstanding required bundled process for deferred action and employment authorization requests under the DACA policy.

c. Regulatory Alternatives

Comment: In response to the NPRM's request for comments on regulatory alternatives in Section III.H, multiple commenters emphasized the importance of protecting deferred action and work authorization. Some of these commenters said that deferred action and work authorization are not separate, as the ability for Dreamers to freely live with their families and communities without fear of deportation is synonymous with their ability to legally

work and contribute to their communities. A commenter agreed that a policy of forbearance without work authorization would disrupt the reliance of interests of hundreds of thousands of people, as well as the families, employers, and communities that rely on them. The commenter stated it would result in substantial economic losses and would produce a great deal of human suffering, including harms to dignitary interests, associated with lost income and ability to self-support.

Response: DHS appreciates the commenters' statements regarding the regulatory alternatives. DHS considered a forbearance-only alternative, as well as other request and fee structures. Upon careful consideration of comments received, DHS agrees that a policy of forbearance without work authorization—while still a policy that would carry substantial benefits—would harm the substantial reliance interest of thousands of DACA recipients, their families, employers, and communities. In response to these commenters, DHS also notes its extensive discussion of its reasoning and support for maintaining employment authorization as a component of the DACA policy in Section II.C.2. DHS therefore is not making changes to the final rule regarding DACA requestors' ability to request employment authorization. Further, as discussed in detail elsewhere in this rule, DHS is codifying the longstanding requirement that requires requestors to concurrently file Form I–765, Application for Employment Authorization, and Form I–765WS with their Form I–821D, Consideration of Deferred Action for Childhood Arrivals.

d. Regulatory Flexibility Act (Impact on Small Entities)

Comment: A commenter, referencing the Small Business Regulatory Enforcement Act (SBREFA), said that strengthening DACA would create a limitless positive impact on small businesses, while any attempt to restrict DACA would be detrimental. Another commenter said that the nature of the economic evidence of DACA participants in the market and the labor force indicates that these individuals contribute in uniquely positive ways to the economy and to small businesses. The commenter said that immigrants are some of the nation's most prolific small business owners, and their rates of business ownership far exceed those of native-born citizens. Rather than harming small businesses by forcing them to match and contribute to Federal benefits, the commenter reasoned, DACA recipients increase the volume of small businesses in the United States. The commenter concluded that DACA has an overall positive effect on the U.S. economy, and on the strength, proliferation, and livelihood of small businesses. The commenter said that these sizable benefits are attributable not only to the DACA policy, but more specifically to the designation that DACA recipients are lawfully present, which enables them to join the workforce and contribute in significant ways to the workforce and small business. More importantly, the commenter stated, the designation makes them eligible to receive benefits, like Social Security and Medicare, to which they are entitled after making such a mark on the U.S. economy.

Response: DHS appreciates the comment regarding the RFA, SBREFA, and the impact on small business in relation to DACA. DHS presents possible direct and indirect costs and benefits of this rulemaking in the RIA and in Section II.A.6. However, DHS reiterates that this rule does not directly regulate small entities, including small businesses, and is not expected to have a direct effect on small entities. This rule does not mandate any actions or requirements for small entities in the process of a noncitizen requesting deferred action or employment authorization under the DACA policy. Rather, this rule regulates individuals, and individuals are not defined as ''small entities'' by the RFA.[325] Based on the evidence presented in this analysis and throughout the preamble, DHS certifies that this rule will not have a significant economic impact on a substantial number of small entities.

e. Other Comments on Costs and Benefits

Comment: Expressing mixed views on the proposed rule, a commenter encouraged DHS and the Office of Management and Budget to adopt the proposed rule once a final cost-benefit analysis is made.

Response: DHS appreciates the comment in support of promulgating the DACA final rule. DHS provided the public an opportunity to comment on the RIA that presents possible direct and indirect costs and benefits of this rulemaking as well as the quantified and qualitative costs and benefits. DHS has fully considered the public comments received and has made relevant changes to the RIA.

[325] 5 U.S.C. 601(6).

2. Paperwork Reduction Act (Including Comments on Actual Forms/Instructions, and Burden Estimates for Forms I–821D and I–765)

Comment: A commenter requested that prominent information be placed on the Form I–765WS, Employment Authorization Worksheet, that specifies and clearly explains the new, higher standard for passing the Form I–765WS review.

Response: DHS is not changing, nor did it propose to change, the standard for demonstrating economic necessity via Form I–765WS for DACA requestors applying for employment authorization. Although the NPRM proposed making it optional for DACA requestors to file a Form I–765, Application for Employment Authorization, DHS did not propose any changes to the existing general rule for establishing economic necessity, which is determined on a case-by-case basis pursuant to 8 CFR 274a.12(e). In this final rule, DHS is codifying the status quo bundled process that requires the Form I–765 with accompanying Form I–765WS be filed together with the Form I–821D. DHS is not modifying the rule to eliminate or change the requirement of demonstrating economic necessity. Therefore, DHS is not making any changes in response to the commenter's request.

3. Other Statutory and Regulatory Requirements (e.g., National Environmental Policy Act)

National Environmental Policy Act

Comment: Commenters expressed concerns that DHS has not adequately complied with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq,* by failing to consider potential environmental impacts of this rule. Commenters contend that allowing DACA recipients to remain in the United States has the effect of adding people to (or not removing people from) the U.S. population, which requires preparation of an environmental impact statement or environmental assessment to comply with NEPA. Commenters contend that the environmental impact of the proposed regulatory action was not unduly speculative for DHS to analyze and make projections of various potential effects resulting from allowing individuals to remain in the United States. Commenters also disagreed with DHS's determination in the NPRM that categorical exclusion A3(c) applies to this action, arguing that A3(c) cannot be applied because no prior NEPA analysis was conducted for the DACA policy contained in the 2012 Napolitano Memorandum.

Response: This action codifies DHS policy regarding exercise of enforcement discretion and defines the criteria under which DHS may exercise that discretion, with respect to a defined category of persons that have been present in the United States since at least 2007.

The commenters assumed this rule will result in 800,000 ''extra people'' in the U.S. population because individuals meeting the threshold criteria would be removed from or depart the United States absent this rule. DHS disagrees with both assumptions. The persons subject to the Secretary's 2012 policy of enforcement discretion have, by definition, been present in the United States since at least 2007 without lawful status. Promulgation of this rule will neither directly ''add'' to the number of individuals currently residing in the United States nor increase population growth. DHS also disagrees with the commenters' assumption that in the absence of the rule DACA recipients would be removed or would leave the United States voluntarily. DACA recipients necessarily came to the United States at a very young age, and many have lived in the United States for effectively their entire lives. For many DACA recipients, the United States is their only home. Indeed, some DACA recipients do not even speak the language of their parents' home country. They are unlikely to voluntarily leave the only country they have ever known. Nor is it reasonably foreseeable that their removal would soon be a priority for the agency.

DHS disagrees with the commenters' assertion that this rule ''would ultimately grant approximately 800,000 illegal aliens the right to stay and work in the U.S.'' This rule does not provide any protection from removal or access to employment authorization beyond what is contemplated in the 2012 DACA policy. It is intended to preserve and fortify the existing DACA policy; it does not alter DACA eligibility criteria, grant lawful immigration status or citizenship for noncitizens or provide a means for entry into the United States. Therefore, DHS anticipates no change in U.S. population as a direct effect of this rule.

In addition, as discussed above, DHS does not believe that codification of the DACA policy is likely to have measurable population effects nationwide or in any particular locations. If such effects were to occur, the relationship between such effects and this rule would likely be highly attenuated. Impacts in particular locations would be contingent upon the independent decisions of individual current and prospective DACA recipients, and upon choices and decision-making processes across a range of individuals and institutions (*e.g.,* employers, law enforcement officers, courts) at indeterminate times and locations in the future under unknown and unpredictable economic, personal, and employment conditions and circumstances entirely outside the control of DHS.

DHS Directive 023–01 Rev. 01 (Directive) and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual) establish the policies and procedures DHS and its components use to comply with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, 40 CFR parts 1500 through 1508.

The CEQ regulations allow Federal agencies to establish, with CEQ review and concurrence, categories of actions (''categorical exclusions'') that experience has shown do not have a significant effect on the human environment and, therefore, do not require an Environmental Assessment or Environmental Impact Statement. The Instruction Manual establishes categorical exclusions that DHS has found to have no such effect. Under DHS implementing procedures for NEPA, for a proposed action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.

This rulemaking implements, without material change, the 2012 DACA policy addressing exercise of enforcement discretion with respect to a specifically defined population of noncitizens and is not part of a larger DHS action. It defines the criteria under which DHS will consider requests for DACA, the procedures by which one may request DACA, and what an affirmative grant of DACA will confer upon the requestor. DHS considered the potential environmental impacts of this rule with respect to an existing population that has been present in the United States since at least 2007 and determined, in accordance with the Instruction Manual, that this rule does not present extraordinary circumstances that would preclude application of a categorical exclusion.

This rule, therefore, satisfies the requirements for application of categorical exclusion A3(c) in accordance with the Department's approved NEPA procedures. DHS does not agree with commenters' assertion that categorical exclusion A3(c) cannot be applied to this action unless DHS first ''establish[es] that it had not previously violated NEPA'' because it would effectively impose a new procedural step or condition on application of categorical exclusions that is not required or approved for the Department's NEPA implementing procedures. Commenters also raised broader concerns about the adequacy of DHS's NEPA compliance procedures as set forth in the DHS Directive and Instruction Manual. Those concerns are outside the scope of this rulemaking.

Family Assessment

Comment: Two commenters stated that the proposed rule's Family Assessment is incomplete because the rule does not provide additional administrative relief for or properly considers DACA-eligible individuals' parents, spouses, grandparents, and other loved ones central to their lives.

Response: As described in the Family Assessment in Section III.H, DHS has assessed the effect of this rule on family well-being as required by section 654 of the Treasury and General Government Appropriations Act, 1999,[326] enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.[327] In doing so, DHS considered the effect of this rule on the family, as family is defined in section 654(b)(2) of that act. While DHS appreciates the commenters' desire to provide additional administrative relief to DACA recipients' parents, spouses, grandparents, and other loved ones central to their lives, such relief falls outside of the scope of this rule, which is limited to the population described within this rule.

F. Out of Scope

As noted throughout this preamble, a number of comments were submitted that did not relate to the substance of the NPRM. Several commenters expressed general opposition to the current administration or its handling of immigration policy, without referring to the proposed rule at all. Some commenters expressed direct opposition to specific political parties, while others opposed Congress.

Multiple commenters shared the challenges they faced in the United States as either an undocumented or documented immigrant without referring to the substance of this rulemaking. Other comments were from noncitizens seeking information or

[326] *See* 5 U.S.C. 601 note.

[327] Public Law 105–277, 112 Stat. 2681 (1998).

making requests regarding their own cases.

Numerous commenters provided general support for immigration but did not explicitly refer to DACA. Other out-of-scope comments related to the COVID–19 pandemic, asylum seekers and the Asylum Officer proposed rule, recommendations not pertaining to this rule, and general statements unrelated to the substance of the regulation. DHS has reviewed and considered all such comments and incorporated them as applicable.

III. Statutory and Regulatory Requirements

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

E.O. 12866 and E.O. 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, to the extent permitted by law, to proceed only if the benefits justify the costs. They also direct agencies to select regulatory approaches that maximize net benefits while giving consideration, to the extent appropriate and consistent with law, to values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts. In particular, E.O. 13563 emphasizes the importance of not only quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility, but also considering equity, fairness, distributive impacts, and human dignity. The latter values are highly and particularly relevant here.

This final rule is designated as a ''significant regulatory action'' that is economically significant since it is estimated the rule will have an annual effect on the economy of $100 million or more, under section 3(f)(1) of E.O. 12866. Accordingly, OMB has reviewed this final regulation.

1. Summary of Major Provisions of the Regulatory Action

This final rule will preserve and fortify DHS's DACA policy for the issuance of deferred action to certain young people who came to the United States many years earlier as children, who have no current lawful immigration status, and who are generally low enforcement priorities. The final rule codifies the following provisions of the DACA policy from the Napolitano Memorandum and longstanding USCIS practice:

- *Deferred Action.* The final rule codifies the definition of deferred action as a temporary forbearance from removal that does not confer any right or entitlement to remain in or reenter the United States and does not prevent DHS from initiating any criminal or other enforcement action against the DACA requestor at any time.
- *Threshold Criteria.* The final rule codifies the longstanding threshold criteria where the requestor must have: (1) come to the United States under the age of 16; (2) continuously resided in the United States from June 15, 2007, to the time of filing of the request; (3) been physically present in the United States on both June 15, 2012, and at the time of filing of the DACA request; (4) not been in a lawful immigration status on June 15, 2012, as well as at the time of request; (5) graduated or obtained a certificate of completion from high school, obtained a GED certificate, currently be enrolled in school, or be an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; (6) not been convicted of a felony, a misdemeanor described in 8 CFR 236.22(b)(6) of the final rule, or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or otherwise pose a threat to national security or public safety—with additional clarifications explained below; and (7) been born on or after June 16, 1981, and be at least 15 years of age at the time of filing, unless the requestor is in removal proceedings, has a final order of removal, or a voluntary departure order. The final rule also codifies that deferred action under DACA may be granted only if USCIS determines in its discretion that the requestor meets the threshold criteria and merits a favorable exercise of discretion.
- *Employment Authorization.* The final rule codifies DACA-related employment authorization for deferred action recipients in a new paragraph designated at 8 CFR 274a.12(c)(33). The new paragraph does not constitute any substantive change in current policy and, therefore, the final rule will continue to specify that the noncitizen must have been granted deferred action and must establish economic need to be eligible for employment authorization.
- ''*Lawful Presence.*'' The final rule reiterates USCIS' longstanding codification in 8 CFR 1.3(a)(4)(vi) of agency policy that a noncitizen who has been granted deferred action is considered ''lawfully present''—a term that does not confer authority to remain in the United States—for the discrete purpose of authorizing the receipt of certain benefits under that regulation. The final rule also reiterates longstanding policy that a noncitizen who has been granted deferred action does not accrue ''unlawful presence'' for purposes of INA sec. 212(a)(9).
- *Procedures for Request and Restrictions on Information Use.* The final rule codifies the procedures for denial of a request for DACA, the circumstances that would result in the issuance of an NTA or RTI, and the restrictions on use of information contained in a DACA request for the purpose of initiating immigration enforcement proceedings.

In addition to the retention of longstanding DACA policy and procedure, the final rule includes the following changes in comparison to the NPRM:

- *Filing Requirements.* The final rule codifies the longstanding bundled filing requirement, in which requestors must file Form I–765, Application for Employment Authorization, and Form I–765WS, concurrently with the Form I–821D Consideration of Deferred Action for Childhood Arrivals. *See* new 8 CFR 236.23(a)(1).
- *Criminal History, Public Safety, and National Security:* The NPRM proposed to codify at 8 CFR 236.22(b)(6) the longstanding criminal history, public safety, and national security criteria for consideration of DACA. Upon careful consideration of comments received on this NPRM provision, DHS is revising this provision to additionally clarify that, consistent with longstanding DACA policy, expunged convictions, juvenile delinquency adjudications, and immigration-related offenses characterized as felonies or misdemeanors under State laws are not considered automatically disqualifying convictions for purposes of this provision. *See* new 8 CFR 236.22(b)(6).[328]
- *Termination of DACA:* The NPRM proposed to codify at 8 CFR 236.23(d)(1) and (2) DHS's longstanding DACA termination policy, as it existed prior to the preliminary injunction issued in *Inland Empire-Immigrant Youth Collective* v. *Nielsen,* No. 17–2048, 2018 WL 1061408 (C.D. Cal. Feb. 26, 2018), with some modifications. The rule proposed that USCIS could terminate DACA at any time in its discretion with or without a NOIT, and that DACA would terminate automatically upon departure from the United States

[328] Regarding the criteria related to criminal convictions, DHS also clarified in the preamble to this final rule that it does not intend to retain the provision in the DACA FAQs that in exceptional circumstances DHS may grant DACA notwithstanding that the requestor does not meet the criminal guidelines. USCIS has rarely, if ever, found exceptional circumstances that warrant a grant of DACA where the requestor does not meet the criminal guidelines.

without advance parole and upon filing of an NTA with EOIR (a modification from the prior policy of automatic termination upon NTA issuance), but DACA would not terminate automatically in the case of a USCIS-issued NTA solely based on an asylum referral to EOIR. The NPRM raised four alternative approaches and invited comment on these and other alternatives for DACA termination. After careful consideration of the comments on this provision and the alternatives suggested in the NPRM and by commenters, DHS is maintaining in the final rule that USCIS may terminate DACA at any time in its discretion. However, DHS is revising this provision to provide that USCIS will generally provide DACA recipients with a NOIT prior to termination of DACA, but maintains discretion to terminate DACA without a NOIT if the individual is convicted of a national security related offense involving conduct described in 8 U.S.C. 1182(a)(3)(B)(iii), (iv), or 1227(a)(4)(A)(i), or an egregious public safety offense. DHS is also revising this provision to provide that DACA recipients who depart the United States without advance parole, but who are nonetheless paroled back into the United States, will resume their DACA upon expiration of the period of parole. *See* new 8 CFR 236.23(d)(1) and (2).

- *Automatic Termination of Employment Authorization.* The NPRM proposed at 8 CFR 236.23(d)(3) that employment authorization would terminate automatically upon termination of DACA. This provision included a cross reference to 8 CFR 274a.14(a)(1)(iv), however on February 8, 2022, 8 CFR 274a.14(a)(1)(iv) was vacated in *Asylumworks, et al.* v. *Mayorkas, et al.,* civ. 20–cv–3815 (D.D.C. Feb. 7, 2022). As a result of the vacatur and additional revisions to the DACA terminations provisions to eliminate automatic termination based on filing of an NTA, as described in this preamble, DHS is modifying 8 CFR 236.23(d)(3) in this final rule to remove the vacated cross reference and clarify that employment authorization terminates when DACA is terminated and not separately when removal proceedings are instituted. *See* new 8 CFR 236.23(d)(3).

- *Provision Rescinding and Replacing the Napolitano Memorandum.* In this final rule, DHS is clarifying at 8 CFR 236.21(d) that this subpart rescinds and replaces the DACA guidance set forth in the Napolitano Memorandum and from this point forward governs all current and future DACA grants and requests. DHS also clarifies that existing recipients need not request DACA anew under this new rule to retain their current DACA grants. Historically, DHS has promulgated rules without expressly rescinding prior guidance in the regulatory text itself. However, DHS has chosen to depart from previous practice in light of the various issues and concerns raised in ongoing litigation challenging the Napolitano Memorandum. *See* new 8 CFR 236.21(d).

2. Summary of Costs and Benefits of the Final Rule

In light of public comments, DHS has made some adjustment to parts of this RIA analysis. The following table captures the changes in the RIA from the NPRM to the final rule.

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Table 3. Changes in RIA Estimates from the NPRM to the Final Rule						
Variable	**Section**	**NPRM and Final Rule Comparison**			**Description**	**Description of Changes**
		NPRM	*Final Rule*	*Difference*		
Estimated DACA recipients' labor force participation rate	III.A.4.a.(6)	70%	78%	8%	Rate is applied to the projected Active Population to estimate how many recipients might choose to participate in the labor market for Benefits estimation stemming from DACA recipients' labor market earnings.	This estimate increased in response to public comments that suggested the possibility of an upward shift of the DACA recipient age distribution into higher potential labor force participation brackets.
Estimated DACA recipient's average hourly compensation rate (in 2020 dollars)	III.A.4.a.(3)	$24.20	$32.58	$8.38	Rate is used in the estimation of the costs of requesting DACA and the benefits and transfers from the earnings of DACA recipients that choose to participate in the labor market.	This estimate increased in response to public comments that suggested the possibility of an upward shift of the DACA recipient age distribution into higher potential earning brackets.

Biometrics travel cost ($ rate per mile traveled in a private vehicle; in 2020 dollars)	III.A.4.a.(4)	$0.56	$0.54	($0.02)	Rate is used in the estimation of the cost of requesting DACA. Requestor biometrics-related costs are part of a DACA request.	This rate changed due to updated information from the Bureau of Labor Statistics on the Consumer Price Index.
Annualized monetized discounted (7%) cost savings (No Action baseline FY 2021-FY 2031; A-4 statement primary estimate in 2020 dollars)	III.A.4.g	$22.4 million	$0	($22.4) million	Potential cost savings from the NPRM provision that gave the DACA requestor population the option of requesting only deferred action without also applying for employment authorization.	The final rule requires a complete DACA request to include a request for both deferred action (Form I-821D) and employment authorization (Forms I-765 and I-765WS). There are no longer potential cost savings from the NPRM provision that gave the requestors the option of requesting only deferred action.
Annualized monetized discounted (7%) transfers (No Action baseline FY 2021-FY 2031; A-4 statement primary estimate in 2020 dollars)	III.A.4.g	$17.8 million	$0	($17.8) million	Potential transfers accounted for in the NPRM from USCIS to the DACA requestor population that would request only deferred action.	The final rule does not allow the DACA requestor population the option of only requesting deferred action through Form I-821D. The fees paid by DACA requestors for a complete application cover the USCIS cost for both Forms I-821D and I-765. As a result, there are no longer transfers from USCIS to the DACA requestor population that would have requested only deferred action.

Annualized monetized discounted (7%) net benefits (Pre-Guidance baseline FY 2012-FY 2031; in 2020 dollars)	III.A.4.g	$20.72 billion	$20.70 billion	($0.02) billion	Benefits from the labor market earnings of DACA recipients less the value of non-paid time	The gross benefits increased as the estimated DACA recipient average hourly compensation rate and the labor force participation rate increased. For the final rule, DHS subtracted the value of non-paid time from the estimated gross benefits. As a result, estimated net benefits decreased in the final rule.
Annualized monetized discounted (7%) costs (Pre-Guidance baseline FY 2012-FY 2031; A-4 statement primary estimate in 2020 dollars)	III.A.4.g	$410.4 million	$480.8 million	$70.4 million	Costs associated with requesting DACA.	This estimate increased as the estimated DACA recipient average hourly compensation rate increased.
Annualized monetized discounted (7%) transfers (Pre-Guidance baseline FY 2012-FY 2031; A-4 statement primary estimate in 2020 dollars)	III.A.4.g	$14.8 million	$0	($14.8) million	Potential transfers accounted for in the NPRM from USCIS to the DACA requestor population that would request only deferred action.	The final rule does not allow the DACA requestor population the option of only requesting deferred action through Form I-821D. The fees paid by DACA requestors for a complete request cover the USCIS cost for both Forms I-821D and I-765. As a result, there are no longer transfers from USCIS to the DACA requestor population that would have requested only deferred action.

Annualized monetized discounted (7%) transfers (Pre-Guidance baseline FY 2012-FY 2031; in 2020 dollars)	III.A.4.g	$3.4 billion	$5.1 billion	$1.7 billion	Transfers in terms of employment taxes from the employed DACA recipients and their employers to the Federal government.	This estimate increased as the estimated DACA recipient average hourly compensation rate and labor force participation rate increased. Therefore, the employment taxes from the employed DACA recipients and their employers to the Federal Government also increased.

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The final rule will result in new costs, benefits, and transfers. To provide a full understanding of the impacts of DACA, DHS considers the potential impacts of this final rule relative to two baselines. The No Action Baseline represents a state of the world under the DACA policy; that is, the policy initiated by the guidance in the Napolitano Memorandum in 2012 and prior to the July 16, 2021 *Texas* decision. However, the No Action Baseline does not directly account for the *Texas* decision, as discussed further in the Population Estimates and Other Assumptions section discussing this baseline. The second baseline considered in the analysis is the Pre-Guidance Baseline, which represents a state of the world before the issuance of the Napolitano Memorandum, where the DACA policy did not exist and has never existed. To better understand the effects of the DACA policy, we focus on the Pre-Guidance Baseline as the most useful point of reference, as it captures the effects of going from a world completely without the DACA policy to a world with the DACA policy.

Table 4 provides a detailed summary of the provisions and their estimated impacts relative to the No Action Baseline. Additionally, Table 5 provides a detailed summary of the provisions and their estimated impacts relative to the Pre-Guidance Baseline.

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Table 4. Summary of Major Changes to Provisions and Estimated Impacts of the Final Rule, FY 2021—FY 2031 (Relative to the No Action Baseline)

Final Provision	Description of Final Provision	Estimated Impact of Final Provision
Amending 8 CFR 106.2(a)(38). Fees.	The $85 biometrics fee is eliminated and replaced by an $85 filing fee for Form I-821D.	**Qualitative:** Benefits • The final rule allows the active DACA-approved population to continue enjoying the advantages of the policy and also have the option to request renewal of DACA in the future if needed. • For DACA recipients and their family members, the final rule will contribute to (1) a reduction of fear and anxiety, (2) an increased sense of acceptance and belonging to a community, (3) an increased sense of family security, and (4) an increased sense of hope for the future, including by virtue of mitigating the risk of litigation resulting in termination of the DACA policy.
Amending 8 CFR 236.21(c)(2). Applicability.	DACA recipients receive a time-limited forbearance from removal, must apply to USCIS for employment authorization pursuant to 8 CFR 274a.13 and 274a.12(c)(33), and must demonstrate an economic need for employment to receive an Employment Authorization Document. DACA recipients are considered lawfully present and not unlawfully present for certain limited purposes.	
Amending 8 CFR 236.23(a)(1). Procedures for request.	No unbundling of deferred action and employment authorization requests. These requests must be filed concurrently.	
Adding 8 CFR 236.24(b). Severability.	The provisions in 8 CFR 236.21(c)(2) through (4) and 274a.12(c)(14) and 274a.12(c)(33) are intended to be severable from each other. The period of forbearance, employment authorization, and lawful presence are all severable under this provision.	

Source: USCIS analysis.

Note: The No Action Baseline refers to a state of the world under the current DACA policy in effect under the guidance of the Napolitano Memorandum.

Table 5. Summary of Major Changes to Provisions and Estimated Impacts of the Final Rule, FY 2012–FY 2031 (Relative to the Pre-Guidance Baseline)		
Final Provision	**Description of Final Provision**	**Estimated Impact of Final Provision**
Amending 8 CFR 106.2(a)(38). Fees.	The $85 biometrics fee is eliminated and replaced by an $85 filing fee for Form I-821D.	**Quantitative:** Net Benefits Income earnings of the employed DACA recipients due to obtaining an approved EAD less the value of non-paid time: • Annualized net benefits are estimated to be as much as $21.9 billion, at a 3-percent discount rate or $20.7 billion at a 7-percent discount rate, dependent on the degree to which DACA recipients are substituted for other workers in the U.S. economy. • Total net benefits over a 20-year period are estimated to be as much as: ○ $455.0 billion undiscounted; ○ $424.4 billion at a 3-percent discount rate; and ○ $403.2 billion at a 7-percent discount rate. Costs Costs to requestors associated with a DACA request, including filing Form I-821D, Form I-765, and Form I-765WS: • Annualized costs could be $ 494.9 million, at a 3-percent discount rate or $480.8 million at a 7-percent discount rate. • Total costs over a 20-year period could be: ○ $10.1 billion undiscounted; ○ $9.6 billion at a 3-percent discount rate; and ○ $9.4 billion at a 7-percent discount rate. Transfer Payments
Amending 8 CFR 236.21(c). Applicability.	DACA recipients receive a time-limited forbearance from removal, must apply to USCIS for employment authorization pursuant to 8 CFR 274a.13 and 274a.12(c)(33), and must demonstrate an economic need for employment. DACA recipients are considered lawfully present and not unlawfully present for certain limited purposes.	
Amending 8 CFR 236.23(a)(1). Procedures for request.	No unbundling of deferred action and employment authorization requests. These requests must be filed concurrently.	
Adding 8 CFR 236.24(b). Severability.	The provisions in 8 CFR 236.21(c)(2) through (4) and 274a.12(c)(14) and 274a.12(c)(33) are intended to be severable from each other. The period of forbearance, employment authorization, and lawful presence are all severable under this provision.	

		Employment taxes from the employed DACA recipients and their employers to the Federal Government dependent on the degree to which DACA recipients are substituted for other workers in the U.S. economy: • Annualized transfers are estimated to be up to $ 5.4 billion at a 3-percent discount rate or $5.2 billion at a 7-percent discount rate. • Total transfers over a 20-year period are estimated to be up to: ○ $113.2 billion undiscounted; ○ $105.6 billion at a 3-percent discount rate; and ○ $100.3 billion at a 7-percent discount rate. **Qualitative:** Cost Savings DACA policy simplifies many encounters between DHS and certain noncitizens, reducing the burden upon DHS of vetting, tracking, and potentially removing DACA recipients. Benefits • The final rule will result in more streamlined enforcement encounters and decision making, as well as avoided costs associated with enforcement action against low-priority noncitizens. It also allows DHS to focus its limited enforcement resources on higher-priority noncitizens. • The final rule gives the DACA-approved population the option to request renewal of DACA in the future if needed. • For DACA recipients and their family members, the final rule will contribute to (1) a reduction of fear and anxiety, (2) an increased sense of acceptance and belonging to a community, (3) an

		increased sense of family security, and (4) an increased sense of hope for the future.
Source: USCIS analysis. Note: The Pre-Guidance Baseline refers to a state of the world as it was before the guidance of the Napolitano Memorandum.		

In addition to the impacts summarized above, and as required by OMB Circular A–4, Table 6 and Table 7 present the prepared accounting statements showing the costs, benefits, and transfers associated with this regulation relative to the No Action Baseline and the Pre-Guidance Baseline, respectively.[329]

Table 6. OMB A-4 Accounting Statement – No Action Baseline ($ in millions, 2020; period of analysis: FY 2021–FY 2031)

Category	Primary Estimate	Minimum Estimate	Maximum Estimate	Source/ Citations
Benefits				
Annualized monetized benefits (3%)	N/A	N/A	N/A	RIA
Annualized monetized benefits (7%)	N/A	N/A	N/A	RIA
Unquantified benefits	The final rule will allow active DACA recipients to continue enjoying the advantages of the policy and have the option to request renewal in the future. For DACA recipients and their family members, the final rule will contribute to (1) a reduction of fear and anxiety, (2) an increased sense of acceptance and belonging to a community, (3) an increased sense of family security, and (4) an increased sense of hope for the future, including by virtue of mitigating the risk of litigation resulting in termination of the DACA policy.			RIA
Costs				
Annualized monetized costs (3%)	N/A	N/A	N/A	RIA

[329] *See* OMB, Circular A–4 (Sept. 17, 2003), *https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf.*

Annualized monetized costs (7%)	N/A	N/A	N/A	RIA
Unquantified costs	N/A			RIA
Transfers				
From whom to whom?	N/A			RIA
Annualized monetized transfers (3%)	N/A	N/A	N/A	
Annualized monetized transfers (7%)	N/A	N/A	N/A	
Unquantified transfers	None			
Miscellaneous Categories	**Effects**			
Effects on State, local, and/or Tribal governments	No direct effects			RIA
Effects on small businesses	The final rule does not directly regulate small entities and is not expected to have a direct effect on small entities. DHS certifies that this final rule will not have a significant economic impact on a substantial number of small entities.			RFA
Effects on wages	None			RIA
Effects on growth	None			RIA
Source: USCIS analysis.				

Table 7 shows the pre-guidance baseline estimates, which are a comprehensive assessment of the costs and benefits of the rule. Note that the monetized benefits and transfers are a maximum estimate. We are unable to provide a range because of uncertainty as to two factors: (1) the substitutability of workers, and (2) the extent to which the relevant population would be willing and able to work without authorization in the absence of DACA. See discussion in Sections III.A.4.b.6. and III.A.4.b.7.

Table 7. OMB A-4 Accounting Statement – Pre-Guidance Baseline ($ in millions, 2020; period of analysis: FY 2012–FY 2031)				
Category	**Primary Estimate**	**Minimum Estimate**	**Maximum Estimate**	**Source/ Citations**
Benefits				
Annualized monetized net benefits (3%)	N/A	N/A	$21,861.6	RIA
Annualized monetized net benefits (7%)	N/A	N/A	$20,702.1	RIA
Unquantified benefits	The final rule will allow DACA recipients to enjoy the advantages of the policy and have the option to request renewal in the future. For DACA recipients and their family members, the rule will contribute to (1) a reduction of fear and anxiety, (2) an increased sense of acceptance and belonging to a community, (3) an increased sense of family security, and (4) an increased sense of hope for the future.			RIA
Costs				
Annualized monetized costs (3%)	$494.9	N/A	N/A	RIA
Annualized monetized costs (7%)	$480.8	N/A	N/A	RIA
Unquantified costs	N/A			RIA
Unquantified Cost Savings	DACA policy simplifies many encounters between DHS and certain noncitizens, reducing the burden upon DHS of vetting, tracking, and potentially removing DACA recipients.			RIA
Transfers				

From whom to whom?	Transfer payments in the form of employment taxes from the employed DACA recipients and their employers to the Federal Government dependent on the degree to which DACA recipients are substituted for other workers in the U.S. economy.			RIA
Annualized monetized transfers (3%)	N/A	N/A	$5,438.4	RIA
Annualized monetized transfers (7%)	N/A	N/A	$5,149.9	RIA
Miscellaneous Categories	**Effects**			
Effects on State, local, and/or Tribal governments	Indirect effects, such as tax revenues and provision of certain government services, depend on (among other factors) policy choices made by the State, local, and/or Tribal governments.			RIA
Effects on small businesses	The rule does not directly regulate small entities and is not expected to have a direct effect on small entities. DHS certifies that this final rule will not have a significant economic impact on a substantial number of small entities.			RFA
Effects on wages*	None	None	None	RIA
Effects on growth	None	None	None	RIA
Source: USCIS analysis.				
*Note, as explained below, that the population of DACA recipients is small relative to the size of the national labor market so we do not find a national effect on wages; however, there is survey data indicating that individuals earn higher wages since receiving DACA.				

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3. Background and Purpose of the Rule

The INA generally charges the Secretary with the administration and enforcement of the immigration and naturalization laws of the United States.[330] The INA further authorizes the Secretary to ''establish such regulations; prescribe such forms of bond, reports, entries, and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of'' the INA.[331] In the Homeland Security Act of 2002, Congress also provided that the Secretary ''shall be responsible for . . . [e]stablishing national immigration enforcement policies and priorities.'' [332] The Homeland Security Act also provides that the Secretary, in carrying out their authorities, must ''ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.'' [333]

The Secretary, in this final rule, establishes guidelines for considering requests for deferred action submitted by certain individuals who came to the United States many years ago as children, consistent with the Napolitano Memorandum described above. As with the 2012 DACA policy, this final rule will serve the significant humanitarian and economic interests animating and engendered by the DACA policy, with respect to the population covered by that policy. In addition, the final rule will preserve not only DACA recipients' substantial reliance interests, but also those of their families, schools, employers, faith groups, and communities.[334] The final rule also will

[330] Public Law 82–414, 66 Stat. 163 (as amended); INA sec. 103(a)(1), 8 U.S.C. 1103(a)(1). The INA also vests certain authorities in the President, Attorney General, and Secretary of State, among others. *See id.*

[331] INA sec. 103(a)(3), 8 U.S.C. 1103(a)(3).

[332] Public Law 107–296, sec. 402(5), 116 Stat. 2135, 2178 (codified at 6 U.S.C. 202(5)).

[333] 6 U.S.C. 111(b)(1)(F).

[334] *See DHS* v. *Regents of the Univ. of Cal.,* 140 S. Ct. 1891, 1914 (2020) (*Regents*) (''DACA recipients have 'enrolled in degree programs,

help to appropriately focus the Department's limited immigration enforcement resources on threats to national security, public safety, and border security where they are most needed.

4. Cost-Benefit Analysis

In light of public comments received and relative to the NPRM RIA, DHS has adjusted parts of the RIA for this final rule to incorporate some of the ideas and suggestions presented in various public comments. For example, relative to the NPRM, DHS adjusted the projected DACA population age distribution to account for the possibility that the eligible and active population might age over the next 10 years, thereby moving into higher age groups. As a result of the updated age distribution, the estimated labor force participation rate of the active DACA population also changed. The age distribution is used in the estimation of an average compensation rate for DACA recipients. The average compensation rate together with the estimated labor force participation rate of the active DACA population are used in the estimation of costs, benefits, and transfers of this final rule. In the final rule, DHS also accounted for the value of non-paid time which individuals would forgo when approved for DACA and if they chose to participate in the labor market. This value was subtracted from the estimated benefits. Further, DHS made additions to the qualitative discussion regarding the unquantified and unmonetized benefits after considering suggestions from commenters regarding potential quantification and monetization of certain benefits bestowed on the DACA population by this rulemaking. Additionally, the final rule codifies the longstanding bundled filing requirements and reclassifies the $85 biometrics fee as a Form I–821D filing fee. As such, a complete DACA request under the final rule includes Forms I–821D, I–765, and I–765WS with total fees of $495. Relative to the NPRM, this final rule no longer estimates any potential cost savings from the request and fee structure in the No Action Baseline and no potential transfers from USCIS to the DACA requestor population as DHS is codifying the status quo bundled filing process instead of the proposed provision to unbundle the requests for deferred action from the Application for Employment Authorization. The details of all the adjustments are presented and incorporated throughout this RIA.

DHS estimates the potential impacts of this final rule relative to two baselines. The first baseline is a No Action Baseline, which represents a state of the world wherein the DACA policy would be expected to continue under the Napolitano Memorandum guidance. The No Action Baseline does not account for the July 16, 2021, district court decision, as discussed further in the Population Estimates and Other Assumptions section below discussing this baseline. Relative to this baseline, there were no quantitative and monetized impacts.

The second baseline considered in the analysis is a Pre-Guidance Baseline, which represents a state of the world before the guidance in the Napolitano Memorandum, where the DACA policy does not exist and has never existed. The Pre-Guidance Baseline is included in this analysis in accordance with OMB Circular A–4 guidance, which directs agencies to include a pre-statutory baseline in an analysis if substantial portions of a rule may simply restate statutory requirements that would be self-implementing, even in the absence of the regulatory action.[335] In this case, the DACA policy was implemented through DHS and USCIS guidance. DHS has not performed a regulatory analysis on the regulatory costs and benefits of the DACA policy guidance previously and, therefore, includes a Pre-Guidance Baseline in this analysis for clarity and completeness. Moreover, DHS presents the Pre-Guidance Baseline to provide a more informed picture on the overall impacts of the DACA policy since its inception, while at the same time recognizing that many of these impacts have already been realized. DHS notes that the Pre-Guidance Baseline analysis also can be used to better understand the state of the world under the district court's decision in *Texas,* should the partial stay of that decision be lifted. Relative to this baseline, DHS estimated annualized net benefits of $21.9 billion at a 3-percent discount rate or $20.7 billion at a 7-percent discount rate, annualized costs of $494.9 million at a 3-percent discount rate or $480.8 million at a 7-percent discount rate, and annualized transfers of $5.4 billion at a 3-percent discount rate or $5.2 billion at a 7-percent discount rate.

The cost-benefit analysis of the RIA presents the impacts of this final rule relative to the No Action Baseline first, and then relative to the Pre-Guidance Baseline. In each of the baseline analyses, we begin by specifying the assumptions and estimates used in calculating any costs, benefits, and transfers of this final rule.

a. No Action Baseline

(1) Population Estimates and Other Assumptions

The numbers presented in this section have not changed from the NPRM to the final rule. Based on the public comments received, DHS added more clarity to some of the assumptions used in making the population projections in this section. For example, DHS clarified further that the averages of the ''stable'' period and not its trends are used in the projections of the population numbers.

The final rule will affect certain individuals who came to the United States many years ago as children, who have no current lawful immigration status, and who are generally low enforcement priorities. DHS currently allows certain individuals to request an exercise of discretion in the form of deferred action on a case-by-case basis according to certain criteria outlined in the Napolitano Memorandum. Individuals may request deferred action under this policy, known as DACA.

DHS recognizes a growing literature on the impacts of DACA that identifies noncitizens who may potentially meet DACA threshold criteria based on age and length of time in the United States. This approach to estimating the population affected by this final rule estimates the total number of people who are potentially eligible for consideration for deferred action under the DACA policy and then predicts the proportion of those people who will request DACA in the future. Widely available national microdata that reports the immigration status of the foreign-born population does not exist. The subpopulation that is potentially eligible to request DACA must therefore be estimated by other means. In general, analysts estimate the size of the DACA-eligible population using a residual method in which the total foreign-born population is estimated using various

embarked on careers, started businesses, purchased homes, and even married and had children, all in reliance' on the DACA policy. The consequences of the rescission, respondents emphasize, would 'radiate outward' to DACA recipients' families, including their 200,000 U.S. citizen children, to the schools where DACA recipients study and teach, and to the employers who have invested time and money in training them. In addition, excluding DACA recipients from the lawful labor force may, they tell us, result in the loss of $215 billion in economic activity and an associated $60 billion in federal tax revenue over the next ten years. Meanwhile, States and local governments could lose $1.25 billion in tax revenue each year.'' (internal citations omitted)).

[335] *See* OMB, Circular A–4 (Sept. 17, 2003), *https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A4/a-4.pdf.*

surveys.[336] The unlawfully and lawfully present foreign-born population can be estimated based on DHS administrative records, including a mix of DHS administrative records and logical rules based on foreign-born demographic characteristics.[337] Further, the demographic characteristics from some of the underlying survey data may be used to further identify the portion of the unauthorized population that would potentially meet the DACA criteria, although some factors, such as education, criminal history, and discretionary determinations may not be accounted for in such estimates. For example, the Migration Policy Institute (MPI) estimates an eligible DACA population of 1.7 million, including the currently active population, although this estimate looked only at certain eligibility criteria and did not consider the proportion of the potentially-eligible population who may not meet the criminal history or continuous physical presence criteria, or who might merit a favorable exercise of discretion, meaning that it is likely an overestimate.[338] Historical DHS administrative data between FY 2012 and FY 2021 show a total of around 1 million initial DACA requests.[339] Thus, MPI's estimate implies a remaining DACA-eligible population of up to roughly 700,000 people.

DHS has two concerns with adopting this approach to estimate the number of future DACA requestors. First, as analysts who use the residual method observe, the approach is complex and highly sensitive to specific modeling assumptions. In a 2021 report estimating the U.S. unauthorized immigrant population for the period January 2015 to January 2018, OIS states that ''estimates of the unauthorized population are subject to sampling error in the ACS and considerable non-sampling error because of uncertainty in some of the assumptions required for estimation [of the unauthorized population].'' [340] Additionally, the U.S. Census Bureau (Census) details the many complex adjustments applied to produce estimates of the population by sex, age, race, Hispanic origin, and number of household units in the latest ACS design and methodology report on weighting and estimation,[341] clarifying that ''[t]he ACS estimates are based on a probability sample, and will vary from their true population values due to sampling and non-sampling error.'' [342] A rigorous analysis by sociologists and statisticians of the external validity of available methods used to impute unauthorized status in Census survey data concluded that:

> it is not possible to spin straw into gold. All approaches that we tested produced biased estimates. Some methods failed in all circumstances, and others failed only when the join observation condition was not met, meaning that the imputation method was not informed by the association of unauthorized status with the dependent variable.[343]

In light of these modeling challenges, it is possible that a new estimate of the DACA-eligible population based on the residual method would systematically under- or overestimate the authorized immigrant population, which would, in turn, lead to systematic, but unknown, under- or overestimation of the residual subpopulation.[344]

A second concern about using the residual method to estimate the number of future DACA requestors is that even if DHS accurately estimates the total DACA-eligible population, DHS will still need a reliable methodology to predict how many potentially DACA-eligible individuals will actually request DACA in the future. Given the nature of the DACA policy, political factors, the challenging legal history, and the characteristics of the active DACA and DACA-eligible populations, including varying personal circumstances and expectations, predicting how many potentially eligible noncitizens may request DACA would be uncertain and complex, even if a census of the remaining DACA-eligible population existed. Therefore, in the context of this final rule, DHS relies instead on the administrative data USCIS collects from individuals who have requested DACA over the past several years, as described later in this analysis.

To provide a framework for the baseline population estimates, DHS starts by first presenting historical USCIS data on the active DACA population and then presenting historical data on DACA request receipts. These data provide a sense of historical participation in the policy and insights into any trends. The data also allow DHS to make certain assumptions in estimating a potential future active DACA population that would enjoy the benefits of this policy and that may contribute potential transfers to other populations as well as in estimating potential future DACA request receipts (*i.e.,* the population that would incur the costs associated with applying under the policy). DHS therefore proceeds by presenting first the historical active DACA population and its estimates of a potential future active DACA population, and then the historical volume of DACA request receipts and its estimates of this potential future population.

However, before presenting the historical and projected populations associated with this rule, DHS first identifies certain historical time periods of interest for this analysis. Historically, the 2012 and, subsequently, the 2017 DACA-related memoranda have shaped the level of participation in the DACA policy. The 2012 Napolitano Memorandum initiated the policy, and the 2017 Duke Memorandum halted

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[336] The surveys may include the U.S. Census Bureau's American Community Survey (ACS), the Current Population Survey (CPS), the American Time Use Survey, and the Survey of Income and Program Participation (SIPP), among others.

[337] *See, e.g.,* OIS, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2015–January 2018* (Jan. 2021), *https://www.dhs.gov/sites/default/files/publications/immigrationstatistics/Pop_Estimate/UnauthImmigrant/unauthorized_immigrant_population_estimates_2015_-_2018.pdf.*

[338] For more details and additional resources on this methodology, see Migration Policy Institute, *Back on the Table: U.S. Legalization and the Unauthorized Immigrant Groups that Could Factor in the Debate* (Feb. 2021), *https://www.migrationpolicy.org/research/us-legalization-unauthorized-immigrant-groups* (accessed May 16, 2022).

[339] Source: DHS/USCIS/OPQ (July 2021).

[340] *See* OIS, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2015–January 2018* (Jan. 2021), *https://www.dhs.gov/sites/default/files/publications/immigrationstatistics/Pop_Estimate/UnauthImmigrant/unauthorized_immigrant_population_estimates_2015_-_2018.pdf,* at 10.

[341] *See* U.S. Census Bureau, *American Community Survey Design and Methodology (January 2014), Chapter 11: Weighting and Estimation, https://www2.census.gov/programs-surveys/acs/methodology/design_and_methodology/acs_design_methodology_ch11_2014.pdf* (accessed Mar. 23, 2022).

[342] *Id.* at 16.

[343] *See* Jennifer Van Hook, et al., *Can We Spin Straw into Gold? An Evaluation of Immigrant Legal Status Imputation Approaches,* Demography 52(1), 329–54, at 330.

[344] In Pope (2016), *see* section 5, ''Empirical method.'' *See also* George J. Borjas and Hugh Cassidy, *The wage penalty to undocumented immigration,* Lab. Econ. 61, art. 101757 (2019), *https://scholar.harvard.edu/files/gborjas/files/labourecon2020.pdf* (hereinafter Borjas and Cassidy (2019)). In section 2, ''Imputing undocumented status in microdata files,'' the authors state that, ''[i]n the absence of administrative data on the characteristics of the undocumented population, it is not possible to quantify the direction and magnitude of any potential bias,'' and in footnote 2 they describe DHS's assumed correction for sample bias. *See also* Catalina Amuedo-Dorantes and Francisca Antman, *Schooling and Labor Market Effects of Temporary Authorization: Evidence from DACA,* J. of Population Econ. 30(1): 339–73 (Jan. 2017), *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5497855/pdf/nihms866067.pdf.* In Section III.B, ''Capturing Undocumented Immigrants and DACA Applicants,'' the authors describe a potential effect of a limitation in the data relied upon as follows: ''As such, some may be concerned that the control group may be made up of individuals who immigrated with the purpose of getting an educational degree in the United States, as is the case with F1 and J1 visa holders.''

new requests.[345] As such, DHS identifies three periods of interest: (1) a surge period, FY 2012–FY 2014, where initial requests were high compared to later years; (2) a stable policy period, FY 2015–FY 2017, where initial requests were slowing, renewal requests were leveling off, and the overall active DACA-approved population was stabilizing; and (3) a cooling-off period, FY 2018–FY 2020, where initial requests dramatically decreased, the active DACA-approved population started to decline, and most requests were for renewals.[346]

Table 8 presents historical data on the volume of DACA recipients who were active as of September 30th of each fiscal year. For clarity, ''active'' is defined as those recipients who have an approved Form I–821D and I–765 in the relevant USCIS database. The approval can be either an initial or a renewal approval. Additionally, DHS does not need specificity or further breakdown of these data into initial and renewal recipients to project this active DACA population and calculate associated monetized benefits and transfers based on the methodology employed in this RIA. Both initial recipients and renewal recipients are issued an EAD that could be used to participate in the labor market.[347] Therefore, the annual cumulative totals of the active DACA population suffices for estimating the quantified and monetized benefits and transfers of this final rule that stem from the potential labor market earnings of the DACA population with an EAD.

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[345] As discussed above, the Duke Memorandum rescinded the DACA policy, allowing for a brief wind-down period in which a limited number of renewal requests would be adjudicated, but all initial requests would be rejected. Duke Memorandum at 4–5. In the litigation that followed, the Duke Memorandum was enjoined in part, such that DHS was required to adjudicate renewal requests as well as ''initial'' requests from individuals who had been granted DACA previously but did not qualify for the renewal process. *See Regents* v. *DHS*; *Batalla Vidal* v. *Nielsen,* 279 F. Supp. 3d 401 (E.D.N.Y. 2018). In July 2020, then-Acting Secretary Wolf issued a memorandum rescinding the Duke and Nielsen memoranda and making certain immediate changes to the DACA policy, namely directing DHS personnel to reject all pending and future initial requests for DACA, reject all pending and future applications for advance parole absent exceptional circumstances, and shorten DACA renewals. Memorandum from Chad F. Wolf, Acting Secretary, to heads of immigration components of DHS, *Reconsideration of the June 15, 2012 Memorandum Entitled ''Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,''* dated July 28, 2020 (hereinafter Wolf Memorandum). The effect of the Duke Memorandum, along with these court orders and the Wolf Memorandum, was that individuals who were granted DACA at some point before September 5, 2017, remained able to request DACA, while those who had never before received DACA were not able to do so until the Wolf Memorandum was vacated in December 2020. *See Batalla Vidal* v. *Wolf,* No. 16–cv–4756, 2020 WL 7121849 (E.D.N.Y. Dec. 4, 2020).

[346] DHS believes it is likely that the initial surge in DACA requests reflects a rush of interest in the new policy, and that the slowdown in 2014–2017 simply reflects the fact that many of the eligible and interested noncitizens requested DACA shortly after it became available. It is also possible that there was a decline in interest due to the uncertainty caused by the *Texas* litigation regarding the 2014 Memorandum described above, which began in 2014. The limits on requests described above, *supra* n.345, along with changes in the national political sphere, likely account for much of the ''cooling off'' after 2017.

[347] See the Labor Market Impacts section of this RIA for discussion and analysis of labor force participation as well as discussion of the possibility that some DACA recipients might choose not to work despite having employment authorization.

Table 8. Historical Active DACA Population, FY 2012–FY 2020 (as of September 30th of Each FY)

FY	Total Active DACA Recipients
2012	2,019
2013	472,880
2014	608,037
2015	652,530
2016	679,830
2017	700,572
2018	704,095
2019	660,552
2020	647,278
Annual Growth Rate	
FY 2015–FY 2016	4.1837%
FY 2016–FY 2017	3.0511%
Average	**3.6174%**

Source: DHS/USCIS/OPQ ELIS, CLAIMS 3, and CIS2 (queried June 2021).

Notes: DHS considers FY 2015–FY 2017 to be a stable policy period in the DACA policy history—after the surge in DACA initial requests prompted by the Napolitano Memorandum, FY 2012–FY 2014, and before the cooling-off prompted by the Duke Memorandum, FY 2018–FY 2020. As noted below, the average annual growth rate of FY 2015–FY 2017 will be used to project the potential future active DACA population for FY 2021–FY 2031 and not the trend of FY 2015-FY 2017. Although not needed for the projections as explained above, the December 2021 active DACA population stood at approximately 611,470.

On July 16, 2021, the *Texas* decision enjoined USCIS from approving initial DACA requests.[348] Nevertheless, for this RIA, DHS employs the assumption that the historical trends in the active DACA population outlined remain a reasonable and useful indication of the trend in the future over the period of analysis. Table 9 presents DHS's estimates for the active DACA population for FY 2021–FY 2031. Given the motivation and scope of this final rule, DHS assumes that upon the implementation of the final rule the DACA policy will be characterized by relatively more stability, where the yearly active DACA population will not continue to decrease as it did in FY 2018–FY 2020. Therefore, in our projections of the active DACA population, DHS uses the average annual growth rate of 3.6174 percent in the stable policy period, FY 2015–FY 2017,[349] and multiplied it by the current year cumulative totals to obtain the next year's estimated active DACA population. Therefore, the values in Table 9 grow at an annual rate of 3.6174 percent. These estimates will be used later when calculating the monetized benefits and transfers of this final rule.

[348] As of July 20, 2021, USCIS ELIS and CLAIMS 3 data show 89,605 initial requests have been accepted at a lockbox in FY 2021.

[349] For clarity and in consideration of public comments, DHS reemphasizes that the average of period FY 2015–FY 2017 is used, and not the trend.

Table 9. Projected Active DACA Policy Population (FY 2021–FY 2031)

FY	Active DACA Recipients
2020	647,278
2021	670,693
2022	694,954
2023	720,093
2024	746,142
2025	773,133
2026	801,100
2027	830,079
2028	860,106
2029	891,219
2030	923,458
2031	956,863

Source: USCIS analysis.

Notes: FY 2020 is included as a reference. Active DACA recipients equals previous year total plus the average annual growth rate (3.6174%) of the stable historical policy period FY 2015–FY 2017. The active DACA population is used to calculate the monetized benefits and transfers of this rule. Numbers are rounded for presentation purposes.

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DHS notes that although this methodology for projecting a future active DACA population has important advantages (including transparency, reproducibility, and a clear nexus to historical policy data), it also has some potential limitations. For instance, the methodology assumes that the active DACA population again will grow at the average rate it grew over the period FY 2015–FY 2017, which was just a few years after the Napolitano Memorandum was issued. Additionally, public comments on this rulemaking have raised concerns over the fact that potential DACA requestors stopped ''aging in'' to the policy in June 2022, which is when the youngest possible requestor reaches 15 years of age. However, DHS does not believe there will necessarily be a precipitous decline in the growth rate of DACA requestors after new requestors stop ''aging in'' in 2022. For example, some individuals may newly meet the criteria after June 2022, upon satisfying the educational or military service requirement for the first time. Nothing in the DACA age threshold criteria restrict the population projections made by DHS in this final rule. Nevertheless, DHS projects a decline over the analysis period, albeit gradual, of Initial requests in Table 11.

Similarly, the active DACA population projections do not directly capture the possibility that there could be a surge of request receipts following publication of a final rule, followed by a slower growth rate in later years. However, USCIS notes that projecting a surge in request receipts does not necessarily imply a surge in the active DACA population. The levels of approvals, renewals, and noncitizens renewing or lapsing deferred action under the DACA policy can vary. For example, there could be delays in processing requests caused by the surge of new requests (assuming USCIS maintains current staffing levels) or by other events, noncitizens could cease making renewal requests at higher rates than before, or approval rates could change relative to historical trends. As mentioned previously, a continuation of the injunction on approving initial DACA requests would curtail initial requests.

Next, DHS presents the population used when calculating the monetized costs of this final rule. Table 10 presents historical data on the numbers of DACA request receipts. This population incurred the cost of requesting DACA. The population is composed of initial and renewal requestors, both of whom face similar costs, such as filing fees,[350] time burdens, and opportunity costs. For clarity, this table represents intake and processing data and is silent on the number of requests that were approved as that level of detail is not required to estimate the monetized costs of this final rule. DHS only needs total receipts to estimate the monetized costs of this final rule.

[350] The proposed fee does not differentiate between initial and renewal receipt costs. The estimated full cost reflects a weighted average of April 2020 to March 2021 initial and renewal workload receipt data.

Table 10. Historical DACA Receipts

FY	Initials	Renewals	Total
2012	157,826		157,826
2013	443,967		443,967
2014	141,538	122,249	263,787
2015	92,470	391,878	484,348
2016	74,498	198,520	273,018
2017	45,637	470,668	516,305
2018	2,062	287,709	289,771
2019	1,574	406,588	408,162
2020	4,301	339,632	343,933

Source: DHS/USCIS/OPQ ELIS and CLAIMS 3 Consolidated (queried Dec. 2020).

Note: The paragraphs surrounding this table explain how this historical information is used to project the future population over FY 2021–FY 2031.

To project total DACA receipts, DHS uses the historical information from Table 10 with the intention to capture a possible surge effect in initial requests, a stabilization effect through the renewals, and then a steady decline in initial requests as the newly DACA-eligible population might dwindle over time because individuals stopped ''aging in'' in June 2022. DHS first calculates the percentage of initial requests in the previously defined surge years FY 2012–FY 2014 out of the total period FY 2012–FY 2017 to account for a similar possibility in projections, which DHS calls a surge rate.[351] This surge rate is 77.7595 percent. Second, DHS calculates the average initial requests over the stable period of FY 2015–FY 2017, which is 70,868.33. Third, DHS calculates the average annual rate of growth of 29.08806 percent for initial requests over FY 2015–FY 2017. Fourth, DHS calculates the average number of renewal requests over FY 2015–FY 2020, which is 349,165.83. DHS chose FY 2015–FY 2020 for this calculation due to the relatively stable nature of historical renewal requests. The intention is to capture a possible surge effect in initial requests, a stabilization effect through the renewals, and then a steady decline in initial requests as the DACA-eligible population might dwindle over time.

Table 11 presents the projected volume of DACA request receipts. DHS estimates a surge component in initial requests over FY 2021–FY 2022. As stated, these projections do not adjust for the uncertain impacts of the *Texas* injunction on initial requests. To estimate the surge component, DHS first calculates the total number of historic initials over the stable period FY 2015–FY 2017, which is 212,605. DHS then multiplies this number by the surge rate of 77.7595 percent to estimate a potential surge in its projections of 165,320.57 initial requests in the first two projected years, FY 2021–FY 2022. DHS then divides this number in two to estimate a surge in initial requests for FY 2021 and FY 2022, which is 82,660.29. Adding to this number the average number of historic initial requests of 70,868.33 yields a total (surge) number of 153,528.62 initial requests for FY 2021 and FY 2022. Starting with FY 2024, DHS applies the historic FY 2015–FY 2017 growth rate of −29.08806 percent to initial requests for the rest of the projected years.[352]

The renewals in FY 2023–FY 2024 capture this surge as the historical average number of renewals of 349,165.83 plus 153,528.62. DACA recipients can renew their requests for deferred action every 2 years. Adding total initials and renewals for every fiscal year then yields a total number of requests that will be used in estimating the monetized costs of this final rule.

As with DHS's projection methodology for the active DACA population, DHS acknowledges potential limitations associated with the methodology used to project requests. For instance, although the methodology is transparent, reproducible, and has a clear nexus to historical policy data, the methodology assumes that the ''surge rate'' for DACA requests following publication of this rule would mirror the surge rate that followed issuance of the Napolitano Memorandum. There are reasons to support such an assumption, including a potential backlog of demand following the Duke Memorandum, subsequent guidance, and ongoing litigation. But there are also reasons to question it, such as the potential that demand was exhausted in the years before issuance of the Duke Memorandum, such that any ''surge'' in requests would consist primarily of requests from individuals who turned 15 after the Duke Memorandum was issued.

[351] Calculation: FY 2012–FY 2014 initials total = 743,331; FY 2012–FY 2017 initials total = 955,936; initials surge rate = (743,331/955,936) * 100 = 77.7595%.

[352] For example: FY 2024 = FY 2023 * (1 − 29.08806%), which yields 70,868.33 * (1 − 0.2908806) = 50,254.11.

Table 11. Projected DACA Receipts (FY 2021–FY 2031)

FY	Initials	Renewals	Total
2021	153,529	349,166	**502,695**
2022	153,529	349,166	**502,695**
2023	70,868	502,695	**573,563**
2024	50,254	502,695	**552,949**
2025	35,636	420,034	**455,670**
2026	25,270	420,034	**445,304**
2027	17,920	420,034	**437,954**
2028	12,707	420,034	**432,741**
2029	9,011	420,034	**429,045**
2030	6,390	420,034	**426,424**
2031	4,531	420,034	**424,565**

Source: USCIS analysis.

Notes: For FY 2023, 70,868.33 represents initials averaged over the stable policy period of FY 2015–FY 2017. For the rest of the projection period this population declines at the average annual rate of 29.08806%. For FY 2021–FY 2022, 349,165.83 represents renewals averaged over FY 2015–FY 2020. For FY 2025–FY 2031, 420,034 represents historical average initials (349,165.83) plus historical average renewals (70,868.33). The calculations for the surges in initials in FY 2021–FY 2022 and renewals in FY 2023–FY 2024 are explained in the surrounding text. For simplicity, it is assumed the projected surges in the first two projected years are the same. Total receipts are used in calculating the monetized cost (to the requestors) of this final rule. Numbers are rounded for presentation purposes.

As of July 2021, DHS administrative data for quarters 2 and 3 of FY 2021 show that there were 89,701 initial DACA requests and 302,985 renewal DACA requests pending.[353] These data include requests filed during earlier periods in which DHS did not accept most initial DACA requests due to ongoing litigation and subsequent policy changes.[354] For the projections presented in this RIA, it is assumed that initial DACA requests would be accepted without interruptions from any legal rulings on the policy in FY 2021 and all other subsequent projected fiscal years. In the absence of these restrictions on initial requests, DHS's projection for FY 2021 tracks with the observed trend in the most recent FY 2021 administrative data.

In sum, while population estimates in this final rule are consistent with the overall MPI population estimate,[355] this RIA relies on historical request data to estimate future DACA requests rather than estimating the overall DACA-eligible population and then further estimating the share of the population likely to request DACA in the future. Either approach would still require a methodology for projecting how many potentially eligible individuals might choose to request DACA and also stay active. While both approaches face methodological challenges, the Department has no reason to believe the residual-based methodology would yield a more accurate estimate. At the same time, the current approach based on historical request data offers an especially transparent and easily reproducible estimation methodology.

(2) Forms and Fees

The final rule codifies, as proposed in the NPRM, that the Form I–821D require an $85 filing fee and eliminates the $85 biometrics fee that had been assessed since the Napolitano Memorandum was issued.[356] Individuals requesting deferred action under the DACA policy must file Form I–821D to be considered. Currently, and as codified in the final rule, all individuals filing Form I–821D to request deferred action under DACA, whether for initial consideration of or renewal of DACA, also must file Form I–765 and Form I–765WS (Form I–765 Worksheet) and pay relevant fees. Submission of Forms I–821D, I–765, and I–765WS and filing fees together is considered to comprise a complete DACA request.[357] Additionally, certain DACA requestors choose to have a representative, such as a lawyer, prepare and file their DACA request.[358] In such cases, a Form G–28 must accompany a complete DACA request.[359]

[353] Source: DHS/USCIS/OPQ (July 2021).

[354] *See* Section II.B above for litigation history, including *Regents,* 140 S. Ct. 1891 (2020), and *Texas,* 549 F. Supp. 3d 572 (S.D. Tex. 2021).

[355] That is, the DHS projected number of DACA requests, and active DACA recipients falls within the ranges estimated by the residual-based methodology.

[356] *See* new 8 CFR 106.2(a)(38).

[357] *See* new 8 CFR 236.23(a)(1).

[358] An internal OPQ data request reveals that 44 percent of requestors chose to have a preparer. We use this percentage breakdown in subsequent cost calculations.

[359] Individuals retained to help a requestor prepare and file their DACA request must submit a Form G–28, Notice of Entry of Appearance as Attorney or Accredited Representative, to provide

Continued

The final rule sets for the following fees associated with a DACA request: the fee to file Form I–765 is $410; a $85 filing fee for Form I–821D; no filing fee for Form I–765WS, or Form G–28; and no biometric services fee. Therefore, the total fee as of May 20, 2020, to submit a DACA request is $495, with or without the submission of Form G–28. DHS believes this is a reasonable proxy for the Government's costs of processing and vetting these forms when filed together.[360] As stated in the NPRM, USCIS data suggest there is a negligible workload difference from adjudicating Form I–821D when submitted with Form I–765.[361] These fees will allow DHS to recover the Government's costs of processing these forms in line with USCIS' standard fee-funded operating structure. In the future, DHS plans to propose new USCIS fees in a separate rulemaking after evaluating the resource requirements for Form I–765 and other immigration benefit requests.[362] The fee for Form I–765 as of May 20, 2020 may need to be adjusted because it has not changed since 2016.[363]

(3) Wage Assumptions

Compared to the NPRM, in this final rule, DHS adjusted the preparer's estimated total compensation rate to reflect BLS data updates and the estimated DACA recipients' total compensation rate to reflect an adjusted DACA population age distribution. These adjustments are described in detail below. The estimated hourly compensation rate of DACA requestors and the total compensation rate of those hired to prepare and file DACA requests are used as proxies for the opportunity cost of time in the calculation of costs. The estimated wage rate of the requestors also is used to estimate the benefits of income that accrue to those requestors who participate in the labor market through the grant of employment authorization. In the following, DHS explains how it estimates compensation rates of the preparers and requestors. All compensation estimates are in 2020 dollars.

A DACA request can be prepared on behalf of the requestor. In this final rule, DHS assumes that a preparer has similar knowledge and skills necessary for filing a DACA request as an average lawyer would for the same task. Based on Bureau of Labor Statistics (BLS) data, DHS estimates an average loaded wage, or compensation, for a preparer of $103.81.[364]

To estimate the hourly opportunity cost of time of the DACA requestor population, DHS uses data from Census and USCIS. DHS assumes, for the purposes of this analysis, that the profile of DACA recipients follows that of the U.S. population at large. For example, DHS assumes that the average DACA recipient values education and employment in a similar way as the average person in the U.S. population. This allows DHS to use other government agencies' official data, such as Census data, to estimate DACA recipient compensation rates and other economic characteristics given the absence of DHS-specific DACA recipient population economic data.

USCIS data on the active DACA population [365] lend themselves to delineation by age group: 15 to 24, 25 to 34, and 35 to 44.[366] In an effort to provide a more focused estimate of wages, DHS uses these age groups in its estimates, assuming that different age groups have different earnings potential. DHS estimates these age groups to represent about 36 percent, 56 percent, and 9 percent, respectively, of the total DACA population. Based on the public comments DHS received regarding the FY 2022 ''aging in'' aspect of the DACA policy, DHS has adjusted its analysis in the final rule to account for the aging of the DACA recipient population, which implies a shift in the age distributions. As such, DHS takes the average of the FY 2021 age distribution of the DACA-eligible population (15 to 24 years old [36 percent], 25 to 34 years old [56 percent], and 35 to 44 years old [9 percent]) and FY 2031 age distribution (15 to 24 years old [0 percent], 25 to 34 years old [36 percent], and 35 to 44 years old [64 percent]).[367] Therefore, DHS assumes an overall age group distribution of the DACA-eligible population to be 18 percent for those 15 to 24 years old; 46 percent for those 25 to 34 years old; and 37 percent for those 35 to 44 years old. For the purposes of this analysis, these calculations seek to account for a range of possible DACA recipients' skill, education, and experience levels. This age distribution could be expected to change over time.

Next, DHS seeks to estimate an average compensation rate that accounts for income variations across these age groups. DHS first obtains annual average Consumer Price Index information for calendar years 2012 through 2020.[368] DHS sets 2020 as the base year and then calculate historical average annual incomes (in 2020 dollars) based on Census historical income data.[369] To do this, DHS converts the annual mean incomes in the Census data (2019 dollars) into 2020 dollars and then averages the period 2012–2019 to obtain average full-time salary information for the population at large for these age groups as $18,389.39, $45,528.59, and $60,767.17, respectively.[370] DHS recognizes that not all DACA recipients work full time or have jobs that offer additional benefits beyond the offered wage. The employment and school attendance status of DACA recipients is varied and includes being in school only, working full or part time, or being unemployed. Moreover, some DACA recipients have additional compensation benefits such as health

information about their eligibility to act on behalf of the requestor (*see* 8 CFR 292.4(a)).

[360] USCIS Office of the Chief Financial Officer (OCFO) analysis.

[361] *See* 86 FR 53764.

[362] *See* 87 FR 5241.

[363] *See* 81 FR 73292.

[364] DHS assumes the preparers with similar knowledge and skills necessary for filing DACA requests have average wage rates equal to the average lawyer wage of $71.59 per hour. Source: BLS, Occupational Employment and Wage Statistics, *Occupational Employment and Wages, May 2020,* 23–1011 Lawyers, *https://www.bls.gov/oes/2020/may/oes231011.htm.*

The benefits-to-wage multiplier is calculated as follows: (total employee compensation per hour.)/(wages and salaries per hour) = $38.60/$26.53 = 1.4549 = 1.45 (rounded). *See* BLS, Economic News Release (Mar. 2021), *Employer Cost for Employee Compensation—December 2020,* Table 1. Employer Costs for Employee Compensation by ownership, *https://www.bls.gov/news.release/archives/ecec_03182021.htm.*

Total compensation rate calculation: (wage rate) * (benefits multiplier) = $71.59 * 1.45 = $103.81.

[365] Source: Count of Active DACA Recipients by Month of Current DACA Expiration as of Dec. 31, 2020. DHS/USCIS/OPQ ELIS and CLAIMS 3 Consolidated (queried Jan. 2021).

[366] We assume this distribution remains constant throughout the periods of analysis for both baselines as new DACA recipients enter and previous DACA recipients exit the policy. The current (age) requirements of the DACA policy do not prohibit us from making this assumption.

[367] We assume the age group 15–24 has no members by the end of the projection period, FY 2031. To obtain the FY 2031 age group distribution, we shift the FY 2021 distribution under the assumption that DACA recipients in a particular age group retain their DACA approval as they age throughout the projection period of this analysis. That is, (a) age group 15–24 becomes 0 percent of the population; (b) FY 2031 age group 25–34 becomes the FY 2021 age group 15–24, with 36 percent of the population; and (c) FY 2031 age group 35–44 becomes 64 percent of the population, which is the sum of FY 2021 age group 25–34 (56 percent) and FY 2021 age group 35–44 (9 percent).

[368] Source: BLS, *Historical Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, all items, index averages* (Mar. 2021), *https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202103.pdf.*

[369] Source: U.S. Census Bureau, *Historical Income Tables: People,* Table P–10. Age—People (Both Sexes Combined) by Median and Mean, *https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-income-people.html* (last revised Nov. 9, 2021).

[370] The Census data delineate age groups as 15 to 24, 25 to 34, and 35 to 44. DHS assumes the age groups identified in the USCIS data follow the same pattern on average as the age groups in the Census data (*e.g.,* the Census income information by age group also represents the income information in the age groups identified in the USCIS data).

insurance whereas others do not. Additionally, DACA recipients could hold entry-level jobs as well as more senior positions. Some are employed in industries that generally pay higher wages and some are employed in industries where wages are relatively lower. To account for this wide range of possibilities, DHS takes a weighted average of the salaries presented above using the distribution of the age groups as weights, divided by 26 pay periods and 80 hours per pay period (the typical biweekly pay schedule), loading the wage to account for benefits, to arrive at an average hourly DACA requestor and recipient compensation of $32.58.[371]

(4) Time Burdens

Compared to the NPRM, this section contains no changes to the time burdens. In the final rule, DHS did adjust the GSA 2021 travel rate per mile for biometrics adjusted to 2020 values using BLS CPI. Calculating any potential costs associated with this final rule involves accounting for the time that it takes to fill out the required forms, submit biometrics collection, and travel to and from the biometrics collection site. DHS estimates the time burden of completing for Form I–821D is 3 hours per request, including the time for reviewing instructions and completing and submitting the form.[372] Moreover, DHS estimates the time burden of completing Form I–765 is 4.75 hours, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application, and the time burden of completing Form I–765WS is 0.5 hours, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application.[373] Additionally, DHS estimates the time burden of completing Form G–28 is 0.83 hours.[374]

In addition to the filing fee, the requestor will incur the costs to comply with the biometrics submission requirement as well as the opportunity cost of time for traveling to an USCIS Application Support Center (ASC), the mileage cost of traveling to an ASC, and the opportunity cost of time for submitting their biometrics. While travel times and distances vary, DHS estimates that a requestor's average roundtrip distance to an ASC is 50 miles and takes 2.5 hours on average to complete the trip.[375] Furthermore, DHS estimates that a requestor waits an average of 70 minutes or 1.17 (rounded, 70 divided by 60 minutes) hours for service and to have their biometrics collected at an ASC according to the PRA section of the instructions for Form I–765, adding up to a total biometrics-related time burden of 3.67 hours (2.5 plus 1.17). In addition to the opportunity cost of time for providing biometrics and traveling to an ASC, requestors will incur travel costs related to biometrics collection. The per-requestor cost of travel related to biometrics collection is about $27.00 per trip,[376] based on the 50-mile roundtrip distance to an ASC and the General Services Administration's (GSA) travel rate of $0.54 per mile.[377] DHS assumes that each requestor travels independently to an ASC to submit their biometrics.

(5) Costs of the Final Regulatory Action

The provisions of this final rule would not impose any new costs on the potential DACA requestor population when requesting deferred action through Form I–821D and an EAD through Form I–765 and Form I–765WS. The final rule would not implement any new forms to file, nor would it change the estimated time burden for completing and filing any of the required forms to request deferred action, and thus the total DACA request cost would not change from the current amount if requestors continued to file Forms I–821D, I–765, and I–765WS. Therefore, relative to the No Action Baseline, the final rule does not impose any new costs on requestors.

(6) Benefits of the Final Regulatory Action

There are quantified and monetized benefits as well as unquantified and qualitative benefits associated with the DACA policy under the Napolitano Memorandum and this final rule. The quantified and monetized benefits stem from the income earned by DACA recipients who participate in the labor market. DHS recognizes that some recipients will not participate in the labor market. For example, this category could include DACA recipients who are currently enrolled in school, who perhaps have scholarships or other types of financial aid, and who may not need additional financial support (*e.g.,* young DACA requestors, including high school students, who are supported by their parents or guardians). Therefore, such individuals may choose not to participate in the labor market.

To identify the proportion of the DACA recipients who might participate in the labor market, DHS uses data from BLS on labor force participation rates.[378] BLS data show historical and projected labor force participation rates (as a percent of total working-age population) by age group. Assuming the DACA requestors' population profiles (such as education and employment status) match those of the U.S. population at large, DHS combines the BLS data on labor force participation by age group with previously presented USCIS data on the distribution of ages for the approved DACA requestor population (*see Wage Assumptions*

[371] Calculation: $32.58 = ((($18,389.39 * 18%) + ($45,528.59 * 46%) + ($60,767.17 * 37%))/26)/80 * 1.45.

[372] USCIS, Instructions for Consideration of Deferred Action for Childhood Arrivals (Form I–821D), OMB No. 1615–0124 (expires Mar. 31, 2023), *https://www.uscis.gov/sites/default/files/document/forms/i-821dinstr.pdf.*

[373] Department of Homeland Security, USCIS, Instructions for Application for Employment Authorization (Form I–765), OMB No. 1615–0040, *https://www.uscis.gov/sites/default/files/document/forms/i-765instr.pdf.* Last accessed Aug. 12, 2022. On July 26, 2022, OMB approved an emergency revision action (ICR# 202207–1615–004) associated with the final rule titled Asylumworks Vacatur 1615–AC66. This action will change the future Form I–765 time burden from 4.75 hours to 4.50 hours once USCIS releases new Form I–765 and form instructions. This time burden change of 15 minutes was not a result of the DACA rulemaking and/or its provisions. In our estimations, we use the time burden of 4.75 as it is the most current Form I–765 time burden published by USCIS as of August 12, 2022.

[374] USCIS, Instructions for Notice of Entry of Appearance as Attorney or Accredited Representative (Form G–28), OMB No. 1615–0105, *https://www.uscis.gov/sites/default/files/document/forms/g-28instr.pdf.* Last accessed Aug. 12, 2022.

[375] *See* Final Rule, *Employment Authorization for Certain H–4 Dependent Spouses,* 80 FR 10284 (Feb. 25, 2015), and Final Rule, *Provisional and Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives,* 78 FR 536, 572 (Jan. 3, 2013).

[376] Calculation: 50 miles * $0.54 per mile = $27 per trip.

[377] See the U.S. General Services Administration website at *https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-mileage-rates/pov-mileage-rates-archived* for privately owned vehicle mileage reimbursement rates.

Also see BLS CPI information at *https://www.bls.gov/cpi/tables/seasonal-adjustment/revised-seasonally-adjusted-indexes-2021.xlsx.*

Calculation: GSA 2021 rate = $0.56 per mile; average 2021 CPI = 270.97, average 2020 CPI = 258.84. Rate per mile in 2020 dollars is $0.56/((1 + ((270.97 − ;258.84)/258.84)) = $0.5349, rounded to $0.54.

[378] Source: BLS, Employment Projections (Sept. 2020), *Civilian labor force participation rate by age, sex, race, and ethnicity,* Table 3.3. Civilian labor force participation rates by age, sex, race, and ethnicity, 1999, 2009, 2019, and projected 2029, *https://www.bls.gov/emp/tables/civilian-labor-force-participation-rate.htm.*

section) to calculate an age group-adjusted weighted average. Based on this methodology, DHS estimates that the average rate of the potential DACA recipients who will participate in the labor market and work is 78 percent and the rate of those who might not is 22 percent.[379] The 78 percent estimate is interpreted as an average estimate over the analysis period meant to encapsulate any fluctuations due to labor market dynamics. DHS recognizes that the estimated 78 percent participation rate of potential DACA recipients does not directly account for the potential additional benefits of an EAD beyond income earnings. DHS describes these potential additional benefits in the analysis below, regarding the benefits of the rule relative to the Pre-Guidance Baseline.

DHS calculates the quantified and monetized benefits associated with this final rule by taking the sum of the approved initial and renewal populations (*i.e.,* those who have been granted an EAD) and multiplying it by an estimated yearly compensation total of $67,769, which is the previously estimated compensation rate of $32.58, multiplied by 80 hours in a pay period, times 26 pay periods per year. As previously discussed, DHS assumes that over the analysis period, on average, 78 percent of DACA recipients will work, so the total population projections presented previously are adjusted to reflect this (population * 78 percent). Given the previously delineated provisions of this final rule and the stated assumptions, there are no new quantified and monetized benefits relative to the No Action Baseline. In the No Action Baseline, the same average estimate of 78 percent of DACA recipients will work, which is the same percentage of people estimated that would work under this final rule.

The unquantified and qualitative benefits of an approved DACA request are discussed in significantly greater detail in the analysis below, regarding the benefits of the rule relative to the Pre-Guidance Baseline.

(7) Transfers of the Final Regulatory Changes

The provisions of this final rule will produce no transfers relative to the No Action Baseline.

b. Pre-Guidance Baseline

The period of analysis for Pre-Guidance Baseline also includes the period FY 2012–FY 2020, which includes the period during which DHS has operated under the Napolitano Memorandum, to provide a more informed picture of the total impact of the DACA policy. DHS proceeds by considering the DACA population from this period (given by the historical data of Table 8 and Table 10), but applying all the assumptions as presented before (*e.g.,* on wages and age distributions). In essence, in this baseline, we assume the DACA policy never existed, but instead of the period of analysis beginning in FY 2021, the Pre-Guidance Baseline period of analysis is FY 2012–FY 2031, which allows DHS to analyze the potential effects of the final rule's provisions starting in FY 2012. As a result, the Pre-Guidance baseline condition is similar to the state of the world under the July 16, 2021, district court decision, should the partial stay of that decision ultimately be lifted.

(1) Population Estimates and Other Assumptions

For the Pre-Guidance Baseline, the total population estimates include all the projected populations described earlier in this analysis for FY 2021–FY 2031, in Table 9 and Table 11, while also adding the historical population numbers presented in Table 8 and Table 10 for FY 2012–FY 2020. To conserve space and time, we will not repeat those numbers here.

(2) Forms and Fees

All the forms and fees remain the same in the Pre-Guidance Baseline as those presented for the No Action Baseline.

(3) Wage Assumptions

For the Pre-Guidance Baseline, the wage assumptions remain as presented previously for the No Action Baseline with an overall average compensation rate for the DACA requestors of $32.58 and an average compensation rate for preparers of $103.81.

(4) Time Burdens

For the Pre-Guidance Baseline, all the time burdens remain as presented previously for the No Action Baseline.

(5) Costs of the Final Regulatory Changes

The Pre-Guidance Baseline represents a world without DACA; that is, all baseline impacts are $0. DHS calculates the final rule's impacts relative to this baseline of $0 costs, benefits, and transfers. Given the population estimates, form fees, time burdens, wage assumptions (including preparers'), biometrics fee, travel costs, and biometrics time burden information presented in Section III.A.4.a, DHS presents the requestors' application costs for period FY 2012–FY 2031. The estimated cost per average DACA request is $1,206.83.[380] Multiplying these per-request costs by the population estimates yields the total estimated cost. The following table presents our quantified and monetized cost estimates.

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[379] BLS labor force calculated averages by age group, United States: 16 to 24 years old average is 53.6 percent (average of FY 2019 [55.9%] and FY 2029 [51.3%]); 25 to 34 years old average is 82.4 percent (average of FY 2019 [82.9%] and FY 2029 [81.9%]); and 35 to 44 years old average is 82.15 percent (average of FY 2019 [82.1%] and FY 2029 [82.2%]). Previously estimated USCIS age group distribution of the active DACA-approved population: 16 to 24 years old is 18 percent; 25 to 34 years old is 46 percent; and 35 to 44 years old is 37 percent. Calculations: Age group adjusted weighted average is (53.6% * 18%) + (82.4% * 46%) + (82.15% * 37%) = 78.151% = 78% (rounded) of the DACA recipient population who potentially will participate in the labor market. Thus, it follows, (1 − 78.151%) = 21.849% = 22% (rounded) of the DACA recipients who potentially will opt out of the labor market.

[380] The average request cost equals Form I–821D average cost plus Form I–765 average cost, that is $1,206.83 = $461.24 + $745.59. Breaking this down, Form I–821D average cost = Preparer average cost + DACA requestor average cost + Biometrics cost. Preparer average cost = ($103.81 (estimated compensation) * 3.83 hours (total time burden) + $85 (fee)) * 0.44 (application preparer use rate) = $212.34. DACA applicant average cost = ($32.58 (estimated compensation) * 3 (time burden)) + $85) * (1 − 0.44) = $102.33. Biometrics cost = ($32.58 * 3.67 hours (time burden)) + $27 (50 miles * $.54/mile) = $146.57. Average Form I–821D cost = $212.34 + $102.33 + $146.57 = $461.24. Average Form I–765 cost = $420.20 (preparer average cost) + $325.39 (DACA requestor average cost) = $745.59.

Table 12. Total Costs Relative to the Pre-Guidance Baseline, FY 2012–FY 2031 (2020 dollars)

FY	Request Costs
2012	$190,469,138
2013	$535,792,656
2014	$318,346,042
2015	$584,525,654
2016	$329,486,289
2017	$623,092,318
2018	$349,704,310
2019	$492,582,111
2020	$415,068,632
2021	$606,666,703
2022	$606,666,703
2023	$692,192,928
2024	$667,315,063
2025	$549,916,378
2026	$537,406,537
2027	$528,535,567
2028	$522,244,990
2029	$517,784,221
2030	$514,621,003
2031	$512,377,903
Undiscounted Total	**$10,094,795,145**

Source: USCIS analysis.

Note: Numbers are rounded for readability.

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The DACA policy also creates cost savings for DHS that are not easily quantified and monetized. For instance, the DACA policy simplifies many encounters between DHS and certain noncitizens, reducing the burden upon DHS of vetting, tracking, and potentially removing DACA recipients. Cost savings vary considerably depending on the circumstances of the encounter; the type of enforcement officer involved; relevant national security, border security, and public safety considerations; and any intervening developments in the noncitizen's situation and equities. In addition, some cost savings that historically have been considered as part of deferred action decision making are inherently difficult to quantify, such as costs associated with taking enforcement action without first considering ''the likelihood of ultimately removing the alien, the presence of sympathetic factors that could adversely affect future cases or generate bad publicity . . ., and whether the alien had violated a provision that had been given high enforcement priority.'' [381]

(6) Benefits of the Final Regulatory Changes

There are potential quantified and monetized benefits and unquantified and qualitative benefits associated with this final rule. The quantified and monetized benefits stem from the income earned by DACA recipients who have an EAD and choose to participate in the labor market. By participating in the labor market, DACA recipients are increasing the production of the economy and earning wages, which, in turn, leads to additional consumption. DHS acknowledges the possibility that certain DACA recipients might have participated in the informal labor market and earned wages prior to being granted lawful presence and work authorization under the DACA policy. For this segment of the DACA-recipient population, DHS would be overestimating the quantified benefits in the form of earned income directly attributable to receiving work authorization. Adjusting the quantified benefits to show only income attributable to work authorization under DACA would entail estimating the difference between the compensation these individuals might expect to earn

[381] *See AADC,* 525 U.S. at 484 n.8 (citing 16 Charles Gordon, et al., *Immigr. L. and Proc.* § 242.1 (1998)).

in the informal labor market and the compensation estimates presented in this analysis, multiplied by the estimate of this population.[382]

For example, Borjas and Cassidy (2019) examine the wage differential between informal and formal work for immigrant populations. They apply their analysis of a wage differential, or ''wage penalty,'' to an estimated proxy of the DACA-eligible population, suggesting that the wage earned as a documented noncitizen could be, on average, 4 percent to 6 percent higher than the wage of an individual working as an undocumented noncitizen. This phenomenon also is discussed in a recently published report on the economic benefits of unauthorized immigrants gaining permanent legal status, which points out that per-hour income differentials exist when comparing unauthorized immigrant workers to citizen and legal immigrant workers.[383] In contrast, in a survey of 1,157 DACA recipients, Wong (2020) finds that respondents age 25 and older (n=882) reported wage increases of 129 percent ($27.17/$11.89 = 2.285) since receiving DACA.[384] Such an adjustment would yield a more accurate estimate of the quantified benefits attributable to the receipt of work authorization under DACA.[385] DHS received public comments on the topic of wage differentials specifically mentioning that, for undocumented women, wage differentials could be even higher. However, no comments made suggestions about whether DHS should adjust the benefit estimates to account for possible wage differentials, or how to adjust these estimates. Therefore, DHS made no adjustments in this final rule RIA.

In addition, DHS considered an additional modification to the estimated benefits to help ensure DHS is not overestimating the quantified benefits directly attributable to receiving DACA. For those who entered the labor market after receiving work authorization and began to receive paid compensation from an employer, counting the entire amount received by the employer as a benefit could likely results in an overestimate. Even without working for wages, the time spent by an individual has value. For example, if someone performs childcare, housework, or other activities without paid compensation, that time still has value. DHS notes that for many workers, paid work can also provide subjective value that exceeds and is not adequately captured by wages; we bracket that possibility here.

Because nonpaid time still has value, a more accurate estimate of the net benefits of receiving work authorization under the final rule would take into account the value of time of the individual before receiving work authorization. For example, the individual and the economy would gain the benefit of the DACA recipients entering the workforce and receiving paid compensation but would lose the value of their time spent performing non-paid activities. Due to the wide variety of non-paid activities an individual could pursue without DACA-based work authorization, it is difficult to estimate the value of that time. DHS requested public comment on how to best value the non-paid time of those who were not part of the authorized workforce without DACA, but did not receive any suggestions as to whether DHS should adjust the estimated benefits to possibly account for leisure or non-paid activities, nor how to adjust the estimated benefits. For this reason, and based on approaches from previous DHS rules,[386] DHS estimated that a reasonable proxy of the value of one hour of non-paid time is equal to the federal minimum wage, adjusted for benefits and in 2020 dollars, at $10.05.[387] For an annual value, as before, DHS takes the hourly rate (including benefits), $10.05, and multiplies it by 80 hours in a pay period and further multiplies by 26 pay periods, which yields an annual value for non-paid time of $20,904.

For total yearly income earnings calculations, DHS uses the previously estimated average annual compensation of DACA EAD recipients of $67,768.79 multiplied by 78 percent of the active population data in Table 9 and the active population estimates in Table 11. DHS estimated 78 percent of DACA recipients will choose to participate in the labor market, potentially earning income. This earned income is presented here as part of the quantified and monetized benefit of this final rule because of recipients having an EAD and working. The benefit (from earned income) per working DACA recipient is adjusted by subtracting the portion that is a transfer from working recipients to the Federal Government, which ends up being $62,584.47 ($67,768.79 * (1 − 0.0765)). These calculations assume that DACA workers were not substituted for other already employed workers, and that all workers looking for work can find employment in the labor market. As stated in the NPRM and discussed below in Section III.A.4.d, DHS cannot predict the degree to which DACA recipients are substituted for other workers in the U.S. economy since this depends on many factors. Multiplying this per-recipient benefit (income earnings) by the population projections presented earlier in Table 9 and Table 11 yields the results in column A in Table 13.[388] Similarly, using the 78 percent rate applied to the active DACA populations in Tables 9 and 11 yields the results in column B in Table 13. Subtracting the two columns, A–B, yields our quantified and monetized net benefits presented in column C of Table 13.

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[382] *See* Borjas and Cassidy (2019).

[383] *See* White House Council of Economic Advisors, *The Economic Benefits of Extending Permanent Legal Status to Unauthorized Immigrants* (Sept. 17, 2021), *https://www.whitehouse.gov/cea/blog/2021/09/17/the-economic-benefits-of-extending-permanent-legal-status-to-unauthorized-immigrants.*

[384] *See* Wong (2020). DHS notes that the intervening years of experience could explain some of this growth rate.

[385] Borjas and Cassidy (2019) and Wong (2020) suggest that the additional earnings from wages presented in this final rule, for this segment of the DACA population, would have to be adjusted by this formula: NPRM estimated DACA wage—(NPRM DACA estimated wage/(1 + wage differential %)). This adjustment multiplied by this population yields a more accurate estimate of the quantified and monetized benefits of this final rule.

[386] For example, in prior rules, the DHS position was that the value of time for those not authorized to be in the workforce still has a positive value. DHS valued this time as the minimum wage of $7.25 * a benefits multiplier of approximately 1.45. *See Employment Authorization for Certain H–4 Dependent Spouses,* 80 FR 10283 (Feb. 25, 2015), and *International Entrepreneur Rule,* 82 FR 5238 (Jan. 17, 2017).

[387] Federal minimum wage equals $7.25. Benefits multiplier from before = 1.45. Average annual 2021 CPI = 270.970; 2020 CPI = 258.811. Value of non-paid time = (7.25/(270.970/258.811)) * 1.45 = $10.05 (rounded).

[388] The portion of total potential income earned that is a payroll tax transfer from the DACA working population to the Federal Government is 7.65%. Multiplying the benefits numbers in Table 13 by [1/(1 − 0.0765)] yields the pre-tax overall total potential income earned. The section below on Transfers discusses more details on the calculations and transfer estimates.

Table 13. Total Net Benefits Relative to the Pre-Guidance Baseline, FY 2012–FY 2031 (2020 dollars)

FY	Column A	Column B	Column C = A - B
	Income Earnings	Value of Non-Paid Time	Net Benefits
2012	$98,559,281	$32,920,037	$65,639,244
2013	$23,084,057,955	$7,710,365,146	$15,373,692,809
2014	$29,681,867,169	$9,914,116,249	$19,767,750,920
2015	$31,853,832,553	$10,639,579,954	$21,214,252,599
2016	$33,186,506,344	$11,084,709,730	$22,101,796,614
2017	$34,199,045,529	$11,422,910,529	$22,776,135,000
2018	$34,371,023,909	$11,480,353,466	$22,890,670,443
2019	$32,245,433,621	$10,770,379,626	$21,475,053,995
2020	$31,597,451,500	$10,553,945,463	$21,043,506,037
2021	$32,740,453,377	$10,935,722,439	$21,804,730,938
2022	$33,924,802,048	$11,331,309,763	$22,593,492,285
2023	$35,151,993,185	$11,741,207,009	$23,410,786,176
2024	$36,423,576,566	$12,165,931,821	$24,257,644,745
2025	$37,741,158,030	$12,606,020,570	$25,135,137,460
2026	$39,106,401,505	$13,062,029,029	$26,044,372,476
2027	$40,521,031,110	$13,534,533,076	$26,986,498,034
2028	$41,986,833,332	$14,024,129,420	$27,962,703,912
2029	$43,505,659,284	$14,531,436,354	$28,974,222,930
2030	$45,079,427,036	$15,057,094,540	$30,022,332,496
2031	$46,710,124,048	$15,601,767,813	$31,108,356,235
Undiscounted Total	**$683,209,237,384**	**$228,200,462,035**	**$455,008,775,347**

Source: USCIS analysis.
Note: Numbers rounded for readability.

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DHS notes that to whatever extent a DACA recipient's wages otherwise would be earned by another worker, the income earnings and therefore net benefits in Table 13 would be overstated (*see* Labor Market Impacts section for additional analysis).

The unquantified and qualitative benefits stem in part from the forbearance component of an approved DACA request. The DACA requestors who receive deferred action under this final rule would enjoy additional benefits relative to the Pre-Guidance Baseline. DHS describes these next along with any other qualitative impacts of this final rule relative to the Pre-Guidance Baseline.

Some of the benefits associated with the DACA policy accrue to DHS (as discussed above), whereas others accrue to the noncitizens who are granted deferred action and employment authorization, and still others accrue to family members, employers, universities, and others. Quantification and monetization of many of these benefits is unusually challenging. E.O. 13563 states that:

> each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. Where appropriate and permitted by law, each agency may consider (and discuss qualitatively) values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.[389]

DHS emphasizes that the goals of this regulation include protection of equity, human dignity, and fairness, and the Department is keenly alert to distributive impacts. DHS also recognizes that while some of those qualitative benefits are difficult or impossible to measure, it is essential that they be considered. Under the final rule, deferred action may be available to people who came to the United States many years ago as children—often as young children. As discussed above, in DHS's view, scarce resources are not best expended with respect to people

[389] 76 FR 3821 (Jan. 21, 2011).

who meet the relevant criteria and are deemed, on a case-by-case basis, to warrant a favorable exercise of discretion. In addition, DHS believes forbearance of removal for such individuals furthers values of equity, human dignity, and fairness.

It is not simple to quantify and monetize the benefits of forbearance for those who obtain deferred action and their family members. These challenging-to-quantify benefits include (1) a reduction of fear and anxiety for DACA recipients and their families,[390] (2) an increased sense of acceptance and belonging to a community, (3) an increased sense of family security, and (4) an increased sense of hope for the future. Some of these benefits are connected with equity and fairness, mentioned in E.O. 13563; others are plausibly connected with human dignity, also mentioned in that E.O. Again, these benefits are difficult to quantify.[391] One might attempt to compare the benefits of the reduced risk of deportation to other benefits from risk reduction, such as the reduction of mortality and morbidity risks. But any such comparison would be highly speculative, and DHS does not believe that it can monetize the total value of these specific benefits to DACA recipients. A possible (and very conservative) lower bound estimate could be the cost of requesting DACA; that is, it would be reasonable to assume that the DACA-approved population values these benefits at least as much as the cost of requesting DACA. DHS does not speculate on an upper bound but concludes that it could well be a substantially large sum, much larger than the lower bound; the benefits of items (1), (2), (3), and (4) above are likely to be high.

DHS notes as well that DACA recipients could be approved for discretionary advance parole, which permits them to seek parole into the United States upon their return from travel outside the United States.[392] In addition to the benefits of travel itself, DHS recognizes that some DACA recipients who were not previously lawfully admitted or paroled into the United States and are otherwise eligible to adjust status to that of a lawful permanent resident (such as through employment or family sponsorship) may satisfy the ''inspected and admitted or paroled'' requirement of the adjustment of status statute at 8 U.S.C. 1255(a) after being paroled into the United States upon their return. However, DHS may grant advance parole to any individual who meets the statutory criteria with or without lawful status or deferred action, and a grant of advance parole alone does not create a pathway to lawful status or citizenship. Regardless, DHS is also unable to quantify the value of advance parole to the DACA population.

Employment authorization and receipt of an EAD provides additional benefits to the DACA-approved population and their families. An EAD can serve as official personal identification, in addition to serving as proof that an individual is authorized to work in the United States for a specific period. In certain States, depending on policy choices made by the State, an EAD also could be used to obtain a driver's license or other government-issued identification. Like the discussion on the benefits that are derived from being granted deferred action, DHS is unable to fully quantify and monetize the benefits from having official personal identification or a driver's license for individuals in the DACA population.

DHS requested and received public comments on the additional benefits from forbearance and employment authorization beyond the estimated potential labor market earnings of the approved DACA population. A commenter offered some valuable insights as to how to potentially estimate or proxy for some of these additional benefits. For example, the commenter suggested looking at the average treatment costs for anxiety disorders and anxiety reducing services such as anxiety app downloads and purchases as a proxy for the value that people might place on the reduction of fear and anxiety. Further, the commenter suggested looking into the financial and education investments people make as a possible proxy for the value people might place on community belongingness; U.S. data on the average amount of spending for international travel as a possible proxy for the value of advance parole to the DACA recipient population; and the cost of driver licenses as a possible proxy for the value of an EAD beyond the labor market benefits. These are all instructive starting points or proxies for estimation of perhaps lower bound. At the same time, and as explained in that analysis, DHS continues to believe that such starting points and proxies do not permit a full and accurate valuation of these benefits to this population. DHS continues to believe that these unquantifiable benefits are of great positive value and that attempts at fully monetizing them raise serious conceptual, normative, and empirical challenges. It is nonetheless the position of DHS that consistent with E.O. 13563, considerations of human dignity are some of the main drivers of this rule, which is focused on fortifying and preserving a policy for a vulnerable population in the United States since 2012, and on protecting a range of reliance interests.

Finally, as discussed above, this rule reiterates USCIS' longstanding codification in 8 CFR 1.3(a)(4)(vi) of agency policy that a noncitizen who has been granted deferred action is considered ''lawfully present''—a specialized term of art that does not confer lawful status or the right to remain in the United States—for the discrete purpose of authorizing receipt of certain Social Security benefits consistent with 8 U.S.C. 1611(b)(2). The final rule also reiterates longstanding policy that a noncitizen who has been granted deferred action does not accrue ''unlawful presence'' for purposes of INA sec. 212(a)(9) (imposing certain admissibility limitations for noncitizens who departed the United States after having accrued certain periods of unlawful presence). These benefits as well are difficult to quantify in part due to the time-limited nature of the benefits and the various ways in which accrual of unlawful presence might ultimately affect an individual based on their immigration history.

(7) Transfers of the Final Regulatory Changes

Relative to the Pre-Guidance Baseline, the final rule could yield tax transfers to different levels of government, assuming that DACA recipients with an EAD who are employed are not substituting their labor for the labor of workers already employed in the economy, and that all workers looking for work can find employment in the labor market. DHS makes this assumption for the purposes of this analysis only.[393] It is difficult to quantify tax transfers because individual tax situations vary widely (as do taxation rules imposed by different levels of government), but DHS estimates the increase in transfer payments to Federal employment tax programs, namely Medicare and Social Security, which have a combined payroll tax rate of 7.65 percent (6.2 percent and 1.45 percent,

[390] Giuntella (2021).

[391] On some of the conceptual and empirical issues, *see* Matthew Adler, *Fear Assessment: Cost-Benefit Analysis and the Pricing of Fear and Anxiety,* 79 Chicago-Kent L. Rev. 977 (2004).

[392] *See* 8 U.S.C. 1182(d)(5), 8 CFR 212.5, authorizing parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

[393] The assumption is based on Section III.4.d, Labor Market Impacts, which summarizes the research of isolating immigration effects on labor markets and discusses the relative impact of DACA recipients entering the work force.

respectively).[394] With both the employee and employer paying their respective portion of Medicare and Social Security taxes, the total estimated increase in tax transfer payments from employees and employers to Medicare and Social Security is 15.3 percent. This analysis relies on this total tax rate to calculate these transfers relative to the Pre-Guidance Baseline. DHS takes this rate and multiplies it by the total (pre-tax income earnings) benefits,[395] which yields our transfer estimates for this section. Table 14 presents these estimates.

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Table 14. Total Employment Federal Tax Transfers, FY 2012–FY 2031 (from DACA Employees and Employers to the Federal Government) (2020 dollars)

FY	Transfers
2012	$16,328,717
2013	$3,824,429,742
2014	$4,917,515,622
2015	$5,277,353,958
2016	$5,498,143,444
2017	$5,665,894,928
2018	$5,694,387,285
2019	$5,342,232,100
2020	$5,234,878,267
2021	$5,424,244,035
2022	$5,620,459,895
2023	$5,823,773,641
2024	$6,034,442,030
2025	$6,252,731,108
2026	$6,478,916,546
2027	$6,713,283,985
2028	$6,956,129,399
2029	$7,207,759,470
2030	$7,468,491,972
2031	$7,738,656,177
Undiscounted Total	**$113,190,052,322**

Source: USCIS analysis.

Note: Numbers rounded for readability.

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c. Costs to the Federal Government

The INA provides for the collection of fees at a level that will ensure recovery of the full costs of providing immigration adjudication and naturalization services by DHS, including administrative costs and services provided without charge to

[394] Internal Revenue Service, *Topic No. 751 Social Security and Medicare Withholding Rates, https://www.irs.gov/taxtopics/tc751* (last updated May 20, 2022).

[395] The estimated benefit (from pre-tax income earnings) per applicant is $67,768.79. Multiplying this benefit per applicant by the population projections presented earlier in Table 9 and Table 11 adjusted (or multiplied) by the labor force participation rate of 78% yields total pre-tax earnings (for example FY 2012 calculation: $67,768.79 * 2,019 * 0.78 = $106,723,639.90). Multiplying the 15.3% payroll tax rate to this pre-tax total yields the Table 14 estimates (*e.g.,* FY 2012 = 106,723,639.90 * 0.153 = $16,328,716.91 or $16,328,717 rounded).

certain applicants and petitioners.[396] Generally, DHS establishes USCIS fees according to the estimated cost of adjudication based on its relative adjudication burden and use of USCIS resources. Fees are established at an amount that is necessary to recover these assigned costs, such as clerical, officer, and managerial salaries and benefits, plus an amount to recover unassigned overhead (*e.g.,* facility rent, information technology equipment and systems) and immigration benefits provided without a fee charge. For this final rule, DHS considered other application and fee structures as well as public input on this topic and decided to re-classify, as proposed in the NPRM, the $85 biometrics fee as an $85 Form I–821D filing fee, and maintain the current framework requiring all DACA requestors to file both Form I–821D and Form I–765, for a total fee of $495 after biometrics services. These fees will allow DHS to recover the Government's costs of processing these forms in line with USCIS' standard fee-funded operating structure. As part of the biennial fee review and subsequent fee setting process, DHS plans to propose new USCIS fees in a separate rulemaking after evaluating the resource requirements for Form I–765 and other immigration benefit requests.[397] The fee for Form I–765 may need to be adjusted in the process because it has not changed since 2016.[398]

d. Labor Market Impacts

The projected active DACA population in the *No Action Baseline* section of the analysis suggests that about 18,263 new participants [399] could enter the U.S. labor force in the first year of implementation of the final rule as compared to the number of DACA recipients in the labor market in FY 2020 (based on the 78 percent labor force participation rate presented earlier). This number increases annually at a growth rate of 3.6174 percent, reaching up to 26,056 new participants in the last year of analysis, FY 2031. As of 2020, there were an estimated 160,742,000 people in the U.S. civilian labor force.[400] The aforementioned estimate of 18,263 new potential active DACA participants in the U.S. labor force in FY 2021 would represent approximately 0.0114 percent of the 2020 overall U.S. civilian labor force.[401] These figures could represent an overestimate, insofar as some individuals otherwise might choose to be engaged in informal employment.

The top four States where current DACA recipients reside represent about 55 percent of the total DACA-approved population: California (29 percent), Texas (16 percent), Illinois (5 percent), and New York (4 percent).[402] These States may have a slightly larger share of potential additional DACA workers compared with the rest of the United States. Assuming the estimate for first year impacts could be distributed following the same patterns, DHS estimates the following potential impacts. California could receive approximately 5,296 (*i.e.,* 29% * 18,263) additional workers in the first year of implementation; Texas 2,922 additional workers; Illinois 913 additional workers; and New York 731 additional workers. To provide additional context, in April of 2021, California had a population of 18,895,158 in the civilian labor force in February 2021, Texas had 14,034,972, Illinois had 6,146,496, and New York had 9,502,491.[403] As an example, the additional 5,296 workers who could be added to the Californian labor force in the first year after promulgation of this final rule would represent about 0.0280 percent of the overall California labor force.[404] The potential impacts to the other States would be lower. For Texas, the impact would be about 0.0208 percent; for Illinois, 0.0149 percent; and for New York, 0.0077 percent.

As noted above, the analysis of the final rule relative to the Pre-Guidance Baseline entails consideration of effects going back to FY 2012, when the policy was introduced and the surge of new requestors occurred. Because the Napolitano Memorandum was issued in June of 2012, the FY 2012 September 30th count of 2,019 active DACA participants does not cover a full fiscal year; therefore, DHS adds FY 2012 and FY 2013 together, adjusting by the 78 percent labor market participation rate, for a count of new active DACA entrants in the U.S. labor market equal to 370,421. Applying this number to the U.S. labor market statistics, as in the No Action Baseline labor market analysis above, we estimate that this number of new potential active DACA entrants would represent about 0.2384 percent of the 2013 overall US. civilian labor force of 155,389,000.[405] As discussed in the preceding paragraph, for California, the new active DACA entrant population in FY 2012 and FY 2013 would represent about 0.5685 percent of California's April 2021 labor force, 0.4223 percent of Texas's, 0.3013 percent of Illinois's, and 0.1599 percent of New York's. These figures could represent an overestimate, insofar as some individuals otherwise might choose to be engaged in informal employment.

As noted above, the relative proportion of DACA recipients in any given labor market would depend on the number of active DACA recipients who choose to work and the size of the labor market at that time. DHS expects the number of DACA recipients in the labor force to increase in future years within the period of analysis because, as indicated in Table 9, the RIA projects an increase in the active DACA population in future years. Even in FY 2031, however—when the projected active DACA population would be at its peak of 956,863—the number estimated to participate in the labor force would be 746,353, or 0.4643 percent of the 2020 U.S. civilian labor force.[406]

Although the estimated annual increases in the active DACA population in this final rule are small relative to the total U.S. and individual State labor forces, DHS recognizes that, in general, any increase in worker supply may affect wages and, in turn, the welfare of other workers and employers. However, the effects are not obvious as changes in wages depend on many factors and various market forces, such as the type of occupation and industry, geographic market locations, and overall economic conditions. For example, there are growing industries where labor demand might outpace labor supply, such as in healthcare, food services, and software development sectors. BLS projects that home health and personal care aide occupations will grow by about 34 percent over the next 10 years, cooks in restaurants by about

[396] *See* INA sec. 286(m), 8 U.S.C. 1356(m).

[397] *See* 87 FR 5241 (Jan. 31, 2022).

[398] *See* 81 FR 73292 (Oct. 24, 2016).

[399] Calculation: (FY 2021 projected active DACA population—FY 2020 projected active DACA population) * 0.78 = (670,693—647,278) = 23,415 * 0.78 = 18,263.

[400] Source: BLS, *Labor Force Statistics from the Current Population Survey,* Household Data Annual Averages: Table 3. Employment status of the civilian noninstitutional population by age, sex, and race, *https://www.bls.gov/cps/cpsaat03.htm.*

[401] Calculation: (18,263/160,742,000) * 100 = 0.0114%.

[402] Source: Count of Active DACA Recipients by Month of Current DACA Expiration as of Dec. 31, 2020. DHS/USCIS/OPQ ELIS and CLAIMS 3 Consolidated (queried Jan. 2021).

[403] Source: BLS, News Release, *State Employment and Unemployment—May 2021,* Labor Force Data Seasonally Adjusted: Table 1. Civilian labor force and unemployment by State and selected area, seasonally adjusted, *https://www.bls.gov/news.release/pdf/laus.pdf.*

[404] Calculation: (5,296/18,895,158) * 100 = 0.0280%.

[405] Source: BLS, *Labor Force Statistics from the Current Population Survey,* Household Data Annual Averages: Table 1. Employment status of the civilian noninstitutional population, 1950 to date, *https://www.bls.gov/cps/cpsaat01.pdf.*

Calculation: (332,429/155,389,000) * 100 = 0.2139%.

[406] Calculation: (746,353/160,742,000) * 100 = 0.4643%.

23 percent, and software development occupations by about 22 percent.[407] In growing industries or sectors such as these, holding everything else constant, increases in the labor supply might not be enough to temporarily satisfy labor demand. As a result, employers might offer higher wages to attract qualified workers. The opposite could happen for industries or sectors where labor supply is greater than labor demand due to these industries not growing and/or too many workers entering theses industry relative to labor demand. DHS also notes the possibility of positive dynamic effects from employing DACA recipients; hiring DACA recipients might permit businesses to grow and thus have positive, rather than negative, effects of other workers, including U.S. citizens. DHS cannot predict the degree to which DACA recipients are substituted for other workers in the U.S. economy since this depends on factors such as industry characteristics as described above as well as on the hiring practices and preferences of employers, which depend on many factors, such as worker skill levels, experience levels, education levels, training needs, and labor market regulations, among others.[408] Current and potential DACA recipients have shown, over the course of years, that they would remain in the United States even without deferred action or employment authorization. However, undocumented noncitizens looking for work without authorization may be easily exploited, and employers may pay substandard wages, which in turn potentially depresses wages for some U.S. workers. By reducing this possibility, the policy may help to protect U.S. workers and employers against the possible effects of unauthorized labor.

Isolating immigration's effect on labor markets has been an ongoing task in the research. A 2017 National Academies of Sciences, Engineering, and Medicine (NAS) publication synthesizes the current peer-reviewed literature on the effects of immigration and empirical findings from various publications.[409] Notably, the 2017 NAS Report addresses a different subject than this final rule, which relates to a policy of enforcement discretion with respect to those who arrived in the United States as children and have lived here continuously for well over a decade. Nonetheless, the analysis presented in that report may be instructive.

The 2017 NAS Report cautions that:

> economic theory alone is not capable of producing definitive answers about the net impacts of immigration on labor markets over specific periods or episodes. Empirical investigation is needed. But wage and employment impacts created by flows of foreign-born workers into labor markets are difficult to measure. The effects of immigration have to be isolated from many other influences that shape local and national economies and the relative wages of different groups of workers.[410]

Whether immigrants are low-skilled or high-skilled workers can matter with respect to effects on wages and the labor market generally.[411] According to the 2017 NAS Report, some studies have found high-skilled immigrant workers positively impact wages and employment of both college-educated and non-college-educated native workers, consistent with the hypothesis that high-skilled immigrants often complement native-born high-skilled workers, and some studies looking at ''narrowly defined fields'' involving high-skilled workers have found adverse wage or productivity effects on citizens.[412] In addition:

> some studies have found sizable negative short-run wage impacts for high school dropouts, the native-born workers who in many cases are the group most likely to be in direct competition for jobs with immigrants. Even for this group, however, there are studies finding small to zero effects, likely indicating that outcomes are highly dependent on prevailing conditions in the specific labor market into which immigrants flow or the methods and assumptions researchers use to examine the impact of immigration. The literature continues to find less favorable effects for certain disadvantaged workers and for prior immigrants than for natives overall.[413]

With respect to wages, in particular, the 2017 NAS Report described recent research showing that,

> when measured over a period of more than 10 years, the impact of immigration on the wages of natives overall is very small. However, estimates for subgroups [of noncitizens] span a comparatively wider range, indicating a revised and somewhat more detailed understanding of the wage impact of immigration since the 1990s. To the extent that negative wage effects are found, prior immigrants—who are often the closest substitutes for new immigrants—are most likely to experience them, followed by native-born high school dropouts, who share job qualifications similar to the large share of low-skilled workers among immigrants to the United States.[414]

With respect to employment, the report described research finding

> little evidence that immigration significantly affects the overall employment levels of native-born workers. However, recent research finds that immigration reduces the number of hours worked by native teens (but not their employment rate). Moreover, as with wage impacts, there is some evidence that recent immigrants reduce the employment rate of prior immigrants—again suggesting a higher degree of substitutability between new and prior immigrants than between new immigrants and natives.[415]

Further, the characteristics of local economies matter with respect to wage and employment effects. For instance, the impacts to local labor markets can vary based on whether such market economies are experiencing growth, stagnation, or decline. On average, immigrants tend to locate in areas with relatively high labor demand or low unemployment levels where worker competition for available jobs is low.[416]

Overall, as noted, the 2017 NAS Report observed that when measured over a period of 10 years, the impact of immigration on the wage of the citizen population overall was ''very small.''[417] Although the current and eligible DACA population is a subset of the overall immigrant population, it still shares similar characteristics with the overall immigrant population, including varying education and skill levels, although DACA recipients must at least be enrolled in school or be an honorably discharged veteran. Therefore, one could expect the DACA population to have similar economic impacts as the overall immigrant population, relative to the Pre-Guidance Baseline.

The 2017 NAS Report also discusses the economic impacts of immigration and considers effects beyond labor market impacts. Similar to citizens, immigrants also pay taxes; stimulate the economy by consuming goods, services, and entertainment; engage in the real estate market; and take part in domestic tourism. Such activities contribute to further growth of the economy and create additional jobs and opportunities for both citizen and noncitizen populations.[418] DHS sought and received public comments on these issues, which it discusses in detail in Sections II.A.4, II.A.5, and II.A.6 of this rule.

[407] Source: BLS, Employment Projections (Sept. 2020), *Occupations with the most job growth,* Table 1.4. Occupations with the most job growth, 2019 and projected 2029, *https://www.bls.gov/emp/tables/occupations-most-job-growth.htm.*

[408] DHS also discusses the possibility of informal employment elsewhere in this analysis.

[409] *See supra* n.56.

[410] *Id.* at 4.

[411] *Id.* at 4.

[412] *Id.* at 6.

[413] *Id.* at 267.

[414] *Id.* at 5.

[415] *Id.* at 5–6.

[416] *Id.* at 5.

[417] *Id.* at 5.

[418] *Id.* at 6–7.

e. Fiscal Effects on State and Local Governments

In this section, in consideration of the *Texas* court's discussion of fiscal effects (as described in the next section of this RIA), DHS briefly addresses the final rule's potential fiscal effects on State and local governments. It would be extremely challenging to measure the overall fiscal effects of this final rule, in particular, especially due to those governments' budgetary control. The 2017 NAS Report discussed above canvassed studies of the fiscal impacts of immigration as a whole, and it described such analysis as extremely challenging and dependent on a range of assumptions. Although the 2017 NAS Report addresses a different subject than this final rule (which relates to a policy of enforcement discretion with respect to those who arrived in the United States as children and have lived here continuously for well over a decade), DHS discusses the 2017 NAS Report to offer general context for this topic. DHS then offers a discussion of the potential effects of this final rule, in particular.

With respect to its topic of study, the NAS wrote that:

> estimating the fiscal impacts of immigration is a complex calculation that depends to a significant degree on what the questions of interest are, how they are framed, and what assumptions are built into the accounting exercise. The first-order net fiscal impact of immigration is the difference between the various tax contributions immigrants make to public finances and the government expenditures on public benefits and services they receive. The foreign-born are a diverse population, and the way in which they affect government finances is sensitive to their demographic and skill characteristics, their role in labor and other markets, and the rules regulating accessibility and use of government-financed programs.[419]

In addition, second-order effects also clearly occur; analysis of such effects also presents methodological and empirical challenges.[420]

For example, as with the citizen population, the age structure of immigrants plays a major role in assessing any fiscal impacts. Children and young adults contribute less to society in terms of taxes and draw more in benefits by using public education, for example. On average, as people age and start participating in the labor market they become net contributors to public finances, paying more in taxes than they draw from public benefit programs. Moreover, people in post-retirement again could become net users of public benefit programs. Compared to the citizen population, immigrants also can differ in their characteristics in terms of skills, education levels, income levels, number of dependents in the family, the places they choose to live, etc., and any combination of these factors could have varying fiscal impacts.

Local and State economic conditions and laws that govern public finances and availability of public benefits also vary and can influence the fiscal impacts of immigration. The 2017 NAS Report explained that fiscal impacts of immigration:

> vary strongly by level of governments. States and localities bear the burden of funding educational benefits enjoyed by immigrant and native children. The federal government transfers relatively little to individuals at young and working ages but collects much tax revenue from working-age immigrant and native-born workers. Inequality between levels of government in the fiscal gains or losses associated with immigration appears to have widened since 1994.[421]

The extent of such gaps among Federal, State, and local impacts necessarily varies by jurisdiction and due to a range of surrounding circumstances.[422]

Based on the information presented in the 2017 NAS Report, DHS approaches the question of State and local fiscal impacts as follows. First, it is clear that the fiscal impacts of the final rule to State and local governments would vary based on a range of factors, such as the characteristics of the DACA-recipient population within a particular jurisdiction at a particular time (or over a particular period of time), including recipients' age, educational attainment, income, and level of work-related skill as well as the number of dependents in their families. In addition, fiscal effects would vary significantly depending on local economic conditions and the local rules governing eligibility for public benefits.[423] For example, some States may allow DACA recipients to apply for subsidized driver's licenses or allow DACA recipients to qualify for in-state tuition at public universities, which may not be available to similarly situated individuals without deferred action. These costs to the State will depend on choices made by States and will be location specific and are, therefore, difficult to quantify let alone predict.

Second, as compared to the Pre-Guidance Baseline, multiple aspects of this final rule suggest that any burden on State and local fiscal resources imposed by the final rule is unlikely to be significant, and the rule may well have a positive net effect. Under the Pre-Guidance Baseline, most noncitizens who otherwise would be DACA recipients likely would remain in the country, but without the additional measure of security, employment authorization, and lawful presence that this rule would provide. Under the Pre-Guidance Baseline, these noncitizens would continue to use and rely, as necessary, on those safety net and other public resources for which they are eligible. As noted above, DACA recipients may be eligible for more benefits under current State and local law than they otherwise would be eligible for without DACA, but they still do not fall under the ''qualified alien'' category, and are, therefore, generally ineligible for public benefits at the Federal, State, and local levels.[424] Under the final rule, these noncitizens can work and build human capital and, depending on the choices made by a State, may be able to secure driver's licenses and other identification, obtain professional licenses, or otherwise realize benefits from the policy. In short, this rule could have the effect of increasing tax revenues, with uncertain outcomes on the reliance on safety net programs, as effects on specific programs may vary based on a range of factors including eligibility criteria that may exclude DACA recipients.

Third, DHS notes the relatively small size of the DACA population in any particular region relative to any given jurisdiction's overall population. The overall long-term fiscal health of State and local jurisdictions where DACA recipients choose to work and live will depend on many other factors not within DHS's control. In the long term, DHS expects State and local governments to continue to choose how to finance public goods, set tax structures and rates, allocate public resources, and set eligibilities for various public benefit programs, and to adjust these approaches based on the

[419] *Id.* at 28.

[420] *Id.* at 342.

[421] *Id.* at 407.

[422] *See, e.g., id.* at 518, 545 (tables displaying State and local revenues per independent person unit and State and local expenditures per independent person unit, by immigrant generation by State, but without adjusting for eligibility rules specific to noncitizens).

[423] DHS notes that DACA recipients are not considered ''qualified aliens.'' *See* 8 U.S.C. 1641(b). As noted elsewhere in the preamble, PRWORA also limits the provision of ''state and local public benefits'' to noncitizens who are ''qualified aliens,'' with limited exceptions, but provides that States may affirmatively enact legislation making noncitizens ''who [are] not lawfully present in the United States'' eligible for such benefits. *See* 8 U.S.C. 1621(d).

[424] *See* 8 U.S.C. 1641(b), 1611 (general ineligibility for Federal public benefits), and 1621 (general ineligibility for State public benefits).

evolving conditions of their respective populations.

In short, DHS acknowledges that though the final rule may result in some indirect fiscal effects on State and local governments (both positive and negative), such effects would be extremely challenging to quantify fully and would vary based on a range of factors, including policy choices made by such governments. DHS sought and received public comments on these issues, which it discusses in detail in Section II.A.5.

f. Reliance Interests and Other Regulatory Effects

In the *Texas* district court's decision, the court identified a range of considerations potentially relevant to ''arbitrary and capricious'' review of any actions that DHS might take on remand,[425] although the court noted that many of these considerations were matters raised by parties and amici in the course of *Texas* (2015) and *Texas* (2021), and the court did not appear to suggest that DHS was required to analyze each of these considerations. The court further cautioned that it did not mean to suggest ''this is an exhaustive list, and no doubt many more issues may arise throughout the notice and comment period. Further, the Court takes no position on how DHS (or Congress, should it decide to take up the issue) should resolve these considerations, as long as that resolution complies with the law.'' [426] DHS has assessed the considerations presented by the district court and sought public comment on these and any other potential reliance interests. DHS discusses the reliance interests raised by commenters, including from States, in Section II.A, and it presents its views in this section as relevant to this analysis.[427]

First, the court raised potential reliance interests of States and their residents, writing that for decades the states and their residents have relied upon DHS (and its predecessors) to protect their employees by enforcing the law as Congress had written it. Once again, neither the DACA Memorandum nor its underlying record gives any consideration to these reliance interests. Thus, if one applies the Supreme Court's rescission analysis from *Regents* to DACA's creation, it faces similar deficiencies and would likely be found to be arbitrary and capricious.[428]

In developing this final rule, DHS has considered a wide range of potential reliance interests. As noted throughout this preamble, reliance interests can take multiple forms, and may be entitled to greater or lesser weight depending on the nature of the Department action or statement on which they are based. Such interests can include not only the reliance interests of DACA recipients, but also those indirectly affected by DHS's actions, including DACA recipients' family members, employers, schools, and neighbors, as well as the various States and their other residents. Some States have relied on the existence of DACA in setting policies regarding eligibility for driver's licenses, in-state tuition, State-funded healthcare benefits, and professional licenses.[429]

In addition, prior to 2012, some States may have relied on the pre-DACA status quo in various ways, although the relevance of such reliance interests may be attenuated by the fact that DACA has been in existence since 2012, and by the fact, as discussed in detail in the NPRM, that the executive branch has long exercised, even prior to 2012, various forms of enforcement discretion with features similar to DACA.[430] DHS is aware of such interests and has taken them into account, as discussed in Section II.A.5. However, DHS does not believe they are sufficient to outweigh the many considerations, outlined above and in Section II.A.5, that support the final rule.

Second, the court wrote that ''the parties and amici curiae have raised various other issues that might be considered in a reformulation of DACA,'' as follows (in the court's terms):

1. the benefits bestowed by the DACA recipients on this country and the communities where they reside;
2. the effects of DACA or similar policies on legal and illegal immigration;
3. the effects of DACA on the unemployed or underemployed legal residents of the States;
4. whether DACA amounts to an abandonment of the executive branch's duty to enforce the law as written (as the plaintiff States have long claimed);
5. whether any purported new formulation violates the equal protection guarantees of the Constitution (as Justice Sotomayor was concerned that DACA's rescission would [431]); and
6. the costs DACA imposes on the States and their respective communities.[432]

The court also identified ''more attenuated considerations,'' as follows:

7. the secondary costs imposed on States and local communities by any alleged increase in the number of undocumented immigrants due to DACA; and
8. what effect illegal immigration may have on the lucrative human smuggling and human trafficking activities of the drug cartels that operate on our Southern border.[433]

DHS sought comment on these reliance interests and discusses them in detail in Section II.A.7 (as to effect on migration and the border), Section II.A.4 (as to effect on other populations, including U.S. workers), and Section II.A.5 (as to effects on communities and States). In those sections, and in this RIA specifically, DHS has addressed several of these issues relative to both baselines.

With respect to item (1), the benefits bestowed by DACA recipients on this country and the communities where they reside are numerous, as discussed in detail in the preamble and RIA. DACA recipients have made substantial contributions, including as members of families and communities, and have offered substantial productivity and tax revenue through their work in a wide range of occupations.

With respect to item (2), as discussed in greater detail elsewhere in the final rule, available data supports DHS's determination that DACA does not act as a significant material ''pull factor'' (in light of the wide range of factors that contribute to both lawful and unlawful

[425] In the same section of the court's opinion, the court also suggested that DHS consider a forbearance-only alternative to DACA. The court wrote that ''the underlying DACA record points out in multiple places that while forbearance fell within the realm of prosecutorial discretion, the award of status and benefits did not. Despite this distinction, neither the DACA Memorandum nor the underlying record reflects that any consideration was given to adopting a policy of forbearance without the award of benefits.'' 549 F. Supp. 3d at 622. DHS has addressed this issue in the Regulatory Alternatives section below.

[426] 549 F. Supp. 3d at 623–24.

[427] DHS has opted to address these considerations out of deference to the district court's memorandum and order, and in an abundance of caution. This decision should not be viewed as a concession that DHS is required to consider the various considerations raised by the district court, with respect to this final rule or any other final rule.

[428] 549 F. Supp. 3d at 622.

[429] *See, e.g.,* National Conference of State Legislators, *Deferred Action for Childhood Arrivals | Federal Policy and Examples of State Actions, https://www.ncsl.org/research/immigration/deferred-action.aspx* (last updated Apr. 16, 2020) (describing State actions, in the years following the Napolitano Memorandum, with respect to unauthorized noncitizens generally, DACA recipients in particular, and other classes of noncitizens); National Conference of State Legislators, *States Offering Driver's Licenses to Immigrants, https://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx* (last updated Aug. 9, 2021) (describing multiple State decisions to offer driver's licenses to noncitizens with lawful presence).

[430] *See* 86 FR 53746–53749.

[431] *See* 140 S. Ct. at 1916 (Justice Sotomayor's opinion, dissenting in part and noting that she would have permitted respondents to develop their equal protection claims against DACA's rescission on remand).

[432] 549 F. Supp. 3d at 622–23.

[433] *Id.* at 623.

immigration into the United States).[434] The final rule codifies without material change the threshold criteria that have been in place for a decade, further reinforcing DHS's clear policy and messaging since 2012 that DACA is not available to individuals who have recently entered the United States, and that border security remains a high priority for the Department.[435] Because the final rule codifies criteria in place for a decade and does not expand consideration of deferred action under DACA to new populations, nor would it increase irregular migration as explained elsewhere in this rule, DHS does not believe it necessary to address items (7) and (8) above.

With respect to item (3), DHS details its consideration of potential harm to unemployed and underemployed individuals in the Labor Market Impacts section. That section discusses findings from the 2017 NAS Report, which summarizes the work of numerous social scientists who have studied the costs and benefits of immigration for decades.

This RIA does not contain a section that discusses the costs of a regulatory alternative in which DACA EADs are terminated or phased out relative to a No Action baseline, although it does contain estimates of costs, benefits, and transfers relative to the Pre-Guidance Baseline, which may be instructive for understanding some of these effects. In a scenario where EADs are terminated and DACA recipients lose their labor market compensation, the estimated monetized benefits in the Pre-Guidance Baseline, could serve as a proxy for the cost of lost productivity to U.S. employers that are unable to find replacement workers in the U.S. labor force. There also could be additional employer costs related to searching for new job applicants.

With respect to item (4), DHS continues to enforce the law as written. As discussed in greater detail throughout the final rule, prioritization and discretion are necessary strategies to fulfill the DHS mission, and the use of deferred action for this purpose is consistent with decades of practice of DHS and the former INS.

With respect to item (5), DHS does not believe that the DACA policy as embodied in this final rule would violate the equal protection component of the Fifth Amendment's Due Process Clause. The rule preserves and fortifies DACA as opposed to rescinding it. Thus, Justice Sotomayor's equal protection concerns over rescission are not implicated. The rule also continues the longstanding practice of treating DACA recipients the same as other recipients of deferred action in that all such recipients are subject to forbearance from removal while they have deferred action, may obtain discretionary employment authorization based on economic need, may obtain advance parole to travel, continue to be deemed ''lawfully present'' for purposes of receiving certain Social Security benefits identified in 8 CFR 1.3(a)(iv), and do not accrue unlawful presence for purposes of INA sec. 212(a)(9)(B), 8 U.S.C. 1182(a)(9)(B). Therefore, DHS cannot discern a basis for any equal protection claims, much less whether they would have any legal merit.

With respect to item (6), DHS addresses the issue in Section III.A.4.e above. In short, although such an analysis is challenging for a variety of reasons, multiple aspects of this rule suggest that it is unlikely to impose a significant burden on State and local fiscal resources, and it may well have a positive effect.

With respect to items (7) and (8), which relate to the costs of unlawful immigration and human smuggling, DHS disagrees with the premise, as noted in DHS's discussion of item (2) above.

Finally, the court also stated that ''if DHS elects to justify DACA by asserting that it will conserve resources, it should support this conclusion with evidence and data. No such evidence is to be found in the administrative record or the DACA Memorandum. DHS should consider the costs imposed on or saved by all governmental units.'' [436] DHS agrees on the importance of evidence and data and has addressed the resource implications of DACA throughout the final rule, including at Sections II.C and III.A.4.b.(5).

g. Discounted Direct Costs, Cost Savings, Transfers, and Benefits of the Final Regulatory Changes

The quantified impact categories are direct costs, benefits, and transfers. The drivers of quantified direct costs stem from the opportunity cost of time associated with requesting deferred action and work authorization under the DACA policy by the requestor population, application fees for Forms I–821D and I–765, and biometrics travel costs. The drivers of quantified direct benefits stem from the total compensation received by those DACA recipients that are employed due to the EAD granted through the DACA policy less the value of non-paid time. The drivers of quantified direct transfers stem from the federal taxes (Social Security and Medicare) paid by the employed DACA recipients.

To compare costs over time, DHS applied a 3 percent and a 7 percent discount rate to the total estimated costs, transfers, and benefits associated with the final rule. Relative to the No Action Baseline, there are no new quantified and monetized costs, benefits, and transfers associated with this final rule. The following tables present the costs, benefits, and transfers relative to the Pre-Guidance Baseline. Table 15 presents a summary of the potential costs relative to the Pre-Guidance Baseline in undiscounted dollars and discounted at 3 percent and 7 percent.

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[434] *See, e.g.,* Amuedo-Dorantes and Puttitanun (2016) (''DACA does not appear to have a significant impact on the observed increase in unaccompanied alien children in 2012 and 2013.'').

[435] For example, DHS continues to invest in new CBP personnel, including hiring more than 100 additional U.S. Border Patrol (USBP) Processing Coordinators in FY 2021, with plans to hire hundreds more. CBP also is investing in technology that enhances its border security mission. Over the last few years, CBP has increased its use of relocatable Autonomous Surveillance Towers (ASTs) along the border, which enable enhanced visual detection, identification, and classification of subjects or vehicles at a great distance via autonomous detection capabilities. ASTs can be moved to areas of interest or high traffic, as circumstances on the ground dictate. To increase situational awareness, CBP also recently integrated the Team Awareness Kit, which provides near real-time situational awareness for USBP agents and the locations of suspected illegal border activities. Advanced technology returns agents to the field and increases the probability of successful interdiction and enforcement.

[436] 549 F. Supp. 3d at 623.

Table 15. Total Estimated Potential Costs of the Final Rule Discounted at 3 Percent and 7 Percent (relative to the Pre-Guidance Baseline) (FY 2012–FY 2031)			
Form	**Source of Costs**	**Annualized Costs**	**Total Estimated Costs Over 20-Year Period (Undiscounted)**
Form I-821D	• $85 to file form + opportunity costs		
Form I-765	• $410 to file form + opportunity costs + travel costs; • $0 for Biometrics		$10,094,795,145
			Total Estimated Costs Over 20-Year Period (Discounted)
3-Percent Discount Rate		**$494,890,483**	**$9,606,680,563**
7-Percent Discount Rate		**$480,773,363**	**$9,363,860,806**
Source: USCIS analysis.			
Note: The Pre-Guidance Baseline applies reverse-discounts to the costs associated with the FY 2012–FY 2021 population applying under the DACA policy.			

Table 16 presents a summary of the potential net benefits relative to the Pre-Guidance Baseline in undiscounted dollars and discounted at 3 percent and 7 percent.

Table 16. Total Estimated Potential Net Benefits of the Final Rule Discounted at 3 Percent and 7 Percent (relative to the Pre-Guidance Baseline) (FY 2012–FY 2031)

Form	Source of Benefits	Estimated Annualized Net Benefits	Total Estimated Potential Net Benefits Over 20-Year Period (Undiscounted)
Form I-821D	• Deferred Action		
Form I-765	• Total compensation earned less the value of non-paid time		$455,008,775,347
			Total Potential Net Benefits Over 20-Year Period (Discounted)
3-Percent Discount Rate		**$21,861,586,546**	**$424,371,220,680**
7-Percent Discount Rate		**$20,702,075,777**	**$403,207,355,098**

Source: USCIS analysis.

Table 17 presents a summary of the potential tax transfers relative to the Pre-Guidance Baseline in undiscounted dollars and discounted at 3 percent and 7 percent.

Table 17. Final Rule Employment Federal Tax Transfers from DACA Employees and Employers to the Federal Government Discounted at 3 Percent and 7 Percent (relative to the Pre-Guidance Baseline) (FY 2012–FY 2031)

Form	Source of Tax Transfers	Total Estimated Potential Annual Tax Transfer (Undiscounted)	Total Estimated Potential Tax Transfers Over 20-Year Period (Undiscounted)
Form I-821D	• N/A		
Form I-765	• Taxes paid on the total compensation earned		$113,190,052,322
		Total Estimated Potential Annual Tax Transfer (Discounted)	**Total Estimated Potential Tax Transfers Over 20-Year Period (Discounted)**
3-Percent Discount Rate		**$5,438,387,695**	**$105,568,514,885**
7-Percent Discount Rate		**$5,149,942,523**	**$100,303,695,430**
Source: USCIS analysis.			

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h. Regulatory Alternatives

Consistent with the Supreme Court's general analysis in *Regents,* and the more recent analysis of the district court in *Texas,* DHS is keenly alert to the importance of exploring all relevant alternatives. This focus is also consistent with E.O. 12866 and E.O. 13563. As stated in E.O. 12866,

> [i]n deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

Consistent with these requirements, DHS has considered a range of regulatory alternatives to the final rule, including alternatives related to a policy of forbearance from removal without employment authorization or the benefits associated with so-called lawful presence. As discussed in detail in Section II.B, the authority to forbear from removal is an undisputed feature of DHS's enforcement discretion, whereas the district court in *Texas* held that DHS lacked authority to provide employment authorization and benefits such as Social Security benefits to DACA recipients.[437]

The analysis of this forbearance-only alternative is in a sense relatively straightforward. Like the final rule, as compared to the Pre-Guidance Baseline, such an approach would confer a range of benefits to DHS, while also conferring benefits to DACA recipients and their families, in the form of increased security, reduced fear and anxiety, and associated values (which we have not been able to quantify). Unlike the final rule, however, such an approach would not confer upon DACA recipients, their families, and their communities the benefits of their work authorization and employment, or impose the corresponding costs (both quantified here, to the extent feasible). To that extent, although a forbearance-only approach would still have value, such an alternative would have substantially lower net benefits, consistent with the numbers discussed above.

For instance, as discussed in Section II.C.2.a, a policy of forbearance without work authorization also would disrupt the reliance interests of hundreds of thousands of people, as well as the families, employers, schools, and communities that rely on them. It would result in substantial economic losses. It would produce a great deal of human suffering, including harms to dignitary interests, associated with lost income and ability to self-support. Any change that eliminates employment authorization for the DACA population, whether a forbearance-only policy or a wholesale termination of the DACA policy, would result in hundreds of thousands of prime-working-age people remaining in the United States while lacking authorization to work lawfully to support either themselves or their families. Importantly, it also would deprive American employers and the American public at large of the ability to benefit from valuable work of hundreds of thousands of skilled and educated individuals and disappoint their own, independent reliance interests as well. For the Federal Government, as well as for State and local governments, it likely would have adverse fiscal implications, due to reduced tax revenues. In addition, unlike the proposed rule, such an approach would produce reduced transfers to Medicare and Social Security funds, as well as any other transfers associated with the DACA policy under the No Action Baseline. Nonetheless, as explained elsewhere in this preamble, DHS believes that if a

[437] As the court stated in *Texas* in objecting to work authorization and lawful presence, ''the individualized notion of deferred action'' is an approach ''that courts have found permissible in other contexts.'' 549 F. Supp. 3d at 620–21.

court finds certain provisions of this rule to be contrary to law, it is preferable to sever and strike only those provisions found unlawful while retaining the remaining provisions. Doing so has significant disadvantages relative to retaining the entire policy, but the remaining provisions will remain workable and are preferable to a regime in which none of the provisions operate at all.

A possible alternative to the policy in the final rule would include (1) forbearance and (2) work authorization, but exclude (3) ''lawful presence'' and the resulting elimination of one ground of ineligibility for the associated benefits. DHS has carefully considered this alternative and sought public comment on the issues of law and policy associated with it, including data as to the potential effects of such an approach. As noted above, ''lawful presence'' is not a universal concept but rather is a term of art, referring to eligibility for certain limited Social Security, Medicare, and Railroad Retirement benefits, or the lack of accrual of unlawful presence for purposes of determining inadmissibility under INA sec. 212(a)(9), 8 U.S.C. 1182(a)(9). It could not and does not mean ''lawful status.'' But DHS believes that this alternative approach also may be inferior, for at least two reasons. First, that approach would single out DACA recipients—alone among other recipients of deferred action, as well as others whose continued presence DHS has chosen to tolerate for a period of time—for differential treatment. Second, DHS is aware that some States have keyed benefits eligibility to lawful presence and may experience unintended indirect impacts if DHS, a decade after issuance of the Napolitano Memorandum, revises that aspect of the policy.

As discussed in greater detail in this rule, DHS also has carefully considered comments related to DHS's authority to confer work authorization and whether the Department should codify a forbearance-only alternative in this rule. The majority of commenters who discussed work authorization supported DHS's proposal that the final rule maintain DACA requestors' ability to request employment authorization, and provided persuasive reasoning for rejecting a forbearance-only alternative, including the substantial reliance interests of DACA requestors, their families, employers, schools, and broader communities in their ability to engage in lawful employment and receive a government-issued ID in the form of an EAD. Upon careful consideration of data available and public comments received, DHS has determined that policy and reliance interests weigh strongly in favor of maintaining forbearance and work authorization in promulgating this rule.

Finally, consistent with the *Texas* district court's equitable decision to stay its vacatur and injunction as it relates to existing DACA recipients, DHS considered the alternative of applying this final rule only to existing DACA recipients. Existing DACA recipients have clearer reliance interests in the continuation of DACA than do prospective requestors who have yet to request DACA. On the other hand, the benefits of the policy are equally applicable to those who have yet to request DACA, and some who might have benefited under the Napolitano Memorandum but have yet to ''age in'' to eligibility to request DACA, given the limitations on initial requests in recent years due to litigation. DHS has determined that restricting the ability to request consideration for DACA to existing recipients would not be desirable or maximize net benefits.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA),[438] as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA),[439] requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. 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.[440]

This final rule does not directly regulate small entities and is not expected to have a direct effect on small entities. It does not mandate any actions or requirements for small entities in the process of a DACA requestor seeking DACA or employment authorization. Rather, this final rule regulates individuals, and individuals are not defined as ''small entities'' by the RFA.[441] Based on the evidence presented in this analysis and throughout this preamble, DHS certifies that this final rule would not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. The inflation-adjusted value of $100 million in 1995 is approximately $177.8 million in 2021 based on the CPI–U.[442]

The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate.[443] The term ''Federal intergovernmental mandate'' means, in relevant part, a provision that would impose an enforceable duty upon State, local, or Tribal governments (including as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program).[444] The term ''Federal private sector mandate'' means, in relevant part, a provision that would impose an enforceable duty upon the private sector (except as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program).[445]

This final rule does not contain such a mandate, because it does not impose any enforceable duty upon any other level of government or private sector entity. Any downstream effects on such entities would arise solely due to their voluntary choices and would not be a consequence of an enforceable duty.

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[438] 5 U.S.C. ch. 6.

[439] Public Law 104–121, tit. II, 110 Stat. 847 (5 U.S.C. 601 note).

[440] A small business is defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act (15 U.S.C. 632).

[441] 5 U.S.C. 601(6).

[442] *See* BLS, *Historical Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, all items, by month* (Dec. 2021), *https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202112.pdf*.

Steps in calculation of inflation: (1) Calculate the average monthly CPI–U for the reference year (1995) and the most recent current year available (2021); (2) Subtract reference year CPI–U from current year CPI–U; (3) Divide the difference of the reference year CPI–U and current year CPI–U by the reference year CPI–U; (4) Multiply by 100.

Calculation of inflation: [(Average monthly CPI–U for 2021 − Average monthly CPI–U for 1995)/(Average monthly CPI–U for 1995)] * 100 = [(270.970 − 152.383)/152.383] * 100 = (118.587/152.383) * 100 = 0.7782 * 100 = 77.82 percent = 77.8 percent (rounded).

Calculation of inflation-adjusted value: $100 million in 1995 dollars * 1.778 = $177.8 million in 2021 dollars.

[443] *See* 2 U.S.C. 1502(1), 658(6).

[444] 2 U.S.C. 658(5), 1555.

[445] 2 U.S.C. 658(7).

Similarly, any costs or transfer effects on State and local governments would not result from a Federal mandate as that term is defined under UMRA.[446] The requirements of title II of UMRA, therefore, do not apply, and DHS has not prepared a statement under UMRA. DHS has, however, analyzed many of the potential effects of this action in the RIA above. While DHS welcomed public comment in the proposed rule about the UMRA with regard to this analysis, it did not receive any comments.

D. Small Business Regulatory Enforcement Fairness Act of 1996

OIRA has designated this final rule as a major rule as defined by section 804 of SBREFA.[447] Accordingly, this final rule will be effective no earlier than 60 days after the date on which this Rule is published in the **Federal Register** as required by 5 U.S.C. 801(a)(3).

E. Executive Order 13132: Federalism

This final rule would not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. DHS does not expect that this rule would impose substantial direct compliance costs on State and local governments or preempt State law. Therefore, in accordance with section 6 of E.O. 13132, this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

F. Executive Order 12988: Civil Justice Reform

This rule was drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform. This rule was written to provide a clear legal standard for affected conduct and was reviewed carefully to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. DHS has determined that this rule meets the applicable standards provided in section 3 of E.O. 12988.

G. Paperwork Reduction Act—Collection of Information

Under the PRA,[448] all Departments are required to submit to OMB, for review and approval, any reporting or recordkeeping requirements inherent in a rule. In compliance with the PRA, DHS published a notice of proposed rulemaking on September 28, 2021, in which comments on the revisions to the information collections associated with this rulemaking were requested for a period of 60 days. DHS responded to those comments in Section II of this final rule. Table 18, Information Collections, below lists the information collections that are part of this rulemaking. In this final rule, DHS invites written comments and recommendations for the proposed information collection within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Table 18. Information Collections

OMB Control No.	Form No.	Form Name	Type of PRA Action
1615-0124	I-821D	Consideration of Deferred Action for Childhood Arrivals	Revision of a Currently Approved Collection
1615-0040	I-765; I-765WS	Application for Employment Authorization.	Revision of a Currently Approved Collection
1615-0013	I-131	Application for Travel Document.	No material change/Non-substantive change to a currently approved collection

This final rule requires non-substantive edits to the form listed above where the Type of PRA Action column states, ''No material change/Non-substantive change to a currently approved collection.'' USCIS has submitted a Paperwork Reduction Act Change Worksheet, Form OMB 83–C, and amended information collection instruments to OMB for review and approval in accordance with the PRA.

USCIS Form I–821D

Overview of Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

[446] *See* 2 U.S.C. 1502(1), 658(6).

[447] *See* 5 U.S.C. 804(2).

[448] Public Law 104–13, 109 Stat. 163.

(2) *Title of the Form/Collection:* Consideration of Deferred Action for Childhood Arrivals.

(3) *Agency form number, if any, and the applicable component of DHS sponsoring the collection:* I–821D; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The information collected on this form is used by USCIS to determine whether certain noncitizens who entered the United States as minors meet the guidelines to be considered for DACA.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the I–821D initial requests information collection is 112,254 annually, and the estimated hour burden per response is 3 hours; the estimated total number of respondents for the I–821D renewal requests (paper) information collection is 221,167, and the estimated hour burden per response is 3 hours; the estimated total number of respondents for the I–821D renewal requests (electronic) information collection is 55,292, and the estimated hour burden per response is 2.5 hours; the estimated total number of respondents for the biometrics collection is 388,713 annually, and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,593,287 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $42,758,430.

USCIS Form I–765; I–765WS

Overview of Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Employment Authorization.

(3) *Agency form number, if any, and the applicable component of DHS sponsoring the collection:* I–765 and I–765WS; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. USCIS uses Form I–765 to collect information needed to determine if a noncitizen is eligible for an initial EAD, a new replacement EAD, or a subsequent EAD upon the expiration of a previous EAD under the same eligibility category. Noncitizens in many immigration statuses are required to possess an EAD as evidence of employment authorization.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the I–765 information collection is 2,178,820 annually, and the estimated hour burden per response is 4.5 hours; the estimated total number of respondents for the Form I–765 (e-file) information collection is 107,180 annually, and the estimated hour burden per response is 4 hours; the estimated total number of respondents for the I–765WS information collection is 302,000 annually, and the estimated hour burden per response is 0.5 hours; the estimated total number of respondents for the biometrics collection is 302,535 annually, and the estimated hour burden per response is 1.17 hours; the estimated total number of respondents for the passport photos collection is 2,286,000 annually, and the estimated hour burden per response is 0.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 11,881,376 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $400,895,820.

H. Family Assessment

DHS has reviewed this rule in line with the requirements of section 654 of the Treasury and General Government Appropriations Act, 1999,[449] enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.[450] DHS has systematically reviewed the criteria specified in section 654(c)(1) of that act, by evaluating whether this regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the agency determines the regulation may negatively affect family well-being, then the agency must provide an adequate rationale for its implementation.

DHS has determined that the implementation of this rule will not negatively affect family well-being, but rather will strengthen it. This regulation creates a positive effect on the family by helping certain mixed-status families to remain together in the United States and enabling access to greater financial stability. More than 250,000 children have been born in the United States with at least one parent who is a DACA recipient.[451] DACA provides recipients with U.S. citizen children a greater sense of security, which is important for families' overall well-being and success. It also makes recipients eligible for employment authorization and motivates DACA recipients to continue their education, graduate from high school, pursue post-secondary and advanced degrees, and seek additional vocational training, which ultimately provides greater opportunities, financial stability, and disposable income for themselves and their families.[452] DHS received comments on the family assessment. Those comments are discussed earlier in the preamble.

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

This rule has been reviewed in accordance with the requirements of E.O. 13175, Consultation and Coordination with Indian Tribal Governments. E.O. 13175 requires Federal agencies to consult and coordinate with Tribes on a Government-to-Government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. DHS has assessed the impact of this rule on Indian Tribes and determined that this rule does not have Tribal implications that require Tribal consultation under E.O. 13175.

[449] *See* 5 U.S.C. 601 note.

[450] Public Law 105–277, 112 Stat. 2681 (1998).

[451] Svajlenka and Wolgin (2020).

[452] Gonzales (2019); Wong (2020).

J. National Environmental Policy Act

DHS Directive 023–01 Rev. 01 (Directive) and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual) establish the policies and procedures DHS and its components use to comply with NEPA and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, 40 CFR parts 1500 through 1508.

The CEQ regulations allow Federal agencies to establish, with CEQ review and concurrence, categories of actions (''categorical exclusions'') that experience has shown do not have a significant effect on the human environment and, therefore, do not require an Environmental Assessment or Environmental Impact Statement. The Instruction Manual establishes categorical exclusions that DHS has found to have no such effect. Under DHS implementing procedures for NEPA, for a proposed action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.

As discussed earlier in this preamble, DHS does not believe the rule triggers NEPA obligations in the first instance because it simply codifies existing policy toward a population already in the United States and thus does not alter the environmental status quo. As discussed above, many DACA recipients have lived in the United States for nearly their entire lives and are unlikely to voluntarily leave. And because DACA recipients would be at very low priority for removal even absent DACA, it is very unlikely that DACA recipients would be involuntarily removed. That said, DHS continues to believe that speculating about the difference in the population effects between the existing DACA policy and the DACA rule—or between existing DACA policy and no DACA—would require predicting a myriad of independent decisions by a range of actors (including current and prospective DACA recipients, employers, law enforcement officers, and courts) at indeterminate times in the future. Such predictions are unduly speculative and not amenable to NEPA analysis.

Nevertheless, if NEPA does apply to this action, the action would fit within categorical exclusion number A3(c), which includes rules that ''implement, without substantive change, procedures, manuals, and other guidance documents'' as set forth in the Instruction Manual. This rulemaking implements, without material change, the 2012 DACA policy addressing exercise of enforcement discretion with respect to a specifically defined population of noncitizens and is not part of a larger DHS action. It defines the criteria under which DHS will consider requests for DACA, the procedures by which one may request DACA, and what an affirmative grant of DACA will confer upon the requestor. DHS considered the potential environmental impacts of this rule with respect to an existing population that has been present in the United States since at least 2007 and determined, in accordance with the Instruction Manual, that this rule does not present extraordinary circumstances that would preclude application of a categorical exclusion. This rule, therefore, satisfies the requirements for application of categorical exclusion A3(c) in accordance with the Department's approved NEPA procedures.

K. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule would not cause a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. Therefore, a takings implication assessment is not required.

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

E.O. 13045 requires agencies to consider the impacts of environmental health risk or safety risk that may disproportionately affect children. DHS has reviewed this rule and determined that this rule is not a covered regulatory action under E.O. 13045. Although the rule is economically significant, it would not create an environmental risk to health or risk to safety that may disproportionately affect children. Therefore, DHS has not prepared a statement under this E.O.

List of Subjects and Regulatory Amendments

List of Subjects

8 CFR 106

Fees, Immigration.

8 CFR Part 236

Administrative practice and procedure, Aliens, Immigration.

8 CFR Part 274a

Administrative practice and procedure, Aliens, Cultural exchange program, Employment, Penalties, Reporting and recordkeeping requirements, Students.

Accordingly, DHS amends parts 106, 236, and 274a of chapter I of title 8 of the Code of Federal Regulations as follows:

PART 106—USCIS FEE SCHEDULE

■ 1. The authority citation for 8 CFR part 106 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1254a, 1254b, 1304, 1356; Pub. L. 107–609; 48 U.S.C. 1806; Pub. L. 115–218; Pub. L. 116–159.

■ 2. Amend § 106.2 by revising paragraph (a)(38) to read as follows:

§ 106.2 Fees.

(a) * * *

(38) *Application for Deferred Action for Childhood Arrivals, Form I–821D:* $85.

* * * * *

PART 236—APPREHENSION AND DETENTION OF INADMISSIBLE AND DEPORTABLE ALIENS; REMOVAL OF ALIENS ORDERED REMOVED

■ 3. The authority citation for part 236 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 6 U.S.C. 112(a)(2), 112(a)(3), 112(b)(1), 112(e), 202, 251, 279, 291; 8 U.S.C. 1103, 1182, 1224, 1225, 1226, 1227, 1231, 1232, 1324a, 1357, 1362, 1611; 18 U.S.C. 4002, 4013(c)(4); 8 CFR part 2.

■ 4. Add subpart C, consisting of §§ 236.21 through 236.25, to read as follows:

Subpart C—Deferred Action for Childhood Arrivals

Sec.

§ 236.21 Applicability.

(a) This subpart applies to requests for deferred action under the enforcement discretion policy set forth in this subpart, which will be described as Deferred Action for Childhood Arrivals (DACA). This subpart does not apply to or govern any other request for or grant of deferred action or any other DHS deferred action policy.

(b) Except as specifically provided in this subpart, the provisions of 8 CFR

part 103 do not apply to requests filed under this subpart.

(c)(1) Deferred action is an exercise of the Secretary's broad authority to establish national immigration enforcement policies and priorities under 6 U.S.C. 202(5) and section 103 of the Act. It is a form of enforcement discretion not to pursue the removal of certain aliens for a limited period in the interest of ordering enforcement priorities in light of limitations on available resources, taking into account humanitarian considerations and administrative convenience. It furthers the administrability of the complex immigration system by permitting the Secretary to focus enforcement on higher priority targets. This temporary forbearance from removal does not confer any right or entitlement to remain in or reenter the United States. A grant of deferred action under this section does not preclude DHS from commencing removal proceedings at any time or prohibit DHS or any other Federal agency from initiating any criminal or other enforcement action at any time.

(2) During this period of forbearance, on the basis of this subpart only, USCIS may grant employment authorization pursuant to 8 CFR 274a.13 and 274a.12(c)(33) to DACA recipients who have demonstrated an economic need.

(3) During this period of forbearance, on the basis of this subpart only, a DACA recipient is considered ''lawfully present'' under the provisions of 8 CFR 1.3(a)(4)(vi).

(4) During this period of forbearance, on the basis of this subpart only, a DACA recipient is not considered ''unlawfully present'' for the purpose of inadmissibility under section 212(a)(9) of the Act.

(d) This subpart rescinds and replaces the DACA guidance set forth in the Memorandum issued by the Secretary of Homeland Security on June 15, 2012. All current grants of deferred action and any ancillary features previously issued pursuant to the Memorandum remain in effect and will expire according to their existing terms. All such current grants of deferred action and any ancillary features, as well as any requests for renewals of those grants and new requests, are hereafter governed by this subpart and not the Memorandum.

§ 236.22 Discretionary determination.

(a) *Deferred Action for Childhood Arrivals; in general.* (1) USCIS may consider requests for Deferred Action for Childhood Arrivals submitted by aliens described in paragraph (b) of this section.

(2) A pending request for deferred action under this section does not authorize or confer any interim immigration benefits such as employment authorization or advance parole.

(3) Subject to paragraph (c) of this section, the requestor bears the burden of demonstrating by a preponderance of the evidence that he or she meets the threshold criteria described in paragraph (b) of this section.

(b) *Threshold criteria.* Subject to paragraph (c) of this section, a request for deferred action under this section may be granted only if USCIS determines in its sole discretion that the requestor meets each of the following threshold criteria and merits a favorable exercise of discretion:

(1) *Came to the United States under the age of 16.* The requestor must demonstrate that he or she first resided in the United States before his or her sixteenth birthday.

(2) *Continuous residence in the United States from June 15, 2007, to the time of filing of the request.* The requestor also must demonstrate that he or she has been residing in the United States continuously from June 15, 2007, to the time of filing of the request. As used in this section, ''residence'' means the principal, actual dwelling place in fact, without regard to intent, and specifically the country of the actual dwelling place. Brief, casual, and innocent absences from the United States will not break the continuity of one's residence. However, unauthorized travel outside of the United States on or after August 15, 2012, will interrupt continuous residence, regardless of whether it was otherwise brief, casual, and innocent. An absence will be considered brief, casual, and innocent if it occurred before August 15, 2012, and—

(i) The absence was short and reasonably calculated to accomplish the purpose for the absence;

(ii) The absence was not because of a post-June 15, 2007 order of exclusion, deportation, or removal;

(iii) The absence was not because of a post-June 15, 2007 order of voluntary departure, or an administrative grant of voluntary departure before the requestor was placed in exclusion, deportation, or removal proceedings; and

(iv) The purpose of the trip, and the requestor's actions while outside the United States, were not contrary to law.

(3) *Physical presence in the United States.* The requestor must demonstrate that he or she was physically present in the United States both on June 15, 2012, and at the time of filing of the request for Deferred Action for Childhood Arrivals under this section.

(4) *Lack of lawful immigration status.* Both on June 15, 2012, and at the time of filing of the request for Deferred Action for Childhood Arrivals under this section, the requestor must not have been in a lawful immigration status. If the requestor was in lawful immigration status at any time before June 15, 2012, or at any time after June 15, 2012, and before the submission date of the request, he or she must submit evidence that that lawful status had expired or otherwise terminated prior to those dates.

(5) *Education or veteran status.* The requestor must currently be enrolled in school, have graduated or obtained a certificate of completion from high school, have obtained a General Educational Development certificate, or be an honorably discharged veteran of the United States Coast Guard or Armed Forces of the United States.

(6) *Criminal history, public safety, and national security.* The requestor must not have been convicted (as defined in section 101(a)(48) of the Act and as demonstrated by any of the documents or records listed in § 1003.41 of this chapter) of a felony, a misdemeanor described in this paragraph (b)(6), or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, or otherwise pose a threat to national security or public safety. For purposes of this paragraph (b)(6) only, expunged convictions, juvenile delinquency adjudications, and convictions under State (including U.S. territory) laws for immigration-related offenses are not considered disqualifying convictions. For purposes of this paragraph (b)(6) only, a single misdemeanor is disqualifying if it is a misdemeanor as defined by Federal law (specifically, one for which the maximum term of imprisonment authorized is 1 year or less but greater than 5 days) and that meets the following criteria:

(i) Regardless of the sentence imposed, is an offense of domestic violence, sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence; or

(ii) If not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody and, therefore, does not include a suspended sentence.

(7) *Age at time of request.* The requestor must have been born on or after June 16, 1981. Additionally, the requestor must be at least 15 years of age at the time of filing his or her request, unless, at the time of his or her request, he or she is in removal proceedings, has a final order of removal, or has a voluntary departure order.

(c) *Final discretionary determination.* Deferred action requests submitted under this section are determined on a case-by-case basis. Even if the threshold criteria in paragraph (b) are all found to have been met, USCIS retains the discretion to assess the individual's circumstances and to determine that any factor specific to that individual makes deferred action inappropriate.

§ 236.23 Procedures for request, terminations, and restrictions on information use.

(a) *General.* (1) A request for Deferred Action for Childhood Arrivals must be filed in the manner and on the form designated by USCIS, with the required fee, including any biometrics required by 8 CFR 103.16. A request for Deferred Action for Childhood Arrivals must also contain a request for employment authorization filed pursuant to 8 CFR 274a.12(c)(33) and 274a.13.

(2) All requests for Deferred Action for Childhood Arrivals, including any requests made by aliens in removal proceedings before EOIR, must be filed with USCIS. USCIS has exclusive jurisdiction to consider requests for Deferred Action for Childhood Arrivals. EOIR shall have no jurisdiction to consider requests for Deferred Action for Childhood Arrivals or to review USCIS approvals or denials of such requests. A voluntary departure order or a final order of exclusion, deportation, or removal is not a bar to requesting Deferred Action for Childhood Arrivals. An alien who is in removal proceedings may request Deferred Action for Childhood Arrivals regardless of whether those proceedings have been administratively closed. An alien who is in immigration detention may request Deferred Action for Childhood Arrivals but may not be approved for Deferred Action for Childhood Arrivals unless the alien is released from detention by ICE prior to USCIS' decision on the Deferred Action for Childhood Arrivals request.

(3) USCIS may request additional evidence from the requestor, including, but not limited to, by notice, interview, or other appearance of the requestor. USCIS may deny a request for Deferred Action for Childhood Arrivals without prior issuance of a request for evidence or notice of intent to deny.

(4) A grant of Deferred Action for Childhood Arrivals will be provided for an initial or renewal period of 2 years, subject to DHS's discretion. Related work authorization granted pursuant to 8 CFR 274a.12(c)(33), if approved in DHS's discretion, will be issued, subject to DHS's discretion, for the period of the associated grant of Deferred Action for Childhood Arrivals.

(b) *Consideration of a request for Deferred Action for Childhood Arrivals.* In considering requests for Deferred Action for Childhood Arrivals, USCIS may consult, as it deems appropriate in its discretion and without notice to the requestor, with any other component or office of DHS, including ICE and CBP, any other Federal agency, or any State or local law enforcement agency, in accordance with paragraph (e) of this section.

(c) *Notice of decision.* (1) USCIS will notify the requestor and, if applicable, the requestor's attorney of record or accredited representative of the decision in writing. Denial of a request for Deferred Action for Childhood Arrivals does not bar a requestor from applying for any benefit or form of relief under the immigration laws or requesting any other form of prosecutorial discretion, including another request for Deferred Action for Childhood Arrivals.

(2) If USCIS denies a request for Deferred Action for Childhood Arrivals under this section, USCIS will not issue a Notice to Appear or refer a requestor's case to U.S. Immigration and Customs Enforcement for possible enforcement action based on such denial unless USCIS determines that the case involves denial for fraud, a threat to national security, or public safety concerns.

(3) There is no administrative appeal from a denial of a request for Deferred Action for Childhood Arrivals. The alien may not file, pursuant to 8 CFR 103.5 or otherwise, a motion to reopen or reconsider a denial of a request for Deferred Action for Childhood Arrivals.

(d) *Termination.* (1) *Discretionary termination.* USCIS may terminate a grant of Deferred Action for Childhood Arrivals at any time in its discretion. USCIS will provide a Notice of Intent to Terminate and an opportunity to respond prior to terminating a grant of Deferred Action for Childhood Arrivals, except USCIS may terminate a grant of Deferred Action for Childhood Arrivals without a Notice of Intent to Terminate and an opportunity to respond if the Deferred Action for Childhood Arrivals recipient is convicted of a national security-related offense involving conduct described in 8 U.S.C. 1182(a)(3)(B)(iii), (iv), or 1227(a)(4)(A)(i), or an egregious public safety offense. If USCIS terminates a grant of Deferred Action for Childhood Arrivals without a Notice of Intent to Terminate and an opportunity to respond, USCIS will provide the individual with notice of the termination.

(2) *Departure without advance parole and reentry without inspection.* USCIS may terminate a grant of Deferred Action for Childhood Arrivals, in its discretion and following issuance of a Notice of Intent to Terminate with an opportunity to respond, for DACA recipients who depart from the United States without first obtaining an advance parole document and subsequently enter the United States without inspection.

(3) *Automatic termination of employment authorization.* Any grant of employment authorization pursuant to § 274a.12(c)(33) of this chapter will automatically terminate upon termination of a grant of Deferred Action for Childhood Arrivals, rather than in accordance with § 274a.14(a)(1)(ii) of this chapter. Notice of intent to revoke employment authorization is not required pursuant to § 274a.14(a)(2) of this chapter.

(e) *Restrictions on information use.* (1) Information contained in a request for Deferred Action for Childhood Arrivals related to the requestor will not be used by DHS for the purpose of initiating immigration enforcement proceedings against such requestor, unless DHS is initiating immigration enforcement proceedings against the requestor due to a criminal offense, fraud, a threat to national security, or public safety concerns.

(2) Information contained in a request for Deferred Action for Childhood Arrivals related to the requestor's family members or guardians will not be used for immigration enforcement purposes against such family members or guardians.

§ 236.24 Severability.

(a) Any provision of this subpart held to be invalid or unenforceable as applied to any person or circumstance shall be construed so as to continue to give the maximum effect to the provision permitted by law, including as applied to persons not similarly situated or to dissimilar circumstances, unless such holding is that the provision of this subpart is invalid and unenforceable in all circumstances, in which event the provision shall be severable from the remainder of this subpart and shall not affect the remainder thereof.

(b) The provisions in § 236.21(c)(2) through (4) and § 274a.12(c)(14) and

274a.12(c)(33) are intended to be severable from one another, from this subpart and any grant of forbearance from removal resulting from this subpart, and from any provision referenced in those paragraphs, including such referenced provision's application to persons with deferred action generally.

§ 236.25 No private rights.

This subpart is an exercise of the Secretary's enforcement discretion. This subpart—

(a) Is not intended to and does not supplant or limit otherwise lawful activities of the Department or the Secretary; and

(b) Is not intended to and does not create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 5. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1105a, 1324a; 48 U.S.C. 1806; 8 CFR part 2; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 6. Amend § 274a.12 by revising paragraph (c)(14) and adding paragraph (c)(33) to read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(c) * * *

(14) Except as provided for in paragraph (c)(33) of this section, an alien who has been granted deferred action, an act of administrative convenience to the government that gives some cases lower priority, if the alien establishes an economic necessity for employment.

* * * * *

(33) An alien who has been granted deferred action pursuant to 8 CFR 236.21 through 236.23, Deferred Action for Childhood Arrivals, if the alien establishes an economic necessity for employment.

* * * * *

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2022–18401 Filed 8–24–22; 4:15 pm]

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Part IV

Department of Energy

10 CFR Parts 429 and 431
Energy Conservation Program: Test Procedure for Water-Source Heat Pumps; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[EERE–2017–BT–TP–0029]

RIN 1904–AE05

Energy Conservation Program: Test Procedure for Water-Source Heat Pumps

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

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: The U.S. Department of Energy (''DOE'') proposes to amend its test procedures for water-source heat pumps, with the main changes being ones to expand the scope of applicability of the test procedure, reference different industry standards than currently referenced, change to a seasonal cooling efficiency metric, and change the test conditions used for the heating metric. DOE has tentatively determined that the amended test procedure would produce results that are more representative of an average use cycle and more consistent with current industry practice without being unduly burdensome to conduct. DOE seeks comment from interested parties on this proposal.

DATES:

Comments: DOE will accept comments, data, and information regarding this proposal no later than October 31, 2022. See section V, ''Public Participation,'' for details.

Public Meeting: DOE will hold a public meeting via webinar on Wednesday, September 14, 2022, from 1:00 p.m. to 3:00 p.m. See section V, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov,* under docket number EERE–2017–BT–TP–0029. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–TP–0029 and/or RIN 1904–AE05, by any of the following methods:

Email: WSHP2017TP0029@ee.doe.gov. Include the docket number EERE–2017–BT–TP–0029 and/or RIN 1904–AE05 in the subject line of the message.

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

Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section V of this document (Public Participation).

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

The docket web page can be found at *www.regulations.gov/docket?D=EERE-2017-BT-TP-0029.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section V (Public Participation) for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Ms. Catherine Rivest, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–7335. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–5827. Email: *Eric.Stas@hq.doe.gov.*

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

SUPPLEMENTARY INFORMATION: DOE proposes to incorporate by reference already-approved industry standards, an update to one of those standards, and a standard not previously-approved.

ANSI/ASHRAE Standard 37–2009, ''Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment,'' including errata sheet issued March 27, 2019, ASHRAE approved June 24, 2009.

Copies of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (''ASHRAE'') ANSI/ASHRAE Standard 37–2009 are available from the American National Standards Institute (''ANSI''), 25 W. 43rd Street, 4th Floor, New York, NY 10036, (212) 642–4900, or online at: *https://webstore.ansi.org/.*

ASHRAE errata sheet to ANSI/ASHRAE Standard 37–2009—Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment, ANSI/ASHRAE Approved March 27, 2019.

Copies of ASHRAE errata sheet to ANSI/ASHRAE Standard 37–2009 are available from ASHRAE, 180 Technology Parkway NW, Peachtree Corners, GA 30092, (404)–636–8400, or online at *https://ashrae.org/.*

ISO Standard 13256–1:1998, ''Water-source heat pumps—Testing and rating for performance—Part 1: Water-to-air and brine-to-air heat pumps,'' ISO approved 1998.

Copies of ISO Standard 13256–1:1998 can be obtained from the International Organization for Standardization (''ISO''), Chemin de Blandonnet 8 CP 401, 1214 Vernier, Geneva, Switzerland, +41 22 749 01 11, or online at: *https://webstore.ansi.org/.*

AHRI Standard 340/360–2022 (I–P), ''2022 Standard for Performance Rating of Commercial and Industrial Unitary Air-conditioning and Heat Pump Equipment,'' AHRI-approved January 26, 2022.

Copies of AHRI Standard 340/360–2022 (I–P) can be obtained from the Air-Conditioning, Heating, and Refrigeration Institute (''AHRI''), 2311 Wilson Blvd., Suite 400, Arlington, VA 22201, (703) 524–8800, or online at: *www.ahrinet.org/search-standards.aspx.*

See section IV.M of this document for further discussion of these standards.

Table of Contents

I. Authority and Background

Water-source heat pumps (''WSHPs'') are a category of small, large, and very large commercial package air-conditioning and heating equipment,[1] which are included in the list of ''covered equipment'' for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6311(1)(B)–(D)) DOE's energy conservation standards and test procedures for WSHPs are currently prescribed in title 10 of the Code of Federal Regulations (''CFR'') at 10 CFR 431.97 and 10 CFR 431.96, respectively. The following sections discuss DOE's authority to establish and amend test procedures for WSHPs, as well as relevant background information regarding DOE's consideration of test procedures for this equipment.

A. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[2] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. Title III, Part C[3] of EPCA, added by Public Law 95–619, Title IV, section 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency. This equipment includes small, large, and very large commercial package air-conditioning and heating equipment, including WSHPs. (42 U.S.C. 6311(1)(B)–(D))

The energy conservation program under EPCA consists essentially of four parts: (1) testing; (2) labeling; (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316; 42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(b); 42 U.S.C. 6296), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE uses these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA.

Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(a) and (b); 42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6316(b)(2)(D))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect energy efficiency, energy use, or estimated annual operating cost of covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

[1] The Energy Policy and Conservation Act, as amended (''EPCA'') defines ''commercial package air conditioning and heating equipment'' as air-cooled, water-cooled, evaporatively-cooled, or water-source (not including ground-water-source) electrically operated unitary central air conditioners and central air conditioning heat pumps for commercial application. (42 U.S.C. 6311(8)(A)) EPCA further defines ''small commercial package air conditioning and heating equipment'' as commercial package air conditioning and heating equipment that is rated below 135,000 Btu per hour (cooling capacity); ''large commercial package air conditioning and heating equipment'' as commercial package air conditioning and heating equipment that is rated at or above 135,000 Btu per hour and below 240,000 Btu per hour (cooling capacity); and ''very large commercial package air conditioning and heating equipment'' as commercial package air conditioning and heating equipment that is rated at or above 240,000 Btu per hour and below 760,000 Btu per hour (cooling capacity). (42 U.S.C. 6311(8)(B)–(D))

[2] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflects the last statutory amendments that impact Parts A and A–1 of EPCA.

[3] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

With respect to WSHPs, EPCA requires that the test procedures shall be those generally accepted industry testing procedures or rating procedures developed or recognized by the Air-Conditioning, Heating, and Refrigeration Institute (''AHRI'') or by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (''ASHRAE''), as referenced in ASHRAE Standard 90.1, ''Energy Standard for Buildings Except Low-Rise Residential Buildings'' (''ASHRAE Standard 90.1''). (42 U.S.C. 6314(a)(4)(A)) Further, if such an industry test procedure is amended, DOE must amend its test procedure to be consistent with the amended industry test procedure, unless DOE determines, by rule published in the **Federal Register** and supported by clear and convincing evidence, that the amended test procedure would not produce test results that reflect the energy efficiency, energy use, and estimated operating costs of that equipment during a representative average use cycle or would be unduly burdensome to conduct. (42 U.S.C. 6314(a)(4)(B))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered equipment, including WSHPs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle. (42 U.S.C. 6314(a)(1))

In addition, if the Secretary determines that a test procedure amendment is warranted, DOE must publish proposed test procedures in the **Federal Register** and afford interested persons an opportunity (of not less than 45 days duration) to present oral and written data, views, and comments on the proposed test procedures. (42 U.S.C. 6314(b)) If DOE determines that test procedure revisions are not appropriate, DOE must publish in the **Federal Register** its determination not to amend the test procedures. (42 U.S.C. 6314(a)(1)(A)(ii))

In this notice of proposed rulemaking (''NOPR''), DOE is proposing amendments to the test procedures for WSHPs in satisfaction of the 7-year-lookback obligations under EPCA. (42 U.S.C. 6314(a)(1))

B. Background

DOE's existing test procedure for WSHPs is specified at 10 CFR 431.96 (''Uniform test method for the measurement of energy efficiency of commercial air conditioners and heat pumps''). The Federal test procedure currently incorporates by reference International Organization for Standardization (''ISO'') Standard 13256–1 (1998), ''Water-source heat pumps—Testing and rating for performance—Part 1: Water-to-air and brine-to-air heat pumps,'' (''ISO 13256–1:1998''). This is the test procedure specified by ASHRAE Standard 90.1 for water-source heat pumps.

DOE initially incorporated ISO 13256–1:1998 as the referenced test procedure for WSHPs on October 21, 2004 (69 FR 61962), and DOE last reviewed the test procedure for WSHPs as part of a final rule for commercial package air conditioners and heat pumps published in the **Federal Register** on May 16, 2012 (''May 2012 final rule''; 77 FR 28928). In the May 2012 final rule, DOE retained the reference to ISO 13256–1:1998 but adopted additional provisions for equipment set-up at 10 CFR 431.96(e), which provide specifications for addressing key information typically found in the installation and operation manuals. *Id* at 77 FR 28991.

On June 22, 2018, DOE published a request for information (''RFI'') in the **Federal Register** to collect information and data to consider amendments to DOE's test procedures for WSHPs. 83 FR 29048 (''June 2018 RFI'').[4] As part of the June 2018 RFI, DOE identified and requested comment on several issues associated with the currently applicable Federal test procedures, in particular concerning methods that are adopted through incorporation by reference of the applicable industry standard; efficiency metrics and calculations; additional specifications for the test methods; and any additional topics that may inform DOE's decisions in a future test procedure rulemaking, including methods to reduce regulatory burden while ensuring the test procedure's accuracy. *Id.*

DOE received comments in response to the June 2018 RFI from the interested parties listed in Table I–1.

TABLE I–1—LIST OF COMMENTERS WITH WRITTEN SUBMISSIONS IN RESPONSE TO THE JUNE 2018 RFI

Commenter(s)	Reference in this NOPR	Commenter type
Air-Conditioning, Heating, and Refrigeration Institute	AHRI	IR.
Appliance Standards Awareness Project, American Council for an Energy-Efficient Economy, Natural Resources Defense Council.	Joint Advocates	EA.
Northwest Energy Efficiency Alliance	NEEA	EA.
Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison; collectively referred to as the California Investor-Owned Utilities.	CA IOUs	U.
Trane Technologies	Trane	M.
WaterFurnace International	WaterFurnace	M.

EA: Efficiency/Environmental Advocate; IR: Industry Representative; M: Manufacturer; U: Utility.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.[5]

In May 2021, ISO published an updated version of Standard 13256–1, ISO Standard 13256–1 (2021), ''Water-source heat pumps—Testing and rating for performance—Part 1: Water-to-air and brine-to-air heat pumps,'' (''ISO 13256–1:2021''). ISO 13256–1:2021 is discussed further in section III.D of this NOPR.

II. Synopsis of the Notice of Proposed Rulemaking

In this NOPR, DOE is proposing to amend the Federal test procedures for WSHPs as follows: (1) expand the scope of the test procedure to include WSHPs

[4] An extension of the comment period for the June 2018 RFI was published in the **Federal Register** on July 9, 2018. 83 FR 31704.

[5] The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to develop test procedures for WSHPs. (Docket No. EERE–2017–BT–TP–0029, which is maintained at *www.regulations.gov*). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

with capacities between 135,000 and 760,000 British thermal units per hour (''Btu/h''); (2) incorporate by reference AHRI Standard 340/360–2022 (I–P), ''2022 Standard for Performance Rating of Commercial and Industrial Unitary Air-conditioning and Heat Pump Equipment'' (''AHRI 340/360–2022''), and ANSI/ASHRAE Standard 37–2009, ''Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment'' (''ANSI/ASHRAE 37–2009'') as the applicable test procedures for WSHPs, instead of the currently referenced industry test procedure ISO 13256–1:1998; (3) establish provisions for a new cooling efficiency metric, integrated energy efficiency ratio (''IEER''), for WSHPs and provide an alternative method of calculating IEER using interpolation from test conditions commonly used for WSHPs; (4) modify the test conditions for measuring the heating coefficient of performance (''COP'') and provide an alternative method of calculating COP using interpolation from test conditions commonly used for WSHPs; (5) include additional specification of setting airflow and external static pressure (''ESP'') for non-ducted units and ducted units with discrete-step fans; (6) specify liquid ESP requirements for units with integral pumps and include a method to account for total pumping effect for units without integral pumps; (7) specify components that must be present for testing; and (8) amend certain provisions related to representations and enforcement in 10 CFR part 429.

DOE proposes to implement these changes by adding new appendices C and C1 to subpart F of part 431, with both to be titled ''Uniform Test Method for Measuring the Energy Consumption of Water-Source Heat Pumps,'' (''appendix C'' and ''appendix C1,'' respectively). The current DOE test procedure for WSHPs would be relocated to appendix C without change, and the new test procedure adopting AHRI 340/360–2022 and ANSI/ASHRAE 37–2009 and any other amendments would be set forth in proposed appendix C1 for determining IEER. As discussed elsewhere in this NOPR, DOE has tentatively concluded, supported by clear and convincing evidence, that the proposed amended test procedure in appendix C1 (relying on AHRI 340/360–2022 and ASHRAE 37–2009) would provide more representative results and more fully comply with the requirements of 42 U.S.C. 6314(a)(2) than testing with the current Federal test procedure (relying on ISO 13256–1:1998). However, use of proposed appendix C1 would not be required until such time as compliance is required with amended energy conservation standards for WSHPs based on IEER, should DOE adopt such standards, although a manufacturer would need to make any voluntary early representations of IEER in accordance with appendix C1.

DOE's proposed actions are summarized in Table II–1 and addressed in detail in section III of this document.

TABLE II–1—SUMMARY OF CHANGES IN THE PROPOSED TEST PROCEDURE RELATIVE TO THE CURRENT TEST PROCEDURE FOR WSHPS

Current DOE test procedure	Proposed test procedure in Appendix C1	Attribution
Scope is limited to units with cooling capacity less than 135,000 Btu/h.	Expands the scope of the test procedure to additionally include units with cooling capacity greater than or equal to 135,000 Btu/h and less than 760,000 Btu/h.	Harmonize with scope of test procedure for water-cooled commercial unitary air conditioners.
Incorporates by reference ISO 13256–1:1998	Incorporates by reference AHRI 340/360–2022 and ANSI/ASHRAE 37–2009.	Improve representativeness of test procedure.
Includes provisions for determining EER metric	Includes provisions for determining IEER, and specifies an alternative method of calculating IEER using interpolation and extrapolation from results of testing at ISO 13256–1:1998 temperatures.	Improve representativeness of test procedure.
Specifies test condition of 68 °F for measuring COP.	Changes the test condition for COP to 55 °F and provides an alternative method of calculating COP using interpolation from results of testing at ISO 13256–1:1998 temperatures.	Improve representativeness of test procedure.
Does not include specification of setting airflow and ESP for non-ducted units or ducted units with discrete-step fans.	Includes additional specification of setting airflow and ESP for non-ducted units and for ducted units with discrete-step fans.	Improve representativeness of test procedure.
Allows for testing at any liquid ESP with an adjustment to include the pump power to overcome liquid internal static pressure.	Specifies liquid ESP requirements for units with integral pumps, and includes a method for accounting for the total pumping effect for units without integral pumps.	Improve representativeness of test procedure.
Does not include WSHP-specific provisions for determination of represented values in 10 CFR 429.43.	Includes provisions in 10 CFR 429.43 specific to WSHPs to prevent cooling capacity over-rating and to determine represented values for models with specific components.	Establish WSHP-specific provisions for determination of represented values.
Does not include WSHP-specific enforcement provisions in 10 CFR 429.134.	Adopts product-specific enforcement provisions for WSHPs regarding verification of cooling capacity, testing of systems with specific components, and DOE IEER testing.	Establish provisions for DOE testing of WSHPs.

DOE has tentatively determined that the proposed amendments described in section III of this NOPR regarding the establishment of appendix C would not alter the measured efficiency of WSHPs or require retesting solely as a result of DOE's adoption of the proposed amendments to the test procedure, if made final. DOE has tentatively determined that the proposed test procedure amendments in appendix C1 would, if adopted, alter the measured efficiency of WSHPs. DOE has tentatively determined that the proposed amendments would increase the cost of testing relative to the current Federal test procedure. Use of the proposed appendix C1 and the proposed

amendments to the representation requirements in 10 CFR 429.43 would not be required until the compliance date of amended standards denominated in terms of IEER, although manufacturers would need to use appendix C1 if they choose to make voluntary representations of IEER prior to the compliance date. DOE's proposed actions are discussed in further detail in section III of this NOPR.

III. Discussion

In the following sections, DOE proposes certain amendments to the Federal test procedure for WSHPs. For each proposed amendment, DOE provides relevant background information, explains why the amendment merits consideration, discusses any relevant public comments, and proposes a potential approach.

A. Scope of Applicability

This rulemaking applies to WSHPs, which are a category of small, large, and very large commercial package air-conditioning and heating equipment. (*See* 42 U.S.C. 6311(1)(B)–(D)) In its regulations, DOE defines WSHP as ''a single-phase or three-phase reverse-cycle heat pump that uses a circulating water loop as the heat source for heating and as the heat sink for cooling. The main components are a compressor, refrigerant-to-water heat exchanger, refrigerant-to-air heat exchanger, refrigerant expansion devices, refrigerant reversing valve, and indoor fan. Such equipment includes, but is not limited to, water-to-air water-loop heat pumps.'' 10 CFR 431.92.

The current Federal test procedure and energy conservation standards apply to WSHPs with a rated cooling capacity below 135,000 Btu/h. 10 CFR 431.96, Table 1 and 431.97, Table 3. However, DOE has identified WSHPs on the market with cooling capacities equal to or greater than 135,000 Btu/h.[6] In the June 2018 RFI, DOE sought data and information on the size of the market for WSHPs with a cooling capacity over 135,000 Btu/h and any potential limitations to testing such units. 83 FR 29048, 29050 (June 22, 2018).

The Joint Advocates encouraged DOE to include WSHPs over 135,000 Btu/h within the scope of the test procedure. (Joint Advocates, No. 10 at p. 1)

AHRI, Trane, and WaterFurnace stated that the market for WSHPs over 135,000 Btu/h is very small—around 0.7 percent of the market—and that finding a lab to test these units would be difficult for the reasons that follow. AHRI commented that manufacturers have limitations on the size of units that can be tested in their own labs, so the proposed expanded scope of the WSHP test procedure to encompass units with higher rated capacities would necessitate the use of third-party labs, resulting in additional costs for testing. AHRI and WaterFurnace further commented that WSHPs in this capacity range are highly customized for their application and asserted that testing them would incur significant costs. Trane added that no independent test labs are currently certified to test WSHPs over 135,000 Btu/h. (Trane, No. 8 at p. 2; AHRI, No. 12 at pp. 3–4; WaterFurnace, No. 7 at pp. 2–3)

Furthermore, AHRI and WaterFurnace argued that units with capacity over 135,000 Btu/h are out of the scope of ISO 13256–1:1998. (AHRI, No. 12 at p. 4; WaterFurnace, No. 7 at p.2) WaterFurnace also commented that AHRI certification costs would be extreme for such a small market due to the need to test three larger and more expensive units for sampling selection of each basic model group, and the likely need to scrap the units after testing due the significant extent of customization of larger units. (WaterFurnace, No. 7 at pp. 2–3)

In response, DOE notes that contrary to the assertions of AHRI and WaterFurnace, no capacity limitation is expressed in ISO 13256–1:1998—the industry standard currently incorporated by reference—or ISO 13256–1:2021. Once again, DOE has identified numerous model lines of WSHPs with cooling capacity over 135,000 Btu/h from a wide variety of manufacturers. The manufacturer literature for all identified model lines includes efficiency representations that are explicitly based on ISO 13256–1:1998.

Additionally, DOE is aware of several independent test labs that have the capability to test WSHPs with cooling capacity over 135,000 Btu/h. DOE conducted investigative testing on multiple WSHP models with cooling capacity over 135,000 Btu/h at one such independent test lab and did not encounter any difficulties specific to units in this capacity range.

Further, AHRI 340/360–2022 and ANSI/ASHRAE 37–2009 include provisions for testing units with capacities over 135,000 Btu/h. Both ASHRAE Standard 90.1 and DOE regulations cover other categories of commercial air conditioning and heating equipment, including water-cooled commercial unitary air conditioners (''WCUACs''), with cooling capacity up to 760,000 Btu/h. DOE has tentatively determined that testing WSHPs with cooling capacity over 135,000 Btu/h would be of comparable burden to testing other commercial air conditioning and heating equipment of similar capacity.

Regarding WaterFurnace's comment that an expansion of test procedure scope would mean that many large units would need to be tested, DOE notes that expanding the scope of the test procedure would not necessitate certification unless DOE were to establish standards for such equipment. Until such a time, an expansion of scope for the test procedure would simplify require that if manufacturers choose to make optional representations of WSHPs with cooling capacity over 135,000 Btu/h, that such optional representations be made in accordance with the DOE test procedure. Further, representations for WSHPs can be made either based on testing (in accordance with 10 CFR 429.43(a)(1)) or based on alternative efficiency determination methods (''AEDMs'') (in accordance with 10 CFR 429.43(a)(2)). An AEDM is a computer modeling or mathematical tool that predicts the performance of non-tested basic models. These computer modeling and mathematical tools, when properly developed, can provide a means to predict the energy usage or efficiency characteristics of a basic model of a given covered product or equipment and reduce the burden and cost associated with testing. Whereas DOE requires at least two units to be tested per basic model when represented values are determined through testing, DOE requires each AEDM to be validated by tests of only two WSHP basic models of any capacity (in accordance with 10 CFR 429.70(c)(2)). Therefore, an expansion of scope for the DOE test procedure would not necessitate the testing of many large units.

For these reasons, DOE has tentatively concluded that testing units with cooling capacity over 135,000 Btu/h is feasible. Moreover, based on the presence on the market of units over 135,000 Btu/h with efficiency ratings and the identification of laboratories capable of testing such units, DOE has tentatively determined that such testing would not be unduly burdensome. Additionally, expanding the scope of DOE's test procedure for WSHPs to include equipment with cooling capacity between 135,000 Btu/h and 760,000 Btu/h would ensure that representations for all WSHPs are made using the same test procedure and that ratings for equipment in this cooling

[6] For simplicity in this NOPR, DOE refers to cooling capacity equal to or greater than 135,000 Btu/h as ''over 135,000'' Btu/h.

capacity range are appropriately representative. Therefore, DOE proposes in this NOPR to expand the scope of applicability of the test procedure to include WSHPs with a cooling capacity between 135,000 and 760,000 Btu/h. Specifically, DOE proposes to update table 1 to 10 CFR 431.96 to include WSHPs with cooling capacity greater than or equal to 135,000 Btu/h and less than 240,000 Btu/h under Large Commercial Package Air-Conditioning and Heating Equipment; and to include WSHPs with cooling capacity greater than or equal to 240,000 Btu/h and less than 760,000 Btu/h under Very Large Commercial Package Air-Conditioning and Heating Equipment. For both capacity ranges, the specified test procedure would be the proposed appendix C, and DOE proposes that any voluntary representations with respect to the energy use or energy efficiency must be made in accordance with appendix C starting 360 days after a test procedure final rule is published in the **Federal Register**. DOE also proposes that, starting 360 days after a test procedure final rule is published in the **Federal Register**, any voluntary representations of IEER must be made in accordance with the proposed appendix C1.

DOE does not currently specify energy conservation standards for WSHPs with cooling capacity over 135,000 Btu/h. DOE would consider any future standards applicable to WSHPs over 135,000 Btu/h in a separate energy conservation standards rulemaking. Manufacturers of WSHPs with cooling capacity over 135,000 Btu/h would not be required to test WSHPs with a cooling capacity over 135,000 Btu/h until such time as compliance with standards for this equipment were required, should DOE adopt such standards, although any voluntary EER representations would need to be based on the test procedure in appendix C, and any voluntary IEER representations would need to be based on the test procedure in appendix C1 starting 360 days after the publication of a test procedure final rule. Additionally, if DOE were to adopt standards for WSHPs in terms of IEER, after the compliance date for those standards, any representations for WSHPs would be required to be made according to appendix C1.

Issue 1: DOE requests comments on the proposed expansion of the scope of applicability of the Federal test procedure to include WSHPs with cooling capacity between 135,000 and 760,000 Btu/h.

B. Definition

As discussed, WSHPs are a category of commercial package air-conditioning and heating equipment. The current definition for ''water-source heat pump'' does not explicitly state that it is ''commercial package air-conditioning and heating equipment.'' This is inconsistent with the definitions of most other categories of commercial package air-conditioning and heating equipment (*e.g.,* computer room air conditioner, single package vertical air conditioner, variable refrigerant flow multi-split air conditioner). 10 CFR 431.92. To provide consistency with other definitions of specific categories of commercial package air-conditioning and heating equipment, DOE proposes to amend the definition of ''water-source heat pump'' to explicitly indicate that WSHPs are a category of commercial package air-conditioning and heating equipment. This proposed clarification to the ''water-source heat pump'' definition would not change the scope of equipment covered by the definition.

In addition, DOE is proposing to amend the WSHP definition to clarify that an indoor fan is not an included component for coil-only WSHPs. The current definition lists the main components of a WSHP, and it includes ''indoor fan'' on that list. However, DOE has identified coil-only WSHPs on the market that rely on a separately installed furnace or modular blower for indoor air movement. To clarify that coil-only WSHPs are indeed covered under the WSHP definition, DOE is proposing to include the parenthesized statement ''except that coil-only units do not include an indoor fan'' in the sentence listing the main components in the WSHP definition.

In summary, DOE proposes to amend the definition of WSHP as follows:

''*Water-source heat pump* means commercial package air-conditioning and heating equipment that is a single-phase or three-phase reverse-cycle heat pump that uses a circulating water loop as the heat source for heating and as the heat sink for cooling. The main components are a compressor, refrigerant-to-water heat exchanger, refrigerant-to-air heat exchanger, refrigerant expansion devices, refrigerant reversing valve, and indoor fan (except that coil-only units do not include an indoor fan). Such equipment includes, but is not limited to, water-to-air water-loop heat pumps.''

Issue 2: DOE requests comments on the proposed change to the definition of WSHP to explicitly indicate that WSHP is a category of commercial package air-conditioning and heating equipment and to clarify that the presence of an indoor fan does not apply to coil-only units.

C. Proposed Organization of the WSHP Test Procedure

DOE is proposing to relocate and centralize the current test procedure for WSHPs to a new appendix C to subpart F of part 431. As proposed, appendix C would maintain the substance of the current test procedure. The test procedure as proposed in newly proposed appendix C would continue to reference ISO 13256–1:1998 and provide for determining energy efficiency ratio (''EER'') and COP. The proposed appendix C would centralize the additional test provisions currently applicable under 10 CFR 431.96, *i.e.,* additional provisions for equipment set-up (10 CFR 431.96(e)). As proposed, WSHPs would be required to be tested according to appendix C until such time as compliance is required with an amended energy conservation standard that relies on the IEER metric, should DOE adopt such a standard.

DOE is also proposing to establish a test procedure for WSHPs in a new appendix C1 to subpart F of part 431 that would incorporate by reference AHRI 340/360–2022 and ASHRAE 37–2009 along with additional provisions, as discussed in greater detail in the following sections. As proposed, WSHPs would not be required to test according to the test procedure in proposed appendix C1 until such time as compliance is required with an amended energy conservation standard that relies on the IEER metric, should DOE adopt such a standard, although any voluntary representations of IEER prior to the compliance date must be based on testing according to appendix C1.

D. Industry Standards

1. Applicable Industry Test Procedures

a. ISO Standard 13256–1

As noted in section I.B of this document, the DOE test procedure currently incorporates by reference ISO 13256–1:1998 and includes additional provisions for equipment set-up at 10 CFR 431.96(e), which provide specifications for addressing key information typically found in the installation and operation manuals.

ISO 13256–1:1998 specifies the cooling efficiency metric, EER,[7] which is the ratio of the net total cooling capacity to the effective power input at

[7] DOE defines ''EER'' at 10 CFR 431.92 as the ratio of the produced cooling effect of an air conditioner or heat pump to its net work input, expressed in BTU/watt-hour.

a single set of operating conditions. Table 1 of ISO 13256–1:1998 specifies six sets of operating conditions for determining EER values based on variation in entering water temperature (''EWT'') [8] and, for models with capacity control (*i.e.,* multiple compressor stages), whether the test is a full-load or part-load test. The initial three sets, referred to as ''standard rating test'' conditions in Table 1 of ISO 13256–1:1998, are used to determine full-load EER values, which represent the cooling efficiency for a WSHP operating at its maximum capacity in the most demanding conditions (*i.e.,* highest EWT) that the WSHP would regularly encounter. The three standard rating test conditions in Table 1 of ISO 13256–1:1998 differ in terms of EWT, in that they represent the highest EWT that would be regularly encountered in different specific applications (*i.e.,* 86 °F for water-loop, 59 °F for ground-water, and 77 °F for ground-loop heat pumps).[9] The standard rating test conditions specified for water-loop heat pumps are used in the current DOE test procedure.

The next three sets of operating conditions for determining EER, referred to as ''part-load rating test'' conditions in Table 1 of ISO 13256–1:1998, are specified to determine EER values at less than full capacity for models with capacity control. As with the standard rating test conditions, Table 1 of ISO 13256–1:1998 specifies part-load rating test conditions for different specific applications (*i.e.,* 86 °F for water-loop, 59 °F for ground-water, and 68 °F for ground-loop heat pumps). None of the part-load rating test conditions are used in the current DOE test procedure. Although Table 1 of ISO 13256–1:1998 specifies conditions for determining EER for multiple applications and (as applicable) capacity levels, ISO 13256–1:1998 does not include any seasonal cooling efficiency metrics.

Additionally, unlike the test methods for other categories of commercial package air conditioners and heat pumps (*e.g.,* AHRI 340/360–2022 for commercial unitary air conditioners and heat pumps (''CUAC/HPs''); AHRI Standard 1230–2021, ''2021 Standard for Performance Rating of Variable Refrigerant Flow (VRF) Multi-Split Air-Conditioning and Heat Pump Equipment'' (''AHRI 1230–2021''), for variable refrigerant flow air conditioners (''VRF multi-split systems''); AHRI Standard 390–2021, ''2021 Standard for Performance Rating of Single Package Vertical Air-Conditioners and Heat Pumps'' (''AHRI 390–2021''), for single package vertical units (''SPVUs''); and AHRI Standard 210/240–2023, ''2023 Standard for Performance Rating of Unitary Air-conditioning & Air-source Heat Pump Equipment'' (''AHRI 210/240–2023''), for central air conditioners and heat pumps (''CAC/HPs'')), for ducted units ISO 13256–1:1998 does not produce ratings that reflect indoor fan power needed to overcome ESP from ductwork. Instead, section 4.1.3 of ISO 13256–1:1998 includes a fan power adjustment (which assumes a fan efficiency of 0.3 for all units) to be applied such that only the fan power required to overcome the internal static pressure (''ISP'') of the unit is taken into account. The exclusion of fan power to overcome ESP from ductwork in ISO 13256–1:1998 ratings results in higher EER ratings than would be measured if ratings reflected fan power to overcome ESP, thereby being more representative of field applications.

Similar to the treatment of fan power, ISO 13256–1:1998 does not produce ratings that reflect the pump power needed to overcome liquid ESP from the water loop that pipes water to and from the WSHP. Instead, section 4.1.4 of ISO 13256–1:1998 includes a pump power adjustment (which assumes a pump efficiency of 0.3 for all units) to be applied such that only the pump power required to overcome the liquid ISP of the unit is taken into account. ISO 13256–1:1998 also does not specify any liquid ESP requirements for testing. The exclusion of pump power to overcome ESP from system water loop piping in ISO 13256–1:1998 ratings results in higher EER ratings than would be measured if ratings reflected pump power to overcome ESP, thereby being more representative of field applications.

An updated version of ISO Standard 13256–1 (*i.e.,* ISO 13256–1:2021) was published in 2021. While there are numerous changes in ISO 13256–1:2021 (discussed in detail in subsequent sections of this NOPR), the 2021 version maintains provisions for determining EER, and it does not include provisions for determining a seasonal metric that incorporates tests at multiple conditions. ISO 13256–1:2021 also maintains the same indoor fan power adjustment and pump power adjustment as in the 1998 version (see sections 5.1.3 and 5.1.4 of ISO 13256–1:2021), thus continuing to produce ratings that do not reflect fan power and pump power associated with overcoming ESP. As discussed in subsequent sections of this document, DOE is proposing provisions in its test procedures for WSHPs to address the identified shortcomings in ISO 13256–1:1998 and ISO 13256–1:2021.

b. AHRI 340/360–2022 and ASHRAE 37–2009

AHRI 340/360–2022 is the industry test procedure used for testing CUAC/HPs. AHRI 340/360–2022 includes the seasonal cooling metric IEER (see section 6.2 of AHRI 340/360–2022), which reflects cooling performance across a range of operating conditions and load levels. Specifically, IEER is a weighted average of the EER at full-load and several part-load conditions intended to represent the range of conditions that a unit would encounter over a full cooling season. The vast majority of operating hours for commercial air conditioners and heat pumps (including CUAC/HPs and WSHPs) occur when conditions are less demanding than full-load conditions. For example, the IEER metric in section 6.2.2 of AHRI 340/360–2022 specifies that full-load conditions account for only 2 percent of operation. AHRI 340/360–2022 also includes minimum ESP requirements that are intended to reflect ESPs in field installations and includes all indoor fan power needed to overcome the tested ESP in the calculation of IEER (see section 6.1.3.3 of AHRI 340/360–2022). AHRI 340/360–2022 also includes a power adder to account for the power of cooling tower fan motor(s) and circulating water pump(s). Similar to other industry test procedures for commercial package air-conditioning and heating equipment, AHRI 340/360–2022 references ANSI/ASHRAE 37–2009 (see section 5.1.1 of AHRI 340/360–2022), which provides a method of test applicable to many categories of air conditioning and heating equipment. In particular, sections 5 and 6 and appendices C, D, E, and I of AHRI 340/360–2022 reference methods of test in ANSI/ASHRAE 37–2009. As discussed in subsequent sections of this notice, DOE has tentatively concluded that AHRI 340/360–2022 addresses many of the identified shortcomings in ISO 13256–1:1998 and ISO 13256–1:2021.

c. AHRI 600

AHRI is in the process of developing a new industry test standard for WSHPs titled ''AHRI Standard 600 IEER & SCHE Performance Rating of Water/Brine Source Heat Pumps'' (''AHRI 600''). This was formerly designated as AHRI Standard 500P (''AHRI 500P''). DOE has

[8] ''EWT'' is used to describe the entering liquid temperature for WSHPs, which may be water or a brine solution, depending on the liquid temperature used for test.

[9] EWTs are specified in degrees Celsius in ISO 13256–1:1998, but they are referred to by their equivalent values of degrees Fahrenheit in this NOPR to ease comparison with other temperatures discussed elsewhere in this document.

participated in AHRI committee meetings working to develop AHRI 600 since 2019. Based on its interactions with the AHRI committee, DOE understands that AHRI 600 would not include any provisions for testing, but rather would provide a method for calculation of a seasonal cooling efficiency metric for WSHPs (*i.e.,* IEER) based on testing conducted according to ISO 13256–1:1998. Specifically, DOE understands that AHRI 600 would provide for the calculation of IEER for WSHPs via interpolation and extrapolation of test results reflecting the testing temperatures specified in Table 1 of ISO 13256–1:1998, and the rating conditions for the IEER calculation would be based on the EWTs and weighting factors specified in Table 9 and section 6.2 of AHRI 340/360–2022 for determining IEER for water-cooled CUACs. AHRI 600 is still in development and has not yet published. As discussed in subsequent sections of this notice, DOE has tentatively concluded that the general methodology in AHRI 600 for determining IEER is appropriate, although DOE has identified several aspects of the methodology that warrant further modifications.

2. Comments Received on Industry Standards and DOE Responses

In the June 2018 RFI, DOE discussed how the test method used in ISO 13256–1:1998 is similar to ANSI/ASHRAE 37–2009 and that ANSI/ASHRAE 37–2009 is the method referenced by the 2015 version of AHRI 340/360 (the most current version at the time; ''AHRI 340/360–2015''). 83 FR 29048, 29052 (June 22, 2018). DOE also discussed how AHRI 340/360–2015 is referenced by ASHRAE Standard 90.1 for testing WCUACs, and that DOE was considering whether using the same method of test for WSHPs and WCUACs would be appropriate, given the similarities in the design of WSHPs and WCUACs. *Id.* DOE requested comment on whether a single test method could be used for both WSHPs and WCUACs. *Id.* DOE also sought comment on any aspects of design, installation, and application of WSHPs that would make the use of ANSI/ASHRAE 37–2009 infeasible for WSHPs. *Id.*

In response to the June 2018 RFI, AHRI and Trane stated that because ASHRAE Standard 90.1 reaffirmed the ISO 13256–1:1998 standard on October 26, 2018, the statutory trigger provisions of 42 U.S.C. 6314(a)(4)(B) do not provide a basis for DOE to review its WSHP test procedure at that time. (AHRI, No. 12 at p. 1, Trane, No. 8 at p. 1)

In response, DOE notes that in addition to the statutory trigger provisions of 42 U.S.C. 6314(a)(4)(B), the Department is statutorily required to review its test procedures every seven years per the 7-year-lookback requirements at 42 U.S.C. 6314(a)(1), as outlined in section I.A of this NOPR.

AHRI, WaterFurnace, and Trane recommended that DOE wait for the ISO revision process to be completed and adopt the revised version of ISO 13256–1:1998 following a second RFI. (AHRI, No. 12 at p. 6; WaterFurnace, No. 7 at p. 2; Trane, No. 8 at p. 3) AHRI and WaterFurnace further commented that the next version of ISO 13256–1 was expected to publish in early 2019, and these commenters recommended that DOE should support the development of the next version of ISO 13256–1:1998. (AHRI, No. 12 at pp. 3, 12–13; WaterFurnace, No. 7 at pp. 2, 10) AHRI and WaterFurnace also stated that many key authors of ANSI/ASHRAE 37–2009 are on the ISO working group, and that the working group was planning to add clarity to the test method with the next revision of ISO 13256–1:1998. The commenters also stated that minimum ESPs were being considered for inclusion in the revised version of ISO 13256–1:1998. *Id.*

AHRI and WaterFurnace further stated that for international standards, each nation requires slight deviations from the written ISO standard and that the AHRI WSHP/Geothermal Operations Manual [10] provides the U.S. national deviations from ISO 13256–1:1998. (AHRI, No. 12 at p. 2; WaterFurnace, No. 7 at p. 2) They further stated that the AHRI WSHP/Geothermal Operations Manual addresses multiple issues raised by DOE in the June 2018 RFI. *Id.*

In response, DOE notes that ISO 13256–1:2021 also lacks a seasonal cooling efficiency metric and does not produce ratings that reflect fan power and pump power associated with overcoming ESP. As discussed, a seasonal cooling efficiency metric would account for the range of conditions that a unit would encounter over a full cooling season. In addition, the inclusion of fan and pump power associated with overcoming ESP would provide ratings that would be more representative of the power consumption in field applications needed to overcome pressure from ductwork and water piping. Section III.D.3 of this document provides further discussion of these considerations and DOE's preliminary conclusion that alternate test methods that address these key issues would provide a more representative measure of a WSHP's overall energy efficiency.

While an updated version of ISO Standard 13256–1 has published (*i.e.,* ISO 13256–1:2021), DOE is not aware of a deviation process being initiated for the U.S. (*i.e.,* development of the version designated with ''AHRI/ASHRAE'' that is intended for use for testing in the U.S.). DOE understands that the national deviation process will be initiated by a WSHP industry committee, but DOE does not know when that will begin or how long the national deviation process will take. DOE notes that in the past, the WSHP industry committees have taken years longer than expected to develop the revised version of ISO 13256–1, as well as AHRI 600. Specifically, in their RFI comments, AHRI and WaterFurnace stated that they expected the revised ISO 13256–1 to publish in ''early 2019'' and AHRI 600 to publish in 2019, whereas in reality, the revised ISO 13256–1 published in 2021 and AHRI 600 remains as yet unpublished. Therefore, DOE expects that the national deviation process will not be completed for several years, and the Department cannot speculate as to the substantive output of those efforts or a final completion date. Given EPCA's statutory requirement to review the appropriate test procedures for WSHPs every seven years, DOE has tentatively concluded that it would be neither appropriate nor permissible to delay the current rulemaking for the WSHP test procedure until after the completion of the national deviation process (which the Department understands has not yet even begun).

DOE further notes that the AHRI WSHP/Geothermal Operations Manual is not incorporated by reference into the DOE test procedure, nor is it referenced in ASHRAE Standard 90.1. Therefore, the deviations from the ISO standard included in the AHRI WSHP/Geothermal Operations Manual are not reflected in the current DOE test procedure. However, DOE has nonetheless reviewed the AHRI WSHP/Geothermal Operations Manual as part of its consideration of potential amended test procedure provisions in this NOPR.

With regards to use of a part-load efficiency metric, Trane, AHRI, and WaterFurnace commented that industry is currently developing an IEER metric for WSHPs. (Trane, No. 8 at p. 4; AHRI, No. 12 at p. 11; WaterFurnace, No. 7 at p. 9) AHRI and WaterFurnace commented further that the IEER metric

[10] DOE notes that the AHRI geothermal operations manual is available at: *https://www.ahrinet.org/App_Content/ahri/files/Certification/OM%20pdfs/WSHP_OM.pdf* (Last accessed July 29, 2022).

is included in the draft of AHRI 500P [11] and is calculated using performance data from ISO 13256–1:1998. In addition, AHRI and WaterFurnace stated that WSHPs in water-loop applications (*i.e.,* installed with cooling towers) operate with similar water-loop conditions to WCUACs. Therefore, the commenters argued that the provisions used for determining IEER for WSHPs in the draft of AHRI 500P are similar to those included in AHRI 340/360 and AHRI 1230; specifically, the commenters included a table showing that the IEER EWT conditions in the draft of AHRI 500P align with those specified in AHRI 340/360. Both AHRI and WaterFurnace commented that they anticipated AHRI 500P to be completed in 2019. (AHRI, No. 12 at pp. 11–12; WaterFurnace, No. 7 at p. 9)

Once again, DOE notes that AHRI 600 [12] has not yet published, and the Department is unaware as to when that document will be completed. Accordingly, for this NOPR, in addition to proposing a method to determine IEER by testing at the IEER test points specified in Table 9 of AHRI 340/360–2022, DOE is proposing an alternate method of calculating IEER (based on interpolation and extrapolation from results of testing to EWTs specified in Table 1 of ISO 13256–1:1998, rather than testing directly at the EWTs specified for the IEER metric in Table 9 of AHRI 340/360–2022) that DOE understands to be consistent with the approach in the current draft version of AHRI 600. Section III.E.1.b of this NOPR includes further details on the proposed optional approach for calculation of IEER based on interpolation and extrapolation.

DOE also received comments from AHRI, Trane, and WaterFurnace that cautioned against using a different test standard, such as AHRI 340/360, for testing WSHPs instead of ISO 13256–1 as currently specified. (Trane, No. 8 at p. 4; AHRI, No. 12 at p. 12; WaterFurnace, No. 7 at p. 10) AHRI, Trane, and WaterFurnace argued that AHRI 340/360 does not include several important features that are included in ISO 13256–1:1998 such as: provisions for heating performance, performance mapping [13] across a wide temperature range, part-load ratings, application ratings for well water and geothermal, and provisions for testing units with variable-speed compressors. (Trane, No. 8 at p. 4; AHRI, No. 12 at p. 12; WaterFurnace, No. 7 at p. 10) Trane stated that AHRI 340/360 covers only cooling-mode operation of water-cooled units, and that WSHPs require a test procedure that includes both cooling and heating cycle operation. (Trane, No. 8 at p. 4) AHRI and WaterFurnace additionally stated that certain aspects of ISO 13256–1:1998, such as standard rating conditions, are not included in ANSI/ASHRAE 37–2009 because ANSI/ASHRAE 37–2009 is a method of test rather than a test standard. (AHRI, No. 12 at pp. 12–13; WaterFurnace, No. 7 at pp. 10–11) AHRI, Trane, and WaterFurnace further commented that that many aspects of ANSI/ASHRAE 37–2009 are accounted for in ISO 13256–1:1998. (AHRI, No. 12 at p. 13; Trane, No. 8 at p. 4; WaterFurnace, No. 7 at p. 10) AHRI and WaterFurnace also stated that several Environmental Protection Agency (''EPA''), State, utility, and building code requirements reference ISO 13256–1:1998, and they asserted that removing reference to it would have a significant negative impact on the industry and consumers who use efficiency programs and tax credits when selecting equipment. (AHRI, No. 12 at p. 12; WaterFurnace, No. 7 at p. 10)

The following paragraphs provide DOE's responses to concerns expressed by commenters that AHRI 340/360 and ANSI/ASHRAE 37–2009 lack certain provisions that are present in ISO 13256–1 and that are needed for testing WSHPs.

Regarding provisions for heating tests, DOE acknowledges that AHRI 340/360–2022 does not include certain provisions needed for heating-mode testing of WSHPs because WCUACs, the water-cooled units for which AHRI 340/360–2022 is intended to apply, are not heat pumps. Specifically, AHRI 340/360–2022 does not specify the following provisions for a heating test: an EWT test condition, provisions for setting liquid flow rate, or how pump effects are accounted for. Therefore, DOE is proposing additional provisions that would address these aspects of heating-mode tests of WSHPs, as discussed further in sections III.E.2, III.F.4, III.F.5, and III.F.6 of this document. DOE notes that AHRI 340/360–2022 does include provisions appropriate for air-side measurements in heating tests because AHRI 340/360–2022 covers air-cooled commercial unitary heat pumps. Furthermore, ANSI/ASHRAE 37–2009 provides appropriate provisions for a method of test for WSHPs. DOE has tentatively concluded that its proposals for heating provisions for WSHPs would, when combined with the provisions in AHRI 340/360–2022, produce test results representative of an average use cycle.

Regarding performance mapping across a wide temperature range, part-load ratings, and ratings for ground-water and geothermal applications, DOE acknowledges that AHRI 340/360–2022 does not include EWTs specific to multiple applications of WSHPs. By contrast, Table 1 of ISO 13256–1:1998 provides separate EWTs for water-loop, ground-water, and ground-loop WSHP applications (see discussion in section III.D.1.a of this NOPR). AHRI 340/360–2022 includes full-load and part-load cooling EWTs for only water-loop applications of WCUACs, but the EWT for water-loop applications in Table 1 of ISO 13256–1:1998 is the only EWT test condition used in the current DOE test procedure. As discussed in sections III.D.3 and III.E.1 of this NOPR, DOE has tentatively concluded that the seasonal integrated cooling metric IEER specified in section 6.2 of AHRI 340/360–2022 would be more representative of field applications and provide consumers with a better understanding of year-round performance of WSHPs than the EER metric measured at a single temperature and load level. However, DOE recognizes the potential benefits to consumers of allowing manufacturers to continue to provide performance ratings at the temperatures and load levels specified in Table 1 of ISO 13256–1:1998, in addition to providing the proposed IEER ratings which are more representative of year-round performance. Therefore, as discussed in section III.E.1.a of this NOPR, DOE is proposing in section 5.2 of proposed appendix C1 to provide for optional representations of EER at the EWTs and load levels specified in Table 1 of ISO 13256–1:1998. Consequently, DOE has tentatively concluded that the proposals in this NOPR would continue to provide manufacturers the flexibility to offer full-load and part-load EER ratings at multiple temperatures that can be used for performance mapping, representations of part-load performance, and representations of performance for ground-water and geothermal applications.

Regarding variable-speed compressors, section 6.2 of AHRI 340/360–2022 includes appropriate provisions for testing and determining IEER for units with all compressor

[11] As discussed, after DOE received comments in response to the June 2018 RFI, the draft AHRI Standard 500P was redesignated as the draft AHRI Standard 600.

[12] As discussed, after DOE received comments in response to the June 2018 RFI, the draft AHRI Standard 500P was redesignated as the draft AHRI Standard 600.

[13] DOE understands use of the term ''performance mapping'' as referring to making representations of performance across a range of temperature conditions, typically achieved by interpolating or extrapolating from test results obtained at specifically defined test conditions.

types, including variable-speed compressors. Specifically, Section 6.2.6 of AHRI 340/360–2022 includes provisions addressing ''proportionally capacity controlled units,'' which is defined in section 3.22 of AHRI 340/360–2022 to include units incorporating one or more variable-capacity compressors where the compressor capacity can be modulated continuously or in steps not more than 5 percent of the full-load cooling capacity. Section 6.2.6 of AHRI 340/360–2022 includes steps for setting capacity of these units for each IEER test point.

With regards to EPA, State, utility, and building code requirements that reference ISO 13256–1:1998, DOE does not expect that an update to the DOE test procedure for WSHPs would create any particular challenges for any other agency or organization that references the performance ratings as measured by the DOE test procedure. EPCA directs DOE to establish and amend test procedures to be reasonably designed to produce test results which reflect energy efficiency, energy use, and estimated operating costs of covered equipment during a representative average use cycle (as determined by the Secretary), and not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) DOE test procedures are updated regularly, across many products and equipment types, and other agencies and organizations have historically updated their requirements as needed in response to those changes. With regard to EPA specifically, DOE has responsibility for developing and revising the test procedures that provide the basis for ratings under EPA's ENERGY STAR program. DOE and EPA work closely together to update ENERGY STAR specifications in response to any changes to the relevant DOE test procedure. Furthermore, DOE is proposing that the amended test procedure would not be required for use until the effective date of any future energy conservation standards based on the IEER metric, thereby providing sufficient advance notice for any agency or organization to adapt program requirements accordingly.

3. Proposal for DOE Test Procedure

As discussed, EPCA requires that test procedures for covered equipment, including WSHPs, be reasonably designed to produce test results which reflect energy efficiency, energy use, and estimated operating costs of a type of industrial equipment (or class thereof) during a representative average use cycle (as determined by the Secretary), and shall not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

For the reasons presented in the remainder of this section, DOE has tentatively determined that the test procedure for WSHPs as proposed would improve the representativeness of the current Federal test procedure for WSHPs and would not be unduly burdensome. Specifically, DOE has tentatively concluded, supported by clear and convincing evidence as discussed in the following paragraphs, that testing WSHPs in accordance with the industry test standards AHRI 340/360–2022 and ASHRAE 37–2009 would provide more representative results and more fully comply with the requirements of paragraph (2) of 42 U.S.C. 6314(a) than testing in accordance with the currently referenced standard ISO 13256–1:1998. Therefore, DOE is proposing to amend the test procedure for WSHPs so as to incorporate by reference in the proposed new appendix C1 the test provisions in AHRI 340/360–2022 and ASHRAE 37–2009, along with certain additional provisions.

Throughout the remainder of the discussion in section III of this NOPR, DOE presents the details and justifications for the proposed test procedure and deviation from the currently referenced industry test procedure, ISO 13256–1:1998 (*i.e.,* the industry test standard referenced in ASHRAE Standard 90.1). The following paragraphs summarize the key areas in which DOE has tentatively concluded, supported by clear and convincing evidence, that the proposal would improve the representativeness of the test procedure:

(1) Cooling efficiency metric: As discussed, the cooling metric specified in the current DOE test procedure (which references ISO 13256–1:1998) is EER, which reflects full-load performance only at a single operating condition. In contrast, IEER, the metric specified in section 6.2 of AHRI 340/360–2022, is a seasonal metric that is a weighted average of the full- and part-load performance at different outdoor conditions intended to represent average efficiency over a full cooling season. For the vast majority of operating hours for WSHPs and other commercial air conditioners and heat pumps installed in the field, loads are at less than full-load capacity. This is because units are sized to be able to provide sufficient air conditioning capacity at the hottest time on the hottest day of the year, but the vast majority of annual cooling hours are at significantly lower outdoor temperatures (and thus lower EWTs), with correspondingly lower cooling loads. This is demonstrated in the IEER metric specified in section 6.2.2 of AHRI 340/360–2022, which specifies a weighting factor for full-load conditions of only 2 percent of the hours included in the IEER metric, with the remaining 98 percent of hours assigned to lower load levels and lower outdoor temperatures. As discussed, from RFI comments and DOE's participation in AHRI 600 committee meetings, DOE understands that the AHRI 340/360–2022 IEER weighting factors are also included in the draft AHRI 600. Therefore, DOE has tentatively concluded that IEER would be more representative of an average use cycle than the EER metric. This topic is discussed further in section III.E.1 of this NOPR.

(2) Fan power and indoor air external static pressure: As discussed, for ducted units, ISO 13256–1:1998 does not produce ratings that reflect the fan power needed to overcome ESP. Further, that ISO standard does not specify ESP requirements for ducted units and instead uses a fan power adjustment, such that ratings reflect only the fan power needed to overcome internal static pressure within the unit and not the ESP from the ductwork that would be installed in the field. In contrast, Table 7 of AHRI 340/360–2022 specifies minimum ESP requirements at which performance is measured. Because ducted WSHPs are manufactured to be installed in the field with ductwork, DOE has tentatively concluded that a WSHP rating that reflects the indoor fan power needed to overcome ESP representative of typical installations (*i.e.,* the approach taken by AHRI 340/360–2022) would produce test results that are more representative of an average use cycle than testing in accordance with ISO 13256–1:1998, the standard currently incorporated by reference.

(3) Pump power and liquid external static pressure: ISO 13256–1:1998 does not produce ratings that reflect the pump power needed to overcome liquid ESP. Further, for units with integral pumps, ISO 13256–1:1998 does not specify ESP requirements and uses a pump power adjustment such that ratings reflect only the pump power needed to overcome internal static pressure within the unit. For units with integral pumps, DOE has tentatively concluded that ratings would be more representative if based on testing at a liquid ESP that is representative of the ESP from water piping in typical installations. For units without integral pumps, DOE has tentatively concluded that ratings would be more

representative if a pump power adder is included in the rating that reflects pump power needed to overcome a field-representative liquid ESP. More discussion on this topic is provided in section III.F.4 of this document.

DOE is proposing to adopt in its WSHP test procedure the following specific sections of AHRI 340/360–2022:

(1) Section 3: Definitions, excluding sections 3.2, 3.4, 3.5, 3.7, 3.8, 3.12, 3.14, 3.15, 3.17, 3.23, 3.26, 3.27, 3.29, 3.30, and 3.36;
(2) Section 5: Test Requirements;
(3) Section 6: Rating Requirements, excluding sections 6.1.1.7, 6.1.2.1, 6.1.3.4.5, 6.1.3.5.4, 6.1.3.5.5, 6.5, 6.6, and 6.7;
(4) Appendix A. References—Normative;
(5) Appendix C. Indoor and Outdoor Air Condition Measurement—Normative;
(6) Appendix E. Method of Testing Unitary Air Conditioning Products—Normative;

The key substantive changes that would result from DOE's proposal to adopt AHRI 340/360–2022 for testing WSHPs include the following:

(1) A new energy efficiency descriptor, IEER, which incorporates part-load cooling performance (see section 6.2 of AHRI 340/360–2022);
(2) Minimum ESP requirements, instructions for setting airflow and ESP, and tolerances for airflow and ESP (see sections 6.1.3.3, 6.1.3.4, and Table 6 of AHRI 340/360–2022);
(3) Fixed inlet and outlet water temperature conditions (see Table 5 of AHRI 340/360–2022);
(4) Operating tolerance for voltage (see Table 10 of AHRI 340/360–2022);
(5) Different indoor air conditions used for testing (see Table 5 of AHRI 340/360–2022);
(6) Refrigerant charging instructions for cases where they are not provided by the manufacturer (see section 5.8 of AHRI 340/360–2022), and
(7) Use of the primary capacity measurement (*i.e.,* indoor air enthalpy method) as the value for capacity, and different provisions for required agreement between primary and secondary capacity measurements (see section E6 of Appendix E to AHRI 340/360–2022).

Appendix E of AHRI 340/360–2022 specifies the method of test, including the use of specified provisions of ANSI/ASHRAE 37–2009. Consistent with AHRI 340/360–2022, DOE is proposing to incorporate by reference ANSI/ASHRAE 37–2009 in its test procedure for WSHPs. Specifically, in section 1 of the proposed test procedure for WSHPs in the proposed appendix C1, DOE is proposing to adopt all sections except sections 1, 2, and 4 of ANSI/ASHRAE 37–2009. The key substantive changes that would result from DOE's proposal to adopt ANSI/ASHRAE 37–2009 for testing WSHPs include the following:

(1) Provisions for split systems, such as accounting for compressor heat and refrigerant line losses (see sections 7.3.3.4, 7.3.4.4, and 7.6.1.2 of ASHRAE 37–2009);
(2) Measurement of duct losses for ducted units (see section 7.3.3.3 of ASHRAE 37–2009);
(3) Standardized heat capacity of water and brine (see section 12.2 of ASHRAE 37–2009), and
(4) A calculation for discharge coefficients (see section 6.3.2 of ASHRAE 37–2009).

Throughout the remainder of this NOPR, DOE discusses substantive differences between the proposed test procedure (including references to AHRI 340/360–2022 and ASHRAE 37–2009) and the current DOE test procedure (which incorporates by reference ISO 13256–1:1998). DOE also identified and considered provisions in the updated industry test procedure ISO 13256–1:2021 that substantively differ from ISO 13256–1:1998.

E. Efficiency Metrics

1. IEER

a. General Discussion

As discussed previously, DOE's current test procedure for WSHPs measures cooling-mode performance in terms of the EER metric, the current regulatory metric. 10 CFR 431.96. EER captures WSHP performance at a single, full-load operating point in cooling mode (*i.e.,* a single EWT) and does not provide a seasonal or load-weighted measure of energy efficiency. A seasonal metric is a weighted average of the performance of cooling or heating systems at different outdoor conditions intended to represent average efficiency over a full cooling or heating season. Several categories of commercial package air-conditioning and heating equipment are rated using a seasonal or part-load metric, such as IEER for CUACs specified in section 6.2 of AHRI 340/360–2022. IEER is a weighted average of efficiency at four load levels representing 100, 75, 50, and 25 percent of full-load capacity, each measured at a specified outdoor condition that is representative of field operation at the given load level. In general, the IEER metric provides a more representative measure of field performance than EER by weighting the full-load and part-load efficiencies by the average amount of time equipment spends operating at each load level. Table 1 of ISO 13256–1:1998, the industry test standard incorporated by reference into DOE's current WSHP test procedure, and Table 2 of ISO 13256–1:2021 both specify entering water temperature conditions to be used for developing part-load ratings of EER for WSHPs with capacity control (tested at minimum compressor speed). However, part-load EER ratings are not addressed in the current DOE test procedure. Further, each part-load rating captures operation only at a single compressor speed and entering water temperature, not operation across a range of temperatures and compressor speeds. Neither ISO 13256–1:1998 nor ISO 13256–1:2021 include seasonal metrics.

In the June 2018 RFI, DOE requested comment on whether a seasonal metric that accounts for part-load performance would be appropriate for WSHPs, and the Department sought information on the specific details of a seasonal metric that would best represent average cooling efficiency for WSHPs. 83 FR 29048, 29051 (June 22, 2018).

NEEA encouraged DOE to consider adopting IEER for WSHPs and to improve the metric so as to make it more representative of an average use cycle by including changes to more accurately represent fan energy use in field applications, accounting for all modes of operation, and including ventilating and economizing. (NEEA, No. 11 at p. 2)

The Joint Advocates recommended that DOE should consider seasonal efficiency metrics for WSHPs to better reflect field energy consumption, including part-load operation. The Joint Advocates stated that it was their understanding that WSHPs operate most of the time at part-load, and that, therefore, full-load efficiency ratings do not provide sufficient information to consumers. The Joint Advocates also stated that the current metrics do not demonstrate the potential savings associated with technologies that improve part-load efficiency, such as variable-speed compressors. (Joint Advocates, No. 10 at p. 2)

The CA IOUs stated that while the IEER metric provides a valuable measure of annual efficiency, the EER metric is important for achieving reductions in peak loads. These commenters remarked that because the IEER metric uses a low weighting (*i.e.,* 2 percent) for the full-load condition, a standard based only on the IEER metric would incentivize manufacturers to optimize equipment at the part-load conditions and could potentially result in equipment that is designed with lower full-load EERs than the current standards for this equipment. To prevent poor equipment performance at full-load conditions, the CA IOUs supported using the IEER metric that measures part-load efficiencies in conjunction with the currently regulated full-load EER metric. (CA IOUs, No. 9 at pp. 1–2) The CA IOUs further commented that the prevalence of economizers in buildings with WSHPs

should be investigated and that modifications to the IEER metric should be informed by the outcome of such research before the IEER metric is implemented as the efficiency metric for WSHPs. (CA IOUs, No. 9 at p. 1)

Trane, AHRI, and WaterFurnace commented that industry is currently developing an IEER metric for WSHPs (Trane, No. 8 at p. 4; AHRI, No. 12 at p. 11; WaterFurnace, No. 7 at p. 9). AHRI and WaterFurnace explained further that the IEER metric is included in the draft version of AHRI 500P,[14] and as drafted, IEER is calculated using performance data from ISO 13256–1:1998. AHRI and WaterFurnace commented that the provisions used for determining IEER for WSHPs in the draft version of AHRI 500P are similar to those included in AHRI 340/360 and AHRI 1230. Both AHRI and WaterFurnace commented that they anticipated AHRI 500P to be completed in 2019. (AHRI, No. 12 at p. 11; WaterFurnace, No. 7 at p. 9)

As explained previously, DOE notes that the EER metric in DOE's current test procedure for WSHPs measures only full-load performance, and the revised industry test procedure ISO 13256–1:2021 does not include a seasonal metric. For the vast majority of operating hours of WSHPs installed in the field, loads are less than full-load capacity, thus causing single-stage WSHPs to cycle and multi-stage WSHPs to operate at part-load (*i.e.,* less than designed full capacity). Because a seasonal metric reflects operation at a range of conditions experienced over the period of a cooling season, DOE has tentatively concluded that a cooling metric that accounts for part-load performance across a range of temperatures (such as IEER specified in section 6.2 of AHRI 340/360–2022) would be more representative of an average use cycle than the full-load EER metric, which reflects operation at a single condition. Further, a seasonal metric that reflects varying load levels representative of a full cooling season would better incentivize use of modulating components (*e.g.,* multi-stage and variable-speed compressors) that can reduce annual energy consumption in field installations.

DOE has been participating in AHRI committee meetings to develop AHRI 600 with the goal of specifying an IEER metric for WSHPs. It is DOE's understanding that the committee's work is ongoing, and its completion date is uncertain. However, based on comments received on the June 2018 RFI, manufacturer feedback obtained via DOE's participation in AHRI 600 committee meetings, and DOE's own research, the Department has tentatively concluded that the EWTs and weighting factors specified in Table 9 and equation 3 of AHRI 340/360–2022 for water-cooled CUACs would be representative for WSHPs. DOE's understanding based on a review of market literature and available studies is that in the past, WSHP installations were more typically controlled such that water-loop temperatures were maintained at temperatures above 60 °F through heat provided by a system boiler. From manufacturer feedback provided in AHRI 600 committee meetings, DOE understands that in current practice, WSHP installations are typically controlled to allow water-loop temperatures to drop to temperatures closer to 50 °F. Manufacturers indicated that this change in how WSHP system loops are typically controlled in the field is because of multiple factors. One factor provided by manufacturers is that because commercial buildings with WSHP installations are typically cooling-dominated (*i.e.,* most WSHPs spend more time in cooling mode than heating mode), building engineers have increasingly optimized overall WSHP system performance by using the cooling tower to decrease EWTs below 60 °F even when some WSHPs in the loop are in heating mode, thereby improving efficiency for the WSHPs in cooling mode at the expense of reducing efficiency for the fewer WSHPs in heating mode. Additionally, manufacturers indicated that the market penetration of WSHPs with water-side economizers has significantly increased in recent years, largely related to requirements in ASHRAE Standard 90.1 regarding presence of economizers in HVAC systems. Water-side economizers provide compressor-free cooling when supplied with water of sufficiently low temperature; therefore, manufacturers have indicated that building engineers are increasingly maintaining WSHP loop temperatures below 60 °F to take advantage of water-side economizer cooling.[15] Given this feedback provided by manufacturers on the WSHP loop water temperatures typically used in the field, DOE has tentatively concluded that the IEER EWTs specified in Table 9 of AHRI 340/360–2022 (*i.e.,* 85 °F, 73.5 °F, 62 °F, and 55 °F) are representative of current installations of WSHPs. Section III.E.4 of this NOPR includes discussion on other operating modes other than mechanical cooling and heating, such as ventilation and economizing.

Based on the discussion in the preceding paragraphs, DOE has tentatively determined that use of a seasonal efficiency metric, specifically IEER based on AHRI 340/360–2022, would be more representative of the average use cycle of a unit as compared to the current EER metric. Once again, DOE notes that while it may have been expected that AHRI 600 was to publish in 2019, the draft standard has not yet been finalized. Accordingly, DOE is moving forward and proposing to adopt certain provisions of AHRI 340/360–2022 and use the IEER metric specified in section 6.2 of AHRI 340/360–2022 for WSHPs. DOE is proposing to specify the relevant test procedure requirements for WSHPs for measuring IEER in section 5.1 of proposed appendix C1.

As discussed, the proposed IEER test procedure for WSHPs would not be required until such a time as DOE adopts energy conservation standards for WSHPs denominated in terms of IEER, should DOE adopt such standards. If DOE were to adopt such standards, such shift to the IEER metric for WSHPs would require all WSHPs to be re-rated in terms of the IEER metric. Further, beginning 360 days after final rule publication, manufacturers would be required to use the proposed test procedure in appendix C1 to make optional representations of IEER for WSHPs. The cost and impacts to manufacturers of the proposed test procedure are discussed further in section III.I of this document. Additionally, adopting the IEER metric for WSHPs would increase the number of required cooling-mode tests from one to four. However, as discussed, DOE understands that AHRI 600 would provide for calculating IEER from test results measured at the EWTs specified in Table 1 of ISO 13256–1:1998. Consistent with this approach and as discussed in the following section, DOE is proposing to allow determination of IEER via interpolation and extrapolation from testing at the full-load and part-load EWT conditions specified in Table 1 of ISO 13256–1:1998.

[14] As discussed, after DOE received comments in response to the June 2018 RFI, the draft AHRI Standard 500P was redesignated as the draft AHRI Standard 600.

[15] In WSHPs with water-side economizers, if the EWT is sufficiently low in cooling mode, some or all of the entering water that would otherwise enter the water-to-refrigerant condenser coil instead enters the economizer coil, in which the cool water is used to directly cool indoor air, reducing the need for mechanical cooling from the compressor.

In response to the CA IOUs' suggestion, although EPCA limits the agency to promulgation of a single performance standard (*see* 42 U.S.C. 6311(18)), DOE is proposing to provide for optional representations of EER conducted per the proposed test procedure (sections 2 through 4 and 7 of proposed appendix C1) at the full-load and part-load EWT conditions specified in Table 1 of ISO 13256–1:1998 (*i.e.,* full load tests at 86 °F, 77 °F, and 59 °F and part-load tests at 86 °F, 68 °F, and 59 °F).

Issue 3: DOE requests comment on its proposal to adopt the test methods specified in AHRI 340/360–2022 for calculating the IEER of WSHPs. DOE also requests comment on its proposal that all EER tests at full-load and part-load conditions specified in Table 1 of ISO 13256–1:1998 (*i.e.,* full-load tests at 86 °F, 77 °F, and 59 °F and part-load tests at 86 °F, 68 °F, and 59 °F) are optional.

b. Determination of IEER Via Interpolation and Extrapolation

As discussed, DOE understands that the draft AHRI 600 would provide a mechanism for calculating IEER from test results measured at the EWTs specified in Table 1 of ISO 13256–1:1998. Specifically, interpolation and extrapolation [16] from ISO 13256–1:1998 test results would be used to calculate performance at the EWTs specified in Table 9 of AHRI 340/360–2022 for WCUACs, allowing calculation of IEER for WSHPs using the weighting factors specified in section 6.2.2 of AHRI 340/360–2022. Under this approach, AHRI 600 would not include any provisions for testing, but rather would provide a method for calculation of IEER based on results of testing under ISO 13256–1:1998. DOE recognizes that there may be a value for stakeholders in representations of full-load and part-load EER ratings at the temperatures specified in Table 1 of ISO 13256–1:1998. Specifically, these EWTs represent different applications, and manufacturers may prefer to provide representations of performance specific to different applications.

The ability to determine EER ratings at the ISO 13256–1:1998 EWTs (in accordance with the proposed test procedure, at section 5.2 of the proposed appendix C1), and to determine IEER via interpolation and extrapolation from testing at the ISO 13256–1:1998 EWTs, rather than from additional testing at the IEER EWTs specified in AHRI 340/360–2022, may reduce overall testing burden for manufacturers. Consequently, DOE investigated the AHRI 600 method of calculating IEER.

To evaluate the draft AHRI 600 method of calculating IEER, DOE conducted investigative testing on a sample of WSHPs. DOE presents the results of testing 15 WSHPs in the following paragraphs. This testing compared the interpolation and extrapolation method of calculating IEER at the ISO 13256–1:1998 EWTs to testing at the IEER EWTs specified in AHRI 340/360–2022. In summary and for the reasons discussed in the following paragraphs, DOE has tentatively determined that an interpolation and extrapolation approach, similar to that in draft AHRI 600 with certain modifications, is appropriately representative to calculate IEER.

To determine if the interpolation and extrapolation method is appropriate for WSHPs, DOE evaluated whether the components needed to calculate IEER can be linearly interpolated across EWT. Specifically, the parameters necessary for the calculation of IEER are EER, capacity, total power, and all components of power (*i.e.,* compressor power, fan power, condenser section power, controls power). DOE tested 15 units at different EWTs to compare physical tested results and interpolated and extrapolated values. The method evaluated by DOE determines IEER ratings for WSHPs by interpolation and extrapolation from full-load tests at liquid inlet temperatures of 86 °F, 77 °F, and 59 °F and, for two-stage and variable-speed units, part-load tests at 86 °F, 68 °F, and 59 °F. DOE first evaluated the accuracy of interpolating to a different EWT for full-load tests. For each of the 15 units tested, DOE conducted full-load tests to measure EER at 86 °F, 77 °F, and 59 °F. DOE then used the results from the 86 °F and 59 °F tests to linearly interpolate to performance at 77 °F, and compared these interpolated results to the results of testing at 77 °F. Table 3 presents a summary of the percentage differences between the interpolated and measured values. Positive values in the average, minimum, and maximum columns of Table 3 indicate that the values interpolated to 77 °F from results measured at 86 °F and 59 °F were higher than the values measured at 77 °F, and negative values indicate the opposite.

TABLE 3—PERCENTAGE DIFFERENCES OF INTERPOLATED RESULTS FROM MEASURED RESULTS FOR CAPACITY, POWER, AND EER

Parameter	Average	Minimum	Maximum	Average absolute value
Cooling Capacity	−0.2	−1.4	2.2	0.9
Total Power	−0.4	−2.6	1.5	0.8
Interpolated EER	2.3	0.3	4.8	2.3
EER calculated from interpolated capacity and power	0.2	−1.7	2.9	1.0

Note: Positive values in the average, minimum, and maximum columns indicate that the values interpolated to 77 °F from results measured at 86 °F and 59 °F were higher than the values measured at 77 °F. Negative values in the average, minimum, and maximum columns indicate that the values interpolated to 77 °F from results measured at 86 °F and 59 °F were lower than the values measured at 77 °F.

As shown in Table 3, the interpolated values for cooling capacity and total power differed from the corresponding tested values by an average of less than 1 percent. Therefore, DOE has determined that interpolating capacity and total power results in representative values of capacity and total power, respectively. However, the interpolated EER value at 77 °F was higher than the tested EER value at 77 °F for all tested units, with an average difference of 2.3 percent (ranging from 0.3 percent to 4.8 percent higher). Because of the consistent bias in the results showing interpolated EER higher than tested

[16] Per the draft AHRI 600 method, performance at IEER EWTs can be determined using test results at two different temperature conditions (specified in ISO 13256–1:1998). Interpolation is used if the IEER EWT is between the two tested EWTs, and extrapolation is used if the IEER EWT is outside the range of the two tested results.

EER,[17] DOE considered an alternate approach of calculating EER based on interpolated values of cooling capacity and total power rather than interpolating EER directly. The bottom row of Table 3 shows the results of calculating EER at 77 °F using the interpolated values of cooling capacity and total power. As shown in in the bottom row of Table 3, calculating EER at 77 °F using interpolated values of cooling capacity and total power resulted in EER values that were on average 0.2 percent higher than the tested EER value at 77 °F (ranging from 1.7 percent lower to 2.9 percent higher). Because determining EER by interpolating cooling capacity and total power results in closer agreement to tested values than directly interpolating EER (and does not consistently bias results toward higher interpolated EER values), DOE used the former approach in the calculation of IEER values discussed in the following paragraphs.

For determining IEER for single-stage units, this interpolation and extrapolation approach would be used to determine EER at the EWTs for all 4 IEER points, and the EER results for the part-load points (*i.e.,* test points designated as B, C, and D in AHRI 340/360–2022) would also be adjusted for cyclic degradation (see discussion in section III.F.2.b of this document).

For two-stage and variable-speed WSHPs, DOE evaluated a method that tests at the minimum compressor speed at the EWTs specified in Table 1 of ISO 13256–1:1998 for part-load tests (*i.e.,* at 86 °F, 68 °F, and 59 °F). As with the draft AHRI 600 method, the method evaluated by DOE then provides for interpolating to the IEER liquid inlet temperatures from these part-load tests, and IEER is determined using interpolated results for the IEER EWTs for both full-load and part-load tests.[18] To evaluate the accuracy of this methodology for calculating IEER for staged WSHPs, DOE conducted additional investigative testing on 10 of the 15 tested WSHPs (6 two-stage WSHPs and 4 variable-speed WSHPs). Specifically, these 10 units were tested to calculate IEER via the interpolation and extrapolation method (by conducting full-load and part-load tests at the EWTs specified in Table 1 of ISO 13256–1:1998 and using interpolation and extrapolation to calculate IEER) and were tested to determine IEER per section 6.2 of AHRI 340/360–2022 by testing at the IEER EWTs and target load levels specified in Table 9 of AHRI 340/360–2022. Consistent with the discussion in the previous paragraphs, when interpolating to determine performance at a different EWT for a given compressor stage for staged units, DOE calculated the EER values by interpolating and extrapolating values of cooling capacity and total power, rather than directly interpolating and extrapolating values of EER. Table 4 presents a summary of the results. Positive values in the average, minimum, and maximum columns of Table 4 indicate that the IEER values determined via the interpolation and extrapolation method were higher than the IEER values determined through testing at the EWTs and load levels specified in section 6.2 of AHRI 340/360–2022, and negative values indicate the opposite.

TABLE 4—PERCENTAGE DIFFERENCES OF INTERPOLATED IEER FROM MEASURED IEER FOR TWO-STAGE AND VARIABLE-SPEED UNITS

Capacity control type	Average	Minimum	Maximum	Average absolute value
Two-Stage	−0.9	−2.7	−0.0	0.9
Variable-Speed	−6.3	−13.6	0.2	6.4

Note: Positive values in the average, minimum, and maximum columns indicate that the IEER values determined via the interpolation and extrapolation method were higher than the IEER values determined through testing at the EWTs and load levels specified in section 6.2 of AHRI 340/360–2022. Negative values in the average, minimum, and maximum columns indicate that the IEER values determined via the interpolation and extrapolation method were lower than the IEER values determined through testing at the EWTs and load levels specified in section 6.2 of AHRI 340/360–2022.

As shown in Table 4, for the six tested two-stage WSHPs, the IEER values calculated using the described interpolation and extrapolation method were on average 0.9 percent lower than the IEER value measured from testing per AHRI 340/360–2022 (ranging from 0.0 percent to 2.7 percent lower).

For the four variable-speed units, the IEER values calculated using the described interpolation and extrapolation method were on average 6.3 percent lower than the IEER value measured from testing per AHRI 340/360–2022 (ranging from 0.2 percent higher to 13.6 percent lower). These results demonstrate a wider discrepancy from AHRI 340/360–2022 results than for single-stage or two-stage WSHPs. This discrepancy is likely because the interpolation and extrapolation method described only includes testing at maximum and minimum compressor speed, whereas the AHRI 340/360–2022 approach includes testing at compressor speeds to operate at each of the part-load test points (*i.e.,* 75 percent, 50 percent, and 25 percent load). Therefore, for variable-speed WSHPs with higher EER at intermediate compressor speeds than at maximum or minimum compressor speeds, the interpolation and extrapolation method described results in a lower calculated IEER than testing at the IEER conditions specified in AHRI 340/360–2022, which was the case for three of the four tested units. While for certain tested variable-speed units calculating IEER via interpolation and extrapolation resulted in a lower IEER value, from participation in AHRI 600 committee

[17] As presented in Table 3, the results from DOE's testing show that that linear interpolation across EWT results in close agreement for cooling capacity and total power. Because EER = Cooling Capacity/Total Power, if linear equations are used to represent the relationship between cooling capacity and EWT, as well as between total power and EWT, the resulting equation for EER has equations linearly dependent on EWT in the numerator and denominator. Such an equation simplifies to an inverse function (*i.e.,* the variable (EWT) is in the denominator), which is concave up (*i.e.,* the slope of the EER vs EWT curve increases with increasing EWT), such that between any two points on the curve, the curve is always below a line drawn between the two points. Therefore, calculating EER by linearly interpolating EER values across EWT consistently results in an interpolated EER value that is higher than the EER value measured by testing or determined by linearly interpolating cooling capacity and total power.

[18] After interpolating the full-load and part-load interpolated across EWT, the AHRI 340/360–2022 IEER calculation methodology is then used. The interpolated results would either need cyclic degradation (see discussion in section III.F.2.b of this NOPR) or interpolation across compressor staging to determine the specific load EER values to be used in the IEER calculation, unless the EWT interpolation yields a calculated percent load that meets the 3 percent tolerance for the respective IEER load point.

meetings, DOE understands that many manufacturers would prefer the option to use the interpolation and extrapolation method for variable-speed WSHPs even if it results in lower IEER ratings, because it would result in less overall testing burden than testing at each of the AHRI 340/360–2022 conditions.

Based on the investigative testing conducted, DOE has tentatively concluded that determining IEER via interpolation and extrapolation from testing at the ISO 13256–1:1998 EWTs (in accordance with DOE's proposed test procedure), similar to the method in the draft AHRI 600, provides appropriately representative results that are comparable to testing at the EWTs (and for staged units, load levels) specified in Table 9 of AHRI 340/360–2022. Therefore, DOE is proposing in section 5 of the proposed appendix C1 to allow that IEER for WSHPs can be calculated from either of two methods: (1) ''option 1''—testing in accordance with AHRI 340/360–2022 (at EWTs of 85 °F, 73.5 °F, 62 °F, and 55 °F); or (2) ''option 2''—interpolation and extrapolation of cooling capacity and power values based on testing in accordance with the proposed test procedure at EWTs of 86 °F, 77 °F, and 59 °F for full-load tests and (for staged units) EWTs of 86 °F, 68 °F, and 59 °F for part-load tests. For single speed units, option 2 would require three full-load tests at entering liquid temperatures of 86 °F, 77 °F, and 59 °F. For two-stage and variable-speed units, three additional tests at the minimum compressor speed would be required, at entering liquid temperature of 86 °F, 68 °F, and 59 °F.

Specifically for option 2, aside from the EWTs, the tests for option 2 would be performed using the same test provisions from AHRI 340/360–2022, ANSI/ASHRAE 37–2009, and sections 2 through 4 and 7 of proposed appendix C1 as the tests for option 1. As discussed, DOE has tentatively determined that results from the interpolation and extrapolation method have greater agreement with, and, therefore, are comparably representative to, the tested results by interpolating values of cooling capacity and total power rather than interpolating values of EER; therefore, DOE is proposing that the alternative method specify interpolation using the cooling capacity and total power. The proposed provisions for option 2 in section 5.1.2 of proposed appendix C1 are otherwise generally consistent with the draft AHRI 600 method, except for the cyclic degradation approach, which is discussed in section III.F.2.b of this NOPR.

DOE notes that representations for WSHPs can be made either based on testing (in accordance with 10 CFR 429.43(a)(1)) or AEDMs (in accordance with 10 CFR 429.43(a)(2)). If represented values for a basic model are determined with an AEDM, the AEDM could use either option 1 or option 2 for determining IEER per the proposed test procedure in appendix C1.

Issue 4: DOE requests comment on the proposal to allow determination of IEER using two different methods: (1) testing in accordance with AHRI 340/360–2022; or (2) interpolation and extrapolation of cooling capacity and power values based on testing in accordance with the proposed test procedure at the EWTs specified in Table 1 of ISO 13256–1:1998. Specifically, DOE seeks feedback on the proposed method for calculating IEER via interpolation and extrapolation, and on whether this approach would serve as a potential burden-reducing option as compared to testing at the AHRI 340/360–2022 conditions.

Issue 5: DOE requests comment on whether the proposed methodology to determine IEER based on interpolation and extrapolation is appropriate for variable-speed units. DOE would consider requiring variable-speed equipment be tested only according to AHRI 340/360–2022 and, thus, testing physically at the IEER EWTs, if suggested by commenters.

DOE is aware that ISO 13256–1:2021 includes changes from ISO 13256–1:1998 with respect to the EWTs specified for cooling tests. Specifically, Table 2 of ISO 13256–1:2021 specifies full-load cooling temperatures of 86 °F, 68 °F, and 50 °F, and part-load cooling temperatures of 77 °F, 59 °F, and 41 °F. Consistent with the draft AHRI 600 method, DOE is proposing to use the temperatures specified in Table 1 of ISO 13256–1:1998 for option 2 tests; however, it is expected that the results under the proposed interpolation and extrapolation method would provide comparable results using the EWTs specified in Table 2 of ISO 13256–1:2021.

Issue 6: DOE seeks feedback on whether the proposed interpolation and extrapolation method should be based on testing at the ISO 13256–1:2021 EWTs.

2. COP

a. General Discussion

DOE's current test procedure for WSHPs measures heating-mode performance in terms of the COP metric, based on testing with a 68 °F EWT. 10 CFR 431.96. For the reasons explained in the following paragraphs, DOE is proposing in section 6.2 of proposed appendix C1 to use an EWT of 55 °F for the COP metric because DOE has tentatively concluded that 55 °F is more representative of field operation than the current EWT of 68 °F.

COP is a full-load heating efficiency metric for WSHP water-loop applications, meaning that it represents the heating efficiency for a WSHP operating at its maximum capacity at an EWT that is typical of heating operation in water-loop applications. Because commercial buildings served by WSHPs in water-loop applications are typically cooling-dominated, DOE understands that the majority of heating hours in these applications occur in simultaneous cooling and heating operation—in which certain WSHPs (*e.g.,* servicing zones around the perimeter of the building) are in heating mode while other WSHPs (*e.g.,* servicing interior zones closer to the center of the building) are in cooling mode. Because all WSHPs in the system loop are provided water with the same EWT, at any given time, WSHPs that are in heating mode operate at the same EWT as WSHPs in cooling mode. As discussed in section III.E.1.a of this NOPR, from manufacturer feedback provided in AHRI 600 committee meetings, DOE understands that while in the past water-loop temperatures were maintained at temperatures above 60 °F via heat provided by a system boiler, in current practice, WSHP installations are typically controlled to allow water-loop temperatures to drop to temperatures closer to 50 °F. Correspondingly, DOE is proposing part-load IEER EWTs that align with AHRI 340/360–2022 and the draft AHRI 600, including 62 °F for the 50-percent load point and 55 °F for the 25-percent load point.

Because DOE understands that WSHP water-loop temperatures are typically controlled to drop closer to 50 °F (as represented by the 55 °F EWT for the 25-percent load point), the Department understands that most hours of heating mode operation for WSHPs in water-loop applications occur with EWTs closer to 50 °F. Therefore, while the current 68 °F EWT for the COP metric may have been more representative of how WSHP systems were controlled in the past (*i.e.,* with a boiler maintaining water-loop temperatures above 60 °F), DOE has tentatively determined that the COP EWT should be no higher than the lowest EWT used in the IEER metric, which is 55 °F (for the 25-percent load point), because most heating hours occur when outdoor air temperatures are lower and, thus, cooling loads are

lower. Therefore, DOE has tentatively concluded that the COP metric would be more representative of water-loop WSHP applications if based on an EWT of 55 °F.

DOE also considered whether an EWT below 55 °F, specifically 50 °F, might be more representative for determining COP, depending upon typical heating conditions for water-loop WSHPs. However, DOE currently lacks data or evidence indicating that 50 °F would be a more representative heating EWT than 55 °F for WSHPs. Therefore, in the absence of any data suggesting a lower EWT would be more representative of heating operation of WSHPs, DOE is proposing an EWT of 55 °F, which aligns with the lowest IEER EWT as proposed.

Issue 7: DOE seeks comment and data on the representativeness of 55 °F as the EWT condition for determining COP. Specifically, DOE requests feedback and data on whether a lower EWT, such as 50 °F, would be more representative of heating operation of WSHPs. DOE will further consider any alternate EWT suggested by comments in developing any final rule.

Additionally, DOE is proposing provisions in section 6.3 of proposed appendix C1 to provide for optional representations of COP based on testing conducted per the proposed test procedure (sections 2 through 4 and 7 of proposed appendix C1) at the full-load and part-load EWT conditions specified in Table 2 of ISO 13256–1:1998 (*i.e.,* 68 °F, 50 °F, 41 °F, and 32 °F).

b. Determination of COP Via Interpolation

As discussed in section III.E.1.b of this NOPR, DOE is proposing to include an alternate method for determining IEER that allows manufacturers to perform tests at the EWTs in Table 1 of ISO 13256–1:1998 and interpolate efficiency metrics to the EWTs specified in Table 9 of AHRI 340/360–2022. This method would reduce overall testing burden for manufacturers who choose to make optional EER representations at the EWTs specified in Table 1 of ISO 13256–1:1998, by allowing them to avoid additional testing at the IEER EWTs.

In order to provide comparable flexibility for measuring COP, DOE is proposing a similar alternative test method in section 6.2.2 of appendix C1 for determining COP by interpolation from results of testing at the EWTs specified in Table 2 of ISO 13256–1:1998. To evaluate the interpolation method for COP, DOE conducted investigative testing on five WSHPs at the three heating EWTs specified in Table 1 of ISO 13256–1:1998: 68 °F, 50 °F and 32 °F. DOE interpolated the cooling capacity and total power results from 68 °F and 32 °F to 50 °F, and then calculated COP at 50 °F using the interpolated values of cooling capacity and total power.[19] Finally, DOE compared these interpolated values to the results of testing at 50 °F. Table 5 presents a summary of the percentage differences between the interpolated and measured values. Positive values in the average, minimum, and maximum columns of Table 5 indicate that the values interpolated to 50 °F from results measured at 68 °F and 32 °F were higher than the values measured at 50 °F, and negative values indicate the opposite.

TABLE 5—PERCENTAGE DIFFERENCES OF INTERPOLATED RESULTS FROM MEASURED RESULTS FOR CAPACITY, POWER, AND COP

Parameter	Average	Minimum	Maximum	Average absolute value
Cooling Capacity	−0.4	−1.9	0.6	0.9
Total Power	0.3	−1.2	2.1	0.9
COP calculated from interpolated capacity and power	−0.7	−3.9	0.9	1.1

Note: Positive values in the average, minimum, and maximum columns indicate that the values interpolated to 50 °F from results measured at 68 °F and 32 °F were higher than the values measured at 50 °F. Negative values in the average, minimum, and maximum columns indicate that the values interpolated to 50 °F from results measured at 68 °F and 32 °F were lower than the values measured at 50 °F.

As shown in Table 4, the COP calculated from interpolated values of cooling capacity and total power differed from measured COP by an average of less than 1 percent. Therefore, DOE has tentatively concluded that determining COP via interpolation in this temperature range from testing at the ISO 13256–1:1998 EWTs (in accordance with DOE's proposed test procedure) provides appropriately representative results that are comparable to testing at 55 °F. Therefore, DOE is proposing in section 6.2 of the proposed appendix C1 to allow that COP for WSHPs can be calculated from either of two methods: (1) ''option A''—testing at 55 °F; or (2) ''option B''—interpolation of heating capacity and power values based on testing in accordance with the proposed test procedure at EWTs of 50 °F and 68 °F. Aside from the EWTs, the tests for option B would be performed using the same test provisions from AHRI 340/360–2022, ANSI/ASHRAE 37–2009, and sections 2 through 4 and 7 of proposed appendix C1 as the tests for option A.

Issue 8: DOE requests comment on the proposal to allow determination of COP using two different methods: (1) testing at 55 °F; or (2) interpolation of heating capacity and power values based on testing in accordance with the proposed test procedure at EWTs specified for heating tests in Table 2 of ISO 13256–1:1998 (*i.e.,* 50 °F and 68 °F). Specifically, DOE seeks feedback on the proposed method for calculating COP via interpolation, and on whether this approach would serve as a potential burden-reducing option as compared to testing at 55 °F.

3. Entering Air Conditions

The current DOE test procedure references ISO 13256–1:1998, which specifies in Table 1 that EER is measured with entering air at 27 °C (80.6 °F) dry-bulb temperature and 19 °C (66.2 °F) wet-bulb temperature and in Table 2 that COP is measured with entering air at 20 °C (68 °F) dry-bulb temperature and 15 °C (59 °F) wet-bulb temperature. Table 2 and Table 3 of ISO 13256–1:2021 specify the same entering air conditions as ISO 13256–1:1998. As

[19] As discussed in section III.E.1.b of this NOPR, DOE tentatively determined that interpolation of EER directly results in a consistent bias, and that more representative results are obtained by calculating EER using interpolated values of cooling capacity and total power. Similarly, for COP, DOE is proposing that COP can be determined using interpolated values of heating capacity and total power, rather than interpolating COP values directly.

discussed in section III.D.3 of this NOPR, DOE proposes to adopt AHRI 340/360–2022 as the test procedure for WSHPs. Table 6 of AHRI 340/360–2022 specifies entering indoor air conditions for standard rating cooling tests to be 80 °F dry-bulb temperature and a maximum of 67 °F wet-bulb temperature and standard rating heating tests to be 70 °F dry-bulb temperature and a maximum of 60 °F wet-bulb temperature.

The entering air conditions specified in AHRI 340/360–2022 are similar to the conditions specified in ISO 13256–1:1998 and ISO 13256–1:2021, differing for cooling by 0.6 °F for dry-bulb temperature and 0.8 °F for wet-bulb temperature and for heating by 2 °F for dry-bulb temperature and 1 °F for wet-bulb temperature. DOE surmises that these differences are likely due to the conditions in ISO 13256–1 (1998 and 2021 versions) being specified in terms of degrees Celsius, whereas the conditions in AHRI 340/360–2022 are specified in degrees Fahrenheit. The entering air conditions specified in AHRI 340/360–2022 are the same as in previous versions of AHRI 340/360, including AHRI 340/360–2007, which is referenced in the current DOE test procedure for CUAC/HPs. Further, the most common application for WSHPs (and the application DOE understands that the WSHP industry is intending to represent via use of the IEER metric in AHRI 600) is commercial buildings, similar to CUAC/HPs. Therefore, DOE has tentatively determined that the entering air conditions in AHRI 340/360–2022 are appropriately representative of the average conditions in which WSHPs operate in the field. DOE is proposing in sections 5 and 6 of proposed appendix C1 to use entering air conditions from Table 6 of AHRI 340/360–2022 for both cooling (IEER) and heating (COP) tests.

Issue 9: DOE requests comment on its proposal to specify in proposed appendix C1 use of the cooling entering air conditions from AHRI 340/360–2022 (*i.e.,* 80 °F dry-bulb temperature and 67 °F wet-bulb temperature) and the heating entering air conditions from AHRI 340/360–2022 (*i.e.,* 70 °F dry-bulb temperature and a maximum of 60 °F wet-bulb temperature).

4. Operating Modes Other Than Mechanical Cooling and Heating

On April 1, 2015, DOE published in the **Federal Register** a notification of its intent to establish a working group under the Appliance Standards and Rulemaking Federal Advisory Committee (''ASRAC'') Commercial and Industrial Fans and Blowers Working Group (''ASRAC Working Group'') to discuss and, if possible, reach consensus on the scope of the rulemaking, certain key aspects of a proposed test procedure, and proposed energy conservation standard for fans and blowers. 80 FR 17359. The ASRAC Working Group term sheet for commercial and industrial fans and blowers was approved (Docket No. EERE–2013–BT–STD–0006–0179).[20] Recommendation #3 of the term sheet addressed supply and condenser fans that are embedded in certain covered equipment. (*Id.* at p. 3) The ASRAC Working Group recommended that DOE consider revising efficiency metrics that include energy use of supply fans in order to include the energy consumption during all relevant operating modes (*e.g.,* auxiliary heating mode, ventilation mode, and part-load operation) in the next round of test procedure rulemakings. (*Id.* at p. 4) The ASRAC Working Group included WSHPs in its list of regulated equipment for which fan energy use should be considered. (*Id.* at p. 16)

As part of the June 2018 RFI, DOE stated that it was investigating whether changes to the WSHP test procedure are needed to properly characterize a representative average use cycle, including changes to more accurately represent fan energy use in field applications. 83 FR 29048, 29050 (June 22, 2018). DOE requested information as to the extent that accounting for the energy use of fans in commercial equipment such as WSHPs would be additive of other existing accountings of fan energy use. *Id.*

In the June 2018 RFI, DOE also sought comment on whether accounting for the energy use of fan operation in WSHPs would alter measured efficiency, and if so, to what extent. *Id.* DOE also requested data and information regarding what forms of auxiliary heating are installed in WSHPs, how frequently they operate, and whether they operate independently of the WSHP. *Id.* Additionally, DOE requested data and information on how frequently WSHP supply fans are operated when there is no demand for heating or cooling, such as for fresh air ventilation or air circulation or filtration. *Id.*

The Joint Advocates and NEEA commented that DOE should amend the test procedure to account for fan energy use outside of mechanical cooling and heating for fans in regulated equipment to more fully capture fan energy use. (Joint Advocates, No. 10 at p. 1; NEEA, No. 11 at p. 1) The Joint Advocates asserted that by failing to capture fan operation for economizing, ventilation, and other functions outside of cooling mode, the test procedure may be significantly underestimating fan energy consumption. (Joint Advocates, No. 10 at p. 1)

NEEA commented that the commercial prototype building models used by Pacific Northwest National Laboratory in the analysis in support of ASHRAE Standard 90.1 include information on the operation of fans in ventilation mode and economizer mode and could be used to develop national average fan operating hours outside of heating and cooling. (NEEA, No. 11 at pp. 3) Furthermore, NEEA stated that the vast majority of WSHPs are installed in commercial buildings, thereby subjecting them to ASHRAE Standard 90.1 code requirements such as the requirement of water side economizers in many U.S. climate zones. *Id.* NEEA added that details of requirements for certain control and component features are provided in ASHRAE Standard 90.1 and should be an indicator of prevalence of these features in WSHPs on the market. *Id.*

NEEA further stated that ANSI and the Air Movement Control Association (''AMCA'') developed ANSI/AMCA 208–18, ''Calculation of the Fan Energy Index,'' which provides a potential way to measure embedded fan performance in WSHPs using the fan energy index (''FEI''). According to NEEA, DOE could develop a revised IEER-type metric that weighs together cooling performance (using the IEER test) and fan efficiency (using an FEI-based metric). NEEA argued that accounting for the energy use of fan operation in WSHPs does not need to alter measured efficiency, and that to reduce burden on manufacturers, DOE could combine the FEI and IEER metrics such that manufacturers would have multiple viable design option pathways to achieve the minimum IEER efficiency standard without improving the embedded fan efficiency above the minimum FEI efficiency standard. (NEEA, No. 11 at p. 2)

Trane commented that there are some applications in which a WSHP would be used for ventilation, but that ventilation is not the main use, and that using a WSHP for purposes other than heating and cooling is rare. Trane stated further that typical practice is for ventilation air to be provided by a dedicated outdoor air system (''DOAS'') using a separate ductwork system, whereas the WSHP system provides the heating and cooling. Finally, Trane commented that for installations in which the DOAS and WSHPs supply to common ductwork, WSHP fans would operate when

[20] Available at: *www.regulations.gov/document/EERE-2013-BT-STD-0006-0179.*

ventilation is needed, but rarely would this be needed without heating or cooling. (Trane, No. 8 at pp. 2, 5)

AHRI and WaterFurnace both stated that a high percentage of WSHP systems offer a continuous fan mode to circulate fresh air but did not have data on how often. (AHRI, No. 12 at pp. 4–5; WaterFurnace, No. 7 at p. 3) However, both estimated that a typical WSHP would operate in continuous fan mode (*i.e.,* without cooling or heating) for approximately 1,300 hours per year. The commenters estimated total cooling and heating mode operation of 3,300 hours per year. (AHRI, No. 12 at pp. 9; WaterFurnace, No. 7 at p. 9)

Further, AHRI and WaterFurnace commented that fan power is largely dependent on motor type and typically represents 13 to 18 percent of total power. (AHRI, No. 12 at pp. 4, 8–9; WaterFurnace, No. 7 at pp. 3, 8–9) AHRI asserted that EPCA imposes a one-metric-per-product limitation and that efforts to capture the energy use of a fan during a mode other than cooling (or heating) would result in an impermissible design requirement. (AHRI, No. 12 at pp. 5, 10)

AHRI stated that DOE has the authority to include certain fans and blowers, by rule, as ''covered equipment'' if such products meet all the requirements of EPCA at 42 U.S.C. 6311(2). AHRI asserted that if DOE developed a standard for stand-alone industrial fans, it would not be appropriate to apply that standard to fans embedded in regulated equipment. Furthermore, AHRI argued that the fact that Congress granted a specific provision of authority to DOE for a consumer furnace ventilation metric affirms that DOE is without general authority to create overlapping ventilation requirements for other regulated products. (AHRI, No. 12 at pp. 10–11)

Trane and WaterFurnace also commented that regulation of WSHP fans would produce unnecessary overlapping regulations, and that system-level efficiency metrics allow for optimization of the entire system. (Trane, No. 8 at p. 4; WaterFurnace, No. 7 at p. 8) AHRI and WaterFurnace stated that fan energy in cooling and heating are accounted for in the current test procedure and that fans are optimized for these modes because they account for the majority of operational time. (AHRI, No. 12 at p. 8; WaterFurnace, No. 7 at p. 9)

AHRI and WaterFurnace commented that auxiliary heating is not common in WSHPs and estimated that electric heat is included in less than one percent of WSHP shipments. AHRI and WaterFurnace further commented that the primary mode of operation of most WSHPs is cooling and that heating requirements are limited, such that adequate heating can be supplied through heat pump operation alone. (AHRI, No. 12 at p. 4; WaterFurnace, No. 7 at p. 3) Trane stated that for their WSHPs, electric heat is provided only when heat pump operation alone cannot meet the heating demand. Trane further stated that the compressors are locked out while back-up electric heating is used for most WSHPs, with the exception of rooftop WSHP equipment, which allows auxiliary electric heat to supplement the heating provided by the heat pump. (Trane, No. 8 at p. 2)

In response, DOE emphasizes that its request for information regarding fan energy use was in investigation of energy use of WSHPs in operational modes other than those currently evaluated by the test procedure (*i.e.,* operational modes other than cooling and heating). DOE understands that much of the energy use attributable to these other modes is likely a product of fan operation. Provisions to measure energy use for ancillary functions (*e.g.,* economizing, ventilation, filtration, and auxiliary heat) when there is no heating or cooling are not included in ISO 13256–1:1998 or AHRI 340/360–2022. As discussed in section III.D.3 of this NOPR, DOE is proposing to adopt AHRI 340/360–2022 for testing WSHPs. Additionally, provisions addressing other operational modes have not been included in the updated ISO 13256–1:2021. In light of the above, at this time, DOE lacks sufficient information on the number of units capable of operating in these other modes or the frequency of operation of these modes during field conditions to determine whether such testing would be appropriate for WSHPs and/or to develop a test method capable of accounting for energy use of such auxiliary functions of WSHPs. To the extent that data and further information are developed regarding operation of WSHPs in modes other than mechanical cooling and heating, DOE would consider such developments in a future WSHP test procedure rulemaking.

5. Dynamic Load-Based Test Procedure

In response to the June 2018 RFI, both NEEA and the Joint Advocates encouraged DOE to investigate a load-based test method that could allow more sophisticated and inclusive efficiency metrics. Both NEEA and Joint Advocates commented that the Canadian Standards Association (''CSA'') group is developing CSA EXP07 (''Load-based and climate-specific testing and rating procedures for heat pumps and air conditioners''), which is a dynamic, load-based test procedure expected to better capture performance in the field, including the capturing of cycling losses, benefits of variable-speed operation, and importance of control strategies. (NEEA, No. 11 at p. 2; Joint Advocates, No. 10 at p. 2)

DOE is aware of the dynamic, load-based test procedure being developed by CSA. However, at this time, DOE understands that CSA EXP07 has not been validated and finalized. Furthermore, the CSA EXP07 test procedure is applicable to CAC/HPs, and that test procedure has not yet been evaluated for WSHPs. Further, DOE is not aware of data showing that any dynamic, load-based test procedure produces repeatable and reproducible test results. Therefore, DOE has tentatively concluded that further consideration of CSA EXP07 would be premature at this time, and accordingly, the Department is not proposing to adopt any dynamic, load-based test procedures in this NOPR.

F. Test Method

1. Airflow and External Static Pressure

a. Fan Power Adjustment and Required Air External Static Pressure

As discussed in section III.D.1.a of this NOPR, for ducted units, sections 4.1.3.1 and 4.1.3.2 of ISO 13256–1:1998 specify a fan power adjustment calculation that does not account for fan power used for overcoming external resistance. As a result, the calculation of efficiency includes only the fan power required to overcome the internal resistance of the unit. In addition, ISO 13256–1:1998 does not specify ESP requirements for ducted equipment, instead allowing manufacturers to specify a rated ESP. While Table 9 of ISO 13256–1:1998 includes an operating tolerance (*i.e.,* maximum variation of individual reading from rating conditions) and a condition tolerance (*i.e.,* maximum variation of arithmetical average values from specified test conditions) for external resistance to airflow, the test standard does not specify to which values of ESP these tolerances are intended to apply.

In the June 2018 RFI, DOE requested comment on whether minimum ESP requirements should be included for ducted WSHPs, and if so, what values would be appropriate. 83 FR 29048, 29050 (June 22, 2018). DOE also requested information on whether field ESP values typically vary with capacity, and whether fan power used for overcoming ESP should be included in the efficiency calculation for WSHPs

intended to be used with ducting. *Id.* DOE asked for comment and data on whether the fan/motor efficiency factor used in the calculation of fan power for WSHPs is representative of units currently on the market and whether the value accurately represents the efficiency of existing fans that are not replaced in WSHP installations. *Id* at 83 FR 29051. Additionally, DOE requested comment on whether indoor fans are typically replaced when coil-only WSHPs are installed. *Id.*

In response to DOE's request for information, the Joint Advocates encouraged DOE to establish minimum ESP values for ducted equipment and to include the fan power used for overcoming external resistance in efficiency calculations for WSHPs. (Joint Advocates, No. 10 at pp. 1–2) NEEA commented that representative ESPs for WSHPs are higher than zero ESP, and the commenter recommended that DOE should ensure the WSHP ESP requirements reflect field installations, stating that otherwise, WSHP ratings will neither provide an adequate representation of actual efficiency nor provide good information to consumers. (NEEA, No. 11 at p. 3) NEEA also reminded that the ASRAC Working Group recommended that test procedures for regulated equipment, including WSHPs, be revised to better capture fan energy use. NEEA further commented that adding minimum ESP values would not increase test burden. *Id.*

AHRI, Trane, and WaterFurnace stated that the AHRI WSHP certification program does require minimum ESPs that increase with rated capacity for ducted units with fans driven by an electronically-commutated motor (''ECM''), and that these minimum ESPs are being considered for inclusion in the revised version of ISO 13256–1. (AHRI, No. 12 at pp. 5–6; Trane, No. 8 at p. 3; WaterFurnace, No. 7 at p. 5) AHRI and WaterFurnace commented that the field ESP of commercial WSHPs is largely tied to the ductwork and a single filter, typically resulting in ESPs less than 0.50 inches water column (''in H_2O''), but the commenters noted that some larger systems (>60,000 Btu/h) may be installed such that ESP values are as much as 1.0 in H_2O. (AHRI, No. 12 at p. 5; WaterFurnace, No. 7 at p. 4) AHRI also mentioned that commercial WSHPs are not typically installed with substantial ancillary filters or other high-static accessories found in larger air handlers. (AHRI, No. 12 at p. 5)

Trane and AHRI commented that fan power for overcoming ESP should not be included in the efficiency calculation. (AHRI, No. 12 at p. 6; Trane, No. 8 at pp. 2–3) AHRI further commented that the ISO 13256–1:1998 approach (of including a fan power adjustment down to zero ESP) results from the acknowledgment of the variability of ESP in the wide variety of WSHP applications that range from cooling towers/boilers to dry coolers to geothermal earth loop systems. (AHRI, No. 12 at p. 5) Trane and WaterFurnace further commented that excluding the fan power for overcoming ESP from the efficiency calculation ensures that units with indoor fans that produce higher static pressure are not penalized for having a stronger fan motor. (Trane, No. 8 at pp. 2–3; WaterFurnace, No. 7 at p. 4) WaterFurnace added that because more powerful fans to overcome higher field ESPs results in lower certified efficiency, most manufacturers design to the minimum ESP to avoid the excess fan power, and that in field applications, this results in low airflow and poor performance. WaterFurnace commented that their typical WSHP product is tested at higher ESP (greater than 0.4 in H_2O) but then corrected to zero ESP. (WaterFurnace, No. 7 at pp. 1, 4) AHRI stated that fewer than 10 percent of all installed WSHPs have a cooling capacity greater than 5 tons, and the organization further noted that the table of ESP requirements in AHRI WSHP/Geothermal Operations Manual specifies an ESP of 0.20 in H_2O for 5-ton models, suggesting that 90 percent of WSHPs would have an ESP less than 0.2 in H_2O. (AHRI, No. 12 at p. 8)

AHRI and WaterFurnace commented that the AHRI WSHP/Geothermal Operations Manual limits the fan power correction to three percent on the cooling capacity to prevent any application of the correction as a way to inflate efficiencies. (AHRI, No. 12 at p. 8; WaterFurnace, No. 7 at p. 8) AHRI and WaterFurnace further commented that aligning ESP requirements for different equipment categories (with different conditions and applications) is futile and that there will always be differences in HVAC test standards. (AHRI, No. 12 at p. 8; WaterFurnace, No. 7 at p. 7) AHRI, Trane, and WaterFurnace stated that the fan power adjustment factor in ISO 13256–1:1998 is representative for WSHPs. (AHRI, No. 12 at p. 8; Trane, No. 8 at p. 4; WaterFurnace, No. 7 at p. 8) AHRI, Trane, and WaterFurnace also stated that the fan power adjustment factor provides the ability to predict performance at any ESP level. (AHRI, No. 12 at p. 3; Trane, No. 8 at p. 3; WaterFurnace, No. 7 at p. 5)

AHRI and WaterFurnace also stated that the fan efficiency factor noted in the RFI is the same for all current fan motor designs, both permanent magnet variable speed and induction technologies, and they have found them to be reasonable. (AHRI, No. 12 at p. 8; WaterFurnace, No. 7 at p. 7) WaterFurnace further stated that the fan and pump correction factors were developed in 1998 after high-efficiency permanent split capacitor (''PSC'') and ECM fan motor technology were both deployed into the market and that the factor is intended to cover a number of technologies. (WaterFurnace, No. 7 at p. 7)

Regarding whether indoor fans are typically replaced when coil-only WSHPs are installed, AHRI and WaterFurnace commented that they are not aware of any coil-only WSHPs, and, therefore, that test procedure revisions to address such units are unnecessary. (AHRI, No. 12 at p. 8; WaterFurnace, No. 7 at p. 8) AHRI and WaterFurnace also stated that all commercial WSHPs are packaged units and that split systems are not commercially used. *Id.*

In response to those comments on the June 2018 RFI, DOE would clarify that ducted WSHPs installed in the field must overcome ESP from ductwork. As noted, the method used in ISO 13256–1:1998 and ISO 13256–1:2021 excludes the power to overcome ESP via the fan power adjustment, which adjusts the fan power down to reflect zero ESP. In contrast, testing per AHRI 340/360–2022 requires testing at a minimum ESP requirement (specified in Table 7 of AHRI 340/360–2022) and does not include any adjustments to the fan power. In other words, ratings in accordance with AHRI 340/360–2022 reflect performance at the applicable minimum ESP requirement. DOE has tentatively concluded that testing ducted WSHPs in accordance with AHRI 340/360–2022 (*i.e.,* testing at minimum ESP requirements with no fan power adjustment) would be more representative of field installations than the method used in ISO 13256–1:1998, for the following three reasons:

(1) Use of the fan power adjustment in ISO 13256–1:1998 results in ratings that do not reflect the fan power needed to overcome ESP;

(2) The fan power adjustment in ISO 13256–1:1998 assumes a fan efficiency of 0.3, which underestimates the efficiency of fans in WSHPs, and, thus, underestimates the fan power that would be needed for the fan to operate at zero ESP; and

(3) Rated ESP values that manufacturers use when testing to ISO 13256–1:1998 are typically significantly higher than ESPs representative of water-loop WSHP installations. Because, as stated, the fan power

adjustment subtracts fan power to reflect performance at zero ESP, assuming a low fan efficiency, testing at ESPs higher than representative values subtracts more fan power than would typically be needed to overcome that high tested ESP, and, thus, it further results in efficiency ratings that underestimate fan power needed to operate at zero ESP.

DOE conducted investigative testing on five WSHPs to determine the extent to which ISO 13256–1:1998 accounts for fan energy use compared to testing at representative ESP requirements per AHRI 340/360–2022. DOE also determined the fan efficiency of these five units. Of the five tested units, three had constant airflow ECM motors and two had constant torque ECM motors.

TABLE 6—INVESTIGATIVE TESTING RESULTS REGARDING FAN POWER AND FAN EFFICIENCY

Fan Power at AHRI 340/360 ESP Requirement (W)	262.04
Fan Power Determined According to ISO 13256–1:1998 (W)	139.57
Average Measured Fan Efficiency	0.46
Measured Fan Efficiency Range	0.34–0.71

DOE determined the relationship between ESP and fan power for the five WSHPs by conducting several tests with varying ESP at the rated airflow. As shown in Table 5, DOE determined the fan power for each of the five units at the applicable ESP requirement in AHRI 340/360–2022. These data show that the method in ISO 13256–1:1998 accounts for an average of only 53 percent of the fan power required to overcome the ESP specified in AHRI 340/360–2022.

DOE also calculated the fan efficiency for each unit based on tests conducted with varying ESP at the rated airflow. As shown in Table 5, DOE found that the measured fan efficiency for all five units is higher than the fan efficiency value assumed in ISO 13256–1:1998 (30 percent). Specifically, the average measured efficiency (46 percent) is over 50 percent higher than the ISO 13256–1:1998 value, and the highest measured efficiency is more than double the ISO 13256–1:1998 value. The consistent underestimation of fan efficiency by the ISO 13256–1:1998 fan power adjustment equation for the five tested units results in a larger amount of fan power being subtracted from the measured value when adjusting down to zero ESP than would be representative of the actual fan's operation. In other words, when adjusting the measured fan power down to zero ESP, the fan power adjustment's assumption of a fan efficiency that is lower than is typical in WSHPs results in more power being subtracted than the fan would actually have needed to overcome that level of ESP (because lower-efficiency fans consume more power to provide the same level of output). Therefore, for these five units the resulting rating determined per ISO 13256–1:1998 underestimates the fan power needed to operate at zero ESP because too much fan power is subtracted using the fan power adjustment.

The low fan efficiency value in the ISO 13256–1:1998 fan power adjustment equation results in an incentive for manufacturers to test at a higher ESP than would be representative for WSHPs, to take more advantage of the fan power adjustment by subtracting a larger calculated adjustment from the measured fan power (when adjusting fan power down to reflect performance at zero ESP). DOE's examination of rated ESP values in supplemental test instructions (''STI'') indicates that WSHPs are being rated based on testing with ESPs higher than would be representative. Specifically, DOE examined the STI for 15 WSHPs and found that the average rated ESP was 0.51 in H_2O. In contrast, the rated ESPs in the STI exceeded the AHRI 340/360–2022 ESP requirements (which, as discussed, align with the ESP levels included in the AHRI WSHP/Geothermal Operations Manual and are very similar to the ESP levels in included in ISO 13256:1–2021) by more than the +0.05 in H_2O tolerance for 13 of the 15 units. Given the low fan efficiency assumed in the ISO 13256–1:1998 fan power adjustment, testing at ESPs higher than representative for WSHPs results in efficiency ratings that underestimate fan power needed to operate at zero ESP.

Regarding comments received about ESP requirements in the revised version of ISO 13256–1, DOE acknowledges that Table 1 of ISO 13256–1:2021 does include minimum ESPs for all fan motor types, and that those minimum ESPs are generally consistent with the values in Table 7 of AHRI 340/360–2022, albeit with slight differences due to rounding. However, ISO 13256–1:2021 does not include an upper tolerance on ESP (*i.e.,* tests can still be conducted at any ESP above the minimum) and maintains the fan power correction to adjust down to zero ESP. Again, DOE tentatively finds that its proposed approach based on AHRI 340/360–2022 would produce results more representative of an average WSHP use cycle, so the Department is not proposing to use ISO 13256–1:2021 in this context.

Because the fan power adjustment method used in ISO 13256–1:1998 and ISO 13256–1:2021 does not capture the fan power to overcome ESP, and underestimates the fan power needed to operate at zero ESP for many units (as determined from DOE's testing and examination of rated ESPs from STI), DOE has tentatively concluded that ratings based on performance at a representative ESP requirement (as is the case in AHRI 340/360–2022) are more representative of the total fan power that would be consumed in field installations.

The minimum ESP requirements specified in Table 7 of AHRI 340/360–2022 align with the minimum ESP requirements specified in Table B2 of the AHRI WSHP/Geothermal Operations Manual and are generally consistent with the minimum ESPs specified in Table 1 of ISO 13256–1:2021, with slight differences due to rounding. Based on the inclusion of similar minimum ESP requirements in the AHRI WSHP/Geothermal Operations Manual and ISO 13256–1:2021, DOE has tentatively concluded that the minimum ESP requirements specified in AHRI 340/360–2022 are representative of water-loop WSHP field installations.

To account for the impacts of ESP typically encountered in the field, DOE is proposing provisions to reflect fan power to overcome a representative ESP when calculating efficiency. As per the discussion in this section and in section III.D.2 of this NOPR, DOE has tentatively determined that to best reflect field operation, WSHPs should be tested with minimum ESPs; the power for overcoming ESP should be included in efficiency calculations; and all equipment should be tested with an ESP upper tolerance. Therefore, DOE has tentatively determined that for WSHPs the method in AHRI 340/360–2022 is more representative of field energy use than the methods used in ISO 13256–1:1998 or ISO 13256–1:2021. As such, DOE is proposing to adopt AHRI 340/360–2022 for WSHPs, including section 6.1.3.3 and Table 7 of AHRI 340/360–2022, which specify minimum ESPs for ducted units, a tolerance on ESP of $-0.00/+0.05$ in H_2O, and no fan power adjustment. In the following sections (sections III.F.1.b and III.F.1.b.i of this document), DOE provides further detail on proposed provisions for setting airflow and ESP for units intended to be installed both with and without ducts.

Regarding comments received about WSHPs with higher-static fan motors, DOE is proposing an approach for

representations and enforcement of units with non-standard indoor fan motors (*i.e.,* more powerful fan motors intended for operation with ESPs higher than the ESP requirements in the test procedure). This approach would allow for an individual model with a non-standard indoor fan motor to be included in the same basic model as an individual model with a standard indoor fan motor, with the rating based on performance with the standard indoor fan motor, as long as the non-standard indoor fan motor has the same or better relative efficiency performance as compared to the standard motor. DOE has tentatively concluded that this proposed approach addresses the concerns raised by commenters that ESP requirements would penalize units with higher-static indoor fan motors. Section III.G.3 of this NOPR includes additional discussion on DOE's proposed approach for non-standard indoor fan motors.

Regarding comments received about the AHRI WSHP/Geothermal Operations Manual, DOE notes that the Operations Manual is not incorporated by reference in the DOE test procedure and is not referenced in ASHRAE Standard 90.1. Therefore, the provisions included in the AHRI WSHP/Geothermal Operations Manual are not reflected in the current DOE test procedure. However, DOE has nonetheless reviewed the AHRI WSHP/Geothermal Operations Manual as part of its consideration of potential amended test procedure provisions in this NOPR. DOE notes that Table B2 of the AHRI WSHP/Geothermal Operations Manual does specify ESP requirements that align with the ESP requirements specified in Table 7 of AHRI 340/360–2022; however, the ESP requirements in the AHRI WSHP/Geothermal Operations Manual only apply to ducted units with ECM fan motors. DOE has tentatively concluded that specification of ESP requirements would provide for more representative ratings for all ducted WSHPs, not just units with ECM fan motors. Additionally, DOE notes that section A5 of the AHRI WSHP/Geothermal Operations Manual limits the fan power correction to no more than 3 percent of the measured cooling capacity. However, because the fan power correction is applied to both the capacity and total power when calculating EER or COP, the effect of a fan power correction of 3 percent on the calculated efficiency would be significantly more than 3 percent. Further, as discussed, DOE has tentatively concluded that ratings based on minimum ESP requirements would be more representative than ratings based on zero ESP (developed using the fan power correction). For these reasons, DOE is not proposing to incorporate by reference or otherwise adopt the AHRI WSHP/Geothermal Operations Manual as part of the DOE WSHP test procedure.

Regarding comments received about coil-only units, DOE has identified at least one coil-only unit that would meet the definition of a WSHP. In accordance with DOE's proposal to adopt AHRI 340/360–2022, coil-only WSHPs would be subject to the test provisions for setting airflow for coil-only units specified in sections 6.1.3.3 and 6.1.3.4 of AHRI 340/360–2022.

Issue 10: DOE requests comment on the proposal to adopt provisions from AHRI 340/360–2022 such that testing would be conducted within tolerance of the AHRI 340/360–2022 minimum ESP requirements, and efficiency ratings would include the fan power measured to overcome the tested ESP.

b. Setting Airflow and ESP

ISO 13256–1:1998 specifies airflow rates in section 4.1.5 of that document, including that: (a) non-ducted heat pumps shall be tested at airflow rates obtained at zero ESP; (b) ducted heat pumps with internal fans or with designated air movers shall be tested at the airflow rates obtained at zero ESP or the manufacturer-specified airflow rate, whichever is lower, and (c) ducted heat pumps without internal fans shall be tested at the manufacturer-specified airflow rate subject to a maximum internal pressure drop. Additionally, paragraph (e)(2) of 10 CFR 431.96 requires that the airflow rate used for testing must be specified by the manufacturer in the installation and operation manuals being shipped to the commercial customer, and that if a rated air flow value for testing is not clearly identified, a value of 400 standard cubic feet per minute per ton shall be used.

ISO 13256–1:1998 does not indicate which speed setting should be used to achieve specified airflow for a fan with more than one speed setting. Also, in some cases, the airflow rate and pressure conditions specified for a given ducted heat pump without an internal fan may not be achievable simultaneously. ISO 13256–1:1998 does not provide an approach for simultaneously achieving the specified airflow rate and pressure conditions in cases where the airflow may not be achievable below the maximum internal pressure drop. In the June 2018 RFI, DOE requested comment on whether indoor fans typically have multiple speed settings for WSHPs, and if so, how manufacturers choose the speed to use during testing. DOE also requested comment on how specified airflow is achieved if none of the speed settings produce that airflow at the specified internal or external static pressure. 83 FR 29048, 29051 (June 22, 2018).

AHRI and WaterFurnace commented that most WSHP fans have at least three speeds. (AHRI, No. 12 at p. 7; WaterFurnace, No. 7 at p. 7) Trane commented that their company offers single-speed and multi-speed units. (Trane, No. 8 at p. 4) AHRI, Trane, and WaterFurnace stated that as part of AHRI's certification program, the test facility utilizes the blower speed specified by the manufacturer in literature and submission data. (AHRI, No. 12 at p. 7; Trane, No. 8 at p. 4; WaterFurnace, No. 7 at p. 7) AHRI and WaterFurnace further stated that manufacturers select an airflow that is advantageous for the specifications they are trying to achieve; for example, low airflows are beneficial for humidity removal. *Id.* The commenters also indicated that the AHRI WSHP/Geothermal Operations Manual specifies steps to be taken if the manufacturer's specified airflow is not met with the initial fan settings, which include reducing ESP to a minimum value set forth in the AHRI WSHP/Geothermal Operations Manual. *Id.*

AHRI acknowledged that in some cases, the airflow rate and pressure conditions specified by ISO 13256–1:1998 for a given ducted heat pump without an internal fan may not be achievable simultaneously. As an example, AHRI described a scenario in which the manufacturer-specified airflow may not be achievable below the maximum internal pressure drop specified in section 4.1.5.3 of ISO 13256–1:1998. AHRI stated that ISO 13256–1:1998 does not provide an approach for simultaneously achieving the specified airflow rate and pressure conditions in such a case. (AHRI, No. 12 at p. 7) In such cases, AHRI and WaterFurnace stated that provisions in Appendix B of the AHRI WSHP/Geothermal Operations Manual are used that permit a tolerance for achieving the specified airflow within 10 percent of the manufacturers specified flow rate. (AHRI, No. 12 at p. 7; WaterFurnace, No. 7 at p. 6)

On this topic, DOE notes that the provisions of ISO 13256–1:2021 are equivalent to those in ISO 13256–1:1998 for setting airflow of non-ducted units and ducted units without internal fans. For ducted units with internal fans, ISO 13256–1:2021 provides additional specifications beyond those in ISO 13256–1:1998. Table 1 of ISO 13256–1:2021 provides minimum ESP values and explains that airflow should be set

as specified by the manufacturer with an ESP greater than or equal to the minimum ESP value set forth in ISO 13256–1:2021. For units with non-constant airflow fans and adjustable speed, ISO 13256–1:2021 states that the speed may be adjusted as needed to the lowest speed that provides at least the minimum ESP at the specified airflow rate. In cases where the airflow rate cannot be maintained within tolerance with an ESP greater than or equal to the minimum ESP, the test must be run at the airflow achieved with an ESP equal to the minimum ESP.

As noted in section III.F.1.a of this document, DOE is proposing to adopt the minimum ESP requirements in Table 7 of AHRI 340/360–2022 and condition tolerances in Table 6 of AHRI 340/360–2022. For the reasons that follow, DOE has tentatively concluded that AHRI 340/360–2022 is superior to available alternatives in terms of these objectives. To start, DOE has tentatively determined that more specification than provided in ISO 13256–1:1998 is needed to ensure consistent and repeatable setting of airflow and ESP for testing, thereby ensuring the representativeness of the results. For example, ISO 13256–1:1998 does not specify what to do in certain circumstances when instructions provided are unclear or conflict (*e.g.,* if no fan control setting is certified and multiple combinations of ESP and fan speed can provide the manufacturer-specified airflow). Although ISO 13256–1:2021 provides more specification than ISO 13256–1:1998 for setting airflow in ducted units with an internal fan, it still does not address situations in which instructions are missing, are unclear, or conflict. In addition, neither version of the ISO test procedure specifies an upper tolerance on ESP for ducted units. As such, further detail than what is provided in ISO 13256–1:1998 and ISO 13256–1:2021 is warranted. Furthermore, the AHRI WSHP/Geothermal Operations Manual includes some provisions on fan settings, but these provisions are likewise insufficient for setting airflow and ESP with minimum ESPs and condition tolerances, as that manual relies on communication and agreement between the manufacturer and AHRI in situations in which both ESP and airflow tolerances cannot be met. Such approach is inappropriate in a regulatory context.

Therefore, as stated previously in this NOPR, DOE is proposing to incorporate by reference AHRI 340/360–2022, including adoption of sections 6.1.3.3 through 6.1.3.5, which specify a 3 percent condition tolerance for airflow rate, a $-0.00/+0.05$ in H_2O condition tolerance for ESP, and instructions on setting airflow and ESP during testing. These sections additionally provide guidance on what to do during testing if one or both of the conditions cannot be met. DOE preliminarily finds that these provisions would improve test repeatability, provide test conditions that are more representative of field operation, and appropriately address the issue where none of the speed settings produce the specified airflow at the specified internal or external static pressure.

DOE notes, however, that the relevant provisions in AHRI 340/360–2022 were generally developed for ducted units with continuously variable-speed fans. Accordingly, additional provisions specific to testing ducted units with discrete-step fans and non-ducted units are necessary. The following sub-sections discuss the proposed additional provisions for such WSHPs.

Issue 11: DOE requests comment on the proposed adoption of provisions from AHRI 340/360–2022 for setting airflow and ESP for WSHP testing.

(i) Ducted Units With Discrete-Step Fans

Many ducted WSHPs have fans with discrete steps in speed. In situations where both airflow and ESP tolerances cannot be met, the instructions in section 6.1.3.5 of AHRI 340/360–2022 can result in ducted units with discrete-step fans operating with ESPs that are higher than the tolerance on the ESP requirements due to the difference in fan speed between each step.

Section 6.1.3.5 of AHRI 340/360–2022 specifies that the measured airflow during test must be within 3 percent of the rated airflow and that the ESP during test must be within $-0.00/+0.05$ in H_2O of the minimum ESP specified in Table 6. Section 6.1.3.5.2.4 specifies that for two adjacent fan control settings, if the lower setting is too low (such that ESP or airflow are lower than the tolerance range) and the higher setting is too high (such that ESP or airflow are higher than the tolerance range), then the higher fan control setting should be used. At this higher fan control setting, section 6.1.3.5.2.4 specifies to maintain airflow within tolerance, which would result in an ESP higher than the +0.05 in H_2O tolerance. However, WSHPs with discrete-step fans may have a limited number of fan control settings, such that testing at the higher fan speed in this case may result in testing with an ESP that significantly exceeds the minimum ESP requirement. For such units, in a case in which operating at the lower fan control setting with the ESP in tolerance results in an airflow slightly lower than 97 percent of the rated airflow, it would be more representative to test at the lower fan control setting with the airflow slightly below the 97 percent tolerance, rather than test at the higher fan control setting with an ESP potentially significantly exceeding the minimum ESP requirement. In such a case, the industry test procedures for SPVUs (AHRI 390–2021; section 5.7.3.4.1.4) and CAC/HPs (AHRI 210/240–2023; section 6.1.5.1.6) allow airflow to drop to 90 percent of the rated airflow while maintaining ESP within tolerance. DOE has tentatively concluded that adopting this approach for WSHPs would result in testing at conditions more representative of field applications.

Therefore, for ducted units with discrete-step fans, DOE is proposing in section 3.2 of proposed appendix C1 instructions for setting the fan speed in the scenario in which: (1) tolerances for airflow and ESP cannot be met simultaneously, and (2) adjacent fan control settings result in airflow or ESP too low at the lower fan control setting and too high at the higher fan control setting. These proposed instructions specify to exclude sections 6.1.3.5.2.4 and 6.1.3.5.3.2.3 of AHRI 340/360–2022, and to allow airflow to drop to 90 percent of the specified airflow rate while maintaining ESP within tolerance. If ESP cannot be maintained within tolerance at 90 percent of the specified airflow rate, the proposed instructions specify to use the next highest fan speed and allow ESP to exceed the tolerance while maintaining airflow within tolerance.

Issue 12: DOE requests comment on its proposed instructions for setting airflow and ESP for ducted WSHP units with discrete-step fans.

(ii) Non-Ducted Units

DOE is aware that some WSHPs may be installed without indoor air distribution ducts in the field. Depending on the type of installation, the test method specified in ISO 13256–1:1998 differs; section 4.1.2 of ISO 13256–1:1998 specifies provisions for WSHPs installed without ducts, and section 4.1.3 of the standard specifies provisions for WSHPs installed with ducts. ISO 13256–1:1998 does not specify how to distinguish whether a unit is ducted or non-ducted. The provisions of ISO 13256–1:2021 are the same as those of ISO 13256–1:1998 in this regard.

In the June 2018 RFI, DOE requested comment on the physical characteristics that distinguish ducted and non-ducted WSHPs. DOE also requested comment

on whether any WSHP models can be installed either with or without indoor distribution ducts, and if such models exist, DOE requested comment on whether manufacturers test these models to the non-ducted provisions in section 4.1.2 of ISO 13256–1:1998 or the ducted provisions in section 4.1.3 of ISO 13256–1:1998, or whether these models are tested using both provisions of section 4.1.2 and 4.1.3. 83 FR 29048, 29050–29051 (June 22, 2018).

In response to DOE's request for information, AHRI and WaterFurnace commented that WSHPs may be designed for use either with or without indoor air distribution ducts, and that while the specified test set-ups are different, the non-ducted test simulates the conditions of the ducted test using a hood with zero static to accumulate the supply air for volumetric and enthalpy measurements. (AHRI, No. 12 at pp. 6–7; WaterFurnace, No. 7 at pp. 5–6)

AHRI and WaterFurnace also commented that the majority of WSHPs are designed for use with ductwork but that there are some console units designed to ''free blow'' into the space with no ductwork at zero ESP. (AHRI, No. 12 at pp. 6–7; WaterFurnace, No. 7 at pp. 5–6) AHRI added that such non-ducted WSHPs typically include a tangential blower (similar to packaged terminal air conditioners) meant for low-static operation and free discharge into the conditioned space. (AHRI, No. 12 at pp. 6–7) Trane commented that motor horsepower and fan size are designed to deliver zero ESP for non-ducted units and that units that are required to be ducted will require a different motor horsepower and fan size. (Trane, No. 8 at p. 4)

Additionally, AHRI and Trane pointed out that WSHPs are certified to AHRI as either ''ducted'' or ''non-ducted'' and that the equipment is tested to the appropriate section of ISO 13256–1:1998. AHRI and WaterFurnace commented that there are no known WSHP models designed for both ducted and non-ducted application. (AHRI, No. 12 at pp. 6–7; WaterFurnace, No. 7 at pp. 5–6) In contrast, Trane stated that although it does not offer any equipment that can be installed as either ducted or non-ducted, there is a selection of WSHP equipment that is designed for both ducted and non-ducted applications. (Trane, No. 8 at pp. 3–4)

Consistent with AHRI's, WaterFurnace's, and Trane's comments, DOE has identified some WSHPs, marketed as ''console units,'' which would operate without a duct. As noted previously, AHRI 340/360–2022 does not have any instructions for setting up airflow and ESP for non-ducted units. (AHRI 340/360–2022 is the industry test procedure for testing CUACs and there are no non-ducted CUACs.) Section 4.1.5 of ISO 13256–1:1998 and section 5.1.5 of ISO 13256–1:2021 include provisions for setting airflow for non-ducted units at zero ESP, but the provisions in ISO 13256–1:1998 and ISO 13256–1:2021 do not specify the settings to use or how to address situations in which test procedure instructions are missing or conflict (also see discussion in section III.F.1.b of this NOPR). Therefore, DOE has tentatively concluded that specific provisions for non-ducted WSHPs are warranted.

To address testing of non-ducted WSHPs, DOE proposes separate provisions for setting airflow and ESP for non-ducted units in section 3.1 of proposed appendix C1. Consistent with ISO 13256–1:1998 and ISO 13256–1:2021, DOE proposes that non-ducted units be tested at zero ESP, because non-ducted units would not be installed with ductwork in the field. DOE proposes that these provisions would apply to all units that are not configured exclusively for delivery of conditioned air to the indoor space without a duct(s). Units that are configured for delivery of conditioned air to the indoor space without a duct(s) would be required to use the provisions for setting airflow and ESP in section 6.1.3 of AHRI 340/360–2022 and section 3.2 of proposed appendix C1, as applicable.

DOE is proposing in section 3.1 of proposed appendix C1 that WSHP units that are not configured exclusively for delivery of conditioned air to the indoor space without a duct(s) would be tested with a target ESP of 0.00 in H_2O (consistent with ISO 13256–1:1998 and ISO 13256–1:2021) within a tolerance of $-0.00/+0.05$ in H_2O in place of the ESP specified in Table 7 of AHRI 340/360–2022 (because the ESP requirements in AHRI 340/360–2022 are intended to reflect the pressure drop in ductwork for ducted units). The proposed ESP tolerance for non-ducted units aligns with the tolerance for ducted units in AHRI 340/360–2022. Instead of the instructions for setting airflow and ESP in section 6.1.3.5 of AHRI 340/360–2022, DOE proposes that if both the ESP and airflow cannot be simultaneously maintained within tolerance for any test, to maintain the ESP within the required tolerance and use an airflow as close to the target value as possible (*i.e.,* prioritize maintaining ESP in tolerance over maintaining airflow in tolerance). This is because testing an ESP of more than 0.05 in H_2O would not be representative for a non-ducted unit which would not be installed with ductwork in the field. Finally, DOE proposes that if an airflow out of tolerance is used for the full-load cooling test, then the measured full-load cooling airflow is to be used as the target airflow for all subsequent tests that call for the full-load cooling airflow within a tolerance of $+/-3$ percent. These provisions are similar to those included for testing non-ducted units in other industry test standards for comparable categories of commercial air conditioners and heat pumps, such as AHRI 390–2021 for testing SPVUs.

DOE has tentatively determined that these provisions would provide a representative and repeatable test procedure for non-ducted WSHPs, and that they would be appropriate for testing WSHPs because they are the generally accepted industry method used for testing similar equipment such as SPVUs. This proposed approach remedies some of the shortcomings identified with the current WSHP test procedure which incorporates by reference ISO 13256–1:1998.

Issue 13: DOE requests comment on its proposal for setting airflow and ESP for non-ducted WSHP units.

2. Capacity Measurement

a. Primary and Secondary Methods

The current DOE test procedure, through adoption of section 6.1 of ISO 13256–1:1998, specifies that total cooling and heating capacities are to be determined by averaging the results obtained using two test methods: the liquid enthalpy test method for the liquid side tests and the indoor air enthalpy test method for the air side tests. For non-ducted equipment, section 6.1 of ISO 13256–1:1998 includes an option for conducting the air-side tests using the calorimeter room test method instead of the air enthalpy test method. Section 6.1 of ISO 13256–1:1998 also specifies that, for a test to be valid, the results obtained by the two methods used must agree within 5 percent.

In the June 2018 RFI, DOE discussed how ANSI/ASHRAE 37–2009 is similar to the test method in ISO 13256–1:1998, and that DOE was considering whether testing to ANSI/ASHRAE 37–2009 would be appropriate for WSHPs. DOE further discussed how ANSI/ASHRAE 37–2009 requires two capacity measurements for units with cooling capacity less than 135,000 Btu/h; the first method of measurement (*i.e.,* the primary method) is used as the determination of the unit's capacity, while the second measurement (*i.e.,* the secondary method) is used to confirm

rather than to be averaged with the primary measurement (see section 10.1 and Table 1 of ANSI/ASHRAE 37–2009). 83 FR 29048, 29052 (June 22, 2018).

In the June 2018 RFI, DOE requested information on whether one of the two capacity measurements prescribed in ISO 13256–1:1998 gives a consistently higher or lower result than the other, or whether one of the methods can be considered more accurate for a range of different WSHP configurations and models. *Id.* Additionally, DOE requested comment on whether the ANSI/ASHRAE 37–2009 approach for determination of rated capacity (*i.e.,* using the primary method's measurement as the rated capacity rather than averaging the two capacity measurements) would result in more representative ratings than the ISO 13256–1:1998 approach. *Id.*

Trane commented that the capacity value measured by the liquid enthalpy method is generally higher than the value measured by the indoor air enthalpy method, stating that air-side measurements have more opportunity for losses than water-side measurements. (Trane, No. 8 at p. 5) AHRI and WaterFurnace commented that the water side test is generally simpler to conduct and also more accurate than the air enthalpy method, because the uncertainties of measurement are much lower in the water-side calculations. (AHRI, No. 12 at p. 13; WaterFurnace, No. 7 at p. 11)

AHRI, Trane, and WaterFurnace recommended continuing to use the average of the air-side and water-side measurements as the basis for capacity ratings. (AHRI, No. 12 at p. 13; Trane, No. 8 at p. 5; WaterFurnace, No. 7 at p. 11) AHRI and WaterFurnace stated that the current approach in ISO 13256–1:1998 represents a compromise that helps ensure best testing procedures. (AHRI, No. 12 at p. 13; WaterFurnace, No. 7 at p. 11) AHRI argued that the ANSI/ASHRAE 37–2009 approach does not yield more representative ratings compared to the ISO 13256–1:1998 method. (AHRI, No. 12 at p. 13) Trane further asserted that the average of the methods is more accurate than the measurement from either single method alone. (Trane, No. 8 at p. 5) AHRI and WaterFurnace also stated that ANSI/ASHRAE 37–2009 does not include the liquid enthalpy method of test required on the source side for all WSHPs. (AHRI, No. 12 at p. 13; WaterFurnace, No. 7 at p. 10)

In response, DOE notes first that the capacity measurement provisions in section 7.1 of ISO 13256–1:2021 differ from those in section 6.1 of ISO 13256–1:1998 in several ways. Instead of averaging the two capacity measurements, section 7.1 of ISO 13256–1:2021 specifies that the capacity rating is equal to the value determined from the air side (referred to as the load side in ISO 13256–1:2021), consistent with the approach used in section 10.1.2 of ANSI/ASHRAE 37–2009. ISO 13256–1:2021 also does not allow use of the calorimeter method in place of the indoor air enthalpy method for measuring capacity on the load side, but section 7.1 of ISO 13256–1:2021 allows use of the refrigerant enthalpy method for configurations that cannot use the indoor air enthalpy method. Section 7.1 of ISO 13256–1:2021 continues to require the liquid enthalpy method for measuring capacity on the liquid side (referred to as the source side in ISO 13256–1:2021). Section 7.1 of ISO 13256–1:2021 also continues to require the two capacity measurements to agree within 5 percent for the test to be valid.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 for use in the WSHP test procedure, including section E6, which specifies test methods for capacity measurement. Section E6.1 of AHRI 340/360–2022 requires use of the indoor air enthalpy method specified in section 7.3 of ANSI/ASHRAE 37–2009 as the primary method for capacity measurement. This is the measurement used to determine capacity, as required in section 10.1.2 of ANSI/ASHRAE 37–2009. Section E6.2.2 of AHRI 340/360–2022 requires use of one of the applicable ''Group B'' methods specified in Table 1 of ANSI/ASHRAE 37–2009 as a secondary method for capacity measurement. The group B methods that are applicable to WSHPs are the outdoor liquid coil method (similar to the liquid enthalpy method included in the 1998 and 2021 versions of ISO 13256–1), the refrigerant enthalpy method, and the compressor calibration method. Section E6.4.2 of AHRI 340/360–2022 requires that the primary and secondary measurements match for full-load cooling and heating tests, within 6 percent of the primary measurement. No match is required between primary and secondary measurements for part-load cooling tests.

Regarding commenters' claims that ANSI/ASHRAE 37–2009 does not include the liquid enthalpy method of test required on the source side for all WSHPs, as discussed, ANSI/ASHRAE 37–2009 does include a liquid enthalpy method of test. The liquid enthalpy method is referred to as the outdoor liquid coil method in section 7 of ANSI/ASHRAE 37–2009, and it provides a measurement of liquid enthalpy that is similar to the measurement provided by the liquid enthalpy method in normative appendix C of ISO 13256–1:1998. As discussed, Table 1 of ANSI/ASHRAE 37–2009 specifies three secondary capacity measurement methods (*i.e.,* outdoor liquid coil, refrigerant enthalpy, and compressor calibration methods) that may be used to conduct the secondary measurements that are required for testing WSHPs with cooling capacity less than 135,000 Btu/h, rather than requiring the outdoor liquid coil for all water-source units (as is the case in section 6.1 of ISO 13256–1:1998). Table 1 of ANSI/ASHRAE 37–2009 also specifies the applicability of each secondary capacity method based on the configuration of the unit being tested. This specification of applicable secondary capacity measurement methods in ANSI/ASHRAE 37–2009 ensures that the chosen secondary capacity measurement is accurate because the outdoor liquid coil method in ANSI/ASHRAE 37–2009 is not applicable for certain unit configurations in which the compressor heat would not be sufficiently accounted for. Specifically, section 7.6.1.2 and note g to Table 1 of ANSI/ASHRAE 37–2009 specify that the outdoor liquid coil method may not be used if the system has a compressor that is ventilated by outdoor air or a remote outdoor compressor that is not insulated per section 7.6.1.2 of ANSI/ASHRAE 37–2009. Section III.F.2.b of this NOPR includes further discussion on this topic.

As part of DOE's proposal generally to adopt the test provisions in section E6 of AHRI 340/360–2022, DOE is proposing to adopt the provisions for measuring capacity in AHRI 340/360–2022 instead of those in section 6.1 of ISO 13256–1:1998. Using the indoor air enthalpy measurement as the measurement of capacity ensures that actual output of the WSHP—the cooling or heating of air—is used as the measure of capacity. The approach used in section 6.1 of ISO 13256–1:1998, in which the indoor air enthalpy measurement is averaged with the liquid enthalpy measurement, has the potential to result in capacity values that are higher than the actual delivered capacity because of heat transfer to/from the ambient air (either through heat transfer through the WSHP cabinet walls or air leakage). This potential is consistent with Trane's comment that the capacity value measured by the liquid enthalpy method is generally higher than the value measured by the indoor air enthalpy method. In addition,

the approach used in section E6 of AHRI 340/360–2022 is consistent with the approach in section 7.1 of ISO 13256–1:2021, in that the indoor air enthalpy measurement is used as the capacity measurement in ISO 13256–1:2021. It is also consistent with the industry test procedures for other categories of air conditioning and heating equipment (*e.g.,* AHRI Standard 1230, AHRI Standard 390, and AHRI Standard 210/240). Therefore, DOE has tentatively concluded that it is more representative for the capacity rating of WSHPs to be determined with the indoor air enthalpy method, and for the secondary measurement to serve only as a verification of the indoor enthalpy measurement, rather than being averaged with the indoor air enthalpy method result to determine the capacity rating.

The proposed provisions do not permit use of the calorimeter method or refrigerant enthalpy method in place of the indoor enthalpy method, which is allowed in section 6.1 of ISO 13256–1:1998 and section 7.1 of ISO 13256–1:2021. However, DOE has tentatively concluded that alternatives to the indoor air enthalpy method are not necessary because DOE is not aware of any WSHPs that are unable to use the indoor enthalpy method as specified in ANSI/ASHRAE 37–2009 (with additional provisions in AHRI 340/360–2022).

The proposed provisions also allow a difference in capacity measurements of up to 6 percent in section E6.4.2 of AHRI 340/360–2022 instead of the 5 percent allowed in section 6.1 of ISO 13256–1:1998. DOE has tentatively concluded that this reduces burden while still ensuring accurate measurements of indoor air enthalpy. Once again, this proposal is consistent with the industry test procedures for other categories of air conditioning and heating equipment (*e.g.,* AHRI Standard 1230, AHRI Standard 390, and AHRI Standard 210/240).

Issue 14: DOE requests comment on its proposed approach to adopt the provisions in AHRI 340/360–2022 and ANSI/ASHRAE 37–2009 regarding primary and secondary capacity measurements.

b. Compressor Heat

DOE has identified split-system WSHPs available on the market. For at least one of these split systems WSHPs, the unit containing the compressor is intended for either indoor or outdoor installation. The installed location of the compressor, in relation to the conditioned space and other system components, impacts the capacity of a WSHP system and the provisions necessary for accurately measuring system capacity due to the generation of heat during compressor operation.

As discussed in section III.F.2.a of this NOPR, the current DOE test procedure, through adoption of ISO 13256–1:1998, requires use of two methods to measure space-conditioning capacity provided by a WSHP. One of these methods, the indoor air enthalpy method (see normative annex B of ISO 13256–1:1998), measures capacity directly by measuring mass flow and enthalpy change of the indoor air.[21] The second method, the liquid enthalpy test method (see normative annex C of ISO 13256–1:1998), measures heat transferred at the liquid coil. The liquid enthalpy measurement is adjusted by adding or subtracting the total unit input power (including the compressor input power) from the measured liquid side capacity in the heating or cooling mode tests, respectively, using the equations in sections C3.1 and C3.2 of ISO 13256–1:1998.

The liquid enthalpy adjustment in sections C3.1 and C3.2 of ISO 13256–1:1998 assumes that all compressor heat is absorbed and ultimately transferred to the conditioned space, thereby increasing heating capacity or decreasing cooling capacity. However, this fails to account for any heat transferred from the compressor or other components to their surroundings that does not contribute to space conditioning. For example, in the case of a split-system WSHP with an uninsulated compressor/liquid coil section installed outdoors, the air that absorbs compressor heat would not directly affect the conditioned space. In this case, adding or subtracting the entire compressor input power to or from the capacity calculated based on liquid temperature change likely overestimates the impact of compressor power input on the indoor-side capacity that is calculated using the liquid enthalpy-based method.

In the June 2018 RFI, DOE requested comment on whether there are split-system WSHP models on the market for which the unit containing the compressor is intended only for outdoor installation or only for indoor installation. DOE further requested comment on manufacturers' practices for testing split-system WSHPs for which the compressor is not housed in the section containing the indoor refrigerant-to-air coil, including which test rooms are used for the compressor section, and whether any adjustments are made to properly account for the compressor heat. 83 FR 29048, 29053 (June 22, 2018).

In response to DOE's requests for comment, AHRI, Trane, and WaterFurnace commented that accounting for compressor heat would not be a relevant issue because there are very few, if any, split-system WSHPs in the commercial market. (AHRI, No. 12 at p. 13; Trane, No. 8 at p. 5; WaterFurnace, No. 7 at pp. 11–12) The CA IOUs commented that, based on the AHRI directory, 90 percent of WSHPs are single-package units. (CA IOUs, No. 9 at p. 2)

As stated previously, DOE has identified a number of split-system WSHPs, several of which are certified in the DOE Compliance Certification Database, and the Federal test procedure [22] applies to any WSHP that meets DOE's definition of a WSHP. Further, because split-system WSHPs are available on the market, test procedure provisions are needed for testing them, regardless of their share of the WSHP market.

Sections D.4 and D.5 of ISO 13256–1:2021 use the same adjustment of the liquid enthalpy method as sections C3.1 and C3.2 of ISO 13256–1:1998. Thus, ISO 13256–1:2021 provides no additional methods to address compressor heat for split systems with the compressor in the liquid coil section.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs. AHRI 340/360–2022 in turn references the test method in ANSI/ASHRAE 37–2009. Sections 6.1.3 and 6.1.5 of ANSI/ASHRAE 37–2009 contain provisions for addressing compressor heat in the indoor air enthalpy method that are similar to the provisions in sections F7.3 and F7.5 of ISO 13256–1:1998. For secondary capacity measurements, however, ANSI/ASHRAE 37–2009 has provisions that go beyond the provisions in ISO 13256–1:1998 to ensure that capacity is measured more accurately than it is by ISO 13256–1:1998, as discussed in the following paragraphs.

Section 7.6 of ANSI/ASHRAE 37–2009 includes a liquid enthalpy measurement method (referred to as the

[21] The alternative calorimeter room test method (see normative annex E of ISO 13256–1:1998), allowed to be used instead of the indoor air enthalpy method for non-ducted WSHPs, also measures indoor space-conditioning capacity directly.

[22] Currently, the DOE test procedure applies to all WSHPs with a capacity less than 135,000 Btu/h. However, DOE is proposing in section III.A of this NOPR to increase the scope of the Federal test procedure to include all WSHPs with a capacity less than 760,000 Btu/h.

''outdoor liquid coil method'' and applicable to both single-package units and split systems) that is similar to the method in normative annex C of ISO 13256–1:1998 in that it adjusts the liquid enthalpy measurement by the total input power of the WSHP. For split-system WSHPs, ANSI/ASHRAE 37–2009 includes the outdoor liquid coil method, the refrigerant enthalpy method, and the compressor calibration method as options for conducting the secondary measurements that are required for testing WSHPs with cooling capacity less than 135,000 Btu/h. However, ANSI/ASHRAE 37–2009 limits use of the outdoor liquid coil method so that it does not apply for certain unit configurations in which the compressor heat would not be sufficiently accounted for. Specifically, Section 7.6.1.2 and note g to Table 1 of ANSI/ASHRAE 37–2009 specify that the outdoor liquid coil method may not be used if the system has a compressor that is ventilated by outdoor air or a remote outdoor compressor that is not insulated per section 7.6.1.2 of ANSI/ASHRAE 37–2009. These limits on the applicability of the outdoor liquid coil method in ANSI/ASHRAE 37–2009 minimize discrepancy between measurements from the indoor air enthalpy method and liquid coil method by ensuring that either: (1) compressor heat is captured in indoor air enthalpy measurements, or (2) compressor heat loss to outdoor air is minimal because the compressor is sufficiently insulated.

For split-system WSHPs for which the outdoor liquid coil method in ANSI/ASHRAE 37–2009 cannot be used (*i.e.,* the system has a compressor that is ventilated by outdoor air or a remote outdoor compressor that is not insulated per section 7.6.1.2 of ANSI/ASHRAE 37–2009), ANSI/ASHRAE 37–2009 requires the use of either the refrigerant enthalpy method specified in section 7.5 of ANSI/ASHRAE 37–2009 or the compressor calibration method specified in section 7.4 of ANSI/ASHRAE 37–2009. For both of these methods, measured capacity is adjusted by only the input power of the indoor section of the WSHP, and not the total input power. Therefore, for both methods, the compressor heat lost to outdoor air from a remote outdoor compressor or compressor ventilated by outdoor air would appropriately be excluded from capacity measurements, similar to the indoor air enthalpy method. Therefore, for WSHPs with those configurations, the refrigerant enthalpy method and compressor calibration method specified in sections 7.5 and 7.4 (respectively) of ANSI/ASHRAE 37–2009 would provide a more representative result as compared to the approach used in normative annex C of ISO 13256–1:1998 (*i.e.,* liquid enthalpy method).

Based on the discussion in the prior paragraphs, DOE tentatively concludes that the proposed test procedure would provide an accurate secondary measure of capacity for all equipment configurations and would provide a more representative secondary measure of capacity than ISO 13256–1:1998 or ISO 13256–1:2021 for split systems with the compressor mounted in the outdoor section.

3. Cyclic Degradation

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs, including section 6.2.3.2 of that industry standard. Equation 4 in section 6.2.3.2 of AHRI 340/360–2022 is used to calculate part-load EER for a unit that needs to cycle in order to meet the 75-percent, 50-percent, and/or 25-percent load conditions required for the IEER metric. Cycling is the term used to describe the process in which a unit's compressor is repeatedly turned off and on in order to meet a load that is lower than the unit's capacity at its lowest compressor stage.

Equation 4 of AHRI 340/360–2022 multiplies only the compressor power and condenser section power by the load factor and the coefficient of degradation, while the indoor fan power and controls power are not multiplied by these variables. This means that equation 4 of AHRI 340/360–2022 assumes that the indoor fan continues to operate when the compressor cycles off. DOE understands that the draft of AHRI 600 has an equation similar to equation 4 of AHRI 340/360–2022, but the equation in draft of AHRI 600 assumes that the indoor fan stops operating whenever the compressor cycles off.

As discussed previously in section III.E.4 of this NOPR, stakeholders provided comment regarding the operation of a WSHP, including operation of the fan, in modes other than mechanical heating and cooling. (AHRI, No. 12 at pp. 4–5, 9; WaterFurnace, No. 7 at pp. 3, 9; Trane, No. 8 at pp. 2, 5) These comments on fan operation specifically referred to operation when there is no heating or cooling, but they might also be applicable to the issue of fan operation during compressor cycling under part-load conditions. Certain comments indicated that it is common for WSHP fans to operate continuously to provide air circulation or ventilation air. (AHRI, No. 12 at pp. 4–5; WaterFurnace, No. 7 at p. 3) Continuous operation of WSHP fans indicates that the fan would continue to run when the compressor cycles off.

In addition, the cyclic degradation approach used in equation 4 of AHRI 340/360–2022 is used in the IEER metric for multiple other categories of commercial HVAC equipment, indicating that it is common for the indoor fan to continue operating while the compressor cycles off. AHRI 340/360–2022 is used for testing CUAC/HPs, and equation 4 of AHRI 340/360–2022 is equivalent to equation 10 of AHRI 1230–2021 (which is used for testing VRF multi-split systems) and equation 3 of AHRI 390–2021 (which is used for testing SPVUs). These other equipment categories typically operate in similar environments to WSHPs (*i.e.,* commercial buildings with ventilation air requirements). Similar to these other equipment categories, DOE acknowledges that not all WSHPs are installed in the same manner, and the Department understands that fans operate continuously for many, but not all, installed WSHPs. However, comments received suggest that continuous operation of fans is representative of operation of many WSHPs, and adopting a cyclic degradation approach that assumes continuous fan operation is consistent with the IEER approach used for other equipment categories that use the IEER metric.

For the foregoing reasons, DOE has tentatively concluded that the cyclic degradation approach in equation 4 of AHRI 340/360–2022 is representative of WSHP operation. Therefore, DOE is proposing to adopt the approach in AHRI 340/360–2022 in proposed appendix C1. DOE is also proposing in section 5.1.2.5.4 of proposed appendix C1 that the same approach for cyclic degradation be used when determining IEER through interpolation and extrapolation (see discussion in section III.E.1.b of this NOPR).

Due to the nature of the method to determine IEER through the proposed interpolation and extrapolation in section 5.1.2 of proposed appendix C1, each component of the cyclic degradation equation in proposed section 5.1.2.5.4 of proposed appendix C1 (*i.e.,* cooling capacity, compressor power, condenser section power, indoor fan power, and controls power) would be measured and interpolated from the tested EWTs to the IEER EWTs. Furthermore, DOE is proposing that the condenser section power for units without integral pumps includes a total pumping effect to better account for the energy consumption of liquid pumps

needed for operation of water-loop WSHP systems. See section III.F.4 of this document for more details on the proposed total pumping effect, which reflects pump power needed to overcome external static pressure in the water loop.

Issue 15: DOE requests comment on the proposal to adopt the cyclic degradation equation specified in section 6.2.3.2 of AHRI 340/360–2022 for WSHPs, which assumes continuous indoor fan operation when the compressor cycles off.

4. Pump Power Adjustment and Liquid External Static Pressure

As described in section III.D.2 of this NOPR, the efficiency calculations in ISO 13256–1:1998 include only the liquid pump power required to overcome the internal resistance of the unit; pump power required to overcome ESP of the water loop is not included in the effective power input. ISO 13256–1:1998 also does not specify a minimum liquid ESP during testing for units with integral pumps. For units without integral pumps, the pump power adjustment in ISO 13256–1:1998 estimates pump power at zero liquid external static pressure.

In the June 2018 RFI, DOE requested information on typical ESP values for the liquid pump and if any allowance for external pressure drop should be considered in the efficiency metric. 83 FR 29048, 29050 (June 22, 2018). On this topic, AHRI, Trane, and WaterFurnace stated that integral pumps are rare but can be found on some residential WSHPs. (AHRI, No. 12 at p. 6; Trane, No. 8, at p. 3; WaterFurnace, No. 7 at p. 5) AHRI and Trane further stated that because nearly all WSHPs do not have an integral pump, pump power to overcome liquid ESP should not be considered in the efficiency metric. (AHRI, No. 12 at p. 6; Trane, No. 8, at p. 3)

As discussed previously, since the June 2018 RFI, ISO 13256–1 was updated. However, the pump power and liquid ESP provisions in sections 5.1.4 and 5.1.6 of ISO 13256–1:2021 are the same as those in sections 4.1.4 and 4.1.6 of ISO 13256–1:1998.

In response to comments, DOE notes that all WSHPs are installed with liquid loops such that a pump (either integral to the WSHP or a separate part of the water loop) must overcome external resistance from the liquid loop. Therefore, as described in section III.D.2 of this NOPR, DOE has tentatively concluded that efficiency metrics that reflect the power needed for the liquid pump to overcome a representative liquid ESP would be more representative than metrics that only include the pump power needed to overcome the internal static pressure of the WSHP (as is the case in efficiency metrics determined per ISO 13256–1:1998 and ISO 13256–1:2021). DOE has identified several WSHPs with integral pumps and has, therefore, tentatively determined that provisions for testing units with integral pumps, including liquid ESP requirements, are warranted. Even though most WSHP models do not include integral pumps, as discussed, such models are installed with system pumps that must overcome external resistance of the water loop, and thus, including pump power to overcome a representative liquid ESP in the efficiency metrics for all WSHPs provides a more representative measure of field energy use. DOE has also tentatively determined that representative ratings for WSHPs with and without integral pumps should reflect the same level of liquid ESP (*i.e.,* WSHPs without integral pumps should include a power adder that reflects the pump power needed to overcome a level of liquid ESP that aligns with the liquid ESP used to test WSHPs with integral pumps). Further, inclusion of pump power to overcome a representative liquid ESP provides for more representative comparisons with other equipment categories (*e.g.,* air-cooled equipment) for which there are no additional power-consuming heat rejection components.

As such, in this NOPR, DOE is proposing provisions to account for the power to overcome a representative liquid ESP for WSHPs with and without integral pumps. As described in section III.D.3 of this document, DOE is proposing generally to incorporate by reference AHRI 340/360–2022 as the test procedure for WSHPs. Section 6.1.1.7 of AHRI 340/360–2022 specifies that for WCUACs with cooling capacity less than 135,000 Btu/h, an adder of 10 W per 1,000 Btu/h cooling capacity must be added to the power of WCUACs to account for cooling tower fan motor and circulating water pump power consumption. However, AHRI 340/360–2022 does not specify how to test units with integral pumps. Because the provisions in section 6.1.1.7 of AHRI 340/360–2022 do not specify the level of liquid ESP that correspond to the specified adder, it is unclear what test provisions for units with integral pumps would align with the AHRI 340/360–2022 provisions. Further, DOE has tentatively concluded that pump power to overcome a representative liquid ESP should also be accounted for in WSHPs with cooling capacity greater than 135,000 Btu/h.[23] Given these limitations of AHRI 340/360–2022 in terms of addressing WSHPs with integral pumps, DOE reviewed other sources with the potential to fill this identified gap.

In the course of such review, DOE found that AHRI Standard 920–2020, ''Performance Rating of Direct Expansion-Dedicated Outdoor Air System Units'' (''AHRI 920–2020''), includes a pump power adder (referred to as ''water pump effect'' in AHRI 920–2020) for water-source DOASes without integral pumps. Specifically, section 6.1.6.4 of AHRI 920–2020 specifies that the pump power adder is calculated with an equation dependent on the water flow rate and liquid pressure drop across the heat exchanger, including a term that assumes a liquid ESP of 20 ft head. However, AHRI 920–2020 does not include provisions specific to testing water-source DOASes with integral pumps. In a test procedure final rule for DOASes published in the **Federal Register** on July 27, 2022, DOE adopted the AHRI 920–2020 pump power adder for water-source DOASes without integral pumps and adopted an additional requirement that water-source DOASes with integral pumps be tested with a liquid ESP of 20 ft of water column, consistent with the liquid ESP assumed in the AHRI 920–2020 equation for pump power adder for units without integral pumps. 87 FR 45164, 45181.

DOE understands that water-source DOASes and WSHPs are generally installed in similar types of commercial building applications that include water loops with similar external liquid ESPs (*e.g.,* similar water piping). Therefore, DOE has tentatively concluded that the level of liquid ESP assumed in the DOAS provisions (*i.e.,* 20 ft of water column) would be representative for WSHPs. So that ratings are based on the same level of representative liquid ESP for WSHPs with and without integral pumps, DOE is proposing to exclude section 6.1.1.7 of AHRI 340/360–2022 and instead adopt provisions that align with the recently adopted provisions for water-source DOASes. Specifically, DOE is proposing to require in section 4 of appendix C1 that all WSHPs with an integral pump be tested with a liquid ESP of 20 ft of water column, with a −0/+1 ft condition tolerance and a 1 ft operating tolerance.

For units without integral pumps, DOE is proposing to require in section

[23] Currently, the DOE test procedure applies to all WSHPs with a cooling capacity less than 135,000 Btu/h. DOE is proposing in section III.A of this NOPR to increase the scope of the DOE test procedure to include all WSHPs with a cooling capacity less than 760,000 Btu/h.

4.3 of proposed appendix C1 that a ''total pumping effect'' (calculated using the same equation as in section 6.1.6.4 of AHRI 920–2020) be added to the unit's measured power to account for the pump power to overcome the internal static pressure of the unit and a liquid ESP of 20 ft of water column. Further, DOE is proposing to require in section 4.4 of appendix C1 that the measured pump power or the pump effect addition, as applicable, be included in the condenser section power for units of all capacities when performing cyclic degradation during calculation of IEER.

By accounting for liquid ESP conditions encountered during field use, DOE has tentatively concluded that the proposals would make the resulting efficiency metrics more representative of an average use cycle than the efficiency metrics calculated in ISO 13256–1:1998 and ISO 13256–1:2021.

Issue 16: DOE requests comment on the proposed provisions to account for pump power to overcome both internal pressure drop and a representative level of liquid ESP for WSHPs with and without integral pumps. DOE specifically requests comment on the representativeness of 20 ft of water column as the liquid ESP for WSHPs.

5. Test Liquid and Specific Heat Capacity

The current DOE WSHP test procedure, through adoption of section 4.1.9 of ISO 13256–1:1998, requires the test liquid for water-loop heat pumps and ground-water heat pumps to be water, and the test liquid for ground-loop heat pumps to be a 15 percent solution by mass of sodium chloride in water (*i.e.,* brine). Further, the liquid enthalpy test method in Annex C of ISO 13256–1:1998, which is included in the current DOE test procedure, requires the use of the specific heat capacity of the test liquid for calculating cooling and heating capacity but does not specify a value or method for calculating the specific heat capacity.

In the June 2018 RFI, DOE requested comment on whether a standard value or calculation method for the specific heat capacity of water should be specified in the WSHP test procedure. If a standard value should be specified, DOE requested comment on what value should be used. 83 FR 29048, 29053 (June 22, 2018).

In response to DOE's request for comment, AHRI, Trane, and WaterFurnace commented that the then draft revision of ISO 13256–1:1998 included an annex for addressing the specific heat capacity of water when using the liquid enthalpy method. These commenters further added that antifreeze use is common in WSHPs. They stated that the then-draft revision of ISO 13256–1:1998 allows innovation by not prescribing a particular antifreeze composition or concentration, but the draft standard requires input as to the relevant thermal properties of the test fluid for the proper calculation of heat capacity. (Trane, No. 8 at p. 5; AHRI, No. 12 at pp. 13–14; WaterFurnace, No. 7 at p. 12)

Section 5.1.7 of ISO 13256–1:2021 requires that the test liquid for the low temperature heating test (*i.e.,* EWT of 32 °F) must be a brine of the manufacturer's specification, while the test liquid for all other tests may be water or a brine of a composition and concentration specified by the manufacturer. Contrary to the comments received from industry stakeholders about the inclusion of provision for specific heat capacity in the then draft revision, ISO 13256–1:2021 does not specify a value or method for calculating the specific heat capacity of any test liquids.

In response to these considerations and comments, DOE is proposing in section 4.1 of proposed appendix C1 that the test liquid for all tests other than the proposed optional ''HFL3'' [24] low temperature heating test (*i.e.,* EWT of 32 °F) must be water, unless the manufacturer specifies to use a brine of 15-percent solution by mass of sodium chloride in water. DOE is proposing in section 4.1 of proposed appendix C1 that the test liquid for the optional HFL3 low temperature heating test must be a brine of 15-percent solution by mass of sodium chloride in water. Ground-loop applications of WSHPs typically use brine in the liquid loop, because in cold weather, the liquid temperature can reach 32 °F (*i.e.,* the temperature at which water freezes) in places. A 15-percent solution by mass of sodium chloride in water can withstand temperatures as low as 14 °F before freezing. Allowing the use of brine for testing also provides manufacturers the flexibility of providing ratings more representative of ground-loop applications. Therefore, DOE proposes to require brine as the liquid for the optional HFL3 low temperature heating test (conducted with an EWT of 32 °F), consistent with section 4.1.9 of ISO 13256–1:1998 and section 5.1.7 of ISO 13256–1:2021, to avoid the liquid freezing during the test.

DOE has tentatively concluded that a 15-percent solution by mass of sodium chloride, as specified in section 4.1.9.2 of ISO 13256–1:1998, is a representative brine composition and concentration for applications needing brine (*e.g.,* ground-loop), and that consumers can make more representative comparisons between models when all models are rated with the same brine composition and concentration.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs. AHRI 340/360–2022 in turn references the test method in ANSI/ASHRAE 37–2009, in which section 12.2.1 requires that thermodynamic properties of liquids be obtained from the ASHRAE Handbook—Fundamentals.[25] The ASHRAE Handbook—Fundamentals specifies specific heat capacity values for water and for a brine of 15-percent solution by mass of sodium chloride at multiple temperatures. The absence of provisions in ISO 13256–1:1998 for how to determine specific heat capacity for test liquids creates the potential for variation in measured values based on how specific heat capacity is determined. Therefore, to minimize any such variation, DOE is instead proposing to adopt relevant provisions of ANSI/ASHRAE 37–2009. DOE has tentatively determined that the specifications in ANSI/ASHRAE 37–2009 would be appropriate for testing WSHPs because they are the generally accepted industry method used for testing similar equipment, such as WCUACs.

Issue 17: DOE requests comment on the proposed requirements for using water or a brine of 15-percent solution by mass of sodium chloride as the test liquid. DOE also requests comment on the representativeness and test burden associated with permitting the use of different liquids for different tests.

Issue 18: DOE requests comments on the proposal to utilize the thermodynamic properties specified in ANSI/ASHRAE 37–2009 through DOE's proposed incorporation by reference of AHRI 340/360–2022.

6. Liquid Flow Rate

a. Full-Load Cooling Tests

The current DOE test procedure, through adoption of section 4.1.6.2 of ISO 13256–1:1998, requires units with an integral liquid pump to be tested at the liquid flow rates specified by the manufacturer or those obtained at zero ESP difference, whichever provides the lower liquid flow rate. Section 4.1.6.3 of

[24] ''HFL3'' is the nomenclature used to define the 32 °F full load heating test that DOE is proposing to add in Appendix D.

[25] The ASHRAE Handbook—Fundamentals is available at: *https://www.ashrae.org/technical-resources/ashrae-handbook.*

ISO 13256–1:1998 requires that units without an integral liquid pump be tested at a liquid flow rate specified by the manufacturer.

In contrast to the ISO 13256–1:1998 approach, DOE noted in the June 2018 RFI that AHRI 340/360–2007 does not use a manufacturer-specified liquid flow rate, and instead specifies inlet and outlet water temperatures for WCUACs to be 85 °F and 95 °F, respectively, for standard-rating full-capacity operation. The temperature difference between inlet and outlet determines the liquid flow rate for the test. 83 FR 29048, 29054 (June 22, 2018).

In the June 2018 RFI, DOE requested comment on how manufacturers are selecting water flow rates when testing WSHPs in cases where multiple flow rates are provided in product literature. DOE further requested comment on what the typical water temperature rise during testing is and whether the typical test temperature rise is representative of field operation. *Id.*

In response to DOE's request for comment, AHRI discussed how the AHRI certification program requires a flow rate to be certified, and that the flow rate is available on the product certificate and also in the supplemental PDF. AHRI stated that certified flow rate makes clear which points to use for testing WSHPs, if multiple flow rates are provided in the product literature. (AHRI, No. 12 at p. 15) Trane commented that only one water flow rate is used to set the rating point of each WSHP basic model, and that any other water flow rates provided in the catalog literature are simply other application points for customers to use. (Trane, No. 8 at p. 5)

Trane commented that typical values of flow rate and temperature rise are 3 gallons per minute (''GPM'') per ton and a 10 °F temperature rise in cooling mode. (Trane, No. 8 at p. 5) AHRI and WaterFurnace stated that a typical rated water flow rate is 3 GPM/ton and field application flow rates are typically 2.25–3 GPM/ton, and that this range results in a field temperature rise of 9–14 °F for water-loop applications. (AHRI, No. 12 at p. 14; WaterFurnace, No. 7 at p. 13)

Further, AHRI and WaterFurnace stated that the current test procedure (which does not specify the outlet water temperature) allows the manufacturer to design a more suitable and efficient system by having the freedom to innovate systems that perform more efficiently with lower pressure drop or perhaps a heat exchanger allowing a high flow rate but lower pressure drop. (AHRI, No. 12 at p. 14; WaterFurnace, No. 7 at p. 13) AHRI also stated that for PSC pump motors,[26] specifying water flow is more accurate than specifying a temperature rise, and that fixing the temperature change would be a more difficult approach for these units. (AHRI, No. 12 at p. 14) Trane stated that it would be difficult to set a single value of flow rate or temperature rise for WSHP testing that would be representative of all field applications. (Trane, No. 8 at p. 5) Trane also encouraged DOE to not limit the rated water flow rate, indicating that this would severely limit the marketplace and be unrepresentative of real-world applications. *Id.* WaterFurnace stated that changing to a constant temperature difference approach (*i.e.,* specifying both inlet and outlet water temperature) would add undue complication to the certification program because the pump power adjustment requires a manufacturer-specified water flow rate. (WaterFurnace, No. 7 at p. 4)

Sections 5.1.6.3 and 5.1.6.4 of ISO 13256–1:2021 include provisions for setting water flow rate that are equivalent to the provisions in sections 4.1.6.2 and 4.1.6.3 of ISO 13256–1:1998. However, DOE is concerned that these provisions of ISO 13256–1 have the potential to allow manufacturers to specify very high flow rates that may not be representative of field operation. An overly high flow rate would result in a liquid temperature rise that is lower than what is representative of field operating conditions and a liquid heat transfer efficiency that is higher than what is representative of field operation. In addition, this would result in a measured efficiency that is higher than what is representative. Section 4.1.6.2 of ISO 13256–1:1998 specifies that the flow rate for integral pumps can be no higher than the flow rate resulting in zero liquid ESP, but this does not ensure that the resulting flow rate is representative of field use. For units without integral pumps, ISO 13256–1:1998 has no limits on flow rate.

In consideration of the preceding information and public comments, DOE proposes the following. As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs, including Table 6. Table 6 of AHRI 340/360–2022 specifies inlet and outlet liquid temperatures of 85 °F and 95 °F, respectively, for standard-rating cooling full-capacity operation. This requires that liquid flow rate for the full-load cooling test is set at a level that results in a 10 °F temperature rise from the 85 °F inlet to the 95 °F outlet temperature.

DOE notes that Trane commented that a 10 °F temperature rise is typical of field operation, and AHRI and WaterFurnace commented that a 9–14 °F temperature rise is typical. (Trane, No. 8 at p. 5; AHRI, No. 12 at p. 14; WaterFurnace, No. 7 at p. 13) These comments indicate that the temperature rise specified in Table 6 of AHRI 340/360–2022 is representative of field operation. In addition, specifying a fixed temperature rise for all WSHPs ensures that all models are tested with a temperature rise that is representative of field operating conditions. Therefore, DOE has tentatively concluded that testing with the required temperature rise specified in Table 6 of AHRI 340/360–2022 would produce more representative results than allowing manufacturers to continue specifying a liquid flow rate.

Regarding WaterFurnace's comment on the need for a manufacturer-specified flow rate for the pump power correction, DOE is not proposing in section III.F.4 of this NOPR to adopt the pump power correction specified in the 1998 and 2021 versions of ISO 13256–1; instead, DOE is proposing to include pump power to overcome a representative liquid ESP in the calculation of WSHP efficiency (see discussion in section III.F.4 of this NOPR). As a result, DOE has tentatively concluded that DOE's proposed approach for setting liquid flow rate would not add any additional complication to certification.

Regarding AHRI's and WaterFurnace's comment that the use of manufacturer-specified flow rates allows innovation in design, DOE has tentatively concluded that setting full-load liquid flow rate based on a 10 °F temperature rise would not impede the ability of manufacturers to innovate. The requirements of the DOE test procedure place no requirements on the design of a WSHP; they only specify requirements used to measure the performance of WSHPs in conditions that are representative of an average use cycle. As discussed, commenters stated that 10 °F is within the range of temperature rise values that is representative of water-loop applications. Therefore, DOE has tentatively concluded that setting full-load liquid flow rate to achieve a 10 °F temperature rise would ensure that all WSHPs are tested with a full-load flow rate that is representative of an average use cycle.

For the method of calculating IEER through interpolation and extrapolation, DOE is proposing in section 5.1.2 of

[26] A permanent split-capacitor (PSC) motor is a type of electric motor that can be used to power water pumps in WSHPs.

proposed appendix C1 (see section III.E.1.b of this NOPR) to align with the provisions in AHRI 340/360–2022, as follows. For the ''CFL3 high temperature'' test specified in Table 2 of appendix C1 [27] for the alternative method of calculating IEER, DOE is proposing to specify a fixed 10 °F temperature rise, thus specifying 86 °F and 96 °F, respectively, for the inlet and outlet liquid temperatures. For the rest of the full-load tests required in Table 2 of appendix C1 for the alternative method of calculating IEER, DOE is proposing that the liquid flow rate achieved during the CFL3 full load test be used. This proposal for full-load tests is consistent with Table 6 of AHRI 340/360–2022, because it requires a 10 °F temperature rise from inlet to outlet, which is the same amount of temperature rise required for full-load testing in Table 6 of AHRI 340/360–2022.

Issue 19: DOE requests comment on its proposal to adopt the AHRI 340/360–2022 approach for setting liquid flow rate for the full-load cooling test, namely by specifying inlet and outlet liquid temperature conditions rather than using a manufacturer-specified flow rate.

b. Part-Load Cooling Tests

In this NOPR, DOE is specifying part-load testing as part of the IEER test metric (see section III.E.1 of this NOPR), so provisions are necessary for determining the liquid flow rate to use during part-load tests. Table 9 of AHRI 340/360–2022 specifies use of manufacturer-specified part-load water flow rates for part-load tests. This is similar to the requirements in sections 4.1.6.2 and 4.1.6.3 of ISO 13256–1:1998 and sections 5.1.6.3 and 5.1.6.4 of ISO 13256–1:2021, which specify testing at manufacturer-specified flow rates for all tests (see also discussion in section III.F.6.a of this NOPR). Therefore, DOE is proposing to incorporate by reference Table 9 of AHRI 340/360–2022 and also to state in sections 5.1.1 and 5.1.2.1.2 of appendix C1 the requirements (from Table 9 of AHRI 340/360–2022) for setting part-load liquid flow rate. These requirements apply to both IEER determination methods specified in appendix C1 (*i.e.,* Option 1 and Option 2).

Section E7 of AHRI 340/360–2022, which addresses units with condenser head pressure control, states that part-load liquid flow rate shall not exceed the liquid flow rate used for the full-load tests. This requirement is not stated anywhere else in AHRI 340/360–2022, but DOE has tentatively concluded that it provides a valuable control on the upper limit of liquid flow rates for part-load tests. As a result, DOE is proposing in sections 5.1.1 and 5.1.2.1.2 of appendix C1 that this requirement apply to all part-load tests for WSHPs.

AHRI 340/360–2022 does not specify the liquid flow rate to use when the unit is operating at part load should the manufacturer not provide one. Therefore, DOE is proposing in sections 5.1.1 and 5.1.2.1.2 of appendix C1 to use the liquid flow rate from full-load testing if the manufacturer does not specify a part-load liquid flow rate.

Issue 20: DOE requests feedback on its proposals to use manufacturer-specified part-load liquid flow rates for part-load tests, that the part-load flow rate be no higher than the full-load flow rate, and to use the full-load liquid flow rate if no part-load liquid flow rate is specified.

c. Heating Tests

Consistent with the proposal in section III.F.6.a of this NOPR for a method of determining full-load cooling liquid flow rate of WSHPs based on outlet water temperature, rather than using a manufacturer-specified flow rate as specified by the current Federal test procedure, DOE is proposing provisions for setting liquid flow rate during heating tests. More specifically, DOE is proposing that the liquid flow rate determined from the full-load cooling test be used for all heating tests. DOE has tentatively concluded that full-load heating flow rates would generally be the same as full-load cooling flow rates for WSHPs installed in field applications, as the compressor(s) would be operating at full load in both cases. Therefore, DOE has tentatively concluded that the liquid flow rate used for the full-load cooling test is a representative flow rate to use for heating tests.

Specifically, DOE is proposing to specify in section 6.1 of proposed appendix C1 that if IEER is determined using option 1 in section 5.1 of proposed appendix C1, the liquid flow rate determined from the ''Standard Rating Conditions Cooling'' test for water-cooled equipment, as defined in Table 6 of AHRI 340/360–2022, must be used for all heating tests. If IEER is determined using option 2 in section 5.1 of proposed appendix C1, DOE is proposing in section 5.1.2.1.1 of proposed appendix C1 to use the liquid flow rate determined from the CFL3 high temperature cooling test for all heating tests.

Issue 21: DOE requests comment on its proposal to use the liquid flow rate determined from the full-load cooling test for all heating tests.

d. Condition Tolerance

Table 9 of ISO 13256–1:1998 and Table 11 of ISO 13256–1:2021 both include an operating tolerance of 2 percent and a condition tolerance of 1 percent for the liquid flow rate of WSHPs.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs. AHRI 340/360–2022 in turn references the test method in ANSI/ASHRAE 37–2009. Table 11 of AHRI 340/360–2022 includes an operating tolerance of 2 percent for liquid flow rate, but neither AHRI 340/360–2022 nor ANSI/ASHRAE 37–2009 include a condition tolerance on liquid flow rate.

It is DOE's understanding that a condition tolerance is needed for all tests with a target liquid flow rate. As discussed in sections III.F.6.a through III.F.6.c of this NOPR, DOE is proposing that the full-load cooling test (if using option 1 for determining IEER, the ''standard rating conditions cooling'' test in Table 5 of AHRI 340/360–2022; if using option 2 for determining IEER, the ''CFL3 high temperature'' test in Table 2 of appendix C1) would be conducted with a liquid flow rate determined via a specified temperature rise rather than via a target liquid flow rate, while other cooling tests and all heating tests would have target liquid flow rates (manufacturer-specified for part-load cooling tests, and a target flow rate the same as the flow rate determined from the full-load cooling test for all other cooling and heating tests). Therefore, DOE is proposing a liquid flow rate condition tolerance that applies for all tests with target liquid flow rates (*i.e.,* excluding the tests conducted with a specified temperature rise—the ''standard rating conditions cooling'' test in Table 5 of AHRI 340/360–2022 and the ''CFL3 high temperature'' test in Table 2 of appendix C1).

Specifically, DOE is proposing to require in sections 5.1.1, 5.1.2.1.2, and 6.1 of appendix C1 a condition tolerance of 1 percent for liquid flow rate, consistent with the condition tolerance specified in Table 9 of ISO 13256–1:1998. This requirement is in addition to DOE's proposed adoption of Table 11 of AHRI 340/360–2022, which specifies an operating tolerance of 2 percent for liquid flow rate.

Issue 22: DOE requests comment on its proposal to specify an operating tolerance of 2 percent and a condition tolerance of 1 percent for liquid flow

[27] ''CFL3'' is the nomenclature used in Appendix C1 to define a full load cooling test at 86 °F.

rate in all tests with a target liquid flow rate.

7. Refrigerant Line Losses

Split-system WSHPs have refrigerant lines that can transfer heat to and from their surroundings, which can incrementally affect measured capacity. To account for this transfer of heat (referred to as ''line losses''), the current DOE test procedure, through adoption of ISO 13256–1:1998, provides that if line loss corrections are to be made, they shall be included in the capacity calculations (in section B4.2 for the indoor air enthalpy method and in section C3.3 for the liquid enthalpy test method of ISO 13256–1:1998). ISO 13256–1:1998 does not specify the circumstances that require line loss corrections nor the method to use to determine an appropriate correction.

Section 7.3.3.4 of ANSI/ASHRAE 37–2009, the method of test referenced in AHRI 340/360–2022, specifies more detailed provisions to account for line losses of split systems in the outdoor air enthalpy method, and section 7.6.7.1 of ANSI/ASHRAE 37–2009 specifies to use the same provisions for the outdoor liquid coil method.

In the June 2018 RFI, DOE requested comment on whether the provisions for line losses in ANSI/ASHRAE 37–2009 would be appropriate for testing WSHPs. Furthermore, DOE requested comment on what modifications to ISO 13256–1:1998 might be necessary to further address line losses and how manufacturers of split-system WSHPs currently incorporate line loss adjustments into both heating and cooling capacity calculations. 83 FR 29048, 29052–29053 (June 22, 2018).

In commenting on DOE's June 2018 RFI, AHRI, Trane, and WaterFurnace stated that refrigerant line losses would not be a relevant issue because there are very few, if any, split-system WSHPs in the commercial market. (AHRI, No. 12 at p. 13; Trane, No. 8 at p. 5; WaterFurnace, No. 7 at pp. 11–12)

Section E.3.3 of ISO 13256–1:2021 contains the same statement about line loss correction as sections B4.2 and C3.3 in ISO 13256–1:1998. Thus, ISO 13256–1:2021 contains no additional provisions regarding line loss corrections.

As stated previously, DOE has identified a number of split-system WSHPs, several of which are certified in the DOE Compliance Certification Database, and the Federal test procedure [28] applies to any WSHP that meets DOE's definition of a WSHP. Further, because split-system WSHPs are available on the market, test procedure provisions are needed for testing them, regardless of their share of the WSHP market.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs. AHRI 340/360–2022 in turn references the test method in ANSI/ASHRAE 37–2009. As described earlier in this section, section 7.6.7.1 of ANSI/ASHRAE 37–2009 specifies to use the provisions in section 7.3.3.4 of ANSI/ASHRAE 37–2009 for making line loss adjustments when using the outdoor liquid coil method. Section 7.3.3.4 of ANSI/ASHRAE 37–2009 specifies calculations for determining the line losses for bare copper or insulated lines. The absence of provisions in ISO 13256–1:1998 for how to determine refrigerant line losses creates the potential for variation in measured values based on how line losses are determined. To minimize any such variation, DOE is proposing to adopt the relevant provisions in ANSI/ASHRAE 37–2009. DOE has tentatively determined that the specifications in ANSI/ASHRAE 37–2009 would be appropriate for testing WSHPs because they are the generally accepted industry method used for testing similar equipment, such as WCUACs.

Issue 23: DOE requests comments on the proposal to adopt the provisions for line loss adjustments included in sections 7.6.7.1 and 7.3.3.4 of ANSI/ASHRAE 37–2009 through incorporation by reference of AHRI 340/360–2022.

8. Airflow Measurement

The current DOE WSHP test procedure, through adoption of section D.1 of ISO 13256–1:1998, requires airflow measurements to be made in accordance with the provisions specified in several different industry test standards, ''as appropriate.'' [29] However, ISO 13256–1:1998 is not explicit regarding the circumstances under which the different airflow measurement approaches included in these industry test standards should be used.

Section F8 of ISO 13256–1:1998 specifies the requirements for the nozzle apparatus used to measure airflow. This device determines airflow by measuring the change in pressure across a nozzle of known geometry. Airflow derivations using this approach often include a discharge coefficient (*i.e.,* the ratio of actual discharge air to theoretical discharge air) to account for factors that reduce the actual discharge air, such as nozzle resistance and airflow turbulence. In general, as the nozzle throat diameter decreases, nozzle resistance increases, thereby reducing actual discharge which is characterized by a lower discharge coefficient. Turbulent airflow (as characterized by Reynolds numbers [30]) and temperature also impact the discharge coefficient.

Section F8.9 of ISO 13256–1:1998 specifies that it is preferable to calibrate the nozzles in the nozzle apparatus, but that nozzles of a specific geometry may be used without calibration and by using the appropriate discharge coefficient specified in a lookup table in section F8.9 of ISO 13256–1:1998. ISO 13256–1:1998 does not specify the method that should be applied, however, to determine the coefficient of discharge for conditions that do not exactly match the values provided in the look-up table.

Elsewhere, sections 6.2 and 6.3 of ANSI/ASHRAE 37–2009 includes provisions regarding the nozzle airflow measuring apparatus that are identical to the provisions in section F8 of ISO 13256–1:1998, except for the method used to determine the coefficient of discharge. Section 6.3.3 of ANSI/ASHRAE 37–2009 uses a calculation in place of the look-up table used in ISO 13256–1:1998, thereby allowing determination of the coefficient of discharge at any point within the specified range.

In the June 2018 RFI, DOE requested comment on which of the methods specified in ISO 13256–1:1998 (*i.e.,* ISO 3966:1977, ISO 5167–1:1991, and ISO 5221:1984) are used by manufacturers to measure airflow of WSHPs, and whether this varies based on WSHP capacity or configuration. 83 FR 29048, 29054 (June 22, 2018). DOE further requested information on how manufacturers determine the coefficient of discharge for air temperatures and Reynolds numbers that fall between the values

[28] Currently, the DOE test procedure applies to all WSHPs with a cooling capacity less than 135,000 Btu/h. However, DOE is proposing in section III.A of this NOPR to increase the scope of the Federal test procedure to include all WSHPs with a cooling capacity less than 760,000 Btu/h.

[29] The cited industry test standards include: ISO 3966:1977, ''Measurement of fluid flow in closed conduits—Velocity area method using Pitot static tubes;'' ISO 5167–1:1991, ''Measurement of fluid flow by means of pressure differential devices—Part 1: Orifice plates, nozzles and Venturi tubes inserted in circular cross-section conduits running full;'' and ISO 5221:1984, ''Air Distribution and air diffusion—Rules to methods of measuring airflow rate in an air handling duct.'' These standards can be purchased from the ISO store at *https://www.iso.org/store.html.*

[30] ''Reynolds number'' is a dimensionless number that characterizes the flow properties of a fluid. Section F8.9 of ISO 13256–1:1998 includes an equation for calculating Reynolds number that depends on a temperature factor, air velocity, and throat diameter.

specified in the look-up table in section F8.9 Annex F to ISO 13256–1:1998. *Id.* DOE also requested comment on whether it should incorporate by reference additional industry test standards that specify the calculation method for airflow, such as ANSI/ASHRAE 37–2009. *Id.*

On this topic, AHRI, Trane, and WaterFurnace commented that manufacturers generally calibrate each nozzle to determine the coefficient of discharge, consistent with the ISO 13256–1:1998 conditions. These commenters also stated that most manufacturers use air tunnels for airside measurements based upon ANSI/ASHRAE 37–2009 and ANSI/AMCA Standard 210–16, *Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating* (''ANSI/AMCA 210''),[31] and that these tunnels generally satisfy the requirements of ISO 5221, ISO 3966, and ISO 5167. Furthermore, these commenters stated that the draft revision of ISO 13256–1:1998 enhanced the method of test annexes, as ISO standards cannot reference national standards. (Trane, No. 8 at p. 5; AHRI, No. 12 at pp. 3, 14; WaterFurnace, No. 7 at p. 12)

To the point raised by commenters, Annex B of ISO 13256–1:2021 specifies requirements for airflow measurement and nozzle apparatus that are consistent with the requirements in section F8 of ISO 13256–1:1998, and section B.3.5.3 of ISO 13256–1:2021 contains equations for determining discharge coefficients that are equivalent to the equations in section 6.3.3 of ANSI/ASHRAE 37–2009.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs. AHRI 340/360–2022 in turn references the test method in ANSI/ASHRAE 37–2009. As stated earlier in this section, the provisions of ANSI/ASHRAE 37–2009 provide more specificity in the determination of airflow characteristics than the provisions of ISO 13256–1:1998, but they otherwise align with the corresponding provisions in ISO 13256–1:1998. The provisions of ANSI/ASHRAE 37–2009 are also equivalent to those in ISO 13256–1:2021. In addition, as commenters stated, air measurement apparatuses based upon ANSI/ASHRAE 37–2009 satisfy the requirements of ISO 13256–1:1998. Therefore, DOE has tentatively concluded that the proposed test procedure would provide a representative and repeatable method for measuring airflow.

Issue 24: DOE requests comments on the proposal to adopt the calculation of discharge coefficients and air measurement apparatus requirements of ANSI/ASHRAE 37–2009.

9. Air Condition Measurements

Indoor air temperature and humidity are key parameters that affect WSHP performance, and for this reason, ISO 13256–1:1998 requires accurate indoor air condition measurements. However, informative annexes E and F of ISO 13256–1:1998 specify few requirements for the methods used to measure indoor air temperature and humidity.

In the June 2018 RFI, DOE identified that Appendix C of AHRI 340/360–2015 (the most current version of AHRI 340/360 at the time) provides details on entering outdoor air temperature measurement for air-cooled and evaporatively-cooled CUACs, including air sampling tree and aspirating psychrometer requirements, but that AHRI 340/360–2015 does not state that these provisions apply for measurement of entering indoor air temperature and leaving indoor air temperature. 83 FR 29048, 29054 (June 22, 2018). DOE requested comment on whether the requirements for outdoor entering air measurements in Appendix C of AHRI 340/360–2015 (excluding the temperature uniformity requirements in Table C2), such as air sampling requirements and aspirating psychrometer requirements, would be appropriate for measurement of indoor air entering and leaving temperatures for WSHPs. *Id.*

On this topic, Trane, AHRI, and WaterFurnace commented that the ISO working group agreed on revised method of test annexes with further provisions for air sampling, based off provisions in ASHRAE 37; ASHRAE 41.1, *Standard Methods for Temperature Measurement;* ASHRAE 41.2, *Standard Methods for Air Velocity and Airflow Measurement;* and ASHRAE 41.3, *Standard Methods for Pressure Measurement.*[32] (Trane, No. 8 at p. 5; AHRI, No. 12 at p. 15; WaterFurnace, No. 7 at p. 13)

After its subsequent publication, DOE reviewed ISO 13256–1:2021, but in contrast to the commenters' expressed expectations, the Department found that the updated ISO standard specifies no requirements for the methods used to measure indoor air temperature and humidity, including no provisions for air sampling and aspirating psychrometers.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs. Appendix C of AHRI 340/360–2022 provides more detailed specifications for the measurement of air conditions (including indoor air) than ISO 13256–1:1998, including aspirating psychrometer requirements in section C3.2.1 of AHRI 340/360–2022 and sampling requirements in section C3.3 of AHRI 340/360–2022. The absence of provisions in ISO 13256–1:1998 for how indoor air condition measurements are conducted creates the potential for variation in measured values based on how indoor air condition measurements are taken. To minimize any such variation, DOE is proposing to specify the measurement provisions in Appendix C of AHRI 340/360–2022. DOE has tentatively determined that the specifications in AHRI 340/360–2022 would be appropriate for testing WSHPs because they are the generally accepted industry method used for testing similar equipment, such as WCUACs.

Issue 25: DOE requests comments on the proposal to adopt the air condition measurement provisions in Appendix C of AHRI 340/360–2022.

10. Duct Losses

In the calculations for cooling and heating capacities for the indoor air enthalpy test method of ISO 13256–1:1998, the test standard includes a footnote in sections B3 and B4 of annex B stating that the equations do not provide allowances for heat leakage in the test equipment (*i.e.,* duct losses). In contrast, section 7.3.3.3 of ANSI/ASHRAE 37–2009 requires adjustments for such heat leakages and specifies methods to calculate appropriate values for the adjustments.

In the June 2018 RFI, DOE requested comment on whether the duct loss adjustments as described in section 7.3.3.3 of ANSI/ASHRAE 37–2009 or any other duct loss adjustments are used to adjust capacity measured using the indoor air enthalpy method when testing WSHPs. 83 FR 29048, 29054 (June 22, 2018).

In response to DOE's request for comment, AHRI, WaterFurnace, and Trane commented that manufacturers typically adjust capacity for duct losses consistent with ANSI/ASHRAE 37–2009, and that these provisions are being included in the revised version of ISO 13256–1:1998. (AHRI, No. 12 at p. 14; WaterFurnace, No. 7 at pp. 12–13; Trane, No. 8 at p. 5)

[31] ANSI/AMCA 210–16 is available at: *https://www.amca.org/assets/resources/public/pdf/Education%20Modules/AMCA%20210-16.pdf.*

[32] All ASHRAE standards can be found at: *https://webstore.ansi.org/sdo/ashrae.*

Despite commenters' expressed expectations, DOE notes that similar to ISO 13256–1:1998, ISO 13256–1:2021 does not address duct losses. Specifically, section C.4 of ISO 13256–1:2021 includes a note that states that the formulas for calculating cooling and heating capacity in sections C.3 and C.4 do not provide allowance for heat leakage in the test duct and the discharge chamber. Further, ISO 13256–1:2021 does not specify a method for calculating the duct losses.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs. AHRI 340/360–2022 in turn references the test method in ANSI/ASHRAE 37–2009. As discussed earlier in this section, section 7.3.3.3 of ANSI/ASHRAE 37–2009 requires, and provides equations for, duct loss adjustments. The absence of provisions in ISO 13256–1:1998 for how to determine duct losses creates the potential for variation in measured values based on how and whether duct losses are accounted for. To minimize any such variation, DOE is proposing to adopt the provisions in ANSI/ASHRAE 37–2009. DOE has tentatively determined that the specifications in ANSI/ASHRAE 37–2009 would be appropriate for testing WSHPs because they are the generally accepted industry method used for testing similar equipment, such as WCUACs.

Issue 26: DOE requests comments on the proposal to adopt the duct loss provisions in section 7.3.3.3 of ASHRAE 37–2009.

11. Refrigerant Charging

The amount of refrigerant can have a significant impact on the system performance of air conditioners and heat pumps. DOE's current test procedure for WSHPs requires that units be set up for test in accordance with the manufacturer installation and operation manuals. 10 CFR 431.96(e). In addition, the current DOE test procedure states that if the manufacturer specifies a range of superheat, sub-cooling, and/or refrigerant pressures in the installation and operation manual, any value within that range may be used to determine refrigerant charge or mass of refrigerant, unless the manufacturer clearly specifies a rating value in its installation or operation manual, in which case the specified rating value shall be used. *Id.* However, the current DOE test procedure does not provide charging instructions to be used if the manufacturer does not provide instructions in the manual that is shipped with the unit or if the provided instructions are unclear or incomplete. In addition, ISO 13256–1:1998 does not provide any specific guidance on setting and verifying the refrigerant charge of a unit aside from stating in section A2.3 of that standard that equipment shall be evacuated and charged with the type and amount of refrigerant specified in the manufacturer's instructions, where necessary.

DOE noted in the June 2018 RFI that the test procedure final rule for CAC/HPs published in the **Federal Register** on June 8, 2016 (81 FR 36992, ''June 2016 CAC TP final rule'') established a comprehensive approach for refrigerant charging to improve test reproducibility. 83 FR 29048, 29054 (June 22, 2018). The approach specifies which set of installation instructions to use for charging, explains what to do if no instructions are provided, specifies that target values of parameters are the centers of the ranges allowed by installation instructions, and specifies tolerances for the measured values. *See* 10 CFR part 430, subpart B, appendix M, section 2.2.5. The approach also requires that refrigerant line pressure gauges be installed for single-package units, unless otherwise specified in manufacturer instructions. *Id.* As part of the June 2018 RFI, DOE sought comment on whether it would be appropriate to adopt an approach for charging requirements for WSHPs similar to the approach adopted in the June 2016 CAC TP final rule. 83 FR 29048, 29055 (June 22, 2018).

The CA IOUs commented that only about 10 percent of WSHPs are split systems, and that many of the charging requirements in the June 2016 CAC TP final rule are for split systems and do not apply to single-package units. However, the CA IOUs went on to state that adopting provisions from the June 2016 CAC TP final rule would be useful for single-package units, specifically aspects that relate to pressure gauges for package units and banning charge adjustment during testing. The CA IOUs also suggested that DOE should develop language to address equipment that arrives at the test laboratory with damage, possibly giving some allowance to recharge WSHPs with minor damage but requiring a new unit to be shipped in the case of major damage. The CA IOUs further stated that adopting provisions similar to the June 2016 CAC TP final rule would be beneficial for the minority of WSHPs that require charging in the laboratory. (CA IOUs, No. 9 at p. 2)

Trane commented that all of its WSHP offerings are single-package units that are charged at the factory, so charging requirements would not be necessary. Trane added that packaged equipment requires no external refrigerant lines, and, therefore, superheat and subcooling do not need to be considered. (Trane, No. 8 at p. 6) WaterFurnace stated that split-system WSHPs are not sold for commercial applications, and, therefore, commercial WSHPs are not field-charged. (WaterFurnace, No. 7 at p. 14) AHRI and Trane commented that adopting charging requirements would not be appropriate, because many WSHPs have no service ports, and that units that do have service ports are charged by weight to the specification on the nameplate. (AHRI, No. 12 at p. 15; Trane, No. 8 at p. 6)

DOE notes that the subsequently published ISO 13256–1:2021 does not include any provisions regarding refrigerant charging that differ from ISO 13256–1:1998; the provisions in section A.2.4 of ISO 13256–1:2021 align with section A2.3 of ISO 13256–1:1998.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs, including section 5.8. Section 5.8 of AHRI 340/360–2022 specifies a comprehensive set of provisions regarding refrigerant charging that is similar to the approach adopted in the June 2016 CAC TP final rule. 81 FR 36992, 37030–37031 (June 8, 2016). DOE has tentatively concluded that these provisions provide sufficient guidance for setting and verifying the refrigerant charge of a WSHP. Section 5.8 requires that units be charged at conditions specified by the manufacturer in accordance with the manufacturer installation instructions or labels applied to the unit. If no manufacturer-specified charging conditions are provided, section 5.8 specifies charging at the standard rating conditions (as defined in Table 6 of AHRI 340/360–2022). Section 5.8 also provides additional charging instructions to be used if the manufacturer does not provide instructions or if the provided instructions are unclear or incomplete (*e.g.,* specifying default charging targets to use if none are provided by the manufacturer, specifying an instruction priority to be used in the event of conflicting information between multiple manufacturer-provided charging instructions).

DOE disagrees with the commenters' assertions that charging requirements are not appropriate for WSHPs. While DOE acknowledges that most WSHP models are single-package units, the Department tentatively concludes that charging provisions are warranted for single-package units. DOE notes that AHRI 210/240–2023 (in section 5.1.8),

AHRI 340/360–2022 (in section 5.8), and AHRI 390–2021 (in section 5.6.3) include charging provisions that apply to single-package units. Additionally, as stated previously, DOE has identified a number of split-system WSHPs, several of which are certified in the DOE Compliance Certification Database, and the Federal test procedure [33] applies to any WSHP that meets DOE's definition of a WSHP. Further, because split-system WSHPs exist, test procedure provisions are needed for testing them, regardless of their share of the WSHP market.

Further, while the use of pressure gauges is not necessary to adjust charge if charging is based only on parameters such as charge weight that do not require measurement of refrigerant pressure, installation of pressure gauges would be warranted for charge adjustment if charging is based on parameters that require measurement of refrigerant pressure such as subcooling or superheat. Additionally, DOE has identified several WSHP service manuals that allow for charge adjustment in the field, indicate the presence of pressure ports, and provide guidance for confirmation of charge based on sub-cooling or superheat.

Therefore, DOE has tentatively concluded that the provisions regarding refrigerant charging in section 5.8 of AHRI 340/360–2022, including the provisions specific to installation of pressure gauges for single-package units in section 5.8.4 of AHRI 340/360–2022, are warranted for testing WSHPs. DOE has tentatively determined that these provisions ensure that WSHPs are set up for testing with refrigerant charging instructions that are representative of field installations, and that testing is conducted in a repeatable manner. DOE also notes that the refrigerant charging provisions in AHRI 340/360–2022 are generally consistent with the industry consensus test procedures for testing several categories of air conditioning and heating equipment (*e.g.,* AHRI 340/360 for CUAC/HPs, AHRI 210/240–2023 for CAC/HPs, AHRI 1230–2021 for VRF multi-split systems, AHRI 390 for SPVUs), and DOE has tentatively concluded that there is no aspect of WSHPs that differs from all other types of air conditioners and heat pumps that would indicate such provisions are not needed.

Issue 27: DOE requests comments on the proposal to adopt the refrigerant charging requirements in section 5.8 of AHRI 340/360–2022.

12. Voltage

Operating voltage can affect the measured efficiency of air conditioners. The current DOE WSHP test procedure, through adoption of Tables 1 and 2 of ISO 13256–1:1998, requires units rated with dual nameplate voltages to be tested at both voltages or at the lower voltage if only a single rating is to be published.

In the June 2018 RFI, DOE requested data and information on the extent of the effect that voltage has on air conditioning equipment and if there is a consistent relationship between voltage and efficiency. DOE also requested comment on whether certain voltages within common dual nameplate voltages (*e.g.,* 208/230 V) are more representative of typical field conditions. 83 FR 29048, 29055 (June 22, 2018).

On this topic, Trane commented that performance varies slightly with voltage, and that to be conservative, Trane tests its units at multiple voltages and rates at the lowest measured efficiency. (Trane, No. 8 at p. 6) AHRI and WaterFurnace had a somewhat different viewpoint, commenting that performance at each voltage is not normally measured and that the effect of voltage varies by compressor line (*e.g.,* stating that in the most recent generation Copeland Scroll product, the 208V model is 1–2 percent less efficient than the corresponding 230V model). AHRI and WaterFurnace also stated that there are several voltage options available commercially, and that voltage selection depends on several different aspects of the installed application. (AHRI, No. 12 at pp. 15–16; WaterFurnace, No. 7 at p. 14)

DOE notes that tables 2 and 3 of ISO 13256–1:2021 specify the same voltage requirements for testing units rated with dual nameplate voltages as tables 1 and 2 of ISO 13256–1:1998.

As discussed in section III.D.2 of this NOPR, DOE proposes to adopt specific sections of AHRI 340/360–2022 in its test procedure for WSHPs, including section 6.1.3.1. Section 6.1.3.1 of AHRI 340/360–2022 specifies that units with dual nameplate voltage ratings must be tested at the lower of the two voltages if only a single standard rating is to be published, or at both voltages if two standard ratings are to be published. This approach is equivalent to the approach for dual nameplate voltages specified in tables 1 and 2 of ISO 13256–1:1998 and tables 2 and 3 of ISO 13256–1:2021.

Issue 28: DOE requests comments on the proposal to adopt the voltage provisions in section 6.1.3.1 of AHRI 340/360–2022.

G. Configuration of Unit Under Test

1. Summary

WSHPs are sold with a wide variety of components, including many that can optionally be installed on or within the unit both in the factory and in the field. The following sections address the required configuration of units under test. In all cases, these components are distributed in commerce with the WSHP but can be packaged or shipped in different ways from the point of manufacturer for ease of transportation. Each optional component may or may not affect a model's measured efficiency when tested to the DOE test procedure proposed in this NOPR. For certain components not directly addressed in the DOE test procedure, this NOPR proposes more specific instructions on how each component should be handled for the purposes of making representations in 10 CFR part 429. Specifically, these proposed instructions would provide manufacturers clarity on how components should be treated and how to group individual models with and without optional components for the purposes of representations to reduce burden. DOE is proposing these provisions in 10 CFR part 429 to allow for testing of certain individual models that can be used as a proxy to represent the performance of equipment with multiple combinations of components.

DOE is proposing to handle WSHP components in two distinct ways in this NOPR to help manufacturers better understand their options for developing representations for their differing product offerings. First, DOE proposes that the treatment of certain components is specified by the test procedure, such that their impact on measured efficiency is limited. For example, a fresh air damper must be set in the closed position and sealed during testing, resulting in a measured efficiency that would be similar or identical to the measured efficiency for a unit without a fresh air damper. Second, DOE is proposing provisions expressly allowing certain models to be grouped together for the purposes of making representations and allowing the performance of a model without certain optional components to be used as a proxy for models with any combinations of the specified components, even if such components would impact the measured efficiency of a model. A steam/hydronic coil is an example of

[33] Currently, the DOE test procedure applies to all WSHPs with a cooling capacity less than 135,000 Btu/h. However, DOE is proposing in section III.A of this NOPR to increase the scope of the Federal test procedure to include all WSHPs with a capacity less than 760,000 Btu/h.

such a component. The efficiency representation for a model with a steam/hydronic coil is based on the measured performance of the WSHP as tested without the component installed because the steam/hydronic coil is not easily removed from the WSHP for testing.[34]

2. Background

In 2013, the Appliance Standards and Rulemaking Federal Advisory Committee formed the Commercial HVAC Working Group to engage in a negotiated rulemaking effort regarding the certification of certain commercial heating, ventilating, and air conditioning equipment, including WSHPs. (*See* 78 FR 15653 (March 12, 2013)) This Commercial HVAC Working Group submitted a term sheet (''Commercial HVAC Term Sheet'') providing the Commercial HVAC Working Group's recommendations. (Docket No. EERE–2013–BT–NOC–0023, No. 52) [35] The Commercial HVAC Working Group recommended that DOE issue guidance under current regulations on how to test certain equipment features when included in a basic model, until such time as the testing of such features can be addressed through a test procedure rulemaking. The Commercial HVAC Term Sheet listed the subject features under the heading ''Equipment Features Requiring Test Procedure Action.'' (*Id* at pp. 3–9) The Commercial HVAC Working Group also recommended that DOE issue an enforcement policy stating that DOE would exclude certain equipment with specified features from Departmental testing, but only when the manufacturer offers for sale at all times a model that is identical in all other features; otherwise, the model with that feature would be eligible for Departmental testing. These features were listed under the heading ''Equipment Features Subject to Enforcement Policy.'' (*Id.* at pp. 9–15)

On January 30, 2015, DOE issued a Commercial HVAC Enforcement Policy addressing the treatment of specific features during Departmental testing of commercial HVAC equipment. (*See www.energy.gov/gc/downloads/commercial-equipment-testing-enforcement-policies*) The Commercial HVAC Enforcement Policy stated that—for the purposes of assessment testing pursuant to 10 CFR 429.104, verification testing pursuant to 10 CFR 429.70(c)(5), and enforcement testing pursuant to 10 CFR 429.110—DOE would not test a unit with one of the optional features listed for a specified equipment type if a manufacturer distributes in commerce an otherwise identical unit that does not include one of the optional features. (*Id* at p. 1) The objective of the Commercial HVAC Enforcement Policy is to ensure that each basic model has a commercially available version eligible for DOE testing. That is, each basic model includes a model either without the optional feature(s) listed in the policy or that is eligible for testing with the feature(s). *Id.* The features in the Commercial HVAC Enforcement Policy for WSHPs (*Id* at pp. 1–3 and 5–6) align with the Commercial HVAC Term Sheet's list designated ''Equipment Features Subject to Enforcement Policy.''

By way of comparison, AHRI 340/360–2022 includes Appendix D, ''Unit Configuration for Standard Efficiency Determination—Normative.'' Section D3 of AHRI 340/360–2022 includes a list of features that are optional for testing, and it further specifies the following general provisions regarding testing of units with optional features:

- If an otherwise identical model (within the basic model) without the feature is not distributed in commerce, conduct tests with the feature according to the individual provisions specified in section D3 of AHRI 340/360–2022.
- For each optional feature, section D3 of AHRI 340/360–2022 includes explicit instructions on how to conduct testing for equipment with the optional feature present.

The optional features provisions in AHRI 340/360–2022 are generally consistent with DOE's Commercial HVAC Enforcement Policy, but the optional features in section D3 of AHRI 340/360–2022 do not entirely align with the list of features included for WSHPs in the Commercial HVAC Enforcement Policy.

DOE notes that the list of features and provisions in section D3 of Appendix D of AHRI 340/360–2022 conflates components that can be addressed by testing provisions with components that if present on a unit under test, could have a substantive impact on test results and that cannot be disabled or otherwise mitigated. This differentiation was central to the Commercial HVAC Term Sheet, which as noted previously, included separate lists for ''Equipment Features Requiring Test Procedure Action'' and ''Equipment Features Subject to Enforcement Policy,'' and remains central to providing clarity in DOE's regulations. Further, provisions more explicit than included in section D3 of AHRI 340/360–2022 are warranted to clarify treatment of models that include more than one optional component.

In order to provide clarity between test procedure provisions (*i.e.,* how to test a specific unit) and certification and enforcement provisions (*e.g.,* which model to test), DOE is not proposing to adopt Appendix D of AHRI 340/360–2022 and instead is proposing related provisions in 10 CFR 429.43, 10 CFR 429.134, and 10 CFR part 431, subpart F, appendix C1.

3. Proposed Approach for Exclusion of Certain Components

DOE's proposals for addressing treatment of certain components are discussed in the following sub-sections. Were DOE to adopt the provisions in 10 CFR 429.43, 10 CFR 429.134, and 10 CFR part 431, subpart F, appendix C1 as proposed, DOE would rescind the Commercial HVAC Enforcement Policy to the extent it is applicable to WSHPs.

Issue 29: DOE seeks comment on its proposals regarding specific components in 10 CFR 429.43, 10 CFR 429.134, and 10 CFR part 431, subpart F, appendix C1.

a. Components Addressed Through Test Provisions of 10 CFR Part 431, Subpart F, Appendix C1

In 10 CFR part 430, subpart F, appendix C1, DOE proposes test provisions for specific components, including all of the components listed in section D3 of AHRI 340/360–2022 for which there is a test procedure action which limits the impacts on measured efficiency (*i.e.,* test procedure provisions specific to the component that are not addressed by general provisions in AHRI 340/360–2022 that negates the component's impact on performance). These provisions would specify how to test a unit with such a component (*e.g.,* for a unit with hail guards, remove hail guards for testing). These proposed test provisions are consistent with the provision in section D3 of AHRI 340/360–2022 but include revisions for further clarity and specificity (*e.g.,* adding clarifying provisions for how to test units with modular economizers as opposed to units shipped with economizers installed). Specifically, DOE is proposing to require in appendix C1 that steps be taken during unit set-up and testing to limit the impacts on the measurement of these components:

- Desiccant Dehumidification Components
- Air Economizers
- Fresh Air Dampers
- Power Correction Capacitors

[34] Note that in certain cases, as explained further in section III.G.3.b of this document, the representation may have to be based on an individual model with a steam/hydronic coil.

[35] Available at *www.regulations.gov/document/EERE-2013-BT-NOC-0023-0052.*

- Ventilation Energy Recovery Systems (VERS)
- Barometric Relief Dampers
- UV Lights
- Steam/Hydronic Coils
- Refrigerant Reheat
- Fire/Smoke/Isolation Dampers
- Process Heat Recovery/Reclaim Coils/Thermal Storage

The components are listed and described in Table 12 in section 7 of the newly proposed Appendix C1, and test provisions for them are provided in the table.

b. Components Addressed Through Representation Provisions of 10 CFR 429.43

Consistent with the Commercial HVAC Term Sheet and the Commercial HVAC Enforcement Policy, DOE is proposing provisions that explicitly allow representations for individual models with certain components to be based on testing for individual models without those components—DOE is proposing a table (''Table 1 to 10 CFR 429.43'') at 10 CFR 429.43(a)(3)(ii)(A) listing the components for which these provisions would apply. There are three components specified explicitly for WSHPs in the Commercial HVAC Enforcement Policy that are not included in section D3 of AHRI 340/360–2022: (1) Condenser Pumps/Valves/Fittings; (2) Condenser Water Reheat; and (3) Electric Resistance Heaters. DOE has tentatively concluded that the inclusion of these components as optional components for WSHPs is appropriate, except for electric resistance heaters. DOE has tentatively determined that electric resistance heaters would have a negligible effect on tested efficiency as they would be turned off for test and not impose a significant pressure drop. DOE is proposing the following components be listed in Table 1 to 10 CFR 429.43:

- Desiccant Dehumidification Components,
- Air Economizers,
- Ventilation Energy Recovery Systems (VERS),
- Steam/Hydronic Heat Coils,
- Refrigerant Reheat, Fire/Smoke/Isolation Dampers,
- Powered Exhaust/Powered Return Air Fans,
- Sound Traps/Sound Attenuators,
- Process Heat Recovery/Reclaim Coils/Thermal Storage,
- Indirect/Direct Evaporative Cooling of Ventilation Air,
- Condenser Pumps/Valves/Fittings,
- Condenser Water Reheat,
- Grill Options,
- Non-Standard Indoor Fan Motors

In this NOPR, DOE is proposing to specify that the basic model representation must be based on the least efficient individual model that is a part of the basic model and clarifying how this long-standing basic model provision interacts with the component treatment in 10 CFR 429.43 that is being proposed. DOE believes regulated entities may benefit from clarity in the regulatory text as to how the least-efficient individual model within a basic model provision works with the component treatment for WSHPs. The amendments in this NOPR explicitly state that the exclusion of the specified components from consideration in determining basic model efficiency in certain scenarios is an exception to basing representations on the least efficient individual model within a basic model. In other words, the components listed in 10 CFR 429.43 are not being considered as part of the representation under DOE's regulatory framework if certain conditions are met as discussed in the following paragraphs, and, thus, their impact on efficiency is not reflected in the representation. In this case, the basic model's representation is generally determined by applying the testing and sampling provisions to the least-efficient individual model in the basic model that does not have a component listed in 10 CFR 429.43.

DOE is proposing clarifying instructions for instances when individual models within a basic model may have more than one of the specified components and there may be no individual model without any of the specified components. DOE is proposing the concept of an ''otherwise comparable model group'' (''OCMG''). An OCMG is a group of individual models within the basic model that do not differ in components that affect energy consumption as measured according to the applicable test procedure other than the specific components listed in Table 1 to 10 CFR 429.43 but may include individual models with any combination of such specified components. Therefore, a basic model can be composed of multiple OCMGs, each representing a unique combination of components that affect energy consumption as measured according to the applicable test procedure, other than the specified excluded components listed in Table 1 to 10 CFR 429.43. For example, a manufacturer might include two tiers of control system within the same basic model, in which one of the control systems has sophisticated diagnostics capabilities that require a more powerful control board with a higher wattage input. WSHP individual models with the ''standard'' control system would be part of OCMG A, while individual models with the ''premium'' control system would be part of a different OCMG B, because the control system is not one of the specified exempt components listed in Table 1 to 10 CFR 429.43. However, both OCMGs may include different combinations of specified exempt components. Also, both OCMGs may include any combination of characteristics that do not affect the efficiency measurement, such as paint color.

An OCMG is used to determine which individual models are used to determine a represented value. Specifically, when identifying the individual model within an OCMG for the purpose of determining a representation for the basic model, only the individual model(s) with the least number (which could be zero) of the specific components listed in Table 1 to 10 CFR 429.43 is considered. This clarifies which individual models are exempted from consideration for determination of represented values in the case of an OCMG with multiple specified components and no individual models with zero specific components listed in Table 1 to 10 CFR 429.43 (*i.e.,* models with a number of specific components listed in Table 1 to 10 CFR 429.43 greater than the least number in the OCMG are exempted). In the case that the OCMG includes an individual model with no specific components listed in Table 1 to 10 CFR 429.43, then all individual models in the OCMG with specified components would be exempted from consideration. The least-efficient individual model across the OCMGs within a basic model would be used to determine the representation of the basic model. In the case where there are multiple individual models within a single OCMG with the same non-zero least number of specified components, the least efficient of these would be considered.

DOE relies on the term ''comparable'' as opposed to ''identical'' to indicate that for the purpose of representations, the components that impact energy consumption as measured by the applicable test procedure are the relevant components to consider. In other words, differences that do not impact energy consumption, such as unit color and presence of utility outlets, would not warrant separate OCMGs.

The use of the OCMG concept results in the represented values of performance that are representative of the individual model(s) with the lowest

efficiency found within the basic model, excluding certain individual models with the specific components listed in Table 1 to 10 CFR 429.43. Further, the approach, as proposed, is structured to more explicitly address individual models with more than one of the specific components listed in Table 1 to 10 CFR 429.43, as well as instances in which there is no comparable model without any of the specified components. DOE developed a document of examples to illustrate the approach proposed in this NOPR for determining represented values for WSHPs with specific components, and in particular the OCMG concept. See EERE–2017–BT–TP–0029.

DOE's proposed provisions in 10 CFR 429.43(a)(3)(ii)(A) include each of the components specified in section D3 of AHRI 340/360–2022 for which the test provisions for testing a unit with these components may result in differences in ratings compared to testing a unit without these components, except for the following features: (1) Evaporative Pre-cooling of Condenser Intake Air; (2) Non-Standard Ducted Condenser Fans; and (3) Coated Coils. Because WSHPs do not have condenser intake air or condenser fans, DOE is not including provisions addressing these components for WSHPs. Non-standards indoor fan motors and coated coils are discussed in the following sub-sections.

(i) Non-Standard Indoor Fan Motors

The Commercial HVAC Enforcement Policy includes high-static indoor blowers/oversized motors as an optional feature for WSHPs, among other equipment. The Commercial HVAC Enforcement Policy states that when selecting a unit of a basic model for DOE-initiated testing, if the basic model includes a variety of high-static indoor blowers or oversized motor options,[36] DOE will test a unit that has a standard indoor fan assembly (as described in the STI that is part of the manufacturer's certification, including information about the standard motor and associated drive that was used in determining the certified rating). This policy only applies where: (a) the manufacturer distributes in commerce a model within the basic model with the standard indoor fan assembly (*i.e.,* standard motor and drive), and (b) all models in the basic model have a motor with the same or better relative efficiency performance as the standard motor included in the test unit, as described in a separate guidance document discussed subsequently. If the manufacturer does not offer models with the standard motor identified in the STI or offers models with high-static motors that do not comply with the comparable efficiency guidance, DOE will test any indoor fan assembly offered for sale by the manufacturer.

DOE subsequently issued a draft guidance document (''Draft Commercial HVAC Guidance Document'') on June 29, 2015 to request comment on a method for comparing the efficiencies of a standard motor and a high-static indoor blower/oversized motor.[37] As presented in the Draft Commercial HVAC Guidance Document, the relative efficiency of an indoor fan motor would be determined by comparing the percent losses of the standard indoor fan motor to the percent losses of the non-standard (oversized) indoor fan motor. The percent losses would be determined by comparing each motor's wattage losses to the wattage losses of a corresponding reference motor. Additionally, the draft method contains a table that includes a number of situations with different combinations of characteristics of the standard motor and oversized motor (*e.g.,* whether each motor is subject to Federal standards for motors, whether each motor can be tested to the Federal test procedure for motors, whether each motor horsepower is less than one) and specifies for each combination whether the non-standard fan enforcement policy would apply (*i.e.,* whether DOE would not test a model with an oversized motor, as long as the relative efficiency of the oversized motor is at least as good as performance of the standard motor). DOE has not issued a final guidance document and is instead addressing the issue for WSHPs in this test procedure rulemaking.

Neither ISO 13256–1:1998 nor ISO 13256–1:2021 address this issue. Section D4.1 of AHRI 340/360–2022 provides an approach for including an individual model with a non-standard indoor fan motor as part of the same basic model as an individual model with a standard indoor fan motor. Under the approach in section D4.1 of AHRI 340/360–2022, the non-standard indoor fan motor efficiency must exceed the minimum value calculated using Equation D1 of AHRI 340/360–2022. This minimum non-standard motor efficiency calculation is dependent on the efficiency of the standard fan motor and the reference efficiencies (determined per Table D1 of AHRI 340/360–2022) of the standard and non-standard fan motors.

Section D4.2 of AHRI 340/360–2022 contains a method for how to compare performance for integrated fans and motors (''IFMs''). Because the fan motor in an IFM is not separately rated from the fan, this method compares the performance of the entire fan-motor assemblies for the standard and non-standard IFMs, rather than just the fan motors. This approach enables comparing relative performance of standard and non-standard IFMs, for which motor efficiencies could otherwise not be compared using the method specified in section D4.1 of AHRI 340/360–2022. Specifically, this method determines the ratio of the input power of the non-standard IFM to the input power of the standard IFM at the same duty point as defined in section D4.2 (*i.e.,* operating at the maximum ESP for the standard IFM at the rated airflow). If the input power ratio does not exceed the maximum ratio specified in Table D3 of AHRI 340/360–2022, the individual model with the non-standard IFM may be included within the same basic model as the individual model with the standard IFM. Section D4.2 of AHRI 340/360–2022 allows these calculations to be conducted using either test data or simulated performance data.

The approaches in section D4 of AHRI 340/360–2022 for non-standard indoor fan motors and non-standard indoor IFMs generally align with the approaches of the Commercial HVAC Term Sheet, the Commercial HVAC Enforcement Policy, and the Draft Commercial HVAC Guidance Document, while providing greater detail and accommodating a wider range of fan motor options. For the reasons presented in the preceding paragraphs DOE proposes to adopt the provisions for comparing performance of standard and non-standard indoor fan motors/IFMs in section D4 of AHRI 340/360–2022 [38] for the determination of the represented efficiency value for WSHPs at 10 CFR 429.43(a)(3) and for DOE assessment and enforcement testing of WSHPs at 10 CFR 429.134(t)(2). Were DOE to adopt the provisions of section D4 of Appendix D of AHRI 340/360–2022 as proposed, the Commercial

[36] The Commercial HVAC Enforcement Policy defines ''high static indoors blower or oversized motor'' as an indoor fan assembly, including a motor, that drives the fan and can deliver higher external static pressure than the standard indoor fan assembly sold with the equipment.

[37] Available at *www1.eere.energy.gov/buildings/appliance_standards/pdfs/draft-commercial-hvac-motor-faq-2015-06-29.pdf.*

[38] Per DOE's existing certification regulations, if a manufacturer were to use the proposed approach to certify a basic model, the manufacturer would be required to maintain documentation of how the relative efficiencies of the standard and non-standard fan motors or the input powers of the standard and non-standard IFMs were determined as well as the supporting calculations. *See* 10 CFR 429.71.

HVAC Enforcement Policy and draft guidance document, to the extent applicable to WSHPs, would no longer apply.

Issue 30: DOE requests comment on its proposal to adopt the methods for comparing relative efficiency of standard and non-standard indoor fan motors and integrated fan and motor combinations specified in section D4 of AHRI 340/360–2022 in the provisions for determination of represented values in 10 CFR 429.43(a) and provisions for DOE assessment and enforcement testing in 10 CFR 429.134.

(ii) Coated Coils

DOE is proposing to exclude coated coils from the specific components list specified in 10 CFR 429.43 because DOE has tentatively concluded that the presence of coated coils does not result in a significant impact to performance of WSHPs, and, therefore, models with coated coils should be rated based on performance of models with coated coils present (rather than based on performance of an individual model within an OCMG without coated coils).

c. Enforcement Provisions of 10 CFR 429.134

Consistent with the Commercial HVAC Term Sheet and the Commercial HVAC Enforcement Policy, DOE is proposing provisions in the newly proposed 10 CFR 429.134(t)(1) regarding how DOE would assess compliance for basic models that include individual models distributed in commerce if DOE cannot obtain for testing individual models without the components that are the basis of representation. Specifically, DOE proposes that if a basic model includes individual models with components listed at Table 1 to 10 CFR 429.43 and DOE is not able to obtain an individual model with the least number of those components within an OCMG (as defined in 10 CFR 429.43(a)(3) and discussed in section III.G.3.b of this NOPR), DOE may test any individual model within the OCMG.

d. Testing Specially-Built Units That Are Not Distributed in Commerce

Unlike section D3 of AHRI 340/360–2022, DOE's Commercial HVAC Enforcement Policy does not allow a manufacturer to test a specially-built model for testing models without a feature that are not distributed in commerce. Because testing such specially-built models would not provide ratings representative of equipment distributed in commerce, DOE has tentatively concluded that this approach is not appropriate. Therefore, consistent with the Commercial HVAC Enforcement Policy, DOE is not proposing to allow testing of specially-built units in its representation and enforcement provisions.

H. Represented Values and Enforcement

1. Cooling Capacity

For WSHPs, cooling capacity determines equipment class, which in turn determines the applicable energy conservation standard. 10 CFR 431.97. While cooling capacity is a required represented value for WSHPs, DOE does not currently specify any provisions for WSHPs regarding how close the represented value of cooling capacity must be to the tested or AEDM-simulated cooling capacity, or whether DOE will use measured or certified cooling capacity to determine equipment class for enforcement testing. In contrast, at paragraphs (a)(1)(iv) and (a)(2)(ii) of 10 CFR 429.43 and paragraph (g) of 10 CFR 429.134, DOE specifies such provisions regarding the cooling capacity for air-cooled CUACs (''ACUACs''). Because energy conservation standards for WSHPs are dependent on cooling capacity, inconsistent approaches to the application of cooling capacity between basic models could result in inconsistent determinations of equipment class and, in turn, inconsistent applications of the energy conservation standards.

Accordingly, DOE is proposing to add the following provisions regarding cooling capacity for WSHPs: (1) a requirement that the represented cooling capacity be between 95 percent and 100 percent of the tested or AEDM-simulated cooling capacity; and (2) an enforcement provision stating that DOE would use the mean of measured cooling capacity values from assessment and enforcement testing, rather than the certified cooling capacity, to determine the applicable standards.

First, DOE proposes to require in 10 CFR 429.43(a)(3)(ii)(B) that the represented value of cooling capacity must be between 95 percent and 100 percent of the mean of the cooling capacity values measured for the units in the sample (if determined through testing), or between 95 percent and 100 percent of the net sensible cooling capacity output simulated by an AEDM. This tolerance would help to ensure that equipment: (1) is capable of performing at the cooling capacity for which it is represented to commercial consumers and (2) certified in the appropriate equipment class for the cooling capacity the equipment is capable of providing. This tolerance would also enable manufacturers to conservatively rate the cooling capacity to allow for minor variations in the capacity measurements from different units tested at different laboratories.

Second, DOE is proposing in its product-specific enforcement provisions at 10 CFR 429.134(t)(1) that the cooling capacity of each tested unit of the basic model will be measured pursuant to the test requirements of part 431 and that the mean of the measurements will be used to determine compliance with the applicable standards.

As discussed in this section, applicable energy conservation standards for WSHPs are dependent on the rated cooling capacity. Consequently, in certain cases, over-rating a system could result in decreased stringency by incorrectly applying a more lenient standard prescribed for a higher capacity equipment class. DOE has tentatively concluded that these proposals would result in more accurate ratings of cooling capacity, thereby ensuring appropriate application of the energy conservation standards, while providing flexibility for conservatively rating cooling capacity to ensure that equipment is capable of delivering the cooling capacity that is represented to commercial consumers.

Issue 31: DOE requests comment on its proposals related to represented values and verification testing of cooling capacity for WSHPs.

2. Enforcement of IEER

As discussed in section III.E.1 of this document, DOE is proposing two options for determining IEER. The first option, ''Option 1'' as specified in section 5.1.1 of appendix C1, is based on testing at the IEER entering water temperatures. The second option, ''Option 2'' as specified in section 5.1.2 of appendix C1, is based on testing at alternate entering water temperatures and then using interpolation and extrapolation to determine performance at IEER entering water temperatures. For assessment or enforcement testing, DOE is proposing provisions in § 429.134(t)(3) specifying that that the Department will determine IEER according to the ''Option 1'' approach, unless the manufacturer has specified that the ''Option 2'' approach should be used for the purposes of enforcement, in which case the Department will determine IEER according to the ''Option 2'' approach.

I. Test Procedure Costs and Impact

EPCA requires that the test procedures for commercial package air conditioning and heating equipment, which includes WSHPs, be those

generally accepted industry testing procedures or rating procedures developed or recognized by AHRI or by ASHRAE, as referenced in ASHRAE Standard 90.1. (42 U.S.C. 6314(a)(4)(A)) Further, if such an industry test procedure is amended, DOE must amend its test procedure to be consistent with the amended industry test procedure, unless DOE determines, by rule published in the **Federal Register** and supported by clear and convincing evidence, that such amended test procedure would not meet the requirements in 42 U.S.C. 6314(a)(2) and (3) related to representative use and test burden. (42 U.S.C. 6314(a)(4)(B)) DOE proposes to reorganize the current test procedure in proposed appendix C and to adopt generally through incorporation by reference the industry standard AHRI 340/360–2022 in proposed appendix C1. As discussed, the proposed test procedure in proposed appendix C1 would rely on the IEER metric. Testing pursuant to proposed appendix C1 would be required only at such time as compliance is required with amended energy conservation standards based on IEER and the amended COP, should DOE adopt such standards, or if a manufacturer chooses to make voluntary representations of IEER before the compliance date.

As discussed in section III.D.3 of this NOPR, DOE has tentatively determined that the proposed test procedure in proposed appendix C1 would improve representativeness, accuracy, and reproducibility as compared to the current DOE test procedure and would not be unduly burdensome to conduct.

Because the current DOE test procedure for WSHPs would be relocated to appendix C without change, the proposed test procedure in appendix C for measuring EER and COP would result in no change in testing practices or burden.

DOE tentatively concludes that the proposed test procedure in proposed appendix C1 for measuring IEER and COP would increase testing costs per unit compared to the current DOE test procedure. DOE estimates to cost for third-party laboratory testing of WSHPs according to the current test procedure to be $2,200 per unit for units with a cooling capacity of less than 135,000 Btu/h. DOE estimates the cost for third-party lab testing according to the proposed appendix C1 for measuring IEER and COP would be $4,450 per unit for units with a cooling capacity of less than 135,000 Btu/h. This increase is due to the increased number of tests associated with the IEER metric compared to the current metric, EER. IEER requires four tests, whereas EER only requires one.

Additionally, DOE is proposing to increase in the scope of applicability of the test procedure to include all WSHPs with full-load cooling capacity between 135,000 Btu/h and 760,000 Btu/h. DOE estimates the cost for third-party lab testing of large and very large WSHPs according to the proposed appendix C1 for measuring IEER and COP would be $12,000 per unit. DOE estimates a substantially higher cost for larger WSHPs because they are generally more difficult to set up due to size and larger units typically would need to be set up in larger and rarer test chambers.

As discussed, in accordance with 10 CFR 429.70, WSHP manufacturers may elect to use AEDMs. An AEDM is a computer modeling or mathematical tool that predicts the performance of non-tested basic models. These computer modeling and mathematical tools, when properly developed, can provide a means to predict the energy usage or efficiency characteristics of a basic model of a given covered product or equipment and reduce the burden and cost associated with testing. DOE estimates the per-manufacturer cost to develop and validate an AEDM to be used for all WSHP equipment with a cooling capacity less than 135,000 Btu/h would be $12,800. DOE estimates the per-manufacturer cost to develop and validate an AEDM to be used for all WSHPs with a cooling capacity between 135,000 Btu/h and 760,000 Btu/h would be $27,900. DOE estimates an additional cost of approximately $41 per basic model for determining energy efficiency using the validated AEDM.[39]

As discussed in section III.J of this NOPR, the proposed test procedure provisions regarding IEER would not be mandatory until compliance is required with amended energy conservation standards that rely on IEER, should DOE adopt such standards, although any voluntary early representations of IEER must be based on the proposed appendix C1. DOE has tentatively determined that the test procedure amendments, if finalized, would not require manufacturers to redesign any of the covered equipment or require changes to how the equipment is manufactured, solely as result of the test procedure amendments. In section IV.B of this TP NOPR, DOE assesses the impact to domestic, small manufacturers of WSHPs from the test procedure provisions proposed in this NOPR.

Issue 32: DOE requests comment on its understanding of the impact of the test procedure proposals in this NOPR. DOE also seeks specific feedback on the estimated costs to rate WSHP models with an AEDM.

J. Compliance Date

EPCA prescribes that, if DOE amends a test procedure, all representations of energy efficiency and energy use, including those made on marketing materials and product labels, must be made in accordance with that amended test procedure, beginning 360 days after publication of such a test procedure final rule in the **Federal Register**. (42 U.S.C. 6314(d)(1))

Starting 360 days after publication of a test procedure final rule in the **Federal Register**, and prior to the compliance date of amended standards for water-source heat pumps that rely on IEER, representations would need to be based the proposed appendix C. Starting on the compliance date of amended standards for water-source heat pumps that rely on IEER, if adopted, representations would need to be based the proposed appendix C1.

Any voluntary representations of IEER made prior to the compliance date of amended standards for water-source heat pumps that rely on IEER would need to be based on the proposed appendix C1 starting 360 days after publication of such a test procedure final rule in the **Federal Register**, and manufacturers may use appendix C1 to certify compliance with any amended standards based on IEER, if adopted, prior to the applicable compliance date those energy conservation standards.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Executive Order (''E.O.'') 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), as supplemented and reaffirmed by E.O. 13563, ''Improving Regulation and Regulatory Review,'' 76 FR 3821 (Jan. 21, 2011), requires agencies, to the extent permitted by law, to: (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to

[39] DOE estimated initial costs to validate an AEDM assuming 80 hours of general time to develop an AEDM based on existing simulation tools and 16 hours to validate two basic models within that AEDM at the cost of a engineering technician wage of $41 per hour plus the cost of third-party physical testing of two units per validation class (as required in 10 CFR 429.70(c)(2)(iv)). DOE estimated the additional per basic model cost to determine efficiency using an AEDM assuming 1 hour per basic model at the cost of an engineering technician wage of $41 per hour.

impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (''OIRA'') in the Office of Management and Budget (''OMB'') has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, this proposed regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit ''significant regulatory actions'' to OIRA for review. OIRA has determined that this proposed regulatory action does not constitute a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (''IRFA'') for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website: *www.energy.gov/gc/office-general-counsel.* DOE reviewed this proposed rule to amend the test procedure of WSHPs under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003.

The following sections detail DOE's IRFA for this test procedure rulemaking.

1. Description of Reasons Why Action Is Being Considered

DOE is proposing to amend the existing DOE test procedures for water-source heat pumps (''WSHPs''). DOE must update the Federal test procedures to be consistent with relevant industry test procedures unless DOE determines by rule published in the **Federal Register** and supported by clear and convincing evidence that the industry test procedure would not be representative of an average use cycle or would be unduly burdensome to conduct. (42 U.S.C. 6314(a)(4)(B))

2. Objective of, and Legal Basis for, Rule

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect energy efficiency, energy use, or estimated annual operating cost of covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

With respect to WSHPs, EPCA requires that the test procedures shall be those generally accepted industry testing procedures or rating procedures developed or recognized by the Air-Conditioning, Heating, and Refrigeration Institute (''AHRI'') or by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (''ASHRAE''), as referenced in ASHRAE Standard 90.1, ''Energy Standard for Buildings Except Low-Rise Residential Buildings'' (''ASHRAE Standard 90.1''). (42 U.S.C. 6314(a)(4)(A)) Further, if such an industry test procedure is amended, DOE must amend its test procedure to be consistent with the amended industry test procedure, unless DOE determines, by rule published in the **Federal Register** and supported by clear and convincing evidence, that the amended test procedure would not produce test results that reflect the energy efficiency, energy use, and estimated operating costs of that equipment during a representative average use cycle or would be unduly burdensome to conduct. (42 U.S.C. 6314(a)(4)(B))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered equipment including WSHPs, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle and not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(1)(A))

DOE is proposing amendments to the test procedures for WSHPs in satisfaction of its statutory obligations under EPCA.

3. Description and Estimate of Small Entities Regulated

DOE uses the Small Business Administration (''SBA'') small business size standards to determine whether manufacturers qualify as ''small businesses,'' which are listed by the North American Industry Classification System (''NAICS'').[40] The SBA considers a business entity to be small business if, together with its affiliates, it employs less than a threshold number of workers specified in 13 CFR part 121.

WSHP manufacturers, who produce the equipment covered by this rule, are classified under NAICS code 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.'' In 13 CFR 121.201, the SBA sets a threshold of 1,250 employees or fewer for an entity to be considered as a small business for this category. This employee threshold includes all employees in a business's parent company and any other subsidiaries.

DOE reviewed the test procedures proposed in this NOPR under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. The Department conducted a focused inquiry into small business manufacturers of the equipment covered by this rulemaking. DOE's analysis relied on publicly available information and databases to identify potential small businesses that manufacture WSHPs domestically. DOE utilized the California Energy Commission's Modernized Appliance Efficiency

[40] The size standards are listed by NAICS code and industry description and are available at: *www.sba.gov/document/support--table-size-standards* (Last accessed on July 16, 2021).

Database System (''MAEDbS'') [41] and the DOE's Certification Compliance Database (''CCD'') [42] in identifying manufacturers. DOE screened out private labelers because original equipment manufacturers (''OEMs'') would likely be responsible for any costs associated with testing to the proposed test procedure. As a result of this inquiry, DOE identified a total of 25 OEMs of WSHPs in the United States affected by this rulemaking. DOE screened out companies that do not meet the definition of a ''small business'' or are foreign-owned and operated. Of these 25 OEMs of WSHPs, DOE identified seven as small, domestic manufacturers for consideration. DOE used subscription-based business information tools to determine headcount and revenue of these small businesses.

4. Description and Estimate of Compliance Requirements

In this NOPR, DOE proposes to add new appendices C and C1 to subpart F of part 431, both titled ''Uniform test method for measuring the energy consumption of water-source heat pumps,'' (''appendix C'' and ''appendix C1,'' respectively). The current DOE test procedure for WSHPs would be relocated to appendix C without change. DOE is proposing in appendix C1 to adopt generally the industry test standard AHRI 340/360–2022 for WSHPs, with certain additional provisions regarding test conditions to improve representativeness, accuracy, and repeatability. Appendix C1 would be for determining IEER, and use of appendix C1 would not be required until such time as compliance is required with amended energy conservation standards for WSHPs based on IEER (should DOE adopt such standards) or should a manufacturer choose to make voluntary representations of IEER. Additionally, DOE is proposing to increase the scope of applicability of the test procedure (including both appendices C and C1) to include all WSHPs with a full-load cooling capacity between 135,000 Btu/h and 760,000 Btu/h. Lastly, this NOPR seeks to amend certain representation and enforcement provisions for WSHPs in 10 CFR part 429.

Appendix C does not contain any changes from the current Federal test procedure, and, therefore, would have no cost to industry and would not require retesting solely as a result of DOE's adoption of this proposed amendment to the test procedure, if made final.

In appendix C1, DOE is proposing to adopt generally AHRI 340/360–2022 as the test procedure for WSHPs. The proposed test procedure in appendix C1 includes provisions for measuring efficiency of WSHPs in terms of the IEER metric for cooling mode and the COP metric for heating mode. Appendix C1 is not mandatory at this point in time. Should DOE adopt energy conservation standards based on the proposed metrics in appendix C1 (IEER and COP) in the future, DOE anticipates manufacturers would incur costs to re-rate models as a result of the standards. The current DOE test procedure (applicable only to WSHP with cooling capacity less than 135,000 Btu/h) results in costs of approximately $2,200 per unit for third-party laboratory testing. DOE estimates the cost for third-party laboratory testing according to the proposed appendix C1 to be $4,450 per unit.

Furthermore, as mentioned, DOE is proposing to increase in the scope of applicability of the test procedure to include all WSHPs with a full-load cooling capacity between 135,000 Btu/h and 760,000 Btu/h. However, testing for these WSHPs is not currently mandatory because there are no energy conservation standards for WSHPs at or above 135,000 Btu/h at the present time. Consequently, manufacturers would not incur costs as result of this TP NOPR unless they choose to make voluntary representations regarding the IEER of the subject equipment. Any voluntary representations would need to be based on the test procedure in appendix C starting 360 days after the publication of a test procedure final rule. Should DOE adopt future energy conservation standards denominated in terms of IEER to expand coverage of WSHPs with a full-load cooling capacity between 135,000 Btu/h and 760,000 Btu/h, DOE manufacturers could incur first-time rating costs as a result of the standard. DOE estimates the cost for third-party lab testing according to the proposed appendix C1 for measuring IEER and COP of WSHPs with a cooling capacity between 135,000 Btu/h and 760,000 Btu/h to be $12,000 per unit.

If WSHP manufacturers conduct physical testing to certify a basic model, two units are required to be tested per basic model. The physical test cost, according to the proposed amendments, would range between $8,900 to $24,000 per basic model.[43] However, manufacturers may elect to use AEDMs.[44] An AEDM is a computer modeling or mathematical tool that predicts the performance of non-tested basic models. These computer modeling and mathematical tools, when properly developed, can provide a means to predict the energy usage or efficiency characteristics of a basic model of a given covered product or equipment and reduce the burden and cost associated with testing. DOE's requirements for validation of AEDMs at 10 CFR 429.70(c)(2)(iv) specify that an AEDM validated with testing of two WSHP basic models can be used to develop ratings for WSHPs of any cooling capacity. If a manufacturer chooses to update and validate an AEDM for WSHPs based on testing a model with a cooling capacity less than 135,000 Btu/h, DOE estimates the cost would be $12,800. If a manufacturer chooses to update and validate an AEDM for WSHPs based on testing a model with a cooling capacity greater than or equal to 135,000 Btu/h, DOE estimates the cost would be $27,900.[45] Additionally, DOE estimates a cost of approximately $41 per basic model for determining energy efficiency using the validated AEDM.

When developing cost estimates for the small OEMs, DOE considers the cost to update the existing AEDM simulation tool, the costs to validate the AEDM through physical testing, and the cost to rate basic models using the AEDM. DOE assumes that small business manufacturers will afford themselves of the cost-saving opportunity associated with use of an AEDM.

DOE identified seven small, domestic OEMs of WSHPs that manufacture equipment impacted by DOE's proposal to adopt metrics in terms of IEER and COP. Additionally, of these manufacturers, DOE identified one OEM that currently manufactures equipment with a cooling capacity between 135,000 Btu/h and 760,000 Btu/h. DOE estimates

[41] MAEDbS is available at *www.cacertappliances.energy.ca.gov/Pages/Search/AdvancedSearch.aspx* (Last accessed Dec. 1, 2021).

[42] Certified equipment in the CCD are listed by product class and can be accessed at *www.regulations.doe.gov/certification-data/* (Last accessed Dec. 1, 2021).

[43] The cost to test one unit with a cooling capacity less than 135,000 Btu/h is $4,450, so the cost to test two units is $8,900. The cost to test one unit with a cooling capacity greater than 135,000 Btu/h is $12,000, so the cost to test two units is $24,000.

[44] In accordance with 10 CFR 429.70.

[45] DOE estimated initial costs to validate an AEDM assuming 80 hours of general time to develop an AEDM based on existing simulation tools and 16 hours to validate two basic models within that AEDM at the cost of a engineering technician wage of $41 per hour plus the cost of third-party physical testing of two units per validation class (as required in 10 CFR 429.70(c)(2)(iv)). DOE estimated the additional per basic model cost to determine efficiency using an AEDM assuming 1 hour per basic model at the cost of an engineering technician wage of $41 per hour.

the range of potential costs to these small businesses as follows.

Given the potential for DOE to adopt energy conservation standards based on the proposed metrics in 10 CFR part 431, subpart F, appendix C1 (IEER and COP) in the future, DOE estimates here the range of potential re-rating costs for the seven small, domestic OEMs. The small, domestic OEMs manufacture an average of 38 basic models per manufacturer and average $14.0 million in annual revenue. DOE estimates that the associated re-rating costs for these seven manufacturers would be approximately $14,400 per manufacturer, when utilizing AEDMs. Therefore, the average cost to re-rate all basic models is estimated to be less than 1 percent of annual revenue for these small businesses.

Should DOE adopt future energy conservation standards to include all WSHPs with a cooling capacity between 135,000 Btu/h and 760,000 Btu/h, DOE estimates that the one small, domestic manufacturer of this equipment-type would incur first-time rating costs of $28,100 while making use of an AEDM. DOE estimates this manufacturer to have an annual revenue of $11.0 million. Therefore, should DOE adopt future energy conservation standards to include all WSHPs with a cooling capacity between 135,000 Btu/h and 760,000 Btu/h and this manufacturer were required to re-rate all its models to the proposed metrics in 10 CFR part 431, subpart F, appendix C1 (IEER and COP). DOE estimates the cost would be less than 1 percent of annual revenue for this small business.[46]

Issue 33: DOE requests comment on the number of small OEMs DOE identified. DOE also seeks comment on the Department's estimates of potential costs these small manufacturers may incur as a result of its proposed amendments to the WSHP test procedure.

5. Duplication Overlap, and Conflict with Other Rules and Regulations

DOE is not aware of any rules or regulations that duplicate, overlap, or conflict with the rule being considered.

6. Significant Alternatives to the Rule

The discussion in the previous section analyzes impacts on small businesses that would be expected to result from DOE's proposed test rule, if finalized. The Department has tentatively determined that there are no better alternatives than the test procedure proposed in this NOPR, in terms of both meeting the agency's objectives pursuant to EPCA and reducing burden. Whenever possible, DOE seeks to utilize applicable industry test procedures as a way to minimize burdens on regulated parties. In reviewing alternatives to the proposed test procedure, DOE examined other industry test procedures when applicable. Ultimately, DOE proposes to amend the test procedure for WSHPs to incorporate by reference AHRI 340/360–2022, the industry test procedure for testing CUAC/HPs. Furthermore, AHRI 340/360–2022 in turn references ANSI/ASHRAE 37–2009, which provides a method of test applicable to many categories of air conditioning and heating equipment. DOE has tentatively concluded that incorporation by reference of these industry test standards would best achieve the statutory objectives of representativeness and not being unduly burdensome on manufacturers, including small businesses.

Additionally, DOE proposes to reduce burden on manufacturers, including small businesses, by allowing AEDMs in lieu of physically testing all basic models. The use of an AEDM is less costly than physical testing WSHP models. Without AEDMs, DOE estimates the typical cost to physically test all WSHP basic models for an average small manufacturer would be $340,000.

Additional compliance flexibilities may be available through other means. Manufacturers subject to DOE's energy conservation standards may apply to DOE's Office of Hearings and Appeals for exception relief under certain circumstances. Manufacturers should refer to 10 CFR part 1003 for additional details.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of WSHPs must certify to DOE that their equipment complies with any applicable energy conservation standards. To certify compliance, manufacturers must first obtain test data for their equipment according to the DOE test procedures, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including WSHPs. (*See generally* 10 CFR part 429.) The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (''PRA''). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 35 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

DOE is not proposing to amend the certification or reporting requirements for WSHPs in this NOPR. Instead, DOE may consider proposals to amend the certification requirements and reporting for WSHPs under a separate rulemaking regarding appliance and equipment certification. DOE will address changes to OMB Control Number 1910–1400 at that time, as necessary.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this NOPR, DOE proposes test procedure amendments that it expects will be used to develop and implement future energy conservation standards for WSHPs. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, DOE has determined that adopting test procedures for measuring energy efficiency of consumer products and industrial equipment is consistent with activities identified in 10 CFR part 1021, appendix A to subpart D, A5 and A6. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 10, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism

[46] DOE estimated the cumulative burden to represent $42,500.

implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or if it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA'') requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *www.energy.gov/gc/office-general-counsel.* DOE examined this proposed rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

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

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

I. Review Under Executive Order 12630

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

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

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at: *www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.* DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

The proposed regulatory action to amend the test procedure for measuring the energy efficiency of WSHPs is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; ''FEAA'') Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (''FTC'') concerning the impact of the commercial or industry standards on competition.

The proposed modifications to the Federal test procedure for WSHPs would incorporate testing methods contained in certain sections of the following applicable commercial test standards: AHRI 340/360–2022 and ANSI/ASHRAE 37–2009. DOE has evaluated these standards and is unable to conclude whether they fully comply with the requirements of section 32(b) of the FEAA (*i.e.,* whether they were developed in a manner that fully provides for public participation, comment, and review.) DOE will consult with both the Attorney General and the Chairman of the FTC concerning the impact of these test procedures on competition, prior to prescribing a final rule.

M. Description of Materials Incorporated by Reference

In this NOPR, DOE proposes to incorporate by reference the following test standards:

AHRI 340/360–2022 is an industry-accepted test procedure for measuring the performance of unitary air-conditioning & air-source heat pump equipment. AHRI Standard 340/360–2022 is reasonably available on AHRI's website at: *www.ahrinet.org/.*

ANSI/ASHRAE 37–2009, as updated by the errata sheet, is an industry-accepted test procedure for measuring the performance of electrically driven unitary air-conditioning and heat pump equipment. ANSI/ASHRAE 37–2009 is reasonably available on ANSI's website at: *https://webstore.ansi.org/.*

ASHRAE errata sheet to ANSI/ASHRAE Standard 37–2009 is a technical corrections sheet for ANSI/ASHRAE 37–2009. The errata sheet for ANSI/ASHRAE 37–2009 is reasonably available on ASHRAE's website at: *www.ashrae.org/.*

ISO Standard 13256–1:1998 is an industry-accepted test procedure for measuring the performance of water-source heat pump equipment. ISO Standard 13256–1:1998 is reasonably available on ISO's website at: *https://webstore.ansi.org/.*

The following standards were previously-approved for incorporation by reference in the locations where they appear in the regulatory text: AHRI 210/240–2008, AHRI 340/360–2007, AHRAE 127–2007, AHRI 1230–2010, AHRI 390–2003.

V. Public Participation

A. Participation in the Public Meeting Webinar

The time and date of the webinar are listed in the **DATES** section at the beginning of this document. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website: *https://www.energy.gov/eere/buildings/public-meetings-and-comment-deadlines.* Participants are responsible for ensuring their systems are compatible with the webinar software.

Additionally, you may request an in-person meeting to be held prior to the close of the request period provided in the **DATES** section of this document. Requests for an in-person meeting may be made by contacting Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *Appliance_Standards_Public_Meetings@ee.doe.gov.*

B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has an interest in the topics addressed in this NOPR, or who is representative of a group or class of persons that has an interest in these issues, may request an opportunity to make an oral presentation at the public meeting webinar. Such persons may submit requests to speak via email to the Appliance and Equipment Standards Program at: *ApplianceStandardsQuestions@ee.doe.gov.* Persons who wish to speak should include with their request a computer file in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format that briefly describes the nature of their interest in this rulemaking and the topics they wish to discuss. Such persons should also provide a daytime telephone number where they can be reached.

DOE requests persons selected to make an oral presentation to submit an advance copy of their statement at least two weeks before the webinar. At its discretion, DOE may permit persons who cannot supply an advance copy of their statement to participate, if those persons have made advance alternative arrangements with the Building Technologies Office. As necessary, requests to give an oral presentation should ask for such alternative arrangements.

C. Conduct of the Public Meeting Webinar

DOE will designate a DOE official to preside at the public meeting webinar and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting webinar. There shall not be discussion of proprietary information, costs or prices, market share, or other commercial matters regulated by U.S. anti-trust laws. After the public meeting webinar and until the end of the comment period, interested parties may submit further comments on the proceedings and any aspect of the rulemaking.

The webinar will be conducted in an informal, conference style. DOE will present a general overview of the topics addressed in this rulemaking, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the webinar will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the procedures that may be needed for the proper conduct of the public meeting webinar.

A transcript of the public meeting webinar will be included in the docket,

which can be viewed as described in the *Docket* section at the beginning of this document. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule no later than the date provided in the **DATES** section at the beginning of this proposed rule.[47] Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via www.regulations.gov. The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. With this instruction followed, the cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and free of any defects or viruses. Documents should not contain special characters or any form of encryption, and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

Issue 1: DOE requests comments on the proposed expansion of the scope of applicability of the Federal test procedure to include WSHPs with cooling capacity between 135,000 and 760,000 Btu/h.

Issue 2: DOE requests comments on the proposed change to the definition of WSHP to explicitly indicate that WSHP is a category of commercial package air-conditioning and heating equipment, and to clarify that the presence of an indoor fan does not apply to coil-only units.

Issue 3: DOE requests comment on its proposal to adopt the test methods specified in AHRI 340/360–2022 for calculating the IEER of WSHPs. DOE also requests comment on its proposal that all EER tests at full-load and part-load conditions specified in Table 1 of ISO 13256–1:1998 (*i.e.,* full-load tests at 86 °F, 77 °F, and 59 °F and part-load tests at 86 °F, 68 °F, and 59 °F) are optional.

Issue 4: DOE requests comment on the proposal to allow determination of IEER using two different methods: (1) testing in accordance with AHRI 340/360–2022; or (2) interpolation and extrapolation of cooling capacity and power values based on testing in accordance with the proposed test procedure at the EWTs specified in Table 1 of ISO 13256–1:1998. Specifically, DOE seeks feedback on the proposed method for calculating IEER via interpolation and extrapolation, and on whether this approach would serve as a potential burden-reducing option as compared to

[47] DOE has historically provided a 75-day comment period for test procedure NOPRs pursuant to the North American Free Trade Agreement, U.S.-Canada-Mexico (''NAFTA''), Dec. 17, 1992, 32 I.L.M. 289 (1993); the North American Free Trade Agreement Implementation Act, Public Law 103–182, 107 Stat. 2057 (1993) (codified as amended at 10 U.S.C.A. 2576) (1993) (''NAFTA Implementation Act''); and Executive Order 12889, ''Implementation of the North American Free Trade Agreement,'' 58 FR 69681 (Dec. 30, 1993). However, on July 1, 2020, the Agreement between the United States of America, the United Mexican States, and the United Canadian States (''USMCA''), Nov. 30, 2018, 134 Stat. 11 (*i.e.,* the successor to NAFTA), went into effect, and Congress's action in replacing NAFTA through the USMCA Implementation Act, 19 U.S.C. 4501 *et seq.* (2020), implies the repeal of E.O. 12889 and its 75-day comment period requirement for technical regulations. Thus, the controlling laws are EPCA and the USMCA Implementation Act. Consistent with EPCA's public comment period requirements for consumer products, the USMCA only requires a minimum comment period of 60 days. Consequently, DOE now provides a 60-day public comment period for test procedure NOPRs.

testing at the AHRI 340/360–2022 conditions.

Issue 5: DOE requests comment on whether the proposed methodology to determine IEER based on interpolation and extrapolation is appropriate for variable-speed units. DOE would consider requiring variable-speed equipment be tested only according to AHRI 340/360–2022 and, thus, testing physically at the IEER EWTs, if suggested by commenters.

Issue 6: DOE seeks feedback on whether the proposed interpolation and extrapolation method should be based on testing at the ISO 13256–1:2021 EWTs.

Issue 7: DOE seeks comment and data on the representativeness of 55 °F as the EWT condition for determining COP. Specifically, DOE requests feedback and data on whether a lower EWT, such as 50 °F, would be more representative of heating operation of WSHPs. DOE will further consider any alternate EWT suggested by comments in developing any final rule.

Issue 8: DOE requests comment on the proposal to allow determination of COP using two different methods: (1) testing at 55 °F; or (2) interpolation of heating capacity and power values based on testing in accordance with the proposed test procedure at EWTs specified for heating tests in Table 2 of ISO 13256–1:1998 (*i.e.,* 50 °F and 68 °F). Specifically, DOE seeks feedback on the proposed method for calculating COP via interpolation, and on whether this approach would serve as a potential burden-reducing option as compared to testing at 55 °F.

Issue 9: DOE requests comment on its proposal to specify in proposed appendix C1 use of the cooling entering air conditions from AHRI 340/360–2022 (*i.e.,* 80 °F dry-bulb temperature and 67 °F wet-bulb temperature) and the heating entering air conditions from AHRI 340/360–2022 (*i.e.,* 70 °F dry-bulb temperature and a maximum of 60 °F wet-bulb temperature).

Issue 10: DOE requests comment on the proposal to adopt provisions from AHRI 340/360–2022 such that testing would be conducted within tolerance of the AHRI 340/360–2022 minimum ESP requirements, and efficiency ratings would include the fan power measured to overcome the tested ESP.

Issue 11: DOE requests comment on the proposed adoption of provisions from AHRI 340/360–2022 for setting airflow and ESP for WSHP testing.

Issue 12: DOE requests comment on its proposed instructions for setting airflow and ESP for ducted WSHP units with discrete-step fans.

Issue 13: DOE requests comment on its proposal for setting airflow and ESP for non-ducted WSHP units.

Issue 14: DOE requests comment on its proposed approach to adopt the provisions in AHRI 340/360–2022 and ANSI/ASHRAE 37–2009 regarding primary and secondary capacity measurements.

Issue 15: DOE requests comment on the proposal to adopt the cyclic degradation equation specified in Section 6.2.3.2 of AHRI 340/360–2022 for WSHPs, which assumes continuous indoor fan operation when the compressor cycles off.

Issue 16: DOE requests comment on the proposed provisions to account for pump power to overcome both internal pressure drop and a representative level of liquid ESP for WSHPs with and without integral pumps. DOE specifically requests comment on the representativeness of 20 ft of water column as the liquid ESP for WSHPs.

Issue 17: DOE requests comment on the proposed requirements for using water or a brine of 15-percent solution by mass of sodium chloride as the test liquid. DOE also requests comment on the representativeness and test burden associated with permitting the use of different liquids for different tests.

Issue 18: DOE requests comments on the proposal to utilize the thermodynamic properties specified in ANSI/ASHRAE 37–2009 through DOE's proposed incorporation by reference of AHRI 340/360–2022.

Issue 19: DOE requests comment on its proposal to adopt the AHRI 340/360–2022 approach for setting liquid flow rate for the full-load cooling test, namely by specifying inlet and outlet liquid temperature conditions rather than using a manufacturer-specified flow rate.

Issue 20: DOE requests feedback on its proposals to use manufacturer-specified part-load liquid flow rates for part-load tests, that the part-load flow rate be no higher than the full-load flow rate, and to use the full-load liquid flow rate if no part-load liquid flow rate is specified.

Issue 21: DOE requests comment on its proposal to use the liquid flow rate determined from the full-load cooling test for all heating tests.

Issue 22: DOE requests comment on its proposal to specify an operating tolerance of 2 percent and a condition tolerance of 1 percent for liquid flow rate in all tests with a target liquid flow rate.

Issue 23: DOE requests comments on the proposal to adopt the provisions for line loss adjustments included in Sections 7.6.7.1 and 7.3.3.4 of ANSI/ASHRAE 37–2009 through incorporation by reference of AHRI 340/360–2022.

Issue 24: DOE requests comments on the proposal to adopt the calculation of discharge coefficients and air measurement apparatus requirements of ANSI/ASHRAE 37–2009.

Issue 25: DOE requests comments on the proposal to adopt the air condition measurement provisions in Appendix C of AHRI 340/360–2022.

Issue 26: DOE requests comments on the proposal to adopt the duct loss provisions in Section 7.3.3.3 of ASHRAE 37–2009.

Issue 27: DOE requests comments on the proposal to adopt the refrigerant charging requirements in Section 5.8 of AHRI 340/360–2022.

Issue 28: DOE requests comments on the proposal to adopt the voltage provisions in Section 6.1.3.1 of AHRI 340/360–2022.

Issue 29: DOE seeks comment on its proposals regarding specific components in 10 CFR 429.43, 10 CFR 429.134, and 10 CFR part 431, subpart F, appendix C1.

Issue 30: DOE requests comment on its proposal to adopt the methods for comparing relative efficiency of standard and non-standard indoor fan motors and integrated fan and motor combinations specified in Section D4 of AHRI 340/360–2022 in the proposed test procedure in 10 CFR part 431, subpart F, appendix C1, as well as in provisions for determination of represented values in 10 CFR 429.43(a) and provisions for DOE assessment and enforcement testing in 10 CFR 429.134.

Issue 31: DOE requests comment on its proposals related to represented values and verification testing of cooling capacity for WSHPs.

Issue 32: DOE requests comment on its understanding of the impact of the test procedure proposals in this NOPR. DOE also seeks specific feedback on the estimated costs to rate WSHP models with an AEDM.

Issue 33: DOE requests comment on the number of small OEMs DOE identified. DOE also seeks comment on the Department's estimates of potential costs these small manufacturers may incur as a result of its proposed amendments to the WSHP test procedure.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed rulemaking and request for comment.

List of Subjects

10 CFR Part 429

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Small businesses.

10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Laboratories, Reporting and recordkeeping requirements, Small businesses.

Signing Authority

This document of the Department of Energy was signed on August 3, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

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

Treena V. Garrett,

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

For the reasons stated in the preamble, DOE is proposing to amend parts 429 and 431 of Chapter II of Title 10, Code of Federal Regulations, as amended on July 27, 2022 (published at 87 FR 45164), as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

■ 2. Amend § 429.4 by:

■ a. Revising paragraph (a);

■ b. Redesignating paragraph (c)(2) as paragraph (c)(3); and

■ c. Adding new paragraph (c)(2).

The revision and addition read as follows.

§ 429.4 Materials incorporated by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the U.S. Department of Energy (DOE) must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the DOE and at the National Archives and Records Administration (NARA). Contact DOE at: The U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza SW, Washington, DC 20024, (202) 586–9127, *Buildings@ee.doe.gov, https://www.energy.gov/eere/buildings/appliance-and-equipment-standards-program.* For information on the availability of this material at NARA, email: *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.* The material may be obtained from the sources in the following paragraphs of this section.

* * * * *

(c) * * *

(2) AHRI Standard 340/360–2022 (I–P) (''AHRI 340/360–2022''), *2022 Standard for Performance Rating of Commercial and Industrial Unitary Air-conditioning and Heat Pump Equipment,* AHRI-approved January 26, 2022; IBR approved for § 429.43.

* * * * *

■ 3. Amend § 429.43 by adding paragraph (a)(3)(ii) to read as follows:

§ 429.43 Commercial heating, ventilating, air conditioning (HVAC) equipment.

(a) * * *

(3) * * *

(ii) Water-Source Heat Pumps. When certifying to standards in terms of IEER, the following provisions apply.

(A) Individual model selection:

(1) Representations for a basic model must be based on the least efficient individual model(s) distributed in commerce among all otherwise comparable model groups comprising the basic model, except as provided in paragraph (a)(3)(ii)(A)(*2*) of this section for individual models that include components listed in table 1 to paragraph (a)(3)(ii)(A) of this section. For the purpose of this paragraph (a)(3)(ii)(A)(*1*), ''otherwise comparable model group'' means a group of individual models distributed in commerce within the basic model that do not differ in components that affect energy consumption as measured according to the applicable test procedure specified at 10 CFR 431.96 other than those listed in table 1 to paragraph (a)(3)(ii)(A) of this section. An otherwise comparable model group may include individual models distributed in commerce with any combination of the components listed in table 1 (or none of the components listed in table 1). An otherwise comparable model group may consist of only one individual model.

(2) For a basic model that includes individual models distributed in commerce with components listed in table 1 to paragraph (a)(3)(ii)(A) of this section, the requirements for determining representations apply only to the individual model(s) of a specific otherwise comparable model group distributed in commerce with the least number (which could be zero) of components listed in table 1 included in individual models of the group. Testing under this paragraph shall be consistent with any component-specific test provisions specified in section 7 of appendix C1 to subpart F of part 431.

TABLE 2 TO PARAGRAPH (a)(3)

Component	Description
Desiccant Dehumidification Components	An assembly that reduces the moisture content of the supply air through moisture transfer with solid or liquid desiccants.
Air Economizers	An automatic system that enables a cooling system to supply outdoor air to reduce or eliminate the need for mechanical cooling during mild or cold weather.

TABLE 2 TO PARAGRAPH (a)(3)—Continued

Component	Description
Ventilation Energy Recovery System (VERS)	An assembly that preconditions outdoor air entering the equipment through direct or indirect thermal and/or moisture exchange with the exhaust air, which is defined as the building air being exhausted to the outside from the equipment.
Steam/Hydronic Heat Coils	Coils used to provide supplemental heating.
Refrigerant Reheat	A heat exchanger located downstream of the indoor coil that heats the supply air during cooling operation using high-pressure refrigerant in order to increase the ratio of moisture removal to cooling capacity provided by the equipment.
Fire/Smoke/Isolation Dampers	A damper assembly including means to open and close the damper mounted at the supply or return duct opening of the equipment.
Powered Exhaust/Powered Return Air Fans	A powered exhaust fan is a fan that transfers directly to the outside a portion of the building air that is returning to the unit, rather than allowing it to recirculate to the indoor coil and back to the building. A powered return fan is a fan that draws building air into the equipment.
Sound Traps/Sound Attenuators	An assembly of structures through which the supply air passes before leaving the equipment or through which the return air from the building passes immediately after entering the equipment for which the sound insertion loss is at least 6 dB for the 125 Hz octave band frequency range.
Process Heat Recovery/Reclaim Coils/Thermal Storage.	A heat exchanger located inside the unit that conditions the equipment's supply air using energy transferred from an external source using a vapor, gas, or liquid.
Indirect/Direct Evaporative Cooling of Ventilation Air.	Water is used indirectly or directly to cool ventilation air. In a direct system the water is introduced directly into the ventilation air and in an indirect system the water is evaporated in secondary air stream and the heat is removed through a heat exchanger.
Condenser Pumps/Valves/Fittings	Additional components in the water circuit for water control or filtering.
Condenser Water Reheat	A heat exchanger located downstream of the indoor coil that heats the supply air during cooling operation using water from the condenser coil in order to increase the ratio of moisture removal to cooling capacity provided by the equipment.
Grill Options	Special grills used to direct airflow in unique applications (such as up and away from a rear wall).
Non-Standard Indoor Fan Motors	The standard indoor fan motor is the motor specified in the manufacturer's installation instructions for testing and shall be distributed in commerce as part of a particular model. A non-standard motor is an indoor fan motor that is not the standard indoor fan motor and that is distributed in commerce as part of an individual model within the same basic model. For a non-standard indoor fan motor(s) to be considered a specific component for a basic model (and thus subject to the provisions of (a)(3)(ii)(A)(*2*) of this section), the following provisions must be met: Non-standard indoor fan motor(s) must meet the minimum allowable efficiency determined per Section D4.1 of AHRI 340/360–2022 (incorporated by reference, see § 429.4) (i.e., for non-standard indoor fan motors) or per Section D4.2 of AHRI 340/360–2022 for non-standard indoor integrated fan and motor combinations). If the standard indoor fan motor can vary fan speed through control system adjustment of motor speed, all non-standard indoor fan motors must also allow speed control (including with the use of a variable-frequency drive).

(B) The represented value of cooling capacity must be between 95 percent and 100 percent of the mean of the cooling capacities measured for the units in the sample selected as described in paragraph (a)(1)(ii) of this section, or between 95 percent and 100 percent of the cooling capacity output simulated by the AEDM as described in paragraph (a)(2) of this section.

* * * * *

■ 4. Amend § 429.134 by adding paragraph (t) to read as follows:

§ 429.134 Product-specific enforcement provisions.

* * * * *

(t) *Water-Source Heat Pumps.* The following provisions apply for assessment and enforcement testing of models subject to standards in terms of IEER.

(1) *Verification of Cooling Capacity.* The cooling capacity of each tested unit of the basic model will be measured pursuant to the test requirements of appendix C1 to subpart F of 10 CFR part 431. The mean of the measurements will be used to determine the applicable standards for purposes of compliance.

(2) *Specific Components.* If a basic model includes individual models with components listed at table 1 to § 429.43(a)(3)(ii)(A) and DOE is not able to obtain an individual model with the least number (which could be zero) of those components within an otherwise comparable model group (as defined in § 429.43(a)(3)(ii)(A)(*1*)), DOE may test any individual model within the otherwise comparable model group.

(3) *Approach for Determining IEER.* If the manufacturer specifies that they used ''Option 2'' as described in section 5.1.2 of appendix C1 (*i.e.,* using interpolation and extrapolation to determine performance at IEER entering water temperatures), DOE will assess compliance for the basic model based on testing in accordance with ''Option 2'' as described in section 5.1.2 of appendix C1. If the manufacturer does not specify that they used ''Option 2'' as described in section 5.1.2 of appendix C1, DOE will assess compliance for IEER for the basic model based on testing in accordance ''Option 1'' as described in section 5.1.1 of appendix C1.

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 5. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

■ 6. Amend § 431.92 by revising the definition for ''Water-source heat pump'' to read as follows:

§ 431.92 Definitions concerning commercial air conditioners and heat pumps.

* * * * *

Water-source heat pump means commercial package air-conditioning and heating equipment that is a single-phase or three-phase reverse-cycle heat pump that uses a circulating water loop as the heat source for heating and as the heat sink for cooling. The main components are a compressor, refrigerant-to-water heat exchanger, refrigerant-to-air heat exchanger, refrigerant expansion devices, refrigerant reversing valve, and indoor fan (except that coil-only units do not include an indoor fan). Such equipment includes, but is not limited to, water-to-air water-loop heat pumps.

■ 7. Amend § 431.95 by:

■ a. Redesignating paragraphs (b)(4) through (b)(7) as paragraphs (b)(5) through (b)(8);

■ b. Adding new paragraph (b)(4);

■ c. Revising paragraphs (c)(2);

■ d. Redesignating paragraphs (c)(3) through (7) as paragraphs (c)(5) through (8);

■ e. Adding new paragraph (c)(3);

■ f. In the introductory text to (d), remove the text ''http://''; and

■ g. Revise paragraph (d)(1).

The additions and revisions read as follows:

§ 431.95 Materials incorporated by reference.

* * * * *

(b) * * *

(4) AHRI Standard 340/360–2022 (I–P) (''AHRI 340/360–2022''), *2022 Standard for Performance Rating of Commercial and Industrial Unitary Air-conditioning and Heat Pump Equipment,* AHRI-approved January 26, 2022: IBR approved for appendix C1 to this subpart.

* * * * *

(c) * * *

(2) ANSI/ASHRAE Standard 37–2009 (''ANSI/ASHRAE 37–2009''), *Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment,* ASHRAE approved June 24, 2009; IBR approved -for § 431.96 and appendices A, B, and C1 to this subpart.

(3) ASHRAE errata sheet to ANSI/ASHRAE Standard 37–2009 (''ASHRAE 37–2009 TE''), issued March 27, 2019; IBR approved -for appendix C1 to this subpart.

* * * * *

(d) * * *

(1) ISO Standard 13256–1 (''ISO Standard 13256–1:1998''), ''Water-source heat pumps—Testing and rating for performance—Part 1: Water-to-air and brine-to-air heat pumps,'' approved 1998, IBR approved for appendix C to this subpart.

* * * * *

■ 8. Amend § 431.96 by revising paragraph (b)(1) and table 1 to paragraph (b) to read as follows:

§ 431.96 Uniform test method for the measurement of energy efficiency of commercial air conditioners and heat pumps.

* * * * *

(b) * * * (1) Determine the energy efficiency and capacity of each category of covered equipment by conducting the test procedure(s) listed in table 1 to this paragraph (b) along with any additional testing provisions set forth in paragraphs (c) through (g) of this section and appendices A through C1 to this subpart, that apply to the energy efficiency descriptor for that equipment, category, and cooling capacity. The omitted sections of the test procedures listed in table 1 to this paragraph (b) must not be used.

* * * * *

TABLE 1 TO PARAGRAPH (b)—TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONERS AND HEAT PUMPS

Equipment type	Category	Cooling capacity or moisture removal capacity [2]	Energy efficiency descriptor	Use tests, conditions, and procedures [1] in	Additional test procedure provisions as indicated in the listed paragraphs of this section
Small Commercial Package Air-Conditioning and Heating Equipment.	Air-Cooled, 3-Phase, AC and HP.	<65,000 Btu/h	SEER and HSPF	AHRI 210/240–2008 (omit section 6.5).	Paragraphs (c) and (e).
	Air-Cooled AC and HP.	≥65,000 Btu/h and <135,000 Btu/h.	EER, IEER, and COP	Appendix A to this subpart.	None.
	Water-Cooled and Evaporatively-Cooled AC.	<65,000 Btu/h	EER	AHRI 210/240–2008 (omit section 6.5).	Paragraphs (c) and (e).
		≥65,000 Btu/h and <135,000 Btu/h.	EER	AHRI 340/360–2007 (omit section 6.3).	Paragraphs (c) and (e).
	Water-Source HP	<135,000 Btu/h	EER and COP	Appendix C to this subpart[3].	None.
	Water-Source HP	<135,000 Btu/h	IEER and COP	Appendix C1 to this subpart[3].	None.
Large Commercial Package Air-Conditioning and Heating Equipment.	Air-Cooled AC and HP.	≥135,000 Btu/h and <240,000 Btu/h.	EER, IEER and COP	Appendix A to this subpart.	None.
	Water-Cooled and Evaporatively-Cooled AC.	≥135,000 Btu/h and <240,000 Btu/h.	EER	AHRI 340/360–2007 (omit section 6.3).	Paragraphs (c) and (e).
	Water-Source HP	≥135,000 Btu/h and <240,000 Btu/h.	EER and COP	Appendix C to this subpart[3].	None.
	Water-Source HP	≥135,000 Btu/h and <240,000 Btu/h.	IEER and COP	Appendix C1 to this subpart[3].	None.
Very Large Commercial Package Air-Conditioning and Heating Equipment.	Air-Cooled AC and HP.	≥240,000 Btu/h and <760,000 Btu/h.	EER, IEER and COP	Appendix A to this subpart.	None.

TABLE 1 TO PARAGRAPH (b)—TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONERS AND HEAT PUMPS—Continued

Equipment type	Category	Cooling capacity or moisture removal capacity [2]	Energy efficiency descriptor	Use tests, conditions, and procedures [1] in	Additional test procedure provisions as indicated in the listed paragraphs of this section
	Water-Cooled and Evaporatively-Cooled AC.	≥240,000 Btu/h and <760,000 Btu/h.	EER	AHRI 340/360–2007 (omit section 6.3).	Paragraphs (c) and (e).
	Water-Source HP	≥240,000 Btu/h and <760,000 Btu/h.	EER and COP	Appendix C to this subpart[3].	None.
	Water-Source HP	≥240,000 Btu/h and <760,000 Btu/h.	IEER and COP	Appendix C1 to this subpart[3].	None.
Packaged Terminal Air Conditioners and Heat Pumps.	AC and HP	<760,000 Btu/h	EER and COP	Paragraph (g) of this section.	Paragraphs (c), (e), and (g).
Computer Room Air Conditioners.	AC	<65,000 Btu/h	SCOP	ASHRAE 127–2007 (omit section 5.11).	Paragraphs (c) and (e).
		≥65,000 Btu/h and <760,000 Btu/h.	SCOP	ASHRAE 127–2007 (omit section 5.11).	Paragraphs (c) and (e).
Variable Refrigerant Flow Multi-split Systems.	AC	<65,000 Btu/h (3-phase).	SEER	AHRI 1230–2010 (omit sections 5.1.2 and 6.6).	Paragraphs (c), (d), (e), and (f).
		≥65,000 Btu/h and <760,000 Btu/h.	EER	AHRI 1230–2010 (omit sections 5.1.2 and 6.6).	Paragraphs (c), (d), (e), and (f).
Variable Refrigerant Flow Multi-split Systems, Air-cooled.	HP	<65,000 Btu/h (3-phase).	SEER and HSPF	AHRI 1230–2010 (omit sections 5.1.2 and 6.6).	Paragraphs (c), (d), (e), and (f).
		≥65,000 Btu/h and <760,000 Btu/h.	EER and COP	AHRI 1230–2010 (omit sections 5.1.2 and 6.6).	Paragraphs (c), (d), (e), and (f).
Variable Refrigerant Flow Multi-split Systems, Water-source.	HP	<760,000 Btu/h	EER and COP	AHRI 1230–2010 (omit sections 5.1.2 and 6.6).	Paragraphs (c), (d), (e), and (f).
Single Package Vertical Air Conditioners and Single Package Vertical Heat Pumps.	AC and HP	<760,000 Btu/h	EER and COP	AHRI 390–2003 (omit section 6.4).	Paragraphs (c) and (e).
Direct Expansion-Dedicated Outdoor Air Systems.	All	<324 lbs. of moisture removal/hr.	ISMRE2 and ISCOP2	Appendix B to this subpart.	None.

[1] Incorporated by reference; see § 431.95.
[2] Moisture removal capacity is determined according to appendix B of this subpart.
[3] For equipment with multiple appendices listed in this table 1, consult the notes at the beginning of those appendices to determine the applicable appendix to use for testing.

* * * * *

■ 9. Add appendix C to subpart F of part 431 to read as follows:

Appendix C to Subpart F of Part 431—Uniform Test Method for Measuring the Energy Consumption of Water-Source Heat Pumps

Note: Manufacturers must use the results of testing under this appendix to determine compliance with the relevant standard at § 431.97 as that standard appeared in the January 1, 2022 edition of 10 CFR parts 200–499. Specifically, representations must be based on testing according to either this appendix or 10 CFR 431.96 as it appeared in the 10 CFR parts 200–499 edition revised as of January 1, 2022.

Starting on [*Date 360 days after publication of the final rule in the* ***Federal Register***], voluntary representations with respect to the energy efficiency ratio (EER) of water-source heat pumps with cooling capacity greater than or equal to 135,000 Btu/h and less than 760,000 Btu/h must be based on testing according to appendix C of this subpart. Manufacturers may also use appendix C to make voluntary representations with respect to EER prior to [*Date 360 days after publication of the final rule in the* ***Federal Register***].

Starting on [*Date 360 days after publication of the final rule in the* ***Federal Register***], voluntary representations with respect to the integrated energy efficiency ratio (IEER) of water-source heat pumps must be based on testing according to appendix C1 of this subpart. Manufacturers may also use appendix C1 to make voluntary representations with respect to IEER prior to [*Date 360 days after publication of the final rule in the* ***Federal Register***].

Starting on the compliance date for any amended energy conservation standards for water-source heat pumps based on IEER, any representations, including compliance certifications, made with respect to the energy use or energy efficiency of water-source heat pumps must be based on testing according to appendix C1 of this subpart.

Manufacturers may also to certify compliance with any amended energy conservation standards for water-source heat pumps based on IEER prior to the applicable compliance date for those standards, and those compliance certifications must be based on testing according to appendix C1 of this subpart.

1. Incorporation by Reference.

DOE incorporated by reference in § 431.95 the entire standard for ISO 13256–1:1998. To the extent there is a conflict between the terms or provisions of a referenced industry standard and this appendix, the appendix provisions control.

2. General.

Determine the energy efficiency ratio (EER) and coefficient of performance (COP) in accordance with ISO 13256–1:1998.

Section 3 of this appendix provides additional instructions for determining EER and COP.

3. Additional Provisions for Equipment Set-up. The only additional specifications that may be used in setting up the basic model for testing are those set forth in the installation and operation manual shipped with the unit. Each unit should be set up for test in accordance with the manufacturer installation and operation manuals. Sections 3.1 through 3.2 of this appendix provide specifications for addressing key information typically found in the installation and operation manuals.

3.1. If a manufacturer specifies a range of superheat, sub-cooling, and/or refrigerant pressure in its installation and operation manual for a given basic model, any value(s) within that range may be used to determine refrigerant charge or mass of refrigerant, unless the manufacturer clearly specifies a rating value in its installation and operation manual, in which case the specified rating value must be used.

3.2. The airflow rate used for testing must be that set forth in the installation and operation manuals being shipped to the commercial customer with the basic model and clearly identified as that used to generate the DOE performance ratings. If a rated airflow value for testing is not clearly identified, a value of 400 standard cubic feet per minute (scfm) per ton must be used.

■ 10. Add appendix C1 to subpart F of part 431 to read as follows:

Appendix C1 to Subpart F of Part 431—Uniform Test Method for Measuring the Energy Consumption of Water-Source Heat Pumps

Note: Prior to the compliance date of amended standards for water-source heat pumps that rely on integrated energy efficiency ratio (IEER) published after January 1, 2022, representations with respect to the energy use or energy efficiency of water-source heat pumps, including compliance certifications, must be based on energy efficiency ratio (EER) testing according to this appendix C of this subpart.

Starting on [*Date 360 days after publication of the final rule in the* ***Federal Register***], voluntary representations with respect to the IEER of water-source heat pumps must be based on testing according to this appendix. Manufacturers may also use this appendix C1 to make voluntary representations with respect to IEER prior to [*Date 360 days after publication of the final rule in the* ***Federal Register***].

Starting on the compliance date for any amended energy conservation standards for water-source heat pumps based on IEER, any representations, including compliance certifications, made with respect to the energy use or energy efficiency of water-source heat pumps must be based on testing according to this appendix.

Manufacturers may also certify compliance with any amended energy conservation standards for water-source heat pumps based on IEER prior to the applicable compliance date for those standards, and those compliance certifications must be based on testing according to this appendix.

1. Incorporation by Reference.

DOE incorporated by reference in § 431.95 the entire standard for AHRI 340/360–2022 and ANSI/ASHRAE 37–2009 (which includes ASHRAE 37–2009 TE). However, only certain enumerated provisions of AHRI 340/360–2022 are applicable, while the enumerated provisions of ANSI/ASHRAE 37–2009 are inapplicable as set out in this section 1. To the extent there is a conflict between the terms or provisions of a referenced industry standard and this appendix, the appendix provisions control, followed by AHRI 340/360–2022, followed by ANSI/ASHRAE 37–2009.

1.1. Applicable provisions.

1.1.1. AHRI 340/360–2022:

(a) Section 3 Definitions, except the following subsections: 3.2 (Basic Model), 3.4 (Commercial and Industrial Unitary Air-conditioning Equipment), 3.5 (Commercial and Industrial Unitary Heat Pump), 3.7 (Double-duct System), 3.8 (Energy Efficiency Ratio), 3.12 (Heating Coefficient of Performance), 3.14 (Integrated Energy Efficiency Ratio), 3.15 (Indoor Single Package Air-conditioners), 3.17 (Makeup Water), 3.23 (Published Rating), 3.26 (Single Package Air-Conditioners), 3.27 (Single Package Heat Pumps), 3.29 (Split System Air-conditioners), 3.30 (Split System Heat Pump), and 3.36 (Year Round Single Package Air-conditioners);

(b) Section 5 Test Requirements;

(c) Section 6 Rating Requirements, except the following subsections: 6.1.1.7, 6.1.2.1 (Values of Standard Capacity Ratings), 6.1.3.4.5, 6.1.3.5.4 (Heating Test for MZVAV Units), 6.1.3.5.5 (Part-Load Cooling Tests for MZVAV Units), 6.5 (Ratings), 6.6 (Uncertainty), and 6.7 (Verification Testing);

(d) Appendix A References—Normative;

(e) Appendix C Indoor and Outdoor Air Condition Measurement—Normative; and

(f) Appendix E Method of Testing Unitary Air Conditioning Products—Normative.

1.1.2. [Reserved]

1.2. Inapplicable provisions.

1.2.1. ANSI/ASHRAE 37–2009

(a) Section 1 Purpose, as specified in section 2.2 of this appendix;

(b) Section 2 Scope, as specified in section 2.2 of this appendix; and

(c) Section 4 Classification, as specified in section 2.2 of this appendix.

1.2.2. [Reserved]

2. General.

Determine integrated energy efficiency ratio (IEER) and heating coefficient of performance (COP) in accordance with AHRI 340/360–2022 and ANSI/ASHRAE 37–2009; however, only the following enumerated provisions of AHRI 340/360–2022 are applicable, as set forth in section 2.1 of this appendix. All sections of ANSI/ASHRAE 37–2009 are applicable with the exception of provisions listed in section 2.2 of this appendix.

Sections 2 through 7 of this appendix provide additional instructions for testing. In cases where there is a conflict, the language of this appendix takes highest precedence, followed by AHRI 340/360–2022, followed by ANSI/ASHRAE 37–2009. Any subsequent amendment to a referenced document by the standard-setting organization will not affect the test procedure in this appendix, unless and until the test procedure is amended by DOE. Material is incorporated as it exists on the date of the approval, and a notice of any change in the incorporation will be published in the **Federal Register**.

2.1. Test requirements and test conditions specified for water-cooled equipment in AHRI 340/360–2022 and ANSI/ASHRAE 37–2009 are applicable to water-source heat pumps.

2.2. For units without integral fans, use test requirements and test conditions specified as ''coil-only'' in AHRI 340/360–2022 and ANSI/ASHRAE 37–2009.

2.3. When using the Outdoor Liquid Coil Method, when calculating the total heating capacity, use the ASHRAE 37–2009 TE heating capacity formula for section 7.6.5.1 of ANSI/ASHRAE 37–2009.

3. Airflow and External Static Pressure.

3.1. Non-Ducted Units.

These provisions apply to units that are not configured exclusively for delivery of conditioned air to the indoor space without a duct(s).

3.1.1. Target Airflow and ESP.

Determine the target airflow in accordance with Section 6.1.3.4 of AHRI 340/360–2022, using an external static pressure (ESP) of 0.00 in H_2O in place of the ESP specified in Section 6.1.3.3 of AHRI 340/360–2022. Exclude Section 6.1.3.3 of AHRI 340/360–2022.

3.1.2. Airflow and ESP Tolerances and Set-Up.

Exclude Section 6.1.3.5 of AHRI 340/360–2022, and use the provisions in this section for indoor external static pressure and airflow set-up. For each test, set indoor airflow while operating the unit at the rating conditions specified for the test. After setting the airflow, no adjustments may be made to the fan control settings during the test.

3.1.2.1. Tolerances.

All tolerances for airflow and ESP specified in section 3.1.2 of this appendix for setting airflow and ESP are condition tolerances that apply for each test. Specifically, the average value of a parameter measured over the course of the test shall vary from the target value by no more than the condition tolerance. Operating tolerances for ESP and nozzle pressure drop are specified in Table 11 of AHRI 340/360–2022.

3.1.2.2. Use the manufacturer-specified fan control settings for all tests for which they are provided. Use the full-load cooling fan control settings specified by the manufacturer for all tests for which fan control settings are not specified. If there are no manufacturer-specified fan control settings for any tests, use the as-shipped fan control settings for all tests.

3.1.2.3. For all tests, conduct the test at 0.00 in H2O with a condition tolerance of −0/+0.05 in H2O.

3.1.2.4. For heating tests and part-load cooling tests for which there is no manufacturer-specified airflow and the cooling full-load rated indoor airflow is not used as the airflow for the test because there are manufacturer-specified fan control settings or other instructions used to obtain steady-state operation for the test, per the provisions of Section 6.1.3.4 of AHRI 340/360–2022, there is no airflow condition

tolerance for that test. For all other tests, the airflow condition tolerance is ±3% of the target airflow determined in section 3.1.1 of this appendix.

3.1.2.5. If both the ESP and airflow cannot be simultaneously maintained within tolerance for any test, maintain the ESP within the required tolerance and use an airflow as close to the manufacturer-specified value as possible. The average airflow rate measured over the course of the test shall be within ±3% of the airflow rate measured after setting airflow for the test.

3.1.2.6. If section 3.1.2.5 of this appendix is used to set the full-load cooling airflow, use the measured full-load cooling airflow as the target airflow for all subsequent tests that call for the full-load cooling airflow.

3.2. Ducted Units.

These provisions apply to units that are configured for delivery of conditioned air to the indoor space with a duct(s).

3.2.1. For units with continuously variable-speed fans, set airflow and external static pressure in accordance with Sections 6.1.3.3, 6.1.3.4, and 6.1.3.5 of AHRI 340/360–2022.

3.2.2. For units without continuously variable-speed fans, set airflow and external static pressure in accordance with Sections 6.1.3.3., 6.1.3.4., and 6.1.3.5 of AHRI 340/360–2022, except use section 3.2.2.1 of this appendix in place of Sections 6.1.3.5.2.4 and 6.1.3.5.3.2.3 of AHRI 340/360–2022.

3.2.2.1. For two adjacent fan control settings, if both airflow and ESP tolerances cannot be met, (*e.g.,* decreasing fan speed when the ESP or airflow are too high causes the ESP or airflow to be lower than the tolerance range, and increasing fan speed when the ESP or airflow are too low causes the ESP or airflow to be higher than the tolerance range), operate at the lower fan control setting, adjust the airflow measuring apparatus to maintain the ESP within −0.00/+0.05 in H2O of the requirement determined in Section 6.1.3.3 of AHRI 340/360–2022, and maintain the airflow at a rate no lower than 90% of the airflow rate determined in Section 6.1.3.3 of AHRI 340/360–2022. If increasing ESP to within −0.00/+0.05 in H2O of the requirement determined in Section 6.1.3.3 of AHRI 340/360–2022 reduces airflow of the unit under test to less than 90% of the manufacturer-specified airflow, then the next higher fan control setting shall be utilized to obtain rated airflow. Using this higher fan control setting, maintain airflow within tolerance and maintain the ESP as close as possible to the value determined in Section 6.1.3.3 of AHRI 340/360–2022.

4. Test Liquid, Liquid ESP, and Pump Effect.

4.1. The test liquid for all tests other than the optional HFL3 low-temperature heating test specified in Table 9 of this appendix must be water unless the manufacturer specifies to use a brine of 15% solution by mass of sodium chloride in water. The test liquid for the optional HFL3 low-temperature heating test must be a brine of 15% solution by mass of sodium chloride in water.

4.2. For units with an integral pump, set the external static pressure to 20 ft of water column, with a −0/+1 ft condition tolerance and a 1 ft operating tolerance.

4.3. For units without an integral pump, when calculating EER and COP, an addition for the pump effect, PE, must be added to the unit's measured power and determined using Equation 1 of this appendix. Use this adder in place of Section 6.1.1.7 of AHRI 340/360−2022.

Equation 1

$$PE = WF * \left((PP_B * \Delta P) + C\right)$$

Where:

PE = Pump effect, W

WF = Liquid flow rate, gpm

PP_B = Basic Pumping Penalty (Table 1), W/(gpm*psi)

ΔP = Pressure drop measured across liquid heat exchanger, psi

C = 25 W/gpm based on 20 ft external head

TABLE 1—BASIC PUMPING PENALTY (PP_B) VS. LIQUID FLOW RATE (WF)

Liquid flow rate (WF), gpm	Basic pumping penalty (PP_B), W/(gpm*psi)
1.0–4.0	5.00
4.1–7.9	3.88
8.0–11.9	2.69
12.0–15.9	2.32
16.0–19.9	2.14
20.0 and above	2.02

4.4. Condenser section power (PCD) in Equation 4 of AHRI 340/360–2022 must be determined as follows (instead of determining via Section 6.2.3.2 of AHRI 340/360–2022):

4.4.1. For units with an integral pump, PCD is equal to the measured pump power.

4.4.2. For units without an integral pump, PCD is equal to the pump effect determined per section 4.3 of this appendix.

5. Cooling Rating.

5.1. Methods for Determining IEER.

Determine the integrated energy efficiency ratio (IEER) using one of two options, as described in the following sections 5.1.1 and 5.1.2 of this appendix.

5.1.1. Option 1: Determine IEER in Accordance with Section 6.2 of AHRI 340/360–2022.

Test at the four IEER inlet water temperatures specified for water-cooled equipment in Table 9 of AHRI 340/36–2022, and perform all tests according to sections 2 through 4 and section 7 of this appendix.

Except as adjusted for operation at low condenser temperatures per Section E7 of AHRI 340/360–2022, for part-load cooling tests, use manufacturer-specified liquid flow rates. For all part-load cooling tests, the liquid flow rate shall not exceed the liquid flow rate used for the cooling full-load tests. If the manufacturer-specified part-load cooling liquid flow rate is higher than the liquid flow rate used for the cooling full-load tests, use the liquid flow rate used for the cooling full-load tests. If no manufacturer-specified value for part-load cooling liquid flow rate is provided, use the liquid flow rate used for the cooling full-load tests. The condition tolerance on liquid flow rate in part-load tests is 1% of the target liquid flow rate.

5.1.2. Option 2: Determine IEER by Interpolation and Extrapolation.

Test at the inlet water temperatures described in Tables 2 and 3 of this appendix, then interpolate and extrapolate to the IEER inlet water temperatures specified in Table 4 of this appendix. Sections 5.1.2.1 through 5.1.2.6 of this appendix specify the steps required to determine IEER using Option 2.

5.1.2.1. Measure Capacity at Option 2 Inlet Water Temperatures.

For all units, conduct full-load cooling tests at the inlet water temperatures as specified in section 5.1.2.1.1 of this appendix. For staged capacity controlled and proportionally controlled units, conduct part-load cooling tests at the inlet water temperatures as specified in section 5.1.2.1.2 of this appendix. Perform all tests according to provisions outlined in sections 2 through 4 and 7 of this appendix. No part-load cooling tests are required for fixed-capacity controlled units.

For all tests, measure the following values: cooling capacity; total power; compressor power; condenser section power; control circuit power and any auxiliary loads; and indoor fan power. Condenser section power must be determined in accordance with section 4.4.1 and 4.4.2 of this appendix.

5.1.2.1.1. Full-load Tests.

For all units, perform tests to determine full-load capacity at each of the conditions specified in Table 2 of this appendix. Follow all provisions for full-load cooling airflow in section 3 of this appendix.

The full-load cooling liquid flow rate shall be determined during the ''CFL3 high temperature'' test in Table 2 of this appendix, using fixed inlet and outlet water temperatures. For the ''CFL2 medium temperature'' and ''CFL1 low temperature'' tests in Table 2 of this appendix, use the liquid flow rate obtained during the ''CFL3 high temperature'' test in Table 2 of this appendix with a condition tolerance on liquid flow rate of 1% of the target liquid flow rate.

TABLE 2—IEER OPTION 2 FULL-LOAD TEST CONDITIONS

Test name	CFL3 high temperature	CFL2 medium temperature	CFL1 low temperature
Air entering indoor side:			
Dry bulb, °F	80.0	80.0	80.0

TABLE 2—IEER OPTION 2 FULL-LOAD TEST CONDITIONS—Continued

Test name	CFL3 high temperature	CFL2 medium temperature	CFL1 low temperature
Wet bulb, °F	67.0	67.0	67.0
Condenser liquid temperature:			
Entering, °F	86.0	77.0	59.0
Leaving, °F	96.0	See note 1	See note 1

Notes
1. All full-load tests must be conducted at the liquid flow rate as determined from the CFL3 high temperature cooling test.

Where:

CFL3 = The highest temperature Cooling Full-Load test at temperature conditions as defined in Table 2

CFL2 = The medium temperature Cooling Full-Load test at temperature conditions as defined in Table 2

CFL1 = The lowest temperature Cooling Full-Load test at temperature conditions as defined in Table 2

5.1.2.1.2. Part-load Tests.

For staged-capacity controlled units and proportionally controlled units, additionally perform tests to determine part-load capacity at each of the conditions specified in Table 3 of this appendix. Perform all part-load tests using the minimum compressor speed of the unit. Follow all provisions for part-load cooling airflow in section 3 of this appendix.

Except as adjusted for operation at low condenser temperatures per Section E7 of AHRI 340/360–2022, for part-load cooling tests, use manufacturer-specified liquid flow rates. For all part-load cooling tests, the liquid flow rate shall not exceed the liquid flow rate used for the cooling full-load tests. If the manufacturer-specified part-load cooling liquid flow rate is higher than the liquid flow rate used for the cooling full-load tests, use the liquid flow rate used for the cooling full-load tests. If no manufacturer-specified value for part-load cooling liquid flow rate is provided, use the liquid flow rate used for the cooling full-load tests. The condition tolerance on liquid flow rate is 1% of the target liquid flow rate.

TABLE 3—IEER OPTION 2 PART-LOAD TEST CONDITIONS

Test name	CPL3 high temperature	CPL2 medium temperature	CPL1 low temperature
Air entering indoor side:			
Dry bulb, °F	80.0	80.0	80.0
Wet bulb, °F	67.0	67.0	67.0
Condenser liquid temperature:			
Entering, °F	86.0	68.0	59.0

Where:

CPL3 = The highest temperature Cooling Part-Load test at temperature conditions as defined in Table 3

CPL2 = The medium temperature Cooling Part-Load test at temperature conditions as defined in Table 3

CPL1 = The lowest temperature Cooling Part-Load test at temperature conditions as defined in Table 3

5.1.2.2. Interpolate and Extrapolate Measurements to IEER Entering Liquid Temperatures.

Use sections 5.1.2.2.1 and 5.1.2.2.2 of this appendix to interpolate and extrapolate the values measured in section 5.1.2.1 of this appendix from the inlet water temperatures used in Tables 2 and 3 of this appendix to the IEER inlet water temperatures specified in Table 4 of this appendix.

TABLE 4—IEER CONDITIONS

IEER point	Capacity level	Percent load	Entering liquid temperature [°F]	Weighting factor [%]
A	Full	100	85.0	2.0
B	Part	75	73.5	61.7
C	Part	50	62.0	23.8
D	Part	25	55.0	12.5

5.1.2.2.1. Full Load.

For all units, calculate the full-load capacity and total power at IEER points A through D using Equation 2 of this appendix and the parameters outlined in Table 5 of this appendix.

For fixed-capacity control units, also calculate the full-load compressor power, condenser section power, control circuit power and any auxiliary loads, and indoor fan power at IEER points B through D using Equation 2 of this appendix and the parameters outlined in Table 5 of this appendix.

The interpolated value of each parameter is designated by V_{calc} in Equation 2 of this appendix.

Equation 2

$$V_{calc} = \frac{(T_{calc} - T_{low}) * (V_{high} - V_{low})}{T_{high} - T_{low}} + V_{low}$$

TABLE 5—FULL-LOAD INTERPOLATION INPUT VALUES

IEER point	T_{low} [°F]	T_{high} [°F]	T_{calc} [°F]	V_{low} [1]	V_{high} [1]
A	77.0	86.0	85.0	Value from CFL2 Medium Temperature.	Value from CFL3 High Temperature.
B	59.0	77.0	73.5	Value from CFL1 Low Temperature	Value from CFL2 Medium Temperature.
C	59.0	77.0	62.0	Value from CFL1 Low Temperature	Value from CFL2 Medium Temperature.
D	59.0	77.0	55.0	Value from CFL1 Low Temperature	Value from CFL2 Medium Temperature.

Notes
1. For each given measured value (*i.e.*, cooling capacity; total power; compressor power; condenser section power; control circuit power and any auxiliary loads; and indoor fan power), use the measured value from the specified test in Table 2 of this appendix.

5.1.2.2.2. Part Load.

For staged-capacity controlled and proportionally controlled units, calculate the part-load capacity, total power, compressor power, condenser section power, control circuit power and any auxiliary loads, and indoor fan power at IEER points B through D using Equation 2 of this appendix and the parameters outlined in Table 6 of this appendix. The interpolated value of each parameter is designated by V_{calc} in Equation 2 of this appendix.

TABLE 6—PART-LOAD INTERPOLATION INPUT VALUES

IEER point	T_{low} [°F]	T_{high} [°F]	T_{calc} [°F]	V_{low} [1]	V_{high} [1]
B	68.0	86.0	73.5	Value from CPL2 Medium Temperature.	Value from CPL3 High Temperature.
C	59.0	68.0	62.0	Value from CPL1 Low Temperature.	Value from CPL2 Medium Temperature
D	59.0	68.0	55.0	Value from CPL1 Low Temperature.	Value from CPL2 Medium Temperature

Notes:
[1] For each given measured value (*i.e.,* cooling capacity; total power; compressor power; condenser section power; control circuit power and any auxiliary loads; and indoor fan power), use the measured value from the specified test in Table 3 of this appendix.

5.1.2.3. Calculate Full-load and Part-load EERs at IEER Points.

For all units, calculate the full-load EER for each IEER point A through D of Table 5 as the ratio of the full-load capacity in Btu/h to the full-load total power in W determined in section 5.1.2.2.1 of this appendix.

For staged capacity controlled and proportionally controlled units, also calculate the part-load EER for each IEER point B through D of Table 5 as the ratio of the part-load capacity in Btu/h to the part-load total power in W determined in section 5.1.2.2.2 of this appendix.

5.1.2.4. Determine Tested Percent Load at IEER Points B Through D.

For all units, use Equation 3 to divide the interpolated full-load capacity values at IEER points B through D (determined in section 5.1.2.2.1 of this appendix) by the full-load capacity at IEER point A (determined in section 5.1.2.2.1 of this appendix).

For staged capacity control units and proportionally controlled units, use Equation 3 to divide the interpolated part-load capacity values at IEER points B through D (determined in section 5.1.2.2.2 of this appendix), by the full-load capacity at IEER point A (determined in section 5.1.2.2.1 of this appendix).

The values calculated at this stage are referred to as ''tested percent load'' in section 5.1.2.5 of this appendix.

Equation 3

$$\mathbf{PL_{Tested}} = \frac{\mathbf{q_x}}{\mathbf{q_{A,FL}}} * \mathbf{100}$$

Where:

PL_{Tested} = The full-load or part-load tested percent load at a given IEER point

q_x = The full-load or part-load capacity at a given IEER point calculated in sections 5.1.2.2.1 and 5.1.2.2.2 of this appendix for IEER points B through D, Btu/h

$q_{A, FL}$ = The full-load capacity calculated in section 5.1.2.2.1 of this appendix for IEER point A, Btu/h

5.1.2.5. Determine EER at the IEER Load Level for IEER Points B Through D.

For each of the IEER points B through D of Table 5, determine the EER at the IEER percent load specified in Table 4 of this appendix (*i.e.,* 75, 50, or 25). For each IEER point B through D of Table 5, if the full-load or part-load tested percent load calculated in section 5.1.2.4 of this appendix is within the allowed range specified in Table 7 of this appendix, use the corresponding EER determined in section 5.1.2.3 of this appendix as the EER for the IEER point. In all other cases, the EER must be determined by adjustments as described in sections 0 and 5.1.2.5.2 of this appendix.

TABLE 7—TOLERANCE ON CAPACITY PERCENTAGE

IEER point	Target percent load	Minimum allowable tested percent load	Maximum allowable tested percent load
B	75	72	78
C	50	47	53
D	25	22	28

5.1.2.5.1. Fixed-capacity Control Units.

For fixed-capacity control units, perform all adjustments of EER values by cyclic degradation of the full-load EERs to account for the impact of the compressor cycling to meet a load. Perform the adjustments as specified in section 5.1.2.5.4 of this appendix.

5.1.2.5.2. Staged Capacity Control Units and Proportionally Controlled Units.

For IEER points B through D of Table 5, if the part-load tested percent load calculated in section 5.1.2.4 of this appendix is below the minimum allowable tested percent load in Table 7 of this appendix, calculate EER for this IEER point by interpolating between the full-load EER and part-load EER as specified in section 5.1.2.5.3 of this appendix. If the part-load tested percent load calculated in section 5.1.2.4 of this appendix is above the maximum allowable tested percent load in Table 7 of this appendix, calculate EER for this point using the cyclic degradation adjustment in section 5.1.2.5.4 of this appendix.

5.1.2.5.3. Calculate EER by Interpolation Between Full Load and Part Load.

Calculate EER at a single IEER point by interpolating between the full-load tested percent load and the part-load tested percent load calculated in section 5.1.2.4 of this appendix to the IEER point load percentage specified in Table 4 of this appendix, as shown in Equation 4 of this appendix.

Equation 4

$$\mathbf{EER} = \frac{\left(\mathbf{PL_{Target}} - \mathbf{PL_{Tested,PL}}\right) * \left(\mathbf{EER_{FL}} - \mathbf{EER_{PL}}\right)}{\left(\mathbf{PL_{Tested,FL}} - \mathbf{PL_{Tested,PL}}\right)} + \mathbf{EER_{PL}}$$

Where:

PL_{Target} = The IEER load fraction at the desired rating condition from Table 4 of this appendix, represented as a percentage (*i.e.,* 75, 50, or 25)

$PL_{Tested,PL}$ = The part-load tested percent load at the desired rating condition calculated in section 5.1.2.4 of this appendix

$PL_{Tested,FL}$ = The full-load tested percent load at the desired rating condition calculated in section 5.1.2.4 of this appendix

EER_{PL} = The part-load EER calculated in section 5.1.2.3 of this appendix

EER_{FL} = The full-load EER calculated in section 5.1.2.3 of this appendix

5.1.2.5.4. Calculate EER by Cyclic Degradation.

For fixed capacity control units, adjust the full-load EER at a single IEER point for cyclic degradation by using Equation 5 through Equation 7 of this appendix with values calculated for full load in section 5.1.2.2.1 of this appendix.

For staged capacity control and proportionally controlled units, adjust the part-load EER at a single IEER point for cyclic degradation by using Equation 5 through Equation 7 of this appendix with values calculated for part load in section 5.1.2.2.2 of this appendix.

Equation 5

$$\mathbf{EER} = \frac{\mathbf{LF} * \mathbf{q_x}}{\mathbf{LF} * [(\mathbf{C_D} * (\mathbf{P_C} + \mathbf{P_{CD}})] + \mathbf{P_{IF}} + \mathbf{P_{CT}}}$$

Equation 6

$$\mathbf{C_D} = 1.13 - 0.13 * \mathbf{LF}$$

Equation 7

$$\mathbf{LF} = \frac{\mathbf{PL_{Target}}}{\mathbf{PL_{Tested}}}$$

Where:

PL_{Tested} = The tested percent load calculated in section 5.1.2.4 of this appendix

PL_{Target} = The IEER percentage of full load from Table 4 of this appendix, represented as a percentage (*i.e.,* 75, 50, or 25)

P_C = Compressor power at a given IEER point calculated in section 5.1.2.2 of this appendix for IEER points B through D, W

P_{CD} = Condenser Section power, including the total pumping effect calculated in section 4.3 of this appendix, at a given IEER point calculated in section 5.1.2.2 of this appendix for IEER points B through D, W

P_{CT} = Control circuit power and any auxiliary loads at a given IEER point calculated in section 5.1.2.2 of this appendix for IEER points B through D, W

P_{IF} = Indoor fan power at a given IEER point calculated in section 5.1.2.2 of this appendix for IEER points B through D, W

q_x = The full-load or part-load capacity at a given IEER point calculated in section 5.1.2.2 of this appendix for IEER points B through D, Btu/h

5.1.2.6. Calculate IEER.

Use Equation 8 of this appendix to calculate IEER as a weighted mean of the EERs determined at each of the IEER points.

Equation 8

$$IEER = (0.020 * EER_A) + (0.617 * EER_B) + (0.238 * EER_C) + (0.125 * EER_D)$$

Where:

EER_A = Full-load EER at IEER point A determined in section 5.1.2.3 of this appendix.

EER_B = EER at IEER point B determined in section 5.1.2.5 of this appendix

EER_C = EER at IEER point C determined in section 5.1.2.5 of this appendix

EER_D = ≤EER at IEER point D determined in section 5.1.2.5 of this appendix

5.2. Optional Representations of EER.

Representations of EER at any full-load or part-load conditions, made using conditions specified in section 5.1.2.1.1 or 5.1.2.1.2 of this appendix and the provisions of sections 2 through 4 and 7 of this appendix are optional.

6. Heating Rating.

6.1. Liquid Flow Rate.

If IEER was determined using Option 1 in section 5.1 of this appendix, use the liquid flow rate determined from the ''Standard Rating Conditions Cooling'' test for water-cooled equipment as defined in Table 6 of AHRI 340/360–2022 for all heating tests. If IEER was determined using Option 2 in section 5.1 of this appendix, use the liquid flow rate determined from the CFL3 high temperature cooling test in section 5.1.2.1.1 of this appendix for all heating tests in Tables 8 and 9 of this appendix. The condition tolerance on liquid flow rate is 1%.

6.2. Methods for Determining COP.

Determine the COP using one of two options, as described in the following sections 6.2.1 and 6.2.2 of this appendix.

6.2.1. Option A: Determine COP by Testing at Conditions Specified in Table 8 of this Appendix.

Determine COP according to the applicable provisions in sections 2 through 4 and 7 of this appendix using the conditions in Table 8 of this appendix. Use the liquid flow rate specified in section 6.1 of this appendix.

TABLE 8—STANDARD HEATING RATING CONDITIONS

Test name	HFL0 rating temperature
Air entering indoor side	
Dry bulb, °F	70.0
Wet bulb, °F	60.0 (max)
Liquid temperature	
Entering, °F	55.0
Leaving, °F	See note 1

Notes

1. All heating tests must be conducted at the liquid flow rate specified in section 6.1 of this appendix.

Where:

HFL0 = The standard rating condition Heating Full-Load test as defined in Table 8

6.2.2. Option B: Determine COP by Interpolation.

Test at the HFL3 and HFL2 conditions in Table 9 of this appendix, then interpolate to the HFL0 inlet water temperature specified in Table 8 of this appendix. Sections 6.2.2.1 and 6.2.2.2 of this appendix specify the steps required to determine COP using Option B.

TABLE 9—OPTIONAL HEATING RATING CONDITIONS

Test name	HFL3 high temperature	HFL2 Medium temperature	HFL1 Low temperature
Air entering indoor side			
Dry bulb, °F	70.0	70.0	70.0
Wet bulb, °F	60.0 (max)	60.0 (max)	60.0 (max)
Liquid temperature			
Entering, °F	68.0	50.0	32.0
Leaving, °F	See note 1	See note 1	See note 1

Notes

1. All heating tests must be conducted at the liquid flow rate specified in section 6.1 of this appendix.

Where:

HFL3 = The highest temperature Heating Full-Load test at temperature conditions as defined in Table 9

HFL2 = The medium temperature Heating Full-Load test at temperature conditions as defined in Table 9

HFL1 = The lowest temperature Heating Full-Load test at temperature conditions as defined in Table 9

6.2.2.2. Measure Capacity and Total Power at Option B Inlet Water Temperatures.

Conduct heating tests at the HFL3 and HFL2 conditions specified in Table 9 of this appendix according to the applicable provisions in sections 2 through 4 and 7 of this appendix. The liquid flow rate must be set as defined in section 6.1 of this appendix. For all tests, measure heating capacity and total power.

6.2.2.3. Interpolate Measurements to COP Entering Liquid Temperature.

Interpolate the heating capacity and total power values measured in section 6.2.2.1 of this appendix from the inlet liquid temperatures used in section 6.2.2.1 of this appendix to the inlet liquid temperature specified in Table 8 of this appendix. Use Equation 9 of this appendix and the parameters outlined in Table 10 of this appendix. The interpolated value of each parameter is designated by V_{calc} in Equation 9 of this appendix.

Equation 9

$$V_{calc} = \frac{(T_{calc} - T_{low}) * (V_{high} - V_{low})}{T_{high} - T_{low}} + V_{low}$$

TABLE 10—HEATING INTERPOLATION INPUT VALUES

T_{low} [°F]	T_{high} [°F]	T_{calc} [°F]	V_{low} [1]	V_{high} [1]
50.0	68.0	55.0	Value from HFL2 Medium Temperature ...	Value from HFL3 High Temperature

Notes
1. For each given measured value (i.e., heating capacity in W and total power in W), use the measured value from the specified test in Table 9 of this appendix.

6.2.2.4. Calculate COP as the ratio of the interpolated heating capacity in W to the interpolated total power in W calculated in section 6.2.2.2 of this appendix.

6.3. Optional Representations of COP.

Representations of COP using the conditions specified in Table 9 of this appendix are optional and are determined according to the applicable provisions of sections 2 through 4 and 7 of this appendix. The liquid flow rate must be set as defined in section 6.1 of this appendix.

Representations of part-load COP using the conditions specified in Table 11 of this appendix are optional and are determined according to the applicable provisions of sections 2 through 4 and 7 of this appendix. For part-load heating tests, use manufacturer-specified liquid flow rates. For all part-load heating tests, the liquid flow rate shall not exceed the liquid flow rate defined in section 6.1 of this appendix. If the manufacturer-specified part-load heating liquid flow rate is higher than the liquid flow rate used for the cooling full-load tests, use the liquid flow rate used for the cooling full-load tests. If no manufacturer-specified value for part-load heating liquid flow rate is provided, use the liquid flow rate defined in section 6.1 of this appendix. The condition tolerance on liquid flow rate is 1%.

TABLE 11—OPTIONAL PART-LOAD HEATING CONDITIONS

Test name	HPL3 high temperature	HPL2 medium temperature	HPL1 low temperature
Air entering indoor side:			
Dry bulb, °F	70.0	70.0	70.0
Wet bulb, °F	60.0 (max)	60.0 (max)	60.0 (max)
Liquid temperature:			
Entering, °F	68.0	50.0	41.0

Where:

HPL3 = The highest temperature Heating Part-Load test at temperature conditions as defined in Table 11

HPL2 = The medium temperature Heating Part-Load test at temperature conditions as defined in Table 11

HPL1 = The lowest temperature Heating Part-Load test at temperature conditions as defined in Table 11

7. Set-Up and Test Provisions for Specific Components.

When testing a WSHP that includes any of the features listed in Table 12 of this appendix, test in accordance with the set-up and test provisions specified in Table 12 of this appendix.

TABLE 12—TEST PROVISIONS FOR SPECIFIC COMPONENTS

Component	Description	Test provisions
Desiccant Dehumidification Components.	An assembly that reduces the moisture content of the supply air through moisture transfer with solid or liquid desiccants.	Disable desiccant dehumidification components for testing.
Air Economizers	An automatic system that enables a cooling system to supply outdoor air to reduce or eliminate the need for mechanical cooling during mild or cold weather.	For any air economizer that is factory-installed, place the economizer in the 100% return position and close and seal the outside air dampers for testing. For any modular air economizer shipped with the unit but not factory-installed, do not install the economizer for testing.
Fresh Air Dampers	An assembly with dampers and means to set the damper position in a closed and one open position to allow air to be drawn into the equipment when the indoor fan is operating.	For any fresh air dampers that are factory-installed, close and seal the dampers for testing. For any modular fresh air dampers shipped with the unit but not factory-installed, do not install the dampers for testing.
Power Correction Capacitors	A capacitor that increases the power factor measured at the line connection to the equipment.	Remove power correction capacitors for testing.
Ventilation Energy Recovery System (VERS).	An assembly that preconditions outdoor air entering the equipment through direct or indirect thermal and/or moisture exchange with the exhaust air, which is defined as the building air being exhausted to the outside from the equipment.	For any VERS that is factory-installed, place the VERS in the 100% return position and close and seal the outside air dampers and exhaust air dampers for testing, and do not energize any VERS subcomponents (*e.g.*, energy recovery wheel motors). For any VERS module shipped with the unit but not factory-installed, do not install the VERS for testing.

TABLE 12—TEST PROVISIONS FOR SPECIFIC COMPONENTS—Continued

Component	Description	Test provisions
Barometric Relief Dampers	An assembly with dampers and means to automatically set the damper position in a closed position and one or more open positions to allow venting directly to the outside a portion of the building air that is returning to the unit, rather than allowing it to recirculate to the indoor coil and back to the building.	For any barometric relief dampers that are factory-installed, close and seal the dampers for testing. For any modular barometric relief dampers shipped with the unit but not factory-installed, do not install the dampers for testing.
UV Lights	A lighting fixture and lamp mounted so that it shines light on the indoor coil, that emits ultraviolet light to inhibit growth of organisms on the indoor coil surfaces, the condensate drip pan, and/other locations within the equipment.	Turn off UV lights for testing.
Steam/Hydronic Heat Coils	Coils used to provide supplemental heating	Test with steam/hydronic heat coils in place but providing no heat.
Refrigerant Reheat	A heat exchanger located downstream of the indoor coil that heats the supply air during cooling operation using high-pressure refrigerant in order to increase the ratio of moisture removal to cooling capacity provided by the equipment.	De-activate refrigerant reheat coils for testing so as to provide the minimum (none if possible) reheat achievable by the system controls.
Fire/Smoke/Isolation Dampers	A damper assembly including means to open and close the damper mounted at the supply or return duct opening of the equipment.	For any fire/smoke/isolation dampers that are factory-installed, set the dampers in the fully open position for testing. For any modular fire/smoke/isolation dampers shipped with the unit but not factory-installed, do not install the dampers for testing.
Process Heat recovery/Reclaim Coils/ Thermal Storage.	A heat exchanger located inside the unit that conditions the equipment's supply air using energy transferred from an external source using a vapor, gas, or liquid.	Disconnect the heat exchanger from its heat source for testing.

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