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DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2022–BT–DET–0006]

RIN 1904–AF31

Energy Conservation Program: Final Determination of Portable Electric Spas as a Covered Consumer Product

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

ACTION: Final rule; final determination.

SUMMARY: The U.S. Department of Energy (''DOE'') has determined that portable electric spas qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act, as amended (''EPCA''). DOE has determined that classifying portable electric spas as covered products is necessary or appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for portable electric spas is likely to exceed 100 kilowatt-hours per year.

DATES: This final rule is effective November 1, 2022.

ADDRESSES: The docket for this rulemaking, 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/EERE-2022-BT-DET-0006.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–2J, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Kristin Koernig, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–3593. Email: *Kristin.koernig@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Statutory Authority

EPCA [1] authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency for certain consumer products, referred to generally as ''covered products.'' [3] In addition to specifying a list of consumer products that are covered products, EPCA contains provisions that enable the Secretary of Energy to classify additional types of consumer products as covered products. For a given consumer product to be classified as a covered product, the Secretary must determine that: classifying the product as a covered product is necessary or appropriate to carry out the purposes of EPCA; and the average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours (''kWh'') (or its British thermal unit (''Btu'') equivalent) per year. (42 U.S.C. 6292(b)(1)) [4]

When considering covering additional consumer product types, DOE must first determine whether these criteria from 42 U.S.C. 6292(b)(1) are met. Once a determination is made, the Secretary may prescribe test procedures to measure the energy efficiency or energy use of such product. (42 U.S.C. 6293(a)) Furthermore, once a product is determined to be a covered product, the Secretary may establish standards for such product, subject to the provisions in 42 U.S.C. 6295(o) and (p), provided that DOE determines that the additional criteria at 42 U.S.C. 6295(l) have been met. Specifically, 42 U.S.C. 6295(l) requires the Secretary to determine that: the average household energy use of the products has exceeded 150 kWh per household for a 12-month period; the

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A–1 of EPCA.

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[3] The enumerated list of covered products is at 42 U.S.C. 6292(a)(1)–(19).

[4] DOE has defined ''household'' to mean an entity consisting of either an individual, a family, or a group of unrelated individuals, who reside in a particular housing unit. For the purpose of this definition:

Group quarters means living quarters that are occupied by an institutional group of 10 or more unrelated persons, such as a nursing home, military barracks, halfway house, college dormitory, fraternity or sorority house, convent, shelter, jail or correctional institution.

Housing unit means a house, an apartment, a group of rooms, or a single room occupied as separate living quarters, but does not include group quarters.

Separate living quarters means living quarters to which the occupants have access either directly from outside of the building, or through a common hall that is accessible to other living quarters and that does not go through someone else's living quarters, and is occupied by one or more persons who live and eat separately from occupant(s) of other living quarters, if any, in the same building. 10 CFR 430.2.

aggregate 12-month energy use of the products has exceeded 4200 gigawatt-hours; substantial improvement in energy efficiency of products of such type is technologically feasible; and application of a labeling rule under 42 U.S.C. 6294 is unlikely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) that achieve the maximum energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(l)(1))

II. Current Rulemaking Process

DOE has not previously conducted a rulemaking for portable electric spas. On February 16, 2022, DOE published in the **Federal Register** a notice of proposed determination of coverage (''NOPD''), in which it determined tentatively that portable electric spas satisfy the provisions of 42 U.S.C. 6292(b)(1) (''February 2022 NOPD''). 87 FR 8745.

DOE received comments in response to the February 2022 NOPD from the interested parties listed in Table II.1.

TABLE II.1—WRITTEN COMMENTS RECEIVED IN RESPONSE TO FEBRUARY 2022 NOPD

Commenter(s)	Abbreviation	Document No. in docket	Commenter type
Pool and Hot Tub Alliance (''PHTA'') and International Hot Tub Association (''IHTA'').	PHTA/IHTA	3	Trade Association.
The Appliance Standards Awareness Project (''ASAP''), the American Council for an Energy-Efficient Economy, the Natural Resources Defense Council, and the Northwest Energy Efficiency Alliance.	ASAP *et al*	7	Efficiency Organization.
California Energy Commission	CEC	4	State Agency.
New York State Energy Research and Development Authority.	NYSERDA	6	State Agency.
Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison; collectively, the California Investor-Owned Utilities.	CA IOUs	5	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 response to the February 2022 NOPD, DOE received certain comments pertaining to the scope of coverage and energy use that are relevant for the statutory requirements of coverage for portable electric spas. DOE discusses these comments in the following sections. DOE also received certain comments in response to the February 2022 NOPD pertaining to potential test procedure or standards rulemakings.[6] DOE will discuss these comments in subsequent rulemakings, should DOE pursue such rulemakings.

After considering the public comments on the February 2022 NOPD, DOE is issuing this final determination of coverage for portable electric spas. DOE is not prescribing test procedures or energy conservation standards as part of this determination.

III. General Discussion

Portable electric spas are factory-built hot tubs or spas that are intended for the immersion of people in heated, temperature-controlled water that is circulated in a closed system. DOE's analysis and consideration of comments received in response to the February 2022 NOPD indicate that portable electric spas meet the statutory requirements under 42 U.S.C. 6292(b)(1), and therefore DOE is issuing this final determination that portable electric spas are a covered product.

DOE will consider test procedure and energy conservation standards rulemakings for portable electric spas in the future. DOE will determine if portable electric spas satisfy the provisions of 42 U.S.C. 6295(l)(1) during the course of the energy conservation standards rulemaking, should DOE pursue such rulemaking.

While DOE received comments on specific topics in response to the February 2022 NOPD, as discussed in sections III.A and III.B of this document, commenters also provided general feedback on the proposed determination of coverage for portable electric spas.

PHTA/IHTA supported DOE's proposed determination that portable electric spas are a covered consumer product and that such coverage is necessary and appropriate to carry out the purposes of EPCA. PHTA/IHTA asserted that portable electric spas meet the EPCA thresholds and that a final determination of coverage is warranted and appropriate. PHTA/IHTA encouraged DOE to proceed with both test procedure and standards rulemakings. (PHTA/IHTA, No. 3 at p. 2)

The CEC agreed that portable electric spas meet the necessary requirements for coverage under EPCA and supported the proposed determination to include portable electric spas as a federally covered product. (CEC, No. 4 at pp. 1, 5) The CA IOUs supported also the inclusion of portable electric spas as a covered product. (CA IOUs, No. 5 at p. 1) Similarly, NYSERDA, and ASAP *at al.* supported DOE's preliminary determination that portable electric spas qualify as covered products under EPCA. (NYSERDA, No. 6 at pp. 1–2; ASAP et al., No. 7 at p. 1)

In this final determination, DOE is classifying portable electric spas as a covered product.

A. Scope of Coverage

As stated previously in this document, portable electric spas are factory-built hot tubs or spas that are intended for the immersion of people in heated, temperature-controlled water that is circulated in a closed system. A wide range of portable electric spa products are available on the market, including standard spas, exercise spas, combination spas, and inflatable spas.

In the February 2022 NOPD, DOE examined existing classifications of portable electric spas to inform its proposed definition. PHTA publishes a standard method of test, certified by American National Standards Institute (''ANSI''), for measuring the performance of portable electric spas, titled ANSI/Association of Pool and Spa Professionals (''APSP'')/International Code Council (''ICC'') 14 2019, American National Standard for Portable Electric Spa Energy Efficiency (''ANSI/APSP/ICC–14 2019'' or ''APSP–

[5] The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to determine coverage for portable electric spas. (Docket No. EERE–2022–BT–DET–0006, which is maintained at *www.regulations.gov*). The references are arranged as follows: (commenter name, comment docket ID number, page of that document).

[6] Portions of the comments from PHTA/IHTA (No. 3), CEC (No. 4), CA IOUs (No. 5), NYSERDA (No. 6), and ASAP *et al.* (No. 7) pertained to potential test procedure or standards rulemakings.

14'').[7] Section 3 of ANSI/APSP/ICC–14 2019 defines ''Portable Electric Spa'' as ''a factory built electric spa or hot tub, supplied with equipment for heating and circulating water at the time of sale or sold separately for subsequent attachment'' and includes additional definitions for ''spa'' and various categories of portable electric spa. The CEC regulations define ''portable electric spa'' and most of the spa categories consistently with ANSI/APSP/ICC–14 2019,[8] though the CEC does not define the term ''spa''.

For the purpose of the analysis described in the February 2022 NOPD, DOE evaluated portable electric spas as factory-built electric spas or hot tubs, supplied with equipment for heating and circulating water at the time of sale or sold separately for subsequent attachment. DOE proposed to adopt this definition, consistent with the term as defined by ANSI/APSP/ICC–14 2019 and the CEC, to inform stakeholders while DOE continued its analysis. 87 FR 8745, 8747. DOE noted that this proposed definition would exclude units that are site-assembled, such as spas that are permanently installed in the ground or attached to a pool, and spas sold with methods of water heating other than electricity, such as propane or natural gas spa heaters or wood-fired hot tubs. *Id.* DOE requested comment on the proposed definition and scope of coverage of portable electric spas. *Id.*

In response to the February 2022 NOPD, PHTA/IHTA expressed support for the proposed definition and scope but noted that it is important to clarify that portable electric spas are not permanently installed in the ground or attached to a pool. PHTA/IHTA suggested that DOE consider defining other types of ''spa'' products and indicating that they are excluded from coverage. For this purpose, PHTA/IHTA stated that DOE should consider utilizing definitions commonly used by industry and state and local governments that can be found in widely adopted ANSI standards and codes, such as the International Swimming Pool & Spa Code co-developed by the ICC and PHTA. PHTA/IHTA also encouraged DOE to utilize the APSP–14 definition for inflatable spa. (PHTA/IHTA, No. 3 at pp. 3–4)

The CEC stated that, because California, along with other states, has adopted APSP–14 in its entirety, the CEC encouraged DOE to consider matching the scope, definitions, test procedure, and label design specified in APSP–14 to maintain consistency among states and spa manufacturers. (CEC No. 4, at p. 5) The CA IOUs supported the proposed definition adopting APSP–14 nomenclature and the distinction between self-contained [9] versus non-self-contained units, as well as the proposed scope. (CA IOUs, No. 5 at p. 3) ASAP *et al.* also supported the proposed scope of coverage, which they understand would include standard spas, exercise spas, combination spas, and inflatable spas as defined in ANSI/APSP/ICC–14–2019. (ASAP *et al.,* No. 7 at p. 1)

The purpose of the proposed definition, which DOE is adopting in this final determination, is to identify the scope of the covered product (*i.e.,* portable electric spas). In identifying whether a product is a consumer product for consideration as a covered product, DOE evaluates whether such product is of a type which in operation consumes, or is designed to consume, energy; and, to any significant extent, is distributed in commerce for personal use or consumption by individuals; without regard to whether such article of such type is in fact distributed in commerce for personal use or consumption by an individual. (42 U.S.C. 6291(1))

The portable electric spa definition DOE is adopting in this final determination establishes the coverage of ''portable electric spas'' for the purpose of Part A of EPCA. The scope of coverage is separate from a determination of the applicability of test procedures or energy conservation standards, should DOE establish test procedures and energy conservation standards. The scope of any test procedure or energy conservation standards would be considered in these respective rulemakings to the extent DOE pursues such rulemakings. As such, in this final determination, DOE is classifying ''portable electric spas'' as a covered product and the definition establishes the scope of coverage for that purpose.

In summary, based on the preceding discussion, DOE is defining ''portable electric spa'' in 10 CFR 430.2 as a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water at the time of sale or sold separately for subsequent attachment. This definition is consistent with the term as defined by ANSI/APSP/ICC–14 2019 and the CEC. DOE notes that this definition—by using the term ''factory-built''—excludes units that are site-assembled, such as portable electric spas that are permanently installed in the ground or attached to a pool, and spas sold with methods of water heating other than electricity, such as propane or natural gas spa heaters or wood-fired hot tubs.

B. Evaluation of Portable Electric Spas as a Covered Product Subject to Energy Conservation Standards

The following sections describe DOE's evaluation of whether portable electric spas fulfill the criteria for being added as a covered product pursuant to 42 U.S.C. 6292(b)(1). As stated, DOE may classify a consumer product as a covered product if:

(1) Classifying products of such type as covered products is necessary or appropriate to carry out the purposes of EPCA; and

(2) The average annual per-household energy use by products of such type is likely to exceed 100 kWh (or its Btu equivalent) per year. (42 U.S.C. 6292(b)(1))

1. Coverage Necessary or Appropriate To Carry Out Purposes of EPCA

DOE has determined that coverage of portable electric spas is both necessary and appropriate to carry out the purposes of EPCA, which include:

(1) To conserve energy supplies through energy conservation programs, and, where necessary, the regulation of certain energy uses; and

(2) To provide for improved energy efficiency of motor vehicles, major appliances, and certain other consumer products. (42 U.S.C. 6201(4) and (5))

In the February 2022 NOPD, DOE cited data from the DOE Energy Information Administration's Residential Energy Consumption Survey (''RECS''), which indicated an installed base of 8.4 million spas in the U.S. in 2015.[10] 87 FR 8745, 8747. DOE also obtained data from PKData and based on that data, DOE estimated that in 2019, the existing stock of residential hot tubs (as separate from the stock of spas in residential pools) was approximately 5.5 million, with approximately 95 percent of these being electric spas.[11] *Id.* Based

[7] ANSI/APSP/ICC–14 2019 is available at: *webstore.ansi.org/standards/apsp/ansiapspicc142019.*

[8] *See* section 1602(g)(2) of Article 4 of Division 2 of Title 20 of the California Code of Regulations. There is some variation in the definition of exercise spa as compared to ANSI/APSP/ICC–14 2019.

[9] APSP–14 2019 defines ''self-contained spa'' as ''A factory-built spa in which all control, water heating and water circulating equipment is an integral part of the product. Self-contained spas may be permanently wired or cord connected.''

[10] Available at *www.eia.gov/consumption/residential/data/2015.* DOE notes that this number likely includes spas that do not meet the proposed definition of portable electric spa.

[11] P.K. Data Inc. 2020 Pool Heaters Market Data: Custom Compilation for Lawrence Berkeley National Laboratory. 2020. Alpharetta, GA. (Last

Continued

on these same data, DOE also estimated that approximately 230,000 electric spas were shipped in 2019. *Id.* DOE requested data and information regarding current annual shipments of portable electric spas and the installed base of portable electric spas, specifying the scope of products included in any such estimates (*e.g.,* standard, exercise, combination, inflatable, *etc.*). *Id.*

PHTA/IHTA agreed with the existing data from RECS and PKData and stated that industry also relies on those data sources. (PHTA/IHTA, No. 3 at p. 4)

In the February 2022 NOPD, DOE noted that the CEC published a final staff report analyzing efficiency standards and marking for spas,[12] which indicated that technologies exist, and are already available in the market, to reduce the energy consumption of portable electric spas. DOE requested comment on the availability of technologies for improving energy efficiency of portable electric spas. 87 FR 8745, 8747.

PHTA/IHTA commented that the industry has been working on these technologies and improving them since 2008 and the technologies employed under the 2019 edition of ANSI/APSP/ICC–14 represent what is currently available and feasible. (PHTA/IHTA, No. 3 at p. 6) The CEC estimated potential technology options in the existing and future portable electric spa market. (CEC No. 4, at p. 5) And ASAP *et al.* noted that heat pump technology offers the potential to substantially reduce portable electric spa energy use. (ASAP *et al.,* No. 7 at p. 2)

Commenters also agreed generally that coverage of portable electric spas is necessary or appropriate to carry out the purposes of EPCA. PHTA/IHTA stated that classifying portable electric spas as a covered product is necessary and appropriate to carry out the purposes of EPCA. (PHTA/IHTA, No. 3 at pp. 1, 6) NYSERDA agreed with DOE's proposed determination that coverage is appropriate to carry out the purposes of EPCA. (NYSERDA, No. 6 at p. 2)

DOE has determined that the coverage of portable electric spas is both necessary and appropriate to carry out the purposes of EPCA. As indicated by the shipments data, annual sales of portable electric spas are significant within the consumer products market. Portable electric spas consume energy generated from limited energy supplies and regulating their energy efficiency would likely help conserve these limited energy supplies. And as indicated by commenters and the CEC staff report, technologies exist for improving energy efficiency of portable electric spas.

As a coverage determination is a prerequisite to establishing standards for these products, classifying portable electric spas as a covered product is necessary and appropriate to carry out EPCA's purposes to: conserve energy supplies through energy conservation programs, and provide for improved energy efficiency of major appliances and certain other consumer products. (42 U.S.C. 6201(4) and (5))

2. Average Household Energy Use

In the February 2022 NOPD, DOE estimated the average household energy use for portable electric spas, in households that use the product, using power consumption data reported in the CEC database (''MAEDbS'').[13] 87 FR 8745, 8747. MAEDbS is the only publicly available source that provides energy consumption data for portable electric spas of which DOE is aware. MAEDbS certification requires that standby power is measured according to ANSI/APSP/ICC–14 2019. For each model, MAEDbS lists the standby [14] power in watts (''W''), along with other relevant capacity and performance metrics. For portable electric spas measured according to the test procedure in ANSI/APSP/ICC–14 2019, standby operation is the predominant mode of spa operation and includes power use to maintain the set temperature and to circulate and filter the water. The CEC estimated that standby operation represents 75 percent of the energy consumed by a portable electric spa, with the remainder being startup mode, when the spa is heating up to its operating temperature, and active mode,[15] when the spa's water jets are operating.[16] *Id.* at 87 FR 8748. The CEC reported a duty cycle between 5,040 hours per year for inflatable spas (which are intended for seasonal use) and 8,760 hours per year for standard, exercise, and combination spas, during the process of updating the standards for California in 2018.[17] *Id.*

Using average power consumption for a standard spa of 194 W (the lowest average of the categories in MAEDbS) and 8,760 hours per year of use, DOE estimated an average standby energy consumption of 1,699 kWh per year for portable electric spas in the February 2022 NOPD. *Id.* DOE noted that use of the minimum standby power found in MAEDbS (40 W) and the estimated 5,040 hours per year of use for inflatable spas exceeds 200 kWh per year energy use. In addition, the rest of the country may have shipments of portable electric spas that exceed California's and other states' maximum power consumption standards. *Id.* at 87 FR 8749.

In a presentation sent to DOE in December 2021,[18] PHTA/IHTA, CA IOUs, and ASAP also provided an estimate of average energy use based on RECS. They estimated that portable electric spas consume 5.755 billion kWh/year in the U.S. and that 3.673 million households in the U.S. operate portable electric spas regularly. These estimates result in average energy consumption of 1,567 kWh per year per household, which is similar to DOE's estimate of 1,699 kWh per year.

For these reasons, although there may be variation due to climate or spa size that might impact annual per-household energy use as compared to DOE's estimate of 1,699 kWh/year (either higher or lower), in the February 2022 NOPD, DOE tentatively determined that the average annual per-household energy use for portable electric spas is very likely to exceed 100 kWh per year, satisfying the provisions of 42 U.S.C. 6292(b)(1). *Id.* DOE requested data and information on: (1) the national representativeness of the spa volume bins in Table IV.I of the February 2022 NOPD; (2) the range of standby power consumption of spas in non-regulated markets; (3) the standby power consumption at the different volumes for all types of portable electric spas; and (4) the active power consumption at the different volumes for all types of portable electric spas. *Id.*

In response to the February 2022 NOPD, DOE received comments regarding the average household energy use of portable electric spas. PHTA/IHTA stated that Table IV.I in the February 2022 NOPD (which presented reported power consumption by spa category and volume) is an accurate

accessed July 1, 2021.) *www.pkdata.com/reports-store.html#/.*

[12] Final Staff Report, Analysis of Efficiency Standards and Marking for Spas, 2018 Appliance Efficiency Rulemaking for Spas Docket Number 18–AAER–02 TN 222413. Available online at *efiling.energy.ca.gov/GetDocument.aspx?tn=222413&DocumentContentId=31256.*

[13] CEC Modernized Appliance Efficiency Database System. Accessed December 17, 2021. Available online at *cacertappliances.energy.ca.gov.*

[14] DOE notes that use of the term ''standby'' and ''standby mode'' in ANSI/APSP/ICC–14 2019 differs from EPCA's definition of ''standby mode.'' *See* 42 U.S.C. 6295(gg)(1)(A)(iii).

[15] DOE notes that use of the term ''active mode'' differs from EPCA's definition of ''active mode.'' *See* 42 U.S.C. 6295(gg)(1)(A)(i).

[16] Final Staff Report, Analysis of Efficiency Standards and Marking for Spas, 2018 Appliance Efficiency Rulemaking for Spas Docket Number 18–AAER–02 TN 222413. Available online at *efiling.energy.ca.gov/GetDocument.aspx?tn=222413&DocumentContentId=31256.*

[17] *Ibid.*

[18] *www.regulations.gov/document/EERE-2022-BT-DET-0006-0001.*

assessment of what is in the CEC database but noted the products in the CEC database represent standby power. PHTA/IHTA did not have specific data and information on the range of standby power consumption of spas in non-regulated markets or active power consumption at different volumes for all types of portable electric spas. But PHTA/IHTA agreed that it is extremely likely that the average annual per-household energy use by portable electric spas exceeds 100 kWh per year. (PHTA/IHTA, No. 3 at pp. 5–6)

ASAP *et al.* stated that DOE's estimate of average standby power consumption is likely a conservative estimate of energy use since it does not include power consumed in startup mode or active mode, and it also does not account for models sold in non-regulated markets that may not meet the CEC standards. (ASAP *et al.,* No. 7 at p. 1) The CA IOUs noted that the analysis conducted by PHTA, CA IOUs, and ASAP,[19] which indicated an average unit energy consumption of portable electric spas of 1,567 kWh/year, significantly exceeds the EPCA threshold of 100 kWh/year required to designate a product as a covered product. (CA IOUs, No. 5 at p. 1) NYSERDA also agreed that the average annual household energy consumption is well above 100 kWh. (NYSERDA, No. 6 at p. 2)

As supported by the analysis presented in the February 2022 NOPD and the preceding comments, DOE makes a final determination that the average annual per-household energy use for portable electric spas is likely to exceed 100 kWh/year, satisfying the provisions of 42 U.S.C. 6292(b)(1).

IV. Final Determination

Based on the foregoing discussion, DOE concludes that including portable electric spas, as defined in this final determination, as covered products is necessary and appropriate to carry out the purposes of EPCA, and the average annual per-household energy use by products of such type is likely to exceed 100 kWh/yr. Based on the information discussed in section III of this document, DOE is classifying portable electric spas as a covered product.

This final determination does not establish test procedures or energy conservation standards for portable electric spas. DOE will address test procedures and energy conservation standards through its normal rulemaking process, should DOE pursue such rulemakings.

[19] *Ibid.*

V. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866 and 13563

Executive Order (''E.O.'') 12866, ''Regulatory Planning and Review,'' as supplemented and reaffirmed by E.O. 13563, ''Improving Regulation and Regulatory Review,'' 76 FR 3821 (Jan. 21, 2011), requires agencies, to the extent permitted by law, to: (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (''OIRA'') in the Office of Management and Budget (''OMB'') has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, this final regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit ''significant regulatory actions'' to OIRA for review. OIRA has determined that this 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 and a final regulatory flexibility analysis (''FRFA'') for any such rule that an agency adopts as a final rule, 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 E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the 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 determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. This determination sets no standards; it only positively determines that future standards may be warranted and should be explored in any future energy conservation standards and test procedure rulemakings. Economic impacts on small entities would be considered in the context of such rulemakings. On the basis of the foregoing, DOE certifies that the coverage determination would have no significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a FRFA for this determination. DOE has transmitted this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act

This determination, which concludes that portable electric spas meet the criteria for a covered product for which the Secretary may prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p), imposes no new information or record-keeping requirements. Accordingly, the OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969 (''NEPA''), DOE has analyzed this final determination in accordance with NEPA and DOE's NEPA implementing regulations (10 CFR part 1021). DOE analyzed this regulation in accordance with the National Environmental Policy Act (''NEPA'') and DOE's NEPA implementing regulations (10 CFR part 1021). DOE has determined that this rule qualifies for categorical exclusion under 10 CFR part 1021, subpart D, appendix A6. This rulemaking qualifies for categorical exclusion A6 because it is a strictly procedural rulemaking and otherwise meets the requirements for application of a categorical exclusion. *See* 10 CFR 1021.410. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

E.O. 13132, ''Federalism,'' 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this determination and concludes 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 product that is the subject of this determination. 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) Therefore, no further action is required by E.O. 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, ''Civil Justice Reform,'' 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. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 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 E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this determination meets the relevant standards of E.O. 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA'') requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action 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 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 requirement that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.*

DOE examined this determination according to UMRA and its statement of policy and determined that the determination does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of $100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

H. Review Under the Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This determination 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

Pursuant to E.O. 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (Mar. 15, 1988), DOE has determined that this determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

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

Section 515 of the Treasury and General Government Appropriation Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality 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 determination 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

E.O. 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 OIRA a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under E.O. 12866, or any successor Executive order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This determination, which does not amend or establish energy conservation standards for portable electric spas, is not a significant regulatory action under E. O. 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects.

L. Information Quality

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (''OSTP''), issued its Final Information Quality Bulletin for Peer Review (''the Bulletin''). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the bulletin is to enhance the quality and credibility of the Government's scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are ''influential scientific information,'' which the Bulletin defines as ''scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on important public policies or private sector decisions.'' *Id.* at 70 FR 2667.

In response to OMB's Bulletin, DOE conducted formal peer reviews of the energy conservation standards development process and the analyses that are typically used and has prepared a Peer Review report pertaining to the energy conservation standards rulemaking analyses.[20] Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. Because available data, models, and technological understanding have changed since 2007, DOE has engaged with the National Academy of Sciences to review DOE's analytical methodologies to ascertain whether modifications are needed to improve the Department's analyses. DOE is in the process of evaluating the resulting report.[21]

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this final determination prior to its effective date. The report will state that it has been determined that the final determination is not a ''major rule'' as defined by 5 U.S.C. 804(2).

VI. Approval of the Office of the Secretary

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

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Intergovernmental relations, Reporting and recordkeeping requirements, Small businesses.

Signing Authority

This document of the Department of Energy was signed on August 26, 2022, by Dr. Geraldine L. Richmond, Undersecretary of 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 26, 2022.

Treena V. Garrett,

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

For the reasons stated in the preamble, DOE amends part 430 of chapter II of title 10, Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Section 430.2 is amended by:

■ a. Revising the definition of ''Covered product''; and

■ b. Adding in alphabetical order the definition of ''Portable electric spa''.

The addition and revision read as follows:

§ 430.2 Definitions.

* * * * *

Covered product means a consumer product—

(1) Of a type specified in section 322 of the Act; or

(2) That is an air cleaner, battery charger, ceiling fan, ceiling fan light kit, dehumidifier, external power supply, medium base compact fluorescent lamp, miscellaneous refrigeration product, portable air conditioner, portable electric spa, or torchiere.

* * * * *

Portable electric spa means a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water at the time of sale or sold separately for subsequent attachment.

* * * * *

[FR Doc. 2022–18862 Filed 9–1–22; 8:45 am]

BILLING CODE 6450–01–P

[20] ''Energy Conservation Standards Rulemaking Peer Review Report.'' 2007. Available at *energy.gov/eere/buildings/downloads/energy-conservation-standards-rulemaking-peer-review-report-0.*

[21] The report is available at *www.nationalacademies.org/our-work/review-of-methods-for-setting-building-and-equipment-performance-standards.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0690; Project Identifier AD–2021–01360–E; Amendment 39–22167; AD 2022–18–16]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all General Electric Company (GE) CT7–8A model turboshaft engines. This AD was prompted by the manufacturer revising the airworthiness limitations section (ALS) of the existing engine maintenance manual (EMM) to incorporate reduced life limits for certain stage 1 turbine aft cooling plates, stage 2 turbine forward cooling plates, turbine interstage seals, and stage 4 turbine disks. This AD requires revising the ALS of the existing EMM and the operator's existing approved maintenance or inspection program, as applicable, to incorporate reduced life limits for these parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 7, 2022.

ADDRESSES: *AD Docket:* You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–0690; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sungmo Cho, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7241; email: *Sungmo.D.Cho@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all GE CT7–8A model turboshaft engines. The NPRM published in the **Federal Register** on June 21, 2022 (87 FR 36781). The NPRM was prompted by the manufacturer revising the ALS of the existing EMM to incorporate reduced life limits for certain stage 1 turbine aft cooling plates, stage 2 turbine forward cooling plates, turbine interstage seals, and stage 4 turbine disks (life-limited parts) installed on CT7–8A model turboshaft engines. Additionally, the manufacturer published service information that introduced the reduced life limits. The life limits were reduced by the manufacturer as the result of an analysis of the life management models for these parts. In the NPRM, the FAA proposed to require revising the ALS of the applicable GE CT7–8 EMM and the operator's existing approved maintenance or inspection program, as applicable, to incorporate reduced life limits for certain life-limited parts. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment, from Air Line Pilots Association, International (ALPA). ALPA supported the NPRM without change.

Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Related Service Information

The FAA reviewed GE CT7–8 Service Bulletin 72–0062, Revision 01, dated December 22, 2021. This service information provides the reduced life limits for certain life-limited parts.

Costs of Compliance

The FAA estimates that this AD affects 126 engines installed on helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise ALS of EMM and the operator's existing approved maintenance or inspection program.	1 work-hour × $85 per hour = $85	$0	$85	$10,710

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–18–16 General Electric Company: Amendment 39–22167; Docket No. FAA–2022–0690; Project Identifier AD–2021–01360–E.

(a) Effective Date

This airworthiness directive (AD) is effective October 7, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) CT7–8A model turboshaft engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7240, Turbine Engine Combustion Section; 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the airworthiness limitations section (ALS) of the existing engine maintenance manual (EMM) to incorporate reduced life limits for certain stage 1 turbine aft cooling plates, stage 2 turbine forward cooling plates, turbine interstage seals, and stage 4 turbine disks. The FAA is issuing this AD to prevent failure of the stage 1 turbine aft cooling plates, stage 2 turbine forward cooling plates, turbine interstage seals, and stage 4 turbine disks. The unsafe condition, if not addressed, could result in uncontained part release, damage to the engine, damage to the helicopter, and possible loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 90 days after the effective date of this AD, revise the ALS of the existing GE CT7–8 Turboshaft EMM and the operator's existing approved maintenance or inspection program, as applicable, by incorporating the following reduced life limits:

(i) For stage 1 turbine aft cooling plate, part number (P/N) 6064T09P02, change the life limit cycles from 6,600 cycles since new (CSN) to 4,900 CSN;

(ii) For stage 2 turbine forward cooling plate, P/N 4106T80P01, change the life limit cycles from 8,000 CSN to 7,200 CSN;

(iii) For turbine interstage seal, P/N 4111T86P03, change the life limit cycles from 29,200 CSN to 19,000 CSN; and

(iv) For stage 4 turbine disk, P/N 6068T32P04, change the life limit cycles from 24,100 CSN to 12,100 CSN.

(2) After performing the actions required by paragraph (g)(1) of this AD, except as provided in paragraph (h) of this AD, no alternative life limits may be approved.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7241; email: *Sungmo.D.Cho@faa.gov*.

(j) Material Incorporated by Reference

None.

Issued on August 29, 2022.

Christina Underwood,

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

[FR Doc. 2022–18961 Filed 9–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1067; Project Identifier MCAI–2022–01042–T; Amendment 39–22169; AD 2022–18–18]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Dassault Aviation Model FALCON 7X airplanes. This AD was prompted by a report of a failed extension of inboard slats during the landing phase, which was not indicated to the flightcrew by the crew alerting system. This AD requires revising the existing airplane flight manual (AFM) to provide procedures for failed extension of inboard slats and flightcrew indication during landing, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective September 19, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 19, 2022.

The FAA must receive comments on this AD by October 17, 2022.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *easa.europa.eu*. You may find this IBR material on the EASA website at *ad.easa.europa.eu*. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1067.

Examining the AD Docket

You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1067; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3226; email *Tom.Rodriguez@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–1067; Project Identifier MCAI–2022–01042–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3226; email *Tom.Rodriguez@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2022–0161–E, dated August 4, 2022 (EASA Emergency AD 2022–0161–E) (also referred to as the MCAI), to correct an unsafe condition for all Dassault Aviation Model FALCON 7X airplanes.

This AD was prompted by a report of a failed extension of inboard slats during the landing phase, which was not indicated to the flightcrew by the crew alerting system. The actual retracted inboard slats position, however, was correctly depicted by the flight control system synoptic. The FAA is issuing this AD to address failed extension of inboard slats without flightcrew indication, which could lead to reduced lift margin during approach and landing, and result in reduced control of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA Emergency AD 2022–0161–E specifies revised procedures for the existing AFM for failed extension of inboard slats and flightcrew indication during landing. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Requirements of This AD

This AD requires accomplishing the actions specified in EASA Emergency AD 2022–0161–E, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

EASA Emergency AD 2022–0161–E requires operators to ''inform all flight crews'' of revisions to the AFM, and thereafter to ''operate the aeroplane accordingly.'' However, this AD does not specifically require those actions, as those actions are already required by FAA regulations. FAA regulations require operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. 14 CFR 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM. Therefore, including a requirement in this AD to operate the airplane according to the revised AFM would be redundant and unnecessary.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA Emergency AD 2022–0161–E is incorporated by reference in this AD. This AD requires compliance with EASA Emergency AD 2022–0161–E in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA Emergency AD 2022–0161–E does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA Emergency AD 2022–0161–E. Service information required by EASA AD 2022–0161–E for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2022–1067 after this AD is published.

FAA's Justification and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because of a report of a failed extension of inboard slats during the landing phase, which was not indicated to the flightcrew by the crew alerting system, and could lead to reduced lift margin during approach and landing, and possibly result in reduced control of the airplane. Additionally, this AD correlates with EASA Emergency AD 2022–0161–E, and addresses the unsafe condition by revising, within 10 flight cycles after the effective date of this AD, the procedures for failed extension of inboard slats and flightcrew indication during landing. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 142 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$12,070

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–18–18 Dassault Aviation: Amendment 39–22169; Docket No. FAA–2022–1067; Project Identifier MCAI–2022–01042–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 19, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Dassault Aviation Model FALCON 7X airplanes, certificated in any category.

Note 1 to paragraph (c): Model FALCON 7X airplanes with Dassault modification M1000 incorporated are commonly referred to as ''Model FALCON 8X'' as a marketing designation.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by a report of a failed extension of inboard slats during the landing phase, which was not indicated to the flightcrew by the crew alerting system. The FAA is issuing this AD to address failed extension of inboard slats without flightcrew indication, which could lead to reduced lift margin during approach and landing, and result in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) Emergency AD 2022–0161–E, dated August 4, 2022 (EASA Emergency AD 2022–0161–E).

(h) Exceptions to EASA Emergency AD 2022–0161–E

(1) Where EASA Emergency AD 2022–0161–E refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA Emergency AD 2022–0161–E requires operators to ''inform all flight crews, and, thereafter, operate the aeroplane accordingly,'' this AD does not require those actions.

(3) The ''Remarks'' section of EASA Emergency AD 2022–0161–E does not apply to this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3226; email *Tom.Rodriguez@faa.gov*.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2022–0161–E, dated August 4, 2022.

(ii) [Reserved]

(3) For EASA Emergency AD 2022–0161–E, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *easa.europa.eu*. You may find this EASA AD on the EASA website at *ad.easa.europa.eu*.

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

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fr.inspection@nara.gov,* or go to: *archives.gov/federal-register/cfr/ibr-locations.html*.

Issued on August 29, 2022.

Christina Underwood,

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

[FR Doc. 2022–19116 Filed 8–31–22; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1057; Project Identifier AD–2022–00526–A; Amendment 39–22154; AD 2022–18–03]

RIN 2120–AA64

Airworthiness Directives; Honda Aircraft Company LLC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2022–05–13, which applied to certain Honda Aircraft Company LLC (Honda) Model HA–420 airplanes. AD 2022–05–13 required incorporating temporary revisions into the airplane flight manual (AFM) and the quick reference handbook (QRH) that modify procedures for windshield heat operation until the affected windshield assemblies are replaced. This AD was prompted by typographical errors found in certain document numbers specified in the preamble and in certain paragraphs of the regulatory information in AD 2022–05–13. This AD retains all actions required by AD 2022–05–13 and corrects the incorrect document numbers. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 22, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 22, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of April 18, 2022 (87 FR 14155, March 14, 2022).

The FAA must receive any comments on this AD by October 24, 2022.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this final rule, contact Honda Aircraft Company LLC, 6430 Ballinger Road, Greensboro, NC 27410; phone: (336) 662–0246; website: *hondajet.com*. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* by searching for and locating Docket No. FAA–2022–1057.

Examining the AD Docket

You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1057; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Bryan Long, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5578; email: *9-ASO-ATLACO-ADs@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued AD 2022–05–13, Amendment 39–21965 (87 FR 14155, March 14, 2022) (AD 2022–05–13), for certain serial-numbered Honda Model HA–420 airplanes, with a certain windshield assembly installed. AD 2022–05–13 required incorporating temporary revisions into the AFM and the QRH that modify procedures for windshield heat operation until the affected windshield assemblies are replaced. AD 2022–05–13 resulted from

a report of in-flight smoke and fire that initiated from the windshield heat power wire braid. The FAA issued AD 2022–05–13 to prevent arcing of the windshield heat power wire braid, which could ignite the wire sheathing and sealant and the windshield acrylic, resulting in possible smoke and fire in the cockpit.

Actions Since AD 2022–05–13 Was Issued

Since the FAA issued AD 2022–05–13, typographical errors were found in the document numbers of the AFMs and QRHs in the ''Related Service Information under 1 CFR part 51'' section of the preamble and paragraphs (g)(1)(i) through (iv) and paragraphs (l)(2)(i) through (iv) of the regulatory information. Errors were also found in the document citation for Honda Aircraft Company Alert Service Bulletin SB–420–56–002, Revision B, dated April 19, 2021 (Honda SB–420–56–002, Revision B), in certain references in the preamble. This AD retains all actions required by AD 2022–05–13 and corrects the typographical errors in the identified document citations. The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following temporary revisions. These temporary revisions provide modified procedures for windshield heat operation to reduce exposure to potential windshield heat for the applicable serial numbers specified on the documents.

- Honda Aircraft Company Temporary Revision TR 04A–1, dated 2020, for Airplane Flight Manual HJ1–29000–003–001 Rev E.
- Honda Aircraft Company Temporary Revision TR 04A–1, dated 2020, for Airplane Flight Manual HJ1–29001–003–001 Rev C.
- HondaJet Temporary Revision TR 04A–1, dated 2020, for Quick Reference Handbook HJ1–29000–007–001 Rev E.
- HondaJet Temporary Revision TR 04A–1, dated 2020, for Quick Reference Handbook HJ1–29001–007–001 Rev C.

This AD also requires the following service information, which the Director of the Federal Register approved for incorporation by reference as of April 18, 2022 (87 FR 14155, March 14, 2022).

- Honda SB–420–56–002, Revision B.

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

AD Requirements

This AD requires accomplishing the actions specified in the service information already described, except as discussed under ''Differences Between this AD and the Service Information.''

Differences Between This AD and the Service Information

Honda issued temporary revisions to the AFM, QRH, and electronic checklist (ECL) prior to issuing Honda SB–420–56–002, Revision B, which specifies replacement of the windshield assemblies. Honda SB–420–56–002, Revision B, does not specify incorporating the temporary revisions to the AFM, QRH, and ECL but addresses removal if the temporary revisions were incorporated. This AD does not require incorporating or removing the temporary revisions to the ECL because the ECL is not part of the approved type design of the airplane. All pertinent requirements would be addressed through the AFM.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

Since this action retains all of the requirements of AD 2022–05–13 and only corrects obvious errors in document citations, it is unlikely that the FAA will receive any adverse comments or useful information about this AD from U.S. operators. Accordingly, notice and opportunity for prior public comment are unnecessary pursuant to 5 U.S.C. 553(b)(3)(B). In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–1057 and Project Identifier AD–2022–00526–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Bryan Long, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 156 airplanes of U.S. registry. There are 475 affected windshield

assemblies worldwide, and the FAA has no way of knowing the number of affected windshield assemblies installed on U.S. airplanes. The estimated cost on U.S. operators reflects the maximum possible cost based on the 156 airplanes of U.S. registry. This new AD only retains the actions required by AD 2022–05–13 and, therefore, adds no new costs to affected operators.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per airplane	Cost on U.S. operators
Insert revised procedures in the AFM and QRH.	1 work-hour × $85 per hour = $85	Not applicable	$85	$13,260
Windshield assembly replacement (both left and right assemblies) *.	154 work-hours × $85 per hour = $13,090	$153,286	166,376	25,954,656
Remove revised procedures from the AFM and QRH.	1 work-hour × $85 per hour = $85	Not applicable	85	13,260

* On most airplanes, both the left and right windshield assemblies have a serial number affected by the unsafe condition, and the above costs represent replacement of both the left and right windshield assemblies. However, some airplanes may only have one affected windshield assembly and not require replacement of both.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2022–05–13, Amendment 39–21965 (87 FR 14155, March 14, 2022); and

b. Adding the following new airworthiness directive:

2022–18–03 Honda Aircraft Company LLC: Amendment 39–22154; Docket No. FAA–2022–1057; Project Identifier AD–2022–00526–A.

(a) Effective Date

This airworthiness directive (AD) is effective September 22, 2022.

(b) Affected ADs

This AD replaces AD 2022–05–13, Amendment 39–21965 (87 FR 14155, March 14, 2022) (AD 2022–05–13).

(c) Applicability

This AD applies to Honda Aircraft Company LLC Model HA–420 airplanes, serial numbers 42000011 through 42000179, 42000182, and 42000187, certificated in any category, with a windshield assembly installed that has a part number and serial number listed in table 5 of the Accomplishment Instructions in Honda Aircraft Company Alert Service Bulletin SB–420–56–002, Revision B, dated April 19, 2021 (Honda SB–420–56–002, Revision B).

(d) Subject

Joint Aircraft System Component (JASC) Code 3040, Windshield/Door Rain/Ice Removal.

(e) Unsafe Condition

This AD was prompted by a report of in-flight smoke and fire that initiated from the windshield heat power wire braid. The FAA is issuing this AD to prevent arcing of the windshield heat power wire braid, which could ignite the wire sheathing and sealant and the windshield acrylic. This condition, if not addressed, could lead to cockpit smoke and fire.

(f) Compliance

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

(g) Temporary Revisions to the Airplane Flight Manuals (AFMs) and Quick Reference Handbooks (QRHs)

(1) Within 15 days after the effective date of this AD, revise the existing AFM and QRH for your airplane by inserting the pages identified in the applicable temporary revisions listed in paragraphs (g)(1)(i) through (iv) of this AD.

(i) Honda Aircraft Company Temporary Revision TR 04A–1, dated 2020, for Airplane Flight Manual HJ1–29001–003–001 Rev C.

(ii) HondaJet Temporary Revision TR 04A–1, dated 2020, for Quick Reference Handbook HJ1–29000–007–001 Rev C.

(iii) Honda Aircraft Company Temporary Revision TR 04A–1, dated 2020, for Airplane Flight Manual HJ1–29001–003–001 Rev E.

(iv) HondaJet Temporary Revision TR 04A–1, dated 2020, for Quick Reference Handbook Normal Procedures, HJ1–29001–007–001 Rev E.

(2) The actions required by paragraph (g)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1) through (4), and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Windshield Assembly Replacement

Within 24 months after April 18, 2022 (the effective date of AD 2022–05–13), for each windshield assembly with a part number and serial number listed in table 5 of the Accomplishment Instructions in Honda SB–420–56–002, Revision B, replace the

windshield assembly in accordance with step (2) or (3) of the Accomplishment Instructions in Honda SB–420–56–002, Revision B.

(i) Removal of Revisions to the AFMs and QRHs

Before further flight after replacing the windshield assemblies required by paragraph (h) of this AD, remove the AFM and QRH pages that were required by paragraph (g) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(3) AMOCs approved previously in accordance with AD 2022–05–13 are approved as AMOCs for the corresponding requirements in paragraph (g) of this AD.

(4) For service information that contains steps that are labeled as ''Required for Compliance'' (RC), the following provisions apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

For more information about this AD, contact Bryan Long, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5578; email: *9-ASO-ATLACO-ADs@faa.gov.*

(l) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on September 22, 2022.

(i) Honda Aircraft Company Temporary Revision TR 04A–1, dated 2020, for Airplane Flight Manual HJ1–29000–003–001 Rev E.

(ii) Honda Aircraft Company Temporary Revision TR 04A–1, dated 2020, for Airplane Flight Manual HJ1–29001–003–001 Rev C.

(iii) HondaJet Temporary Revision TR 04A–1, dated 2020, for Quick Reference Handbook HJ1–29000–007–001 Rev E.

(iv) HondaJet Temporary Revision TR 04A–1, dated 2020, for Quick Reference Handbook HJ1–29001–007–001 Rev C.

(4) The following service information was approved for IBR on April 18, 2022 (87 FR 14155, March 14, 2022).

(i) Honda Aircraft Company Alert Service Bulletin SB–420–56–002, Revision B, dated April 19, 2021.

(ii) [Reserved]

(5) For service information identified in this AD, contact Honda Aircraft Company LLC, 6430 Ballinger Road, Greensboro, NC 27410; phone: (336) 662–0246; website: *hondajet.com.*

(6) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fr.inspection@nara.gov,* or go to: *archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on August 17, 2022.

Christina Underwood,

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

[FR Doc. 2022–19021 Filed 9–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0545; Airspace Docket No. 22–AEA–9]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Baltimore, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace, Class E Surface airspace, and Class E Airspace Designated as an Extension to Class D airspace at Martin State Airport, Baltimore, MD. This action replaces the Baltimore Very High Frequency Omnidirectional Range Collocated Tactical Air Navigation (VORTAC) with the term Point of Origin. Also, this action removes unnecessary verbiage from the descriptor header. In addition, this action makes an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal descriptions of associated Class D and E airspace and makes the editorial change replacing the term Notice to Airmen with the term Notice to Air Missions. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

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

ADDRESSES: FAA Order JO 7400.11F, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* 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 Goodson, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5966.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 32103, May 27, 2022) for Docket No. FAA–2022–0545 to amend Class D airspace, Class E Surface airspace, and Class E Airspace Designated as an Extension to Class D airspace at Baltimore, MD.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the

proposal to the FAA. One comment was received via email from Commander (CDR) Bradford Wallace, Navy Representative, Eastern Service Area, FAA (AJV–E23). CDR Wallace was concerned that the editorial change replacing the Baltimore VORTAC with the term Point of Origin in the Notice of Proposed Rulemaking (NPRM) made it sound like neither navigational aids (NAVAIDS) still exist. Emails were sent to CDR Wallace explaining that the FAA is progressing to a 'Point of Origin' where NAVAIDS currently are used to describe airspace, and the FAA feels this action will help in the future as ground based navigational aids do become decommissioned.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA amends 14 CFR part 71 by amending Class D airspace, Class E Surface airspace, and Class E Airspace Designated as an Extension to Class D airspace at Martin State Airport, Baltimore, MD. This action replaces the Baltimore VORTAC with the term Point of Origin. Also, this action removes unnecessary verbiage from the descriptor header. In addition, this action makes an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal descriptions of associated Class D and E airspace and makes the editorial change replacing the term Notice to Airmen with the term Notice to Air Missions.

Class D and Class E airspace designations are published in Paragraphs 5000, 6002, and 6004, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AEA MD D Baltimore, MD [Amended]

Martin State Airport, MD

(Lat. 39°19′32″ N, long. 76°24′50″ W)
Point of Origin

(Lat. 39°10′16″ N, long. 76°39′41″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 5.2-mile radius of Martin State Airport and within 4.4 miles each side of a 14.7-mile radius arc of the Point of Origin extending clockwise from the Point of Origin's 030° radial to the Point of Origin's 046° radial, excluding that airspace within the Washington Tri-Area Class B airspace area and Restricted Areas R–4001A and R–4001B when they are in effect, and Restricted Area R–4001C, which is continuously active up to 10,000 feet MSL. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Airspace.

* * * * *

AEA MD E2 Baltimore, MD [Amended]

Martin State Airport, MD

(Lat. 39°19′32″ N, long. 76°24′50″ W)
Point of Origin

(Lat. 39°10′16″ N, long. 76°39′41″ W)

That airspace within a 5.2-mile radius of Martin State Airport and within 4.4 miles each side of a 14.7-mile radius arc of the Point of Origin extending clockwise from the Point of Origin's 030° radial to the Point of Origin's 046° radial, excluding that airspace within the Washington Tri-Area Class B airspace area and Restricted Areas R–4001A and R–4001B when they are in effect. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AEA MD E4 Baltimore, MD [Amended]

Martin State Airport, MD

(Lat. 39°19′32″ N, long. 76°24′50″ W)

That airspace extending upward from the surface within 4 miles each side of a 134° bearing from Martin State Airport extending from the 5.2-mile radius of Martin State Airport to 9.2 miles southeast of the airport, excluding that airspace within the Washington Tri-Area Class B airspace area and Restricted Areas R–4001A and R–4001B when they are in effect. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in College Park, Georgia, on August 29, 2022.

Lisa Burrows, Manager,

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

[FR Doc. 2022–18939 Filed 9–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0661; Airspace Docket No. 22–AEA–10]

RIN 2120–AA66

Revocation of Class E Airspace; Brownsville, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace in Brownsville, PA, as Brownsville General Hospital Heliport has been abandoned and controlled airspace is no longer required. This action enhances the safety and management of controlled airspace within the national airspace system.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it removes Class E airspace extending upward from 700 feet above the surface at Brownsville General Hospital Heliport, Brownsville, PA, due to the closing of the heliport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 32374, May 31, 2022) for Docket No. FAA–2022–0661 to remove Class E airspace extending upward from 700 feet above the surface at Brownsville General Hospital Heliport, Brownsville, PA.

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

Class E airspace designations are published in 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.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 by removing Class E airspace extending upward from 700 feet above the surface at Brownsville General Hospital Heliport, Brownsville, PA, as the heliport has closed. Therefore, the airspace is no longer necessary. This action enhances 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 the FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA PA E5 Brownsville, PA [Removed]

Issued in College Park, Georgia, on August 29, 2022.

Lisa Burrows,

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

[FR Doc. 2022–18958 Filed 9–1–22; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–95620; File No. S7–07–22]

RIN 3235–AN03

Whistleblower Program Rules

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''SEC'' or ''Commission'') is adopting amendments to the Commission's rules implementing its whistleblower program. Section 21F of the Securities Exchange Act of 1934 (''Exchange Act'') and the Commission's implementing rules provide that the Commission shall pay an award to eligible whistleblowers who voluntarily provide the Commission with original information about a violation of the federal securities laws that leads to the successful enforcement of a covered judicial or administrative action or a non-SEC related action. The amendments: expand the scope of related actions eligible for an award under the Commission's whistleblower program; clarify that the Commission may use its statutory authority under Section 21F to consider the dollar amount of a potential award to increase an award but provide that the Commission will not use any statutory authority it might have to decrease the amount of an award; and make several conforming changes and technical corrections.

DATES: The final rules are effective October 3, 2022. These amendments will apply to any whistleblower award application that is pending with the Commission as of that date, and to all future-filed award applications.

FOR FURTHER INFORMATION CONTACT: Emily Pasquinelli, Office of the Whistleblower, Division of Enforcement, at (202) 551–5973, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is amending the rules listed in the table below.

AMENDMENTS

Commission reference	CFR citation (17 CFR)
Rule 21F–3	§ 240.21F–3
Rule 21F–4	§ 240.21F–4
Rule 21F–6	§ 240.21F–6
Rule 21F–8	§ 240.21F–8
Rule 21F–10	§ 240.21F–10
Rule 21F–11	§ 240.21F–11

I. Introduction

The Commission's whistleblower rules, which are codified at 17 CFR 240.21F–1 through 17 CFR 240.21F–18, provide the operative definitions, requirements, standards, and processes implementing the SEC's whistleblower program. The amendments being adopted make several changes to those rules.

First, the Commission is amending 17 CFR 240.21F–3(b)(3) or Rule 21F–3(b)(3) (hereinafter ''the Multiple-Recovery Rule'') to revise the definition of ''related action.'' A whistleblower may be eligible for an award from the SEC for certain non-SEC actions that meet the definition of a related action under our rules. The Multiple-Recovery Rule currently provides that when both the SEC's award program and another award program might apply to a non-SEC action, that action will be deemed a related action for purposes of an award from the Commission only if the SEC's whistleblower program has the ''more direct or relevant connection'' to the action. The amended Multiple-Recovery Rule provides additional circumstances in which a non-SEC action may qualify as a related action without regard to whether the Commission's program has the more direct or relevant connection to the action. Specifically, under the amended Multiple-Recovery Rule, a non-SEC action may qualify as a related action:

- When the non-SEC award program has an award range or fixed-dollar award cap that could yield an award that is meaningfully lower than what could be awarded under the Commission's whistleblower program;
- When the decision to grant an award under the non-SEC program is discretionary, even when any specified award criteria and eligibility requirements have been satisfied; and
- When the maximum award the Commission could potentially pay on the non-SEC action does not exceed $5 million (''$5-million provision'').

Second, the Commission is amending Rule 21F–6, which concerns the Commission's discretion to apply award factors and set award amounts. A new paragraph 21F–6(d) provides that the Commission may exercise its authority to consider the dollar amount of a potential award when making an award determination only for the purpose of increasing, not decreasing, the award amount.

The Commission is also adopting conforming amendments to Rules 21F–10 and 21F–11, as well as technical revisions to Rules 21F–4(c) and 21F–8 that correct errors in the rule text.

II. Description of Final Rule Amendments

A. Rule 21F–3(b)(3) Amendments Concerning Non-SEC Actions That Involve at Least One Other Award Program

Under Exchange Act Section 21F, a whistleblower who obtains an award based on a Commission covered action also may be eligible for an award based on monetary sanctions that are collected in a related action. Exchange Act Section 21F(a)(5) and Exchange Act Rule 21F–3(b)(1) provide that a non-SEC judicial or administrative action must meet certain conditions to potentially qualify as a related action. First, the action must be brought by the United States Department of Justice (''DOJ''), an appropriate regulatory authority (as defined in Exchange Act Rule 21F–4(g)), a self-regulatory organization (as defined in Exchange Act Rule 21F–4(h)), or a state attorney general in a criminal case. Second, the same original information that the whistleblower gave to the Commission must also have led to the successful enforcement of the non-SEC action.

The Multiple-Recovery Rule imposes additional requirements for a non-SEC action to qualify as a related action where both the SEC's whistleblower program and at least one other, separate whistleblower program could potentially apply to the action. Rule 21F–3(b)(3) authorizes the Commission to pay an award on such an action only if the Commission determines that the SEC's whistleblower program has the more direct or relevant connection to the non-SEC action based on: (i) the relative extent to which the misconduct involved in the non-SEC action implicates the policy considerations underlying the Federal securities laws (such as investor protection) rather than other law-enforcement or regulatory interests; (ii) the degree to which the monetary sanctions imposed in the non-SEC action are attributable to conduct

that also underlies the Federal-securities-law violations that were the subject of the SEC's covered action; and (iii) whether the non-SEC action involves state-law claims, as well as the extent to which the state may have a whistleblower award program that applies to that type of law-enforcement action.[1]

1. Proposed Rule

The Commission proposed to revise the Multiple-Recovery Rule to identify a limited number of additional circumstances under which a non-SEC action constitutes a related action for award purposes. The principal proposed revision was referred to as the ''Comparability Approach,'' and was intended to help ensure that the Multiple-Recovery Rule would not reduce whistleblowers' incentive to come forward, or place an undue burden on whistleblowers as a result of having come forward.[2]

The proposing release explained that the Comparability Approach would allow the Commission to treats a non-SEC action as a related action if the maximum potential monetary award from the alternative award program would be ''meaningfully lower'' than the maximum potential award from the Commission's program (*i.e.,* 30 percent ''in total, of what has been collected of the monetary sanctions imposed''). The meaningfully lower standard could be triggered either because the other program involves a different award range or imposes a fixed-dollar award cap. The proposed Comparability Approach would also authorize the Commission (without regard to which program has the more direct or relevant connection) to treat a non-SEC action as a related action if the decision whether to issue an award under the other program is entirely discretionary.

To incorporate these aspects of the Comparability Approach into the Multiple-Recovery Rule, the Commission proposed to amend the opening sentence of Rule 21F–3(b)(3) to provide that the Multiple-Recovery Rule would not apply unless the other whistleblower program qualifies as a ''comparable whistleblower program.'' A comparable whistleblower program would be defined, in turn, as an award program that: (i) does not have an award range or fixed-dollar award cap that would restrict the maximum potential award to an amount that is meaningfully lower than the maximum or minimum potential award to all eligible claimants (in dollar terms) that the Commission could make on the particular action; or (ii) does not afford the entity administering the other program with discretion to deny an award even if the established eligibility requirements and award criteria have been satisfied.

The Commission further proposed that, under the Comparability Approach, the Multiple-Recovery Rule would be amended so that the Commission would deem a matter eligible for related-action status (without regard to which program has the more direct or relevant connection to the action) if the maximum award the Commission could under any circumstances be required to pay to all whistleblowers in connection with the non-SEC action would not exceed $5 million. As the Commission explained, this would occur when 30 percent of the monetary sanctions imposed in the non-SEC action would be a sum that is $5 million or less.[3]

Although the Comparability Approach was the principal proposal offered for public comment, the Commission identified three other possible alternatives: the ''Whistleblower's Choice Option,'' the ''Offset Approach,'' and the ''Topping-Off Approach.'' Under both the Whistleblower's Choice Option and the Offset Approach, current Rule 21F–3(b)(3) would be repealed in its entirety. The Whistleblower's Choice Option would allow a whistleblower, after having received award determinations from the Commission and the entity administering the other program, to decide which award to accept (but the Commission would condition any payment from its program on the whistleblower first making an irrevocable waiver of any claim to an award from the other program). Under the Offset Approach, the Commission could make an award on a non-SEC action notwithstanding the potential that another program might make and pay an award on that same action, but the Commission would offset its payment by any amount another program pays on the same action. Under the Topping-Off Approach, the current framework of the Multiple-Recovery Rule would be retained but the Commission would have the discretion to increase the award amount on the Commission's own covered action (up to a total award of 30 percent of the monetary sanctions imposed) if the Commission concluded that the other program's award for the non-SEC action was inadequate.

2. Comments Received

Virtually all of the commenters supported modifying the Multiple-Recovery Rule to encompass additional circumstances in which non-SEC actions qualify as related actions, with some offering a view on which of the four proposed alternatives would be the best option.[4]

The commenters generally favored either the Comparability Approach or the Whistleblower's Choice Option,[5] though two commenters supported the Offset Approach, one commenter expressed a preference for the Topping-Off Approach, and several other commenters offered their own proposed approaches.[6]

[1] Another provision of the Multiple-Recovery Rule directs that if a related-action claimant has already received an award from another program, that claimant may not receive an award or payment from the Commission. Relatedly, the Multiple-Recovery Rule provides that if a related-action claimant was denied an award from the other program, the claimant will not be able to re-adjudicate any fact decided against the claimant by the other program. And if the Commission decides that its whistleblower program has the more direct or relevant connection to the non-SEC action, the Multiple-Recovery Rule provides that no payment will be made on the award unless the claimant promptly and irrevocably waives any claim to an award from the other program. The amendments will not impact these existing terms of the Multiple-Recovery Rule.

[2] The Multiple-Recovery Rule is designed to prevent the Commission's award program from displacing the important role that Congress intended for other whistleblower programs and to further the Commission's desire to continue to be a careful steward of the Investor Protection Fund (''IPF''), from which Commission awards are paid. The Comparability Approach is narrowly targeted to preserve the underlying goals of the Multiple-Recovery Rule.

[3] To ensure that a claimant would not receive multiple awards for the same non-SEC action, the proposed amendments would require that a claimant make an irrevocable waiver of any claim to an award from the other program within 60 calendar days of receiving notice of the Commission's award, and would also require the claimant to demonstrate compliance with the irrevocable-waiver requirement. The proposed amendments also provided that failure to comply with any of the terms or conditions of the amended rule could result in the claimant becoming ineligible for an award from the Commission on the non-SEC action (notwithstanding any prior award notice).

[4] *See, e.g.,* Anonymous (Apr. 12, 2022) (stating the ''four proposed approaches to address related action claims'' are a ''well thought-out and flexible strategy that seem designed to improve related action award determinations''); Eileen Morrell (Apr. 11, 2022) (expressing general support for the proposed changes but not identifying a preference among the four Rule 21F–3(b)(3) alternatives that were offered for public comment).

[5] One commenter made a general observation applicable to both the Comparability Approach and the Whistleblower's Choice Option that a claimant failing to comply with the irrevocable waiver or notice provisions of these proposed approaches ''should not be wholly disqualified from [a] reward unless egregious or malicious noncompliance is evidenced.'' Mark C. (Feb. 19, 2022). The proposed rule text for both options would permit the Commission in its discretion to factor these considerations into any determination relating to a claimant's non-compliance.

[6] *See infra* notes 27–34.

A number of commenters favored the Comparability Approach. One stated that this approach ''strikes the appropriate balance between ensuring that qualified whistleblowers are not subject to a diminished award due to a weaker alternative whistleblower program while also limiting the ability of whistleblowers to obtain a double recovery in a related action.'' [7] Another commenter stated that the Comparability Approach would be ''extremely practical'' in situations where the award range is different, the other program has a fixed-dollar award cap, or the other program ''is discretionary[,] not mandatory[.]'' [8] A third commenter expressed a preference for the Comparability Approach because it may impose less of an administrative burden on the staff and agency than the other proposals.[9]

A few commenters raised concerns about the Comparability Approach. One stated that the Comparability Approach is ''confusing'' and ''would be difficult to administer.'' [10] But a different commenter offered a contrary view, stating that ''[t]he Comparability Approach is laid out in a way that is easy to follow and understand how a whistleblower will be awarded by the SEC over another program.'' [11] And another commenter stated that the Comparability Approach was suboptimal because it ''would result in . . . a penalty in situations in which the other whistleblower program was found to be 'comparable' and has the 'more direct or relevant connection' '' to the non-SEC action ''yet provides for a smaller award than the SEC would provide.'' [12]

Several commenters addressed specific elements of the Comparability Approach. For example, one commenter suggested that the $5-million provision of the Comparability Approach should be replaced with a provision authorizing the Commission to treat *any* non-SEC action that might implicate another award program as a potential related action for which the Commission would agree to pay an award equal to ''a minimum of 5% and maximum of 10% of the total amount of monetary sanctions recovered'' in that non-SEC action. The commenter stated that refashioning this aspect of the Comparability Approach would be ''fair[er]'' for larger actions that would otherwise be excluded under the $5-million provision.[13] Similarly, another commenter recommended that, instead of $5 million or some other fixed dollar amount, a percentage-based maximum might be better in case the whistleblower program rules are not regularly updated in the future.[14] One commenter recommended that if the Comparability Approach is adopted, it should authorize an award whenever the total payout for the SEC's action and the non-SEC action would not collectively exceed $20 million.[15]

Several commenters addressed the meaningfully lower standard for determining whether an alternative program is comparable.[16] One such commenter explained that a benefit of the meaningfully lower standard is that it would allow the Commission to ''consider[ ] a whistleblower's financial circumstances when they volunteer information to the Commission.'' [17] Another commenter recommended that the meaningfully lower standard must always be understood to encompass an award from another program that is ''less than 10%'' of the monetary sanctions collected in the non-SEC action.[18]

One commenter recommended that if another award program lacks the confidentiality protections that the SEC's program affords, then it should not be deemed comparable.[19] As support, the commenter stated that ''Congress adopted very specific procedures that permit the SEC to forward information to alternative government programs that also protect the identity of the whistleblower and require these alternative government agencies to adhere to the [Section 21F(h)(2)] confidentiality rules.'' [20]

Several commenters supported the Whistleblower's Choice Option. One stated that a benefit of that approach is that if ''either whistleblower rewards program is proposing to issue an award that the whistleblower feels is inadequate, then he/she has the choice of which program they want to [pay] the award based on their own determination.'' [21] Similarly, another commenter stated that whistleblowers ''should get to decide which [award] they receive.'' [22] And one commenter stated that the Whistleblower's Choice Option is preferable because it would: (1) have the Commission focus only on ''the merits and eligibility of the whistleblower under the requirements of just the SEC program,'' because ''[w]hether or not another program applies should not impact the SEC's ultimate decision'' for an award determination; and (2) make ''the process more clear, straightforward, and understandable for the average claimant[]'' by removing ''a step from how the Commission currently processes claims[.]'' [23] Finally, a commenter stated that under the Whistleblower's Choice Option ''whistleblowers will no longer intentionally withhold certain applications or information out of fear that the eventual awards will be severely limited by another program's restrictions because they will be allowed to choose the most favorable [award] option.'' [24]

[7] NWC (Apr. 7, 2022) (''NWC supports the Comparability Approach proposed by the Commission.'').

[8] Anonymous-2 (Feb. 19, 2022).

[9] Mark C. (Feb. 19, 2022).

[10] Kohn, Kohn & Colapinto, LLP (Mar. 22, 2022) (''The better choice is [Whistleblower's Choice] which sets forth clear standards and procedures.'').

[11] Talia Finamore (Apr. 3, 2022).

[12] Cohen, Milstein, Sellers & Toll PLLC (Apr. 8, 2022). This commenter did state, however, that ''each of the proposed alternatives represents improvements over the [existing] Multiple-Recovery Rule[.]''

[13] *Id.*

[14] Mark C. (Feb. 19, 2022). Unlike the prior commenter, this commenter did not offer a suggestion of a particular percentage figure (or range).

[15] Kohn, Kohn, and Colapinto (Apr. 11, 2022).

[16] No commenter recommended replacing the meaningfully lower standard with a fixed number or percentage.

[17] Cornell Securities Law Clinic (Apr. 11, 2022). This commenter also opposed a fixed-dollar or percentage amount in lieu of the meaningfully lower standard ''because of the law of diminishing marginal returns.'' This commenter suggested that the meaningfully lower standard should focus on capturing award differences ''that are substantial enough to incentivize whistleblowers to volunteer pertinent information, often at the risk of their careers.''

[18] Kohn, Kohn & Colapinto, LLC (Apr. 11, 2022).

[19] Kohn, Kohn & Colapinto, LLP (Apr. 11, 2022) (''The right to confidentiality must be part of any 'comparable' related action.'' (emphasis in original)).

[20] *Id.*

[21] Anonymous-2 (Feb. 19, 2022). *See also* Cohen, Milstein, Sellers & Toll PLLC (Apr. 8, 2022) (stating that the Whistleblower's Choice Option was the only option under which whistleblowers would under no circumstances be at risk of being ''penalized'' by being required to take an award from another agency ''when their information leads to a related action recovery that implicates both the SEC's and another agency's whistleblower program''); Laura Bonomini (Mar. 21, 2022) (stating that the Whistleblower's Choice Option would ''give[] the meritorious whistleblower agency over their own claim'').

[22] Talia Finamore (Apr. 3, 2022).

[23] Laura Bonomini (Mar. 21, 2022). *See also* Cornell Securities Law Clinic (Apr. 11, 2022) (stating that by eliminating the need to assess which program has a more ''direct or relevant'' connection to a case, or to assess the comparability of another program to the Commission's program in connection with a particular application, the Whistleblower's Choice Option would enhance ''administrative efficiency'' and ''reduc[e] administrative costs''); Kohn, Kohn & Colapinto, LLP (Mar. 22, 2022) (stating that the Whistleblower's Choice Option would be ''less confusing and simpler to implement'' than the other approaches proposed).

[24] Cornell Securities Law Clinic (Apr. 11, 2022) (explaining that in ''cases where the alternative programs provide significantly fewer financial incentives than the Commission's Program (*i.e.,* absolute dollar ceilings for awards), it becomes very

One commenter identified the risk that the Whistleblower's Choice Option could lead to award-processing delays because any payment of an award would depend on both the Commission's program and the alternative award program issuing their award determinations before a claimant could decide which of the awards to accept.[25] Several other commenters identified potential modifications to the Whistleblower's Choice Option, including revising the Whistleblower's Choice Option so that a whistleblower could receive *both* a full award from the Commission and an award from the other agency that is 10 percent or less ''of the sanction'' collected in the non-SEC action. According to the commenter, this 10-percent exception from the general multiple-recovery prohibition embodied in the Whistleblower's Choice Option is reasonable because it would permit only a relatively *de minimis* separate recovery, and it would be appropriate to permit a whistleblower to ''accept[ ] a small award'' payment from the other program without being subjected to mandatory disqualification under the SEC's program.[26]

Two commenters supported the Offset Approach. One stated, without explanation, that the Offset Approach could produce more prompt awards and perhaps further incentivize whistleblowers to come forward.[27] The other commenter stated that the Offset Approach is a ''good option as it allows the whistleblower to receive money from both programs but not actually double dip.'' [28] But a commenter opposing the Offset Approach stated that it could violate the principle underlying proposed Rule 21F–6(d) that would prohibit the Commission from considering dollar amounts when adjusting award amounts downward.[29]

One commenter supported the Topping-Off Approach, stating, without explanation, that it could produce prompt awards.[30] Another commenter opposed the Topping-Off Approach, however, stating that ''[t]he topping-off approach feels confusing in how it would be implemented[.]'' [31]

Beyond the four approaches discussed above, several commenters included recommendations for other approaches. Two commenters stated that whistleblowers should be allowed to receive awards from all programs for which they qualify, even if this could result in the aggregate payout to whistleblowers for the non-SEC action exceeding 30 percent of the sanctions collected in the action.[32] According to one of these commenters, the Commission should effectuate this by ''simply rescinding the Multiple-Recovery Rule.'' [33] Another commenter recommended that ''all whistleblower reports for publicly traded companies should be considered for SEC program awards'' irrespective of whether another program might have the more direct or relevant connection to the non-SEC action in question.[34]

3. Final Rule

The Commission is adopting the Comparability Approach as proposed, because it is a practical, targeted modification of the Multiple-Recovery Rule that will provide additional incentives to encourage individuals to report potential violations of the federal securities laws when another program has a statutory cap, significantly lower award range, or discretionary award structure.[35] The Commission agrees with the statement that the Comparability Approach ''strikes the appropriate balance between ensuring that qualified whistleblowers are not subject to a diminished award due to a weaker alternative whistleblower program while also limiting the ability of whistleblowers to obtain a double recovery'' in a non-SEC action.[36] The Commission also agrees that, as one commenter stated, ''[t]he Comparability Approach is laid out in a way that is easy to follow and understand'' for whistleblowers to assess when they might be awarded more for a non-SEC action ''by the SEC's program instead of another award program, and vice versa.'' [37]

Although the comments made thoughtful arguments in support of the Whistleblower's Choice Option, the Offset Approach, and the Topping-Off Approach, the Commission on balance finds each of these alternatives less desirable given various competing considerations. As a threshold matter, these three alternatives could add significant delay to the processing of applications and/or payment of awards, because each could require the Commission to defer any award until the other program has made an award determination.[38] Under the

plausible that some potential-whistleblowers may make certain application decisions (*i.e.,* withholding certain information) to avoid pitfalls that will severely limit their financial award later on'').

[25] Talia Finamore (Apr. 3, 2022).

[26] Kohn, Kohn & Colapinto, LLP (Mar. 22, 2022). *See also* Kohn, Kohn & Colapinto, LLP (Apr. 11, 2022) (stating that the Commission should not bar a whistleblower from receiving a related-action award if the whistleblower received a payment from another agency that is below the 10-percent minimum award authorized by Section 21F of the Exchange Act, unless the whistleblower knowingly and voluntarily waived a right to a Commission related-action award).

[27] John Lao (Feb. 20, 2022).

[28] Talia Finamore (Apr. 3, 2022). This commenter acknowledged, however, that a potential difficulty with the Offset Approach is that it could take more processing time as it requires the other award program to make an award determination before the Commission could complete its award determination.

[29] Andres Rodriquez (Apr. 3, 2022).

[30] John Lao (Feb. 20, 2022).

[31] Talia Finamore (Apr. 3, 2022).

[32] Anonymous (Feb. 8, 2022); Better Markets (Apr. 11, 2022). *See also* Andres Rodriquez (Apr. 3, 2022) (suggesting an approach ''whereby a whistleblower would receive the full amount of monetary awards by the [C]ommission in instances where whistleblowers also receive awards from other comparable programs'').

[33] This commenter asserted that the Commission may lack statutory authority ''to deny an award for a related action'' merely because another award program might also apply and might make an award too. Better Markets (Apr. 11, 2022) (stating that the ''plain language'' of Section 21F makes related-action award payments mandatory and that, while the statute ''establishe[s] the circumstances under which the SEC must deny an award,'' none of those involves the potential application of another award program). The commenter goes on to recommend that if the Commission declines to rescind the Multiple-Recovery Rule, the ''optimal'' alternative is the Whistleblower's Choice Option. The commenter states that ''the other proposed approaches leave[] open the possibility that the SEC will not, itself, make an award to an otherwise eligible whistleblower for a related action,'' which (according to the commenter) ''conflicts with the letter and spirit of'' Section 21F.

[34] Joshua Moran (Apr. 12, 2022) (stating that it ''is unclear what other programs exist that would be more relevant'' where a publicly traded company is involved).

[35] The Commission is not persuaded that the Comparability Approach ''would result in . . . a penalty in situations where'' the other program is comparable and a whistleblower is required to seek an award from that other program. Cohen, Milstein, Sellers & Toll PLLC (Apr. 8, 2022). The commenter states that a penalty would result because the other program ''provides for a smaller award than the SEC would provide.'' But to qualify as a comparable program the alternative program would have to have a structure that could result in awards comparable to those that could be made by the Commission, so any ''smaller award'' would not be a product of the other award program's award structure. Rather, any risk of a ''smaller award'' presumably would reflect the potential that the Commission and the other program might reach different conclusions about the appropriate award amount after an assessment of the facts and circumstances underlying a particular award application. And this resulting risk of a smaller award in any particular case is in any event counterbalanced by the potential that the other program might view the particular award application more favorably than the Commission might.

[36] NWC (Apr. 7, 2022).

[37] Talia Finamore (Apr. 3, 2022).

[38] The proposing release briefly posited that the Whistleblower's Choice Option would not result in delay due to another award program's delays in making an award-determination. For the reasons explained above, however, the Commission agrees with a commenter's observation that Whistleblower's Choice would add delays to the

Continued

whistleblower program that is administered by the Internal Revenue Service (''IRS''), for example, final decisions cannot ''be made until proceeds resulting from the action(s) have been collected'' and, even then, a final decision may be postponed until the multi-year ''statutory period for [a taxpayer's] filing a claim for a refund has expired[.]'' [39] Were the Commission to adopt the Whistleblower's Choice Option, the Commission's award process in such a case might be delayed (and thus no payment made) for a period of several additional years awaiting a final award determination from the IRS.[40] And the same could be true with the Offset Approach, because the Commission would be required to withhold any payment to avoid the risk of overpaying for an amount that the IRS might ultimately pay. Importantly, any timing delays resulting from other award programs would potentially impact *all* award matters involving non-SEC actions that implicate a second award program; by contrast, under the Multiple-Recovery Rule (as amended by the Comparability Approach) the Commission will experience no such delays on awards for non-SEC actions because the revised rule does not hinge on the award processes or determinations of the other program.[41] The Topping-Off Approach would also pose a risk of delay because before determining whether and how much to ''top off'' a covered-action award the Commission would need to await a final determination from the other program on the non-SEC action.[42]

An additional consideration that persuades the Commission that the Whistleblower's Choice Option, the Offset Approach, and the Topping-Off Approach are less desirable alternatives is the potential that these alternatives could create unintended friction between the Commission and our partner regulatory and law-enforcement agencies that oversee alternative award programs. Unlike under the Comparability Approach, there is a risk under each of the alternative approaches that the Commission and one of these other authorities would make ''conflicting factual determinations'' after reviewing the same non-SEC action.[43] And under each of the alternatives there is the additional risk that a whistleblower could receive an award from the SEC's program for a non-SEC action even though the whistleblower failed to satisfy a significant eligibility requirement or award criterion that may be based on important policy considerations and judgments by the other regulatory or law-enforcement authority.[44] The Commission believes that minimizing the potential for situations in which the SEC could be perceived to second-guess or preempt the judgments of our partner regulatory and law-enforcement authorities favors the Comparability Approach over the other alternatives.[45]

Several commenters recommended various modifications to the Comparability Approach, but the Commission is not persuaded that those revisions are warranted or appropriate. The suggestions generally concerned the meaningfully lower standard and the $5-million provision.[46]

Turning first to the meaningfully lower standard that is used to assess whether an alternative award program is a comparable program, the Commission is persuaded that this flexible standard is appropriate and that a fixed-dollar cap or percentage amount would not offer any programmatic advantages. For example, under this standard, a whistleblower might argue that the Commission should consider the particular whistleblower's own economic situation at the time that the individual reported the securities-law violation.[47] The Commission does not agree that any time another program could yield an award that is below the Commission's 10-percent minimum award amount an award under the other program should automatically qualify as meaningfully lower.[48] The commenter offered no persuasive justification for this position, and the Commission is unpersuaded to depart from the flexible, case-specific approach that the meaningfully lower standard affords.

With respect to the $5-million provision of the Comparability Approach, the Commission has decided not to adopt the revisions suggested by commenters. In the Commission's view, it is appropriate to allow related-action awards (assuming the other relevant criteria are met) for a non-SEC action without regard to whether another award program has a more direct or relevant connection to the action when the maximum award the Commission could ever potentially be required to pay in the action would not exceed $5 million. As the proposing release explained, ''[w]hen the maximum award amount'' would not exceed $5 million under any set of circumstances (*i.e.,* if the entire amount of the monetary sanctions was in fact collected), it is reasonable to permit claimants the option of avoiding the expense and burden of applying to a second award

processing time for awards. *See* Talia Finamore (Apr. 3, 2022). The proposing release did observe, however, that the Whistleblower's Choice Option could cause delays because of the additional burden it might impose on limited staff resources. *See* 87 FR 9280, 9287 (''[T]he Whistleblower's Choice Option could slow the overall processing of award claims given the limited staff resources and the likelihood that this approach would increase the staff's administrative workload.'').

[39] Internal Revenue Service, Special Topics Manual, 25.2.2.6.1(1), *available at https://www.irs.gov/irm/part25/irm_25-002-002.*

[40] Internal Revenue Service, Chief Counsel Directives Manual for Litigation in District Court, Bankruptcy Court, Court of Federal Claims, and State Court, 34.5.2.4.2.1(1), *available at https://www.irs.gov/irm/part34/irm_34-005-002#idm140486826695168* (''Generally, the taxpayer must file a claim for refund within three years from the time he files his return or within two years from the time the tax was paid, whichever is later. If no tax return was filed, a claim must be filed within two years from the time the tax was paid.'' (internal citation omitted)).

[41] In the context of the Whistleblower's Choice Option, delays resulting from the other award program could cause meritorious whistleblowers to abandon (preemptively irrevocably waive) their claims before a final award determination is made by that other program so that they can proceed to accept the Commission's award offer. This would result in the IPF (from which SEC whistleblower awards are paid, *see* Exchange Act Section 21F(g)) absorbing costs resulting from delays and inefficiencies tied exclusively to another award program.

[42] Beyond the potential for processing and payment delays, the Commission also finds the Topping-Off Approach less desirable because, as explained in the proposing release, ''the Commission's ability to enhance or 'top-off' a covered-action award to provide a whistleblower relief from a deficient award issued by another program for a non-SEC action would be limited in many instances.'' 87 FR 9280, 9288. This would especially be so ''when the covered-action award already (*i.e.,* prior to any enhancement to account for a deficient award from the other program for the non-SEC action) is at or near the statutory maximum 30 percent award.'' *Id.* In such instances, ''the Commission would not have the ability to grant a significant percentage enhancement.'' *Id.*

[43] *Id.* at 9287.

[44] *Id.*

[45] Although two commenters recommended that the Commission allow multiple awards to a whistleblower for the same non-SEC action (even where the aggregate award on the action would exceed the 30-percent maximum award that is the general award ceiling under federal whistleblower award programs), such an approach could be inconsistent with congressional intent. 87 FR 9283; 85 FR 70898, 70908–09 & n.93.

[46] Although one commenter suggested that the scope of the definition of comparable whistleblower award program should be expanded to require that the other award program include heightened confidentiality measures comparable to those that Section 21F(h)(2) of the Exchange Act imposes on the Commission, the Commission is not persuaded that this is necessary. As the commenter itself explains, Section 21F(h)(2)'s heightened confidentiality requirements extend to other specified authorities and entities, which includes the authorities and entities that can bring actions that qualify as ''related actions.'' *Compare id.* Section 21F(h)(2)(D) *with id.* Section 21F(a)(5). This appears to address to a substantial degree the underlying concern about confidentiality without modifying the Comparability Approach.

[47] *See supra* note 17 and accompanying discussion.

[48] *See supra* note 8 and accompanying discussion.

program and instead electing to pursue their related-action claims with the Commission.[49] The Commission does not agree that, in lieu of the $5-million provision, the Commission should authorize payouts of ''a minimum of 5% and maximum of 10% of the total monetary sanctions received'' for *all* non-SEC actions where another award program applies (without regard to which program has the more direct or relevant connection).[50] The Commission is concerned that this proposed modification could be contrary to Section 21F(b), which provides for a minimum award of ''not less than 10 percent'' of the collected monetary sanctions in an action. More fundamentally, this proposal (unlike the $5-million provision) fails to align closely with the Commission's core concern of lessening the expenses and other burdens on claimants in those instances where the non-SEC action would involve only a relatively small award amount.

Similarly, the Commission is unpersuaded that the $5-million provision should be replaced with a ''percentage-based figure'' (presumably a percentage at or above the statutory minimum 10-percent award).[51] Even if only a minimum award amount of just 10 percent were adopted, this could still produce very large payouts in non-SEC actions that involve very large collected monetary sanctions.[52] Given this potential, the Commission is persuaded that a percentage-based figure would not align as closely with the Commission's underlying policy concerns as the $5-million provision that is being adopted.

Further, the Commission declines to modify the $5-million provision so that a non-SEC action could qualify as a related action (irrespective of which program has the more direct or relevant connection) if the total possible payout on that action *and* the Commission's covered action would be $20 million or less.[53] As with the prior recommendation, the proposed revision would not align as well as the $5-million provision does with the overall objective of alleviating the risk that claimants might have to bear additional costs and burdens of dealing with another award program where the potential maximum payout on a non-SEC action is relatively small. The $5-million provision, by focusing on the potential payout of the related action alone, is better tailored to address the underlying policy concern.

Finally, the following principles will apply where more than one individual provides information to the Commission that leads to the success of the action and the other award program is not comparable. Where two or more individuals are whistleblowers and they did not act jointly to contribute to the success of a related action (and the Commission determines that the other agency's award program was not comparable or that the maximum aggregate award payable would not exceed $5 million), each whistleblower will be able to determine separately whether to proceed under the Commission's program. Additionally, as is the case with all related-action claims involving multiple, independent whistleblowers, each claimant's application will be assessed separately to determine whether the applicant qualifies for an award. And in determining the appropriate award amount for any whistleblower who has elected to proceed under the SEC's program, the award guidelines and considerations specified in Exchange Act Rule 21F–5 [54] and Rule 21F–6 will be used in making the award assessment. Relatedly, when setting the award amount for any whistleblower who proceeds under the SEC's program, the Commission may consider the relative contributions of any whistleblower who opted to proceed under the alternative whistleblower program rather than the Commission's program. That said, in no event will the total award paid out on a related action to all the meritorious whistleblowers who proceed under the Commission's program be less than 10 percent or greater than 30 percent of the total monetary sanctions collected in the related action. But individuals who jointly provided the Commission with information will have to determine collectively to proceed under the Commission's program or the other program. This approach is consistent with the Commission's long-standing practice of treating individuals who acted jointly as a single unit for assessing eligibility requirements, applying the award criteria, and determining a specific award amount. See generally Section 21F(a)(6) of the Exchange Act (referring to ''2 or more individuals acting jointly'' to provide information to the Commission).

For the foregoing reasons, the Commission is adopting the Comparability Approach.

* * * * *

Below is a decision tree that outlines how the amendments to Rule 21F–3(b)(3) that effectuate the Comparability Approach will generally operate.

Step 1. Is there another whistleblower program that might apply to a potential related (non-SEC) action for which a claimant is seeking an award?

- If yes, continue to step 2.
- If no, the matter would be treated as a potential related action and the Commission would process the claimant's award application against the general award criteria and eligibility requirements of the whistleblower rules.

Step 2. If there is another program that applies to the potential related action, is it a ''comparable award program''?

- If the other award program is comparable, proceed to step 3.
- If the other program is not comparable, the matter would be treated as a potential related action and the Commission would process the claimant's award application against the general award criteria and eligibility requirements of the whistleblower rules.

Step 3. If the program is comparable, then determine whether either: (i) the absolute maximum payout the Commission could make on the potential related action is $5 million or less (*i.e.,* 30 percent of the monetary sanctions ordered is $5 million or less); or (ii) the SEC's award program has the more direct or relevant connection to the action (relative to the other program) based on the facts and circumstances of the action.

- If the answer to *both* (i) *and* (ii) above is ''no,'' then the matter is not a related action.
- If the answer to (i) *and/or* (ii) in step 3 is ''yes,'' the matter would be treated as a potential related action and the Commission would process the claimant's award application against the general award criteria and eligibility requirements of the whistleblower rules.

B. Rule 21F–6(d) Amendment Regarding Consideration of the Potential Dollar Amount of an Award When Making an Award Determination

Rule 21F–6 identifies the general criteria and standards that the Commission considers when determining the amount of an award. Rule 21F–6(a) specifies that in deciding whether to increase an award the Commission will consider: (1) the significance of a whistleblower's

[49] 87 FR 9280, 9285.

[50] *See supra* note 13 and accompanying discussion.

[51] *See supra* note 14 and accompanying discussion.

[52] As an example, were the Commission to provide that it will pay a 10-percent award on any non-SEC action even if another program might have a more direct or relevant connection to the action, then in a $100 million case the Commission would make a $10 million payout.

[53] *See supra* note 15 and accompanying discussion.

[54] 17 CFR 240.21F–5.

information to the action's success; (2) the degree of assistance provided by the whistleblower; (3) any Commission programmatic interests in deterring securities-law violations by making awards to whistleblowers; and (4) the whistleblower's participation in an internal compliance system. Rule 21F–6(b) provides that in determining whether to decrease the amount of an award the Commission will consider: (1) the whistleblower's culpability or involvement in matters associated with the Commission's action or related actions; (2) whether the whistleblower unreasonably delayed reporting the misconduct; and (3) whether the whistleblower undermined the integrity of an entity's internal compliance and reporting system. Finally, Rule 21F–6(c) establishes a presumption that (provided certain specified exclusions are not implicated) a whistleblower should receive the maximum statutorily permissible award amount if, based on the sums that have been collected or that are likely to be collected, the statutory maximum award in the aggregate for any covered and related actions will not exceed $5 million.

1. Proposed Rule

The Commission proposed to add new paragraph (d) to Rule 21F–6 to cabin the Commission's use of its statutory authority to consider the dollar amount of an award when setting the award amount. Proposed paragraph (d) would restrict the Commission from considering the dollar amount of a potential award (when applying the award factors specified in Rule 21F–6, or in any other way) to decrease a potential award. But proposed paragraph (d) would reaffirm that the Commission may consider the dollar amount of a potential award for the limited purpose of increasing the award amount.

Taken together, the provisions of proposed paragraph (d) would ensure that potentially large awards are not decreased because of their size, thus embodying a regulatory and programmatic determination by the Commission that ''large awards directly [advance] the purpose of the whistleblower program (and by extension the interests of the investing public) by incentivizing whistleblowers to report violations [of the securities laws] to the Commission.'' [55] The Commission further reasoned that, because public information regarding how the Commission applies award factors is necessarily limited to avoid the release of information that could reveal a whistleblower's identity,[56] uncertainty about the authority to lower potential awards based on their dollar amount risked creating the misimpression that the Commission is regularly exercising such authority. The proposing release expressed the concern that this could in turn deter individuals from reporting misconduct.

2. Comments Received

The commenters that specifically addressed the proposed addition of paragraph (d) to Rule 21F–6 supported the proposal. Moreover, the reasons offered in support of the proposed amendment largely tracked the reasons the Commission advanced in the proposing release. For example, several of the commenters stated that the proposed amendment would address the concern that lowering an award based on the dollar size might discourage whistleblowers from coming forward.[57] Relatedly, one commenter stated that the proposed change would reduce whistleblower uncertainty and increase whistleblower confidence in reporting violations.[58]

3. Final Rule

The Commission has decided to amend Rule 21F–6 by adopting new paragraph (d) as proposed. For the reasons set forth in the proposing release and supported by the comments received on this proposal, this amendment will help strengthen the whistleblower program by encouraging high-quality tips from insiders and others who have original information relating to potential securities law violations.

C. Technical and Conforming Amendments to Rules 21–4(c), 21F–8(e), 21F–10, and 21F–11

In the proposing release, the Commission identified various technical amendments to Rules 21F–4(c) and 21F–8(c) to correct errors in the rule text. No comments were received on these proposed modifications. For the reasons explained in the proposing release, the Commission is adopting the proposed technical amendments to these rules.

Further, the Commission proposed various amendments to Rules 21F–10 and 21F–11 so that these rules conform to the changes that are being made to the Multiple-Recovery Rule and Rule 21F–6. The Commission did not receive comments specifically addressing these minor modifications and is adopting them for the reasons explained in the proposing release.[59]

III. Effective Date and Other Matters

The Commission received no comments on the proposed effective date. Accordingly, as proposed, the amended rules will become effective 30 days after publication in the **Federal Register**. Further, the amendments shall apply to any award application pending as of the effective date of the rules, and to all future-filed award applications.

If any of the provisions of these amendments, or the application of these provisions to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application.

[55] Nothing about the proposed rule would disturb the Commission's long-standing practice in public whistleblower award orders of describing awards in appropriate dollar amounts, rather than percentages (which are generally redacted). Relatedly, paragraph (d) does ''not impact . . . the maximum-award presumption that Rule 21F–6(c) establishes.'' 87 FR 9280, 9291 n.65.

[56] *See generally* Exchange Act Section 21F(h)(2).

[57] *See* Cornell Securities Law Clinic (Apr. 11, 2022) (explaining that removing the authority to reduce awards based on dollar size is appropriate because the risk the Commission might reduce awards in this way ''would only instill more hesitation for people that are considering coming forward with pertinent information''); Better Markets (Apr. 11, 2022) (expressing support for limiting the authority of the Commission to lower dollar awards based on their dollar size for the reasons the Commission stated in the proposing release, including that ''high dollar awards serve the purpose of the whistleblower program by drawing public attention and thereby incentivizing whistleblowers to come forward''); Cohen, Milstein, Sellers & Toll PLLC (Apr. 8, 2022) (expressing support for the proposed change to Rule 21F–6 because ''discretionary authority to consider the dollar amount to reduce the size of awards adds uncertainty and decreases confidence in the award process,'' while ''large awards increase the awareness of, and incentives to participate in, the SEC's whistleblower program''); Lee (Feb. 21, 2022) (stating that the proposed amendment would be ''a crucial tool in the form of an incentive to motivate whistleblowers of the highest levels''); Benjamin Ng (Feb. 21, 2022) (''Clarifying that the Commission will never reduce award sums to whistleblowers is an important incentive for motivating whistleblowers of the highest levels.''). *See also* Kohn, Kohn & Colapinto, LLC (Apr. 11, 2022) (''strongly endors[ing] the proposed Rule 21F–6(d) as written'' and explaining that ''[b]y paying larger rewards, the Commission will incentivize high quality reporting from well-placed insiders, and will significantly increase the deterrent effect of the Dodd-Frank Act''); Cornell Securities Law Clinic (Apr. 11, 2022) (supporting the Commission's ''discretion to increase award amounts'' because ''large awards generate more public interest''); NWC (Apr. 7, 2022) (stating the proposed amendment ''clarif[ies] that whistleblowers in large cases, who meet the criteria for enhanced awards, will not be prejudiced simply based on the size of a sanction'').

[58] *See* Andres Rodriquez (Apr. 3, 2022).

[59] 87 FR 9280, 9284 n.24, 9290 n.57 (explaining conforming edits that are being made to Rules 21F–10 and 21F–11).

Pursuant to the Congressional Review Act,[60] the Office of Information and Regulatory Affairs has designated these amendments as not a ''major rule,'' as defined by 5 U.S.C. 804(2).

Lastly, the final amendments do not impose any new ''collections of information'' within the meaning of the Paperwork Reduction Act of 1995,[61] nor do they create any new filing, reporting, recordkeeping, or disclosure requirements.

IV. Economic Analysis

The Commission is sensitive to the economic consequences of its rules, including the benefits, costs, and effects on efficiency, competition, and capital formation. Section 23(a)(2)[62] of the Exchange Act requires the Commission, in promulgating rules under the Exchange Act, to consider the impact that any rule may have on competition and prohibits the Commission from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. Further, Section 3(f) of the Exchange Act[63] requires the Commission, when engaging in rulemaking where it is required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.

This economic analysis concerns the final amendments to Exchange Act Rule 21F–3 and Rule 21F–6. As discussed above, the final amendments to Rule 21F–3(b)(3) allow awards for related actions if an alternative whistleblower program has an award range or award cap that would restrict the maximum potential award from that other program to an amount that is meaningfully lower than the maximum potential award that the Commission could make. In addition, the final amendments allow awards for related actions when the alternative program has a discretionary structure, or when the maximum award the Commission could potentially pay on the non-SEC action could not exceed $5 million. The final amendment to Rule 21F–6 eliminates the Commission's discretion to consider the dollar amounts to reduce an award. Although the impact of the final amendments is expected to be small, to the extent that there is an impact, the amendments could increase the size of some whistleblower awards and therefore increase the incentives for whistleblowers to submit tips.

The benefits and costs discussed below are difficult to quantify. For example, we do not have a way of estimating quantitatively the extent to which the final rules could affect our enforcement program by altering whistleblowing incentives. Similarly, we are unable to quantify any costs (or benefit) to the IPF[64] associated with the Comparability Approach or the alternative approaches discussed above for amending Rule 21F–(b)(3). Therefore, the discussion of economic effects of the final amendments is qualitative in nature.

We received several comments in response to the proposed rulemaking that suggest additional alternatives as well as comments that discuss the economic consequences of the rule changes that are being adopted. We respond to those comments below.

A. Economic Baseline

In our examination of the potential economic effects of the final amendments, we have employed as a baseline the set of rules that implement the SEC's whistleblower program as amended in September 2020.[65] Over the past 10 years, the whistleblower program has been an important component of the Commission's efforts to detect wrongdoing and protect investors in the marketplace, particularly where fraud is difficult to uncover. The program has received a high number of submissions from whistleblowers and it has also produced substantial awards.[66] Both the number of submissions and the number and dollar amount of awards per year have increased considerably since the program was initiated.[67]

SEC Whistleblower Program Annual Award Activity

Year	Total awards (million)	Number of recipients
2021	$564	108
2020	175	39
2019	60	8

Whistleblower programs, including the SEC's whistleblower program, have been studied by economists who report findings consistent with award programs being effective at contributing to the discovery of violations.[68] In addition, a recent publication reports that, among other benefits, ''[w]histleblower involvement [in the enforcement process] is associated with higher monetary penalties for targeted firms and employees.''[69] Further, published research articles and current working papers report that the SEC's whistleblower program deters aggressive (*i.e.,* potentially misleading) financial reporting[70] and insider trading.[71] We have received comments that support the conclusion that the SEC's whistleblower program is valuable and effective.[72]

[60] 5 U.S.C. 801 *et seq.*

[61] 44 U.S.C. 3501 *et seq.*

[62] 15 U.S.C. 78w(a)(2).

[63] 15 U.S.C. 78c(f).

[64] *See supra* note 41 (discussing the IPF).

[65] Earlier this year, the Commission issued a statement identifying procedures that could be used by the whistleblower award program during an Interim Policy-Review Period. Release No. 34–81207 (Aug. 5, 2021), *available at https://www.sec.gov/rules/policy/2021/34-92565.pdf.* These procedures are considered in the economic baseline.

[66] In fiscal year (FY) 2021, the Commission awarded approximately $564 million to 108 individuals—both the largest dollar amount and the largest number of individuals awarded in a single fiscal year. The program was also very active in FY 2020, awarding approximately $175 million to 39 individuals.

[67] *See* SEC 2020 Report on Whistleblower Program, at 9–16; U.S. Sec. & Exch. Comm'n, Div. of Enf. 2020 Ann. Rep., pp. 9–16 (Nov. 2, 2020), *available at https://www.sec.gov/files/enforcement-annual-report-2020.pdf.*

[68] Andrew C. Call, *et al., Whistleblowers and Outcomes of Financial Misrepresentation Enforcement Actions,* 56 J. Acct. Res. 123, 126 (2018) (''Our collective findings are consistent with whistleblower involvement being associated with more rapid discovery of financial misconduct.''). *See also* Alexander Dyck, *et al., Who Blows the Whistle on Corporate Fraud?,* 65 J. Fin. 2213, 2215 (2010) (''[A] strong monetary incentive to blow the whistle does motivate people with information to come forward.'').

[69] Call, *et al., supra* note 68, at 126.

[70] *See* Philip G. Berger & Heemin Lee, *Did the Dodd-Frank Whistleblower Provision Deter Accounting Fraud?,* 60 J. ACCT. RES. 1337, 1359 (2022) available at *https://onlinelibrary.wiley.com/doi/10.1111/1475-679X.12421* (''for firms not exposed to a general [state] F[alse] C[laims] A[ct] before the Dodd-Frank whistleblower law, the new law lowers the probability of fraud by 12%–22% relative to firms already exposed.''); *see also* Christine Weidman & Chummei Zhu, *Do the SEC Whistleblower Provisions of Dodd Frank Deter Aggressive Financial Reporting* (Feb. 2020) (unpublished manuscript), available at *https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3105521;* Jaron H. Wilde, *The Deterrent Effect of Employee Whistleblowing on Firms' Financial Misreporting and Tax Aggressiveness,* 92 ACCT. REV. 247 (2017).

[71] *See* Jacob Raleigh, *The Deterrent Effect of Whistleblowing on Insider Trading* (Sept. 29, 2021) (unpublished manuscript), *available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3672026.*

[72] *See, e.g.,* Taxpayers Against Fraud (Apr. 11, 2022) (''The success of the Whistleblower Program over the past decade clearly demonstrates the benefits to investors and the public at large when major frauds are detected, deterred and remedied as early as possible[.]''); *id.* (''The SEC's Whistleblower Program is developing into one of the most successful public-private partnerships in American history''); Better Markets (Apr. 11, 2022) (''[T]he [SEC's Whistleblower] program has been an

Continued

B. Final Rules

1. Final Rule 21F–3(b)(3)

The rule amendments may affect SEC whistleblower awards in cases where there is a potential related action that could be covered by another whistleblower program. As described above, the Commission is adopting the Comparability Approach, which authorizes the Commission to make awards in particular situations where, under the Multiple-Recovery Rule, another award program would otherwise apply if that program has the more direct or relevant relationship to the underlying (non-Commission) related action.[73] The Comparability Approach will do this by authorizing the Commission to make an award irrespective of the related action's relative relationship to the two award programs if the other award program is discretionary, or structured to provide meaningfully smaller awards than the maximum potential award that could be granted by the SEC's program, or if the maximum total award amount that the Commission could pay is less than or equal to $5 million. The Whistleblower's Choice Option, by contrast, would have allowed the Commission to make an award irrespective of the existence of another program and would have allowed the whistleblower to decide whether to accept the Commission's award or the other program's award. While the two approaches are structured differently, both may increase the total dollar award amount for a whistleblower compared to the baseline. Thus both options could increase the incentives for whistleblowers.[74]

The Whistleblower's Choice Option might have had a slightly different incentive effect, since a comparison would have been made between realizable award amounts rather than analysis of award structures.[75] To the extent that a whistleblower prefers to exercise discretion over the selection of awards for the same related action, the whistleblower might have preferred the Whistleblower's Choice Option because the whistleblower would have had an opportunity to make a decision in every instance where another award program might have applied. In contrast, the Comparability Approach does not offer the whistleblower the opportunity to exercise discretion. Feedback from some commenters indicates that whistleblowers may prefer to exercise such discretion.[76] As discussed above, however, the Whistleblower's Choice Approach could weaken the incentives for whistleblowers, since it might add significant delay to the processing of applications and/or payment of awards.[77]

To the extent that these amendments increase the willingness of some individuals to come forward with information about potential securities law violations, we expect that they will increase Commission enforcement activity and deter wrongdoing.[78] The effects of the rule changes are expected to be small, due to the limited circumstances under which they will apply, and because there are many factors, including non-pecuniary incentives, that motivate whistleblowers.[79] If this amendment had been operative during the period from July 21, 2010, (when the program was created) to the present, staff review of award data indicates that this amendment would have resulted in an additional total payout from the IPF of less than $10.5 million. Although the rule amendments would not have substantially increased the total payout in prior related-action awards, the economic literature leads us to believe that changes such as these that increase whistleblowing incentives should have a positive effect on the frequency of whistleblowing activity.[80]

Because these amendments may increase the amounts paid to whistleblowers under certain circumstances, there may be costs associated with the final rule amendments. One possibility is that the IPF will be depleted temporarily.[81] For example, assume the DOJ collected $1.5 billion on a related action. If there were a meritorious whistleblower, then even a mid-range 20 percent award would require the Commission to pay the whistleblower $300 million, an amount that could temporarily exhaust the IPF.[82] An award that exhausted the IPF could produce additional effects, depending on the size of the shortfall and the SEC whistleblower awards that would otherwise be eligible for issuance and payment during the shortfall period.[83]

In addition, we expect that these amendments will cause a small increase in the administrative costs for the SEC's whistleblower program. For example, the final adopted amendments will require the Commission to compare whistleblower programs based on the expected award amounts from those programs. But these costs will be small relative to the baseline, and, to the extent that the program structures are stable, the comparisons may not need to be repeated for each case. In contrast, the Whistleblower's Choice Option could have been expected to increase the administrative costs relative to the baseline more than the Comparability Approach because it would have

enormous success.''). One commenter stated that ''the benefits obtained by the public and investors based on the deterrent effect of whistleblower laws are massive,'' and cited additional sources to support this conclusion. Kohn, Kohn, & Colapinto (Apr. 8, 2022).

[73] It would be difficult to predict with any degree of certainty how often the Comparability Approach would be relevant, particularly as whistleblower programs change, and new whistleblower programs are implemented. That said, as discussed above, the Commission has seen an increase in the number of award matters that would potentially implicate the Comparability Approach.

[74] We considered comments that support the conclusion that the Comparability Approach and the Whistleblower's Choice Option would increase incentives for whistleblowers. *See, e.g.,* Andres Rodriguez (Apr. 3, 2022) (stating ''With the proposed amendment to rule 21F–3(b)(3), the Securities and Exchange Commission can further the maximization of whistleblower tips by means of providing monetary awards.''); Anonymous (Mar. 21, 2022) (''This will Induce [sic] and Incentivize [sic] those with a moral compass to come forward more often.'').

[75] In theory, the Whistleblower's Choice Option could have resulted in larger awards than the Comparability Approach. For example, a comparable program, such as the CFTC's program, might potentially determine an award amount at 20 percent. If, in that case, the Commission would have exercised its discretion to determine an award at 30 percent for the related action, the whistleblower would have received a larger amount under the Whistleblower's Choice Option than under the Comparability Approach.

[76] *See supra* notes 21–22 and related discussion.

[77] *See supra* note 38 and accompanying discussion.

[78] We have received letters from commenters that support this expectation, *see, e.g.,* National Whistleblower Center (Apr. 7, 2022) (''High rewards increase the likelihood that more whistleblowers will come forward to the SEC with their information.'').

[79] The mix of pecuniary and non-pecuniary elements that motivate whistleblowers were described in the economic analysis for the 2020 Adopting Release for Rule 21F–3(b)(3), Section VI.B.2, *see* Adopting Release, 85 FR 70937.

[80] *See* Andrew C. Call, et al., *Rank and File Employees and the Discovery of Misreporting: The Role of Stock Options,* 62 J. Acct. & Econ. 277, 297–99 (2016). *See also* Jonas Heese & Gerardo Perez-Cavazos, *The Effect of Retaliation Costs on Employee Whistleblowing,* 71 J. Acct. & Econ. 101385 (2021). *See also* Kohn, Kohn, & Colapinto (Apr. 8, 2022) (citing congressional testimony as well as other sources that indicate incentive changes have an effect on whistleblower participation).

[81] 17 CFR 240.21F–14(d) (Exchange Act Section 21F–14(d)), which describes the procedures applicable to the payment of awards, indicates that if there are insufficient amounts available in the IPF to pay the entire amount of an award within a reasonable period of time, then the balance of the payment shall be paid when amounts become available. These procedures specify the relative priority of competing claims.

[82] *See generally* Exchange Act Section 21F(g)(3)(A). At the end of FY 2021, the IPF's balance was $144,442,134. To date, the largest amount the IPF has ever had is approximately $453 million. *See* 2013 Annual Report to Congress on the Dodd-Frank Whistleblower Program available at *https://www.sec.gov/files/annual-report-2013.pdf.*

[83] *See also* Exchange Act Section 21F(c)(1)(B)(ii).

required the Commission to determine whether an award should have been granted in each case where there is a related action and a separate whistleblower program.[84] As described above, commenters have provided mixed feedback regarding the relative increase in administrative costs for the Whistleblower's Choice Option as compared to the Comparability Approach.[85]

2. Final Rule 21F–6

The change to Rule 21F–6 eliminates the Commission's discretionary authority to consider dollar amounts in reducing awards while retaining the Commission's discretionary authority to consider dollar amounts to increase awards. The 2020 amendments that clarified that the Commission could consider, in its discretion, the dollar amount of an award when making an award determination may have increased whistleblowers' uncertainty relating to the program and thus potentially reduced their willingness to report potential misconduct. To the extent that the 2020 amendments may have diminished a whistleblower's willingness to come forward, eliminating this discretionary authority reduces uncertainty and thus potentially encourages more whistleblowing.[86] But we cannot determine with any reasonable degree of certainty if the revisions to Rule 21F–6 will affect a whistleblower's willingness to report a potential securities law violation.[87] To the extent that the Commission would have exercised the discretion to lower award amounts, amended Rule 21F–6 will increase program costs to the IPF by any such amounts.[88]

C. Additional Alternatives

As discussed above, the Offset Approach and the Topping-Off Approach are alternatives that could also have increased whistleblower award incentives. For example, under certain circumstances, the Offset Approach could have produced award amounts in related actions that are comparable, if not identical, to the awards produced under the Comparability Approach (and the Whistleblower's Choice Approach). In contrast, the Topping-Off Approach could have resulted in smaller changes in the award amounts.[89]

As also discussed above, both of these alternative approaches would likely have increased the Commission's award-processing time, because the Commission's final award-amount determinations would have been dependent on the completion and resolution of the award process by the entity or authority administering the other award program.[90] Additional delays may adversely affect whistleblower incentives.[91] As a result, despite the generally positive expected impact on whistleblower incentives from the possibility for increased award amounts, the net impact on whistleblower incentives from the Offset Approach and the Topping-Off Approach would have depended on the relative impacts of potential increased awards and potential increased delays.[92]

D. Effects of the Proposed Rules on Efficiency, Competition, and Capital Formation

As discussed earlier, the Commission is sensitive to the economic consequences of its rules, including the effects on efficiency, competition, and capital formation. The Commission believes that the final amendments would make incremental changes to its whistleblower program. Thus, the Commission does not anticipate the effects on efficiency, competition, and capital formation to be significant.

The final rules could have a positive indirect impact on investment efficiency and capital formation by increasing the incentives of potential whistleblowers to provide information on possible violations. To the extent that increased whistleblowing incentives stemming from the final rules result in more timely reporting of useful information on possible violations or the reporting of higher quality information on possible violations, the Commission's enforcement activities could become more effective. More effective enforcement could lead to earlier detection of violations and increased deterrence of potential future violations, which could improve price efficiency and assist in a more efficient allocation of investment funds. Securities frauds, for example, can cause inefficiencies in the economy by diverting investment funds from legitimate, productive uses.[93]

V. Regulatory Flexibility Act

Section 604(a) of the Regulatory Flexibility Act[94] requires the Commission to undertake a final regulatory flexibility analysis of rules it is adopting unless the Commission certifies that the rules would not have a significant economic impact on a substantial number of small entities.[95] The proposing release included a request for public comment on the Commission's preliminary regulatory-flexibility analysis but no such comments were received.

Under Section 601(6) of Title 5 of the United States Code, ''small authority'' means ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[96] The definition of ''small authority'' does not include individuals. As explained in the proposing release, the rules apply only to an individual, or individuals acting jointly, who provide

[84] The award presumption established by Rule 21F–6(c) could help limit the overall administrative costs, however. *See* Adopting Release, 85 FR 70911 (discussing potential ''gains in efficiency from streamlining the award determination process'' when the $5 million award presumption would apply during the award-calculation phase).

[85] As discussed above, one commenter indicated that the administrative burdens associated with the Comparability Approach would be greater than those of the Whistleblower's Choice Option, *supra* note 10, but others indicated that the Comparability Approach would have low administrative burdens, *supra* note 11.

[86] *See* Taxpayers Against Fraud (Apr. 11, 2022) (stating that ''in our experience representing whistleblowers, uncertainty and ambiguity in how the program operates can present potentially significant obstacles to individuals who are considering reporting wrongdoing'').

[87] As noted above, commenters have expressed support for the proposed changes to Rule 21F–6. *See supra* notes 57–58 and related discussion, indicating that larger awards generate important incentives.

[88] Similar to the amendments to Rule 21F–3(b)(3), to the extent that program costs increase as a result of the amendments to Rule 21F–6, there will be an increase in the possibility that the IPF is temporarily depleted. As described above, an award that exhausted the IPF could produce additional effects that would depend on the size of the shortfall and the SEC whistleblower awards that would otherwise have been eligible for issuance and payment during the shortfall period.

[89] As described above, the Topping-Off Approach would not have allowed the Commission to provide an increase to the covered-action in those instances where the Commission grants an award at the 30 percent statutory cap, which occurs in a substantial portion of cases.

[90] Commenters suggested modifications to the Offset Approach to address this concern. *See* Taxpayers Against Fraud (Apr. 11, 2022) (''The only issue relates to timing—if SEC makes its award first, the whistleblower forfeits an award from any other program; if the other regulator pays first, the SEC offsets whatever amount the whistleblower receives with whatever amount he or she received from other programs.''); Kohn, Kohn & Colapinto (Apr. 8, 2022). But as discussed in Section II.A.3, the Commission would be required to withhold any payment to avoid the risk of overpaying.

[91] Some commenters have expressed concerns about award-processing delays. *See, e.g.,* Talia Finamore (Apr. 3, 2022) (''My only worry would be how much more time the Commission would have to put into processing applications.'').

[92] As described above, we have considered several additional alternatives suggested by commenters. For example, one commenter suggested that the $5 million threshold in the Comparability Approach should be raised to $20 million. *See supra* note 15.

[93] *See* Adopting Release, 76 FR 34362.

[94] 5 U.S.C. 603(a).

[95] 5 U.S.C. 605(b).

[96] *See* 5 U.S.C. 601(3) through(5) (defining ''small business,'' ''small organization,'' and ''small governmental jurisdiction'').

information to the Commission relating to the violation of the securities laws. Companies and other entities are not eligible to participate in the whistleblower program as whistleblowers.[97] Consequently, the persons that will be subject to the amended rules are not ''small entities'' for purposes of the Regulatory Flexibility Act.

For the reasons stated above, the Commission certifies, pursuant to Section 605(b) of Title 5 of the U.S. Code, that the rules would not have a significant economic impact on a substantial number of small entities.[98]

VI. Statutory Basis

The Commission is adopting the rule amendments contained in this document under the rulemaking authority provided in Sections 3(b), 21F, and 23(a) of the Exchange Act.

List of Subjects in 17 CFR Part 240

Securities, Whistleblowing.

Text of the Amendments

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

■ 1. The authority citation for part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78c–3, 78c–5, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78n–1, 78o, 78o–4, 78o–10, 78p, 78q, 78q–1, 78s, 78u–5, 78w, 78x, 78dd, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.,* and 8302; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3); 18 U.S.C. 1350; Pub. L. 111–203, 939A, 124 Stat. 1376 (2010); and Pub. L. 112–106, sec. 503 and 602, 126 Stat. 326 (2012), unless otherwise noted.

* * * * *

Section 240.21F is also issued under Public Law 111–203, 922(a), 124 Stat. 1841 (2010).

* * * * *

■ 2. Amend § 240.21F–3 by:

■ a. Revising paragraphs (b)(3) introductory text and (b)(3)(i) and (iii); and

■ b. Adding paragraphs (b)(3)(iv), (v), and (vi).

The revisions and additions read as follows:

§ 240.21F–3 Payment of awards.

* * * * *

(b) * * *

(3) The following provision shall apply where a claimant's application for a potential related action may also involve a potential recovery from a comparable whistleblower award program (as defined in paragraph (b)(3)(iv) of this section) for that same action.

(i) Notwithstanding paragraph (b)(1) of this section, if a judicial or administrative action is subject to a separate monetary award program established by the Federal Government, a state government, or a self-regulatory organization (SRO), the action will be deemed eligible to qualify as a potential related-action only if either:

(A) The Commission finds that the maximum total award that could potentially be paid by the Commission based on the monetary sanctions imposed would not exceed $5 million; or

(B) The Commission finds (based on the facts and circumstances of the action) that the Commission's whistleblower award program has the more direct or relevant connection to that action.

* * * * *

(iii) The conditions in paragraphs (b)(3)(iii)(A) through (C) of this section apply to a determination under paragraph (b)(3)(ii) of this section.

(A) The Commission shall not make a related-action award to a claimant (or any payment on a related-action award if the Commission has already made an award determination) if the claimant receives any payment from the other program for that action.

(B) If a claimant was denied an award by the other award program, the claimant will not be permitted to re-adjudicate any issues before the Commission that the governmental/SRO entity responsible for administering the other whistleblower award program resolved, pursuant to a final order of such government/SRO entity, against the claimant as part of the award denial.

(C) If the Commission makes an award before an award determination is finalized by the governmental/SRO entity responsible for administering the other award program, the award shall be conditioned on the claimant making an irrevocable waiver of any claim to an award from the other award program. The claimant's irrevocable waiver must be made within 60 calendar days of the claimant receiving notification of the Commission's final order.

(iv) The provisions of paragraphs (b)(3)(iv)(A) through (D) of this section apply to program comparability determinations.

(A) For purposes of paragraph (b)(3) of this section, a comparable whistleblower award program is an award program that satisfies the following criteria:

(*1*) The award program is administered by an authority or entity other than the Commission;

(*2*) The award program does not have an award range that could operate in a particular action to yield an award for a claimant that is meaningfully lower (when assessed against the maximum and minimum potential awards that program would allow) than the award range that the Commission's program could yield (*i.e.,* 10 to 30 percent of collected monetary sanctions);

(*3*) The award program does not have a cap that could operate in a particular action to yield an award for a claimant that is meaningfully lower than the maximum award the Commission could grant for the action (*i.e.,* 30 percent of collected monetary sanctions in the related action); and

(*4*) The authority or entity administering the program may not in its discretion deny an award if a whistleblower satisfies the established eligibility requirements and award criteria.

(B) The Commission shall make a determination on a case-by-case basis whether an alternative award program is a comparable award program for purposes of the particular action on which the claimant is seeking a related-action award with respect to paragraphs (b)(3)(iv)(A)(*2*) through (*3*) of this section.

(C) If the Commission determines that an alternative award program is not comparable, the Commission shall condition its award on the meritorious whistleblower making within 60 calendar days of receiving notification of the Commission's final award an irrevocable waiver of any claim to an award from the other award program.

(D) A whistleblower whose related-action award application is subject to the provisions of paragraph (b)(3) of this section (including a whistleblower whose related-action award application implicates another award program that does not qualify as a comparable program as a result of paragraph (b)(3)(iv)(A) of this section) must demonstrate that the whistleblower has complied with the terms and conditions of this section regarding an irrevocable waiver. This shall include taking all

[97] *See generally* Exchange Act Section 21F(a)(6) (defining ''whistleblower''); Rule 21F–2(a)(2) (providing that ''[a] whistleblower must be an individual'' and a ''company or other entity is not eligible to be a whistleblower'').

[98] The final amendments do not impose any new ''collections of information'' within the meaning of the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*], nor do they create any new filing, reporting, recordkeeping, or disclosure requirements.

steps necessary to authorize the administrators of the other program to confirm to staff in the Office of the Whistleblower (or in writing to the claimant or the Commission) that an irrevocable waiver has been made.

(v) A claimant seeking a related-action award must promptly inform the Office of the Whistleblower if the claimant applies for an award on the same action from another award program.

(vi) The Commission may deem a claimant ineligible for a related-action award if any of the conditions and requirements of paragraph (b)(3) of this section in connection with that related action are not satisfied.

■ 3. Amend § 240.21F–4 by revising paragraph (c)(2) to read as follows:

§ 240.21F–4 Other definitions.

* * * * *

(c) * * *

(2) You gave the Commission original information about conduct that was already under examination or investigation by the Commission, the Congress, any other authority of the Federal Government, a state attorney general or securities regulatory authority, any self-regulatory organization, or the PCAOB (except in cases where you were an original source of this information as defined in paragraph (b)(5) of this section), and your submission significantly contributed to the success of the action; or

* * * * *

■ 4. Amend § 240.21F–6 by adding paragraph (d) to read as follows:

§ 240.21F–6 Criteria for determining amount of award.

* * * * *

(d) *Consideration of the dollar amount of an award.* When applying the award factors specified in paragraphs (a) and (b) of this section, the Commission may consider the dollar amount of a potential award for the limited purpose of increasing the award amount. The Commission shall not, however, use the dollar amount of a potential award as a basis to lower a potential award, including when applying the factors specified in paragraphs (a) and (b) of this section.

■ 5. Amend § 240.21F–8 by revising paragraph (e)(4)(ii) to read as follows:

§ 240.21F–8 Eligibility and forms.

* * * * *

(e) * * *

(4) * * *

(ii) If, within 30 calendar days of the Office of the Whistleblower providing the foregoing notification, you withdraw the relevant award application(s), the withdrawn award application(s) will not be considered by the Commission in determining whether to exercise its authority under paragraph (e) of this section.

■ 6. Amend § 240.21F–10 by revising paragraph (e) to read as follows:

§ 240.21F–10 Procedures for making a claim for a whistleblower award in SEC actions that result in monetary sanctions in excess of $1,000,000.

* * * * *

(e) You may contest the Preliminary Determination made by the Claims Review Staff by submitting a written response to the Office of the Whistleblower setting forth the grounds for your objection to either the denial of an award or the proposed amount of an award. The response must be in the form and manner that the Office of the Whistleblower shall require. You may also include documentation or other evidentiary support for the grounds advanced in your response. In applying the award factors and standards specified in § 240.21F–6, and determining the award dollar and percentage amounts set forth in the Preliminary Determination, the award factors may be considered by the SEC staff and the Commission in dollar terms, percentage terms or some combination thereof, subject to the limitations imposed by § 240.21F–6(d). Should you choose to contest a Preliminary Determination, you may set forth the reasons for your objection to the proposed amount of an award, including the grounds therefore, in dollar terms, percentage terms or some combination thereof.

(1) Before determining whether to contest a Preliminary Determination, you may:

(i) Within 30 calendar days of the date of the Preliminary Determination, request that the Office of the Whistleblower make available for your review the materials from among those set forth in § 240.21F–12(a) that formed the basis of the Claims Review Staff's Preliminary Determination.

(ii) Within 30 calendar days of the date of the Preliminary Determination, request a meeting with the Office of the Whistleblower; however, such meetings are not required, and the office may in its sole discretion decline the request.

(2) If you decide to contest the Preliminary Determination, you must submit your written response and supporting materials within 60 calendar days of the date of the Preliminary Determination, or if a request to review materials is made pursuant to paragraph (e)(1) of this section, then within 60 calendar days of the Office of the Whistleblower making those materials available for your review.

* * * * *

■ 7. Amend § 240.21F–11 by revising paragraphs (a), (c), and (e) to read as follows:

§ 240.21F–11 Procedures for determining awards based upon a related action.

(a) If you are eligible to receive an award following a Commission action that results in monetary sanctions totaling more than $1,000,000, you also may be eligible to receive an award in connection with a related action (as defined in § 240.21F–3(b)).

* * * * *

(c) The Office of the Whistleblower may request additional information from you in connection with your claim for an award in a related action to demonstrate that you directly (or through the Commission) voluntarily provided the governmental/SRO entity (as specified in § 240.21F–3(b)(1)) the same original information that led to the Commission's successful covered action, and that this information led to the successful enforcement of the related action. Further, the Office of the Whistleblower, in its discretion, may seek assistance and confirmation from the governmental/SRO entity in making an award determination. Additionally, if your related-action award application might implicate a second whistleblower program, the Office of the Whistleblower is authorized to request information from you or to contact any authority or entity responsible for administering that other program, including disclosing the whistleblower's identity if necessary, to ensure compliance with the terms of § 240.21F–3(b)(3).

* * * * *

(e) You may contest the Preliminary Determination made by the Claims Review Staff by submitting a written response to the Office of the Whistleblower setting forth the grounds for your objection to either the denial of an award or the proposed amount of an award. The response must be in the form and manner that the Office of the Whistleblower shall require. You may also include documentation or other evidentiary support for the grounds advanced in your response. In applying the award factors and standards specified in § 240.21F–6, and determining the award dollar and percentage amounts set forth in the Preliminary Determination, the award factors may be considered by the SEC staff and the Commission in dollar terms, percentage terms or some combination thereof, subject to the

limitations imposed by § 240.21F–6(d). Should you choose to contest a Preliminary Determination, you may set forth the reasons for your objection to the proposed amount of an award, including the grounds therefore, in dollar terms, percentage terms or some combination thereof.

(1) Before determining whether to contest a Preliminary Determination, you may:

(i) Within 30 calendar days of the date of the Preliminary Determination, request that the Office of the Whistleblower make available for your review the materials from among those set forth in § 240.21F–12(a) that formed the basis of the Claims Review Staff's Preliminary Determination.

(ii) Within 30 calendar days of the date of the Preliminary Determination, request a meeting with the Office of the Whistleblower; however, such meetings are not required, and the office may in its sole discretion decline the request.

(2) If you decide to contest the Preliminary Determination, you must submit your written response and supporting materials within 60 calendar days of the date of the Preliminary Determination, or if a request to review materials is made pursuant to paragraph (e)(1) of this section, then within 60 calendar days of the Office of the Whistleblower making those materials available for your review.

* * * * *

By the Commission.

Dated: August 26, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–18842 Filed 9–1–22; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 310

[Docket ID: DOD–2022–OS–0094]

RIN 0790–AL28

Privacy Act of 1974; Implementation

AGENCY: Office of the Secretary of Defense, Department of Defense (DoD).

ACTION: Direct final rule with request for comments.

SUMMARY: The Department of Defense (DoD or Department) is giving concurrent notification of a new Department-wide system of records titled ''DoD Historical Records,'' DoD–0014, and this rulemaking, which exempts portions of this system of records from certain provisions of the Privacy Act of 1974, as amended, because of national security requirements. This rule is being published as a direct final rule because the Department does not expect to receive any adverse comments. If such comments are received, this direct final rule will be withdrawn and a proposed rule for comments will be published.

DATES: The rule will be effective on November 14, 2022, unless comments are received that would result in a contrary determination. Comments will be accepted on or before November 1, 2022. If adverse comment is received, the Department will publish a timely withdrawal of the rule in the **Federal Register**.

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

* *Federal eRulemaking Portal: https://www.regulations.gov.*

Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, Privacy and Civil Liberties Division, Directorate for Privacy, Civil Liberties and Freedom of Information, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700; *OSD.DPCLTD@mail.mil;* (703) 571–0070.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, DoD is establishing a new Department-wide system of records titled ''DoD Historical Records,'' DoD–0014. The purpose of this system of records is to collect, preserve, and present the history of the Department of Defense, in order to support Agency leadership and inform the American public. To further this mission, the Department is authorized to gather individuals' information to prepare and publish historical reports, provide historically relevant information for advisory panels and commissions, organize historical presentations and prepare historical studies. The DoD Historical Records system of records contains information on DoD civilian employees, uniformed service members, contractors, and other DoD-affiliated individuals. This system of records contains data derived from government records (Federal, state, and local), information collected directly from individuals, international government and non-government organizations, and publicly available information.

II. Privacy Act Exemption

The Privacy Act permits Federal agencies to exempt eligible records in a system of records from certain provisions of the Act, including the provisions providing individuals with a right to request access to and amendment of their own records and accountings of disclosures of such records. If an agency intends to exempt a particular system of records, it must first go through the rulemaking process to provide public notification and an opportunity to comment on the exemption. The Office of the Secretary is amending 32 CFR part 310 to add a new Privacy Act exemption rule for this system of records. The DoD is claiming an exemption for this system of records because some of its records may contain classified national security information, and providing notification, access, amendment, and disclosure of accounting of those records to an individual, as well as certain recordkeeping requirements, may cause damage to national security. The Privacy Act, pursuant to 5 U.S.C. 552a(k)(1), authorizes agencies to claim an exemption for systems of records that contain information properly classified pursuant to Executive order. DoD is claiming an exemption from several provisions of the Privacy Act, including various access, amendment, disclosure of accounting, and certain recordkeeping and notification requirements, to prevent disclosure of any information properly classified pursuant to Executive order, as implemented by DoD Instruction 5200.01 and DoD Manual 5200.01, Volumes 1 and 3.

III. Direct Final Rulemaking

This rule is being published as a direct final rule as the Department does not expect to receive any significant adverse comments. If such comments are received, this direct final rule will be withdrawn and a proposed rule for comments will be published. If no such comments are received, this direct final rule will become effective ten days after the comment period expires.

For purposes of this rulemaking, a significant adverse comment is one that explains (1) why the rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a significant adverse comment necessitates withdrawal of this direct final rule, the Department will consider whether the comment raises an issue that would have warranted a substantive response had it been submitted in response to a standard notification of a proposed rule. A comment recommending an addition to the rule will not be considered significant and adverse unless the comment explains how this direct final rule would be ineffective without the addition.

This direct final rule adds to the DoD's Privacy Act exemptions for Department-wide systems of records found in 32 CFR 310.13. Records in this system of records are only exempt from the Privacy Act to the extent the purposes underlying the exemption pertain to the record.

A notice of a new system of records for DoD–0014 is also published in this issue of the **Federal Register**.

Regulatory Analysis

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

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

Congressional Review Act

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

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

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

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

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

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

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

Executive Order 13132, ''Federalism''

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. This rule will not have a substantial effect on State and local governments.

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

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

List of Subjects in 32 CFR Part 310

Privacy.

Accordingly, 32 CFR part 310 is amended as follows:

PART 310—PROTECTION OF PRIVACY AND ACCESS TO AND AMENDEMENT OF INDIVIDUAL RECORDS UNDER THE PRIVACY ACT OF 1974

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

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

■ 2. Section 310.13 is amended by *adding a reserved paragraph (e)(10) and paragraph (e)(11) to read as follows:*

§ 310.13 Exemptions for DoD-wide systems.

* * * * *

(e) * * *

(11) *System identifier and name.* DoD–0014, ''DoD Historical Records.''

(i) *Exemptions.* This system of records is exempt from 5 U.S.C. 552a(c)(3); (d)(1), (2), (3), and (4); (e)(1), (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(1).

(iii) *Exemption from the particular subsections.* Exemption from the particular subsections of the Privacy Act of 1974, as amended, pursuant to exemption (k)(1) is justified for the following reasons:

(A) *Subsections (c)(3), (d)(1), and (d)(2).* Records in this system of records may contain information concerning individuals that is properly classified

pursuant to Executive order. Application of exemption (k)(1) for such records may be necessary because access to and amendment of the records, or release of the accounting of disclosures for such records, could reveal classified information. Disclosure of classified records to an individual may cause damage to national security. Accordingly, application of exemption (k)(1) may be necessary.

(B) *Subsections (d)(3) and (4).* Subsections (d)(3) and (4) are inapplicable to the extent an exemption is claimed from subsection (d)(2).

(C) *Subsection (e)(1).* Records within this system may be properly classified pursuant to Executive order. In the collection of information for historical activities, it is not always possible to conclusively determine the relevance and necessity of particular information in the early stages of these types of activities. Additionally, disclosure of classified records to an individual may cause damage to national security. Accordingly, application of exemption (k)(1) may be necessary.

(D) *Subsections (e)(4)(G) and (H) and subsection (f).* Subsections (e)(4)(G) and (H) and subsection (f) are inapplicable to the extent exemption is claimed from the access and amendment provisions of subsection (d). Because portions of this system are exempt from the individual access and amendment provisions of subsection (d) for the reasons noted in the preceding sentence, DoD is not required to establish requirements, rules, or procedures with respect to such access or amendment provisions. Providing notice to individuals with respect to the existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access, view, and seek to amend records pertaining to themselves in the system would potentially undermine national security and the confidentiality of classified information. Accordingly, application of exemption (k)(1) may be necessary.

(E) *Subsection (e)(4)(I).* To the extent that subsection (e)(4)(I) is construed to require more detailed disclosure than the broad information currently published in the system notice concerning categories of sources of records in the system, an exemption from subsection (e)(4)(I) is necessary to protect national security and the confidentiality of sources and methods, and other classified information.

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

Dated: August 29, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–18985 Filed 9–1–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0744]

RIN 1625–AA00

Safety Zone; Sunset Point, San Juan Island, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is extending the duration of a temporary safety zone for navigable waters within a 1000-yard radius of Sunset Point on San Juan Island, WA. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with the emergency response efforts and the recovery of a sunken vessel. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Puget Sound.

DATES: This rule is effective without actual notice from September 2, 2022 through September 12, 2022 at 10 p.m. For the purposes of enforcement, actual notice will be used from August 29, 2022 at 10 p.m., until September 2, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0744 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Samud I. Looney, Sector Puget Sound, Waterways Management Division, U.S. Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On August 16, 2022, the Coast Guard issued a rulemaking that created a temporary safety zone. The safety zone was effective August 16, 2022 to August 18, 2022. A copy of the rulemaking that ended on August 18, 2022 is available in the docket USCG–2022–0600. On August 18, 2022, the Coast Guard issued a temporary final rule establishing a temporary safety zone in effect through August 29, 2022 (87 FR 51909). However, additional time is needed to maintain safe navigation around response equipment and responders while additional damage assessments and salvage operations occur, and, as a result, the Coast Guard is establishing through temporary regulations a safety zone that will be in effect through September 12, 2022. The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is needed to respond to the safety hazards associated with the emergency response measures in product recovery of a sunken vessel. It is impracticable to publish an NPRM and hold a reasonable comment period for this rulemaking due to the emergent nature of the ongoing response and recovery operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the safety hazards associated with the emergency response and salvage operations.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector Puget Sound (COTP) has determined that potential hazards associated with the emergency response and recovery operations will be a safety concern for anyone within a 1000-yard radius of Sunset Point, San Juan Island, WA. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the emergency response is ongoing and during the recovery of the sunken vessel.

IV. Discussion of the Rule

This rule extends the effective dates of the established temporary safety zone (87 FR 51909). The extended temporary safety zone will be enforced from August 29, 2022 at 10 p.m. through September 12, 2022 at 10 p.m. The safety zone will cover all navigable waters within 1000-yard radius of Sunset Point, San Juan Island, WA. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the emergency response of the sunken vessel are ongoing. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The safety zone may be suspended early at the discretion of COTP Sector Puget Sound.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone which would impact a small designated area of Sunset Point on San Juan Island for a total of 14 days and operations may be suspended early at the discretion of the COTP Sector Puget Sound. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 14 days that will prohibit entry within 1000 yards of Sunset Point while vessels, equipment, and personnel are being used in the emergency response and removal of a sunken vessel. It is categorically excluded from further review under paragraph L60[d] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–0744 to read as follows:

§ 165.T13–0744 Safety Zone; Sunset Point, San Juan Island, WA.

(a) *Location.* The following area is a safety zones: all navigable waters within a 1000 yard radius of the sunken vessel located at 48°33′16.1″ N, 123°10′28.9″ W off of Sunset Point, San Juan Island, WA. These coordinates are based 1984 World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, a *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the COTP Sector Puget Sound in the enforcement of the safety zone.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF Channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from August 29, 2022 at 10 p.m. through September 12, 2022 at 10 p.m. unless an earlier end is announced by Broadcast Notice to Mariners on VHF–FM marine channel 16.

Dated: August 29, 2022.

P.M. Hilbert,

Captain, U.S. Coast Guard, Captain of the Port Sector Puget Sound.

[FR Doc. 2022–18999 Filed 9–1–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0650]

RIN 1625–AA00

Safety Zone; Swim for Alligator Lighthouse, Islamorada, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on certain navigable waters of the Atlantic Ocean near Islamorada, Florida during the Swim for Alligator Lighthouse, open water swim event. A safety zone for recurring marine events exists; however, for this year's event the date has changed. The safety zone is necessary to ensure the safety of event participants and spectators. Persons and non-participant vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Key West or a designated representative.

DATES: This rule is effective from 7:30 a.m. until 4:00 p.m., on September 10, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0650 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant junior grade Hailye Reynolds, Chief, Waterways Management Division, Sector Key West, FL U.S. Coast Guard; telephone 305–292–8768, email *skwwaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. The Coast Guard did not receive necessary information from the event sponsor for this year's event until shortly before the event was supposed to be held. The Coast Guard has an existing safety zone for this recurring marine event at 33 CFR 165.786, Table to § 165.786, Item No. 9.1; however, the existing regulation only covers the event when it is scheduled on the third Saturday of September. The primary justification for this action is that the Coast Guard received final details of the event shortly before it was supposed to occur. Therefore, the Coast Guard lacks sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. It would be impracticable and contrary to the public interest to delay promulgating this rule, as it is necessary to protect the safety of participants, spectators, the public, and vessels transiting in the area.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because the event is taking place on September 10, 2022, and immediate action is needed to respond to the potential safety hazards associated with this event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The Captain of the Port Key West (COTP) has determined that potential hazards associated with this open water swim event will be a safety concern for persons and vessels in the safety zone. This rule is needed to ensure the safety

of the event participants, the general public, vessels and the marine environment in the navigable waters within the safety zone during the Swim for Alligator Lighthouse open water swim event.

IV. Discussion of the Rule

This rule establishes a safety zone on September 10, 2022 for a period of 8.5 hours, from 7:30 a.m. to 4:00 p.m. The safety zone will cover all waters of the Atlantic Ocean, between Amara Cay, and Alligator Lighthouse, beginning at a point Latitude 24°54.82′ N, longitude 080°38.03′ W, thence to latitude 24°54.36′ N, longitude 080°37.72′ W, thence to latitude 24°51.07′ N, longitude 080°37.14′ W, thence to latitude 24°54.36′ N, longitude 080°37.72′ W, thence to point of origin at latitude 24°54.82′ N, longitude 080°38.03′ W. The event course begins and ends at Amara Cay Resort in Islamorada, Florida, and extends through Hawks Channel, with a turnaround at Alligator Lighthouse. Approximately 500 swimmers with kayak escorts and ten safety vessels are anticipated to participate in the event. The size and duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the open water swim. Persons and non-participant vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone without obtaining permission from the COTP Key West or a designated representative. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the COTP Key West or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Key West or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, or by on-scene designated representatives.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration and available exceptions to the enforcement of the safety zone. The regulated area will impact small designated areas of the Atlantic Ocean between Islamorada, Florida, and the Alligator Lighthouse for only 9 hours and thus is limited in time and scope. Furthermore, the rule will allow vessels to seek permission to enter the zone. Non-participant persons and vessels may enter, transit through, anchor in, or remain within the regulated area during the enforcement periods if authorized by the COTP or a designated representative. Vessels not able to enter, transit through, anchor in, or remain within the regulated area without authorization from the COTP or a designated representative may operate in the surrounding areas during the 9 hour enforcement period. The Coast Guard will issue a Local Notice to Mariners and a Broadcast Notice to Mariners, allowing mariners to make alternative plans or seek permission to transit the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 9 hours that will prohibit entry into the area being used by swimmers and safety craft for the Alligator Lighthouse swim. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0650 to read as follows:

§ 165.T07–0650 Safety Zone; Swim for Alligator Lighthouse, Islamorada, FL.

(a) Location. The following regulated area is a safety zone: All waters of the Atlantic Ocean beginning at a point Latitude 24°54.82′ N, longitude 080°38.03′ W, thence to latitude 24°54.36′ N, longitude 080°37.72′ W, thence to latitude 24°51.07′ N, longitude 080°37.14′ W, thence to latitude 24°54.36′ N, longitude 080°37.72′ W, thence to point of origin at latitude 24°54.82′ N, longitude 080°38.03′ W. The event course begins and ends at Amara Cay Resort in Islamorada, Florida, extending through Hawks Channel with a turnaround point at Alligator Lighthouse. All coordinates are North American Datum 1983.

(b) Definition. As used in this section, the term ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Key West (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the COTP Key West or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP Key West by telephone at (305) 292–8772, or a designated representative via VHF–FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Key West or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners via VHF–FM channel 16, or the COTP's designated representative.

(d) Enforcement period. This rule will be enforced from 7:30 a.m. until 4:00 p.m., on September 10, 2022.

Dated: August 29, 2022.

J. Ingram,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2022–19074 Filed 9–1–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2022–0434; FRL–9821–02–OAR]

RIN 2060–AV72

Renewable Fuel Standard (RFS) Program: Alternative RIN Retirement Schedule for Small Refineries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing an optional alternative renewable identification number (RIN) retirement schedule for small refineries under the Renewable Fuel Standard (RFS) program for the 2020 compliance year. Small refineries that elect to use the alternative RIN retirement schedule will have to fully comply with their 2020 RFS obligations—including any RIN deficits from 2019 carried forward into the 2020 compliance year—by February 1, 2024. EPA is taking this action because small refineries may need more time to plan for compliance with their RFS obligations given EPA's delay in deciding small refinery exemption (SRE) petitions and setting the associated compliance deadlines.

DATES: This rule is effective on September 2, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2022–0434. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material is not available on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions regarding this action, contact Robert Anderson, Office of Transportation and Air Quality, Compliance Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4280; email address: *anderson.robert@epa.gov.*

SUPPLEMENTARY INFORMATION:

Dates

Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. chapter 5, generally provides that rules may not take effect until 30 days after they are

published in the **Federal Register**. EPA is issuing this final rule under section 307(d) of the Clean Air Act (CAA or ''the Act''), which states, ''The provisions of section 553 through 557 . . . of Title 5 shall not, except as expressly provided in this section, apply to actions to which this subsection applies.'' Thus, section 553(d) of the APA does not apply to this rule. EPA is nevertheless acting consistently with the policies underlying APA section 553(d) in making this final rule effective upon publication. The purpose of this APA provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' [1] However, when an agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. Thus, APA section 553(d) allows an effective date less than 30 days after publication for any rule that ''grants or recognizes an exemption or relieves a restriction.'' [2] An accelerated effective date may also be appropriate for good cause pursuant to APA section 553(d)(3) where an agency can ''balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.'' [3]

EPA has determined that the regulatory amendments to 40 CFR part 80, subpart M, are effective upon publication in the **Federal Register** because they relieve a restriction by providing small refineries with an alternative schedule for retiring RINs toward their 2020 renewable volume obligations (RVOs), thereby providing small refineries with additional time to demonstrate compliance. There is additionally good cause for implementation of these provisions upon publication because it will ensure that the provisions are effective prior to the 2020 RFS compliance deadline (December 1, 2022), which is the point at which small refineries intending to utilize the alternative RIN retirement schedule provided in this action will need to notify EPA. Any delay in effectiveness could cause uncertainty regarding its availability.

Does this action apply to me?

Entities potentially affected by this final rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline, diesel, and renewable fuels such as ethanol, biodiesel, renewable diesel, and biogas. Potentially affected categories include:

Category	NAICS [1] code	Examples of potentially affected entities
Industry	324110	Petroleum refineries.
Industry	325193	Ethyl alcohol manufacturing.
Industry	325199	Other basic organic chemical manufacturing.
Industry	424690	Chemical and allied products merchant wholesalers.
Industry	424710	Petroleum bulk stations and terminals.
Industry	424720	Petroleum and petroleum products merchant wholesalers.
Industry	221210	Manufactured gas production and distribution.
Industry	454319	Other fuel dealers.

[1] North American Industry Classification System (NAICS).

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your entity would be affected by this action, you should carefully examine the applicability criteria in 40 CFR part 80. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Outline of This Preamble

I. Background

The RFS program sets annual, nationally applicable volume targets for renewable fuel. EPA translates those volume targets into compliance obligations that obligated parties must meet each year. EPA has designated refiners and importers of gasoline and diesel fuel used as transportation fuel to be those obligated parties.[4] Small refineries, a subset of refiners, are defined by the Act as ''refiner[ies] for which the average aggregate daily crude oil throughput for a calendar year . . . does not exceed 75,000 barrels.'' [5] At the start of the RFS program, Congress initially granted all eligible small refineries a temporary exemption from the obligations of the RFS program until 2011.[6] Under EPA's regulations, small refineries that were producing either ''gasoline'' under RFS1 [7] or ''transportation fuel'' under RFS2 [8] were required to notify EPA that they qualified for the temporary exemption by submitting verification letters stating

[1] *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history).

[2] See 5 U.S.C. 553(d)(1).

[3] *Gavrilovic,* 551 F.2d at 1105.

[4] 40 CFR 80.1406(a).

[5] CAA section 211(o)(1)(K).

[6] CAA section 211(o)(9)(A)(i).

[7] 72 FR 23900, 23926 (May 1, 2007).

[8] 40 CFR 80.1441(a)(1).

their average crude oil throughput rate during the applicable qualification period.[9] The CAA provides that a small refinery may at any time petition EPA for an extension of the exemption from the obligations of the RFS program for the reason of disproportionate economic hardship (DEH).[10] In evaluating such petitions, the EPA Administrator, in consultation with the Secretary of Energy, will consider the findings of a Department of Energy (DOE) study and other economic factors.[11]

On December 7, 2021, EPA proposed to deny 65 pending SRE petitions for the 2016–2021 compliance years [12] and took public comment via a **Federal Register** notification.[13] That proposal included proposed changes to EPA's interpretation of the SRE provisions in the CAA that were informed by the holdings of the U.S. Court of Appeals for the Tenth Circuit in *Renewable Fuels Association et al.* v. *EPA* (*RFA*) [14] and EPA's long-held findings regarding RFS compliance costs being passed through ultimately to wholesale purchasers (generally referred to as RIN cost passthrough). Consistent with that proposal, on April 7, 2022, EPA announced the April 2022 SRE Denial,[15] which denied 36 previously-decided SRE petitions for the 2018 compliance year that had been remanded to EPA for reconsideration by the U.S. Court of Appeals for the D.C. Circuit.[16] Then, on June 3, 2022, EPA announced the June 2022 SRE Denial,[17] which denied 69 SRE petitions for the 2016–2021 compliance years that were still pending.[18] On that same day, EPA also announced and sought comment on this alternative RIN retirement schedule.

II. Small Refineries and RFS Compliance

A. Unique Small Refinery Compliance Challenges

We understand that some small refineries that recently had their 2019 and 2020 SRE petitions denied may not be prepared to comply with their renewable volume obligations (RVOs or ''RFS obligations'') for the 2020 compliance year by the applicable compliance deadlines, likely because they received SREs in recent years and assumed they would continue. Additionally, the 2019, 2020, and 2021 compliance deadlines have been compressed [19] and some small refineries have stated that they have been unable to acquire the RINs they need to comply with their RFS obligations.[20] For these reasons, EPA believes it is appropriate to allow all small refineries—including those that carried forward a 2019 RIN deficit into the 2020 compliance year pursuant to 40 CFR 80.1427(b)—to elect to use the alternative RIN retirement schedule described in Section III to meet their 2020 RFS obligations. This will give small refineries additional time and open a broader range of RIN vintages to acquire and retire the RINs needed to demonstrate compliance for the 2020 compliance year.

Several commenters supported EPA's proposed alternative RIN retirement schedule. However, other commenters stated that the alternative RIN retirement schedule for small refineries is unnecessary, that a small refinery's decision to postpone its RIN purchases is not an adequate reason for providing this additional flexibility, and that EPA should explicitly limit the alternative RIN retirement schedule to only the 2020 compliance year. These commenters asserted that small refineries were put on notice regarding the uncertainty of their 2019 and 2020 SRE petitions by the *RFA* opinion, then notified again in December 2021 when EPA proposed to deny 65 pending SRE petitions. Thus, the commenters argued, small refineries had ample awareness of EPA's SRE petition evaluation criteria such that they should have had no reasonable expectation of receiving exemptions, given the high burden of demonstrating that EPA's RIN cost passthrough findings do not apply to them. Furthermore, they argued, small refineries had ample opportunity to begin planning and preparing for RFS compliance and should not again postpone their compliance planning and preparation. These commenters also asserted that EPA already provided significant support to small refineries by retroactively lowering the 2020 volumes, extending the 2019, 2020, 2021, and 2022 compliance deadlines, and issuing the April 2022 and June 2022 Compliance Actions (hereinafter the ''Compliance Actions''),[21] thereby negating the need for the alternative RIN retirement schedule.

We generally agree that compliance should not be indefinitely postponed for any obligated party—including small refineries—and that small refineries should plan for compliance and not delay their RIN purchases. However, this is not EPA's sole justification for this action. Instead, we aim to avoid having small refineries fall into noncompliance due to their expectation that EPA would continue to grant SREs, largely because such noncompliance would exacerbate existing uncertainty in the RIN market. The goal of the alternative RIN retirement schedule is not to provide small refineries with a means of avoiding compliance with their RFS obligations, but rather to support small refineries in their transition into positions where they will be able to comply with their RVOs on an ongoing basis. This will also ensure the use of renewable fuels in the U.S. as required by the RFS program and help provide certainty in the RFS program

[9] 72 FR 23900, 23925–26 (May 1, 2007); 40 CFR 80.1441(b). EPA's regulations allowed small refineries that had submitted verification letters to qualify for the original statutory exemption under EPAct/RFS1 to not have to submit an additional verification letter to qualify under the SRE provisions in EISA/RFS2.

[10] CAA section 211(o)(9)(B)(i).

[11] CAA section 211(o)(9)(B)(ii).

[12] ''Proposed RFS Small Refinery Exemption Decision,'' EPA–420–D–21–001, December 2021.

[13] 86 FR 70999 (December 14, 2021).

[14] *Renewable Fuels Ass'n et al.* v. *EPA,* 948 F.3d 1206 (10th Cir. 2020). The court held that (1) the disproportionate economic hardship required in order to receive an SRE under the CAA must be caused by RFS compliance, (2) EPA acted arbitrarily and capriciously when it granted the SREs at issue without reconciling those decisions with the Agency's previous findings on RIN cost passthrough, and (3) ''extension'' as used in the CAA SRE provisions required continuity, such that small refineries were only eligible for SREs if they had been continuously exempted from the outset of the RFS program. On September 4, 2020, the small refineries filed a petition for a writ of certiorari from the Supreme Court requesting review only of the holding regarding the meaning of ''extension,'' which was granted on January 8, 2021, and following oral argument, was decided on June 25, 2021, in *HollyFrontier Cheyenne Refining, LLC et al.* v. *Renewable Fuels Ass'n et al.,* 114 S.Ct. 2172 (2021) (*HollyFrontier*). The Supreme Court held in *HollyFrontier* that ''extension'' as used in the SRE provisions of the CAA does not require continuous exemption. The other holdings in *RFA* were not appealed.

[15] ''April 2022 Denial of Petitions for RFS Small Refinery Exemptions,'' EPA–420–R–22–005, April 2022.

[16] *Sinclair Wyoming Refining Co.* v. *EPA,* No. 19–1196 (D.C. Cir.), Dec. 8, 2021 Order, Doc. No. 1925942.

[17] ''June 2022 Denial of Petitions for RFS Small Refinery Exemptions,'' EPA–420–R–22–011, June 2022.

[18] More information about SREs is available at *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/rfs-small-refinery-exemptions.*

[19] The RFS regulations establish deadlines for obligated parties—including small refineries—to comply with their annual RVOs; the deadlines provide the dates by which obligated parties must retire sufficient RINs to comply with those RVOs and submit associated compliance reports. The 2019 compliance deadline for small refineries is September 1, 2022; the 2020 compliance deadline for all obligated parties is December 1, 2022; and the 2021 compliance deadline for all obligated parties is March 31, 2023.

[20] See, *e.g.,* Comments on 2020–2022 RFS Rule from the Small Refinery Coalition, Docket Item No. EPA–HQ–OAR–2021–0324–0570.

[21] ''April 2022 Alternative Compliance Demonstration Approach for Certain Small Refineries Under the Renewable Fuel Standard Program,'' EPA–420–R–22–006, April 2022; and ''June 2022 Alternative Compliance Demonstration Approach for Certain Small Refineries Under the Renewable Fuel Standard Program,'' EPA–420–R–22–012, June 2022.

and fuels markets given the unique circumstances as a result of our June 2022 actions. While we agree that small refineries were given some notice regarding the importance of RIN cost passthrough in our evaluation of SRE petitions by the *RFA* opinion and the likelihood that it would affect their ability to continue receiving annual SREs, that awareness does not resolve the consequences of the challenges facing small refineries, including the current limitations on RIN availability and the resulting impact on the RFS program and the fuels markets in general. Additionally, we did not propose, nor are we finalizing, an extension of the alternative RIN retirement schedule beyond the 2020 compliance year.

B. Overview of Compliance Approach

For the reasons provided herein, we are providing an alternative RIN retirement schedule to small refineries for the 2020 compliance year to facilitate their transition into full compliance with the RFS program. This alternative RIN retirement schedule will decrease the number of RINs that small refineries must acquire in the near term, extend the time period over which small refineries can plan and implement their RIN transactions, and allow the use of RINs generated in future compliance years, thereby reducing the immediate financial impacts on small refineries, and in so doing the impacts on the RIN market and the RFS program as a whole within the broader fuels market.

Some commenters asserted that the alternative RIN retirement schedule would harm the RFS program and lead to increased uncertainty in the RIN market. The commenters stated that the market would not know how small refineries would choose to comply—whether by the 2020 compliance deadline or using the alternative RIN retirement schedule—and that this would undermine reliability and predictability in the RIN market. We disagree with these assertions. The alternative RIN retirement schedule aims to bring small refineries into a routine of complying with their RVOs, thereby restoring predictability and reliability in the RIN market while moderating the immediate impacts on the RFS program and fuels markets. While the alternative RIN retirement schedule may result in some limited uncertainty in the RIN market, we believe it is outweighed by the benefit of increasing the likelihood that small refineries will be able to comply with their 2020 obligations and that any such uncertainty can be reduced by providing greater transparency on the utilization of the alternative RIN retirement schedule. Therefore, we intend to post information and aggregated data related to the alternative RIN retirement schedule on the RFS SRE website.[22] Such information may include the number of small refineries that opt-in to the alternative RIN retirement schedule, the refinery names and facility locations,[23] and the total portion of the 2020 RVO that small refineries are complying with using the alternative RIN retirement schedule. We believe that posting this information will provide necessary transparency as to the size and scope of the impact of the alternative RIN retirement schedule.

We are allowing any refinery that meets the definition of ''small refinery'' [24] for the 2020 compliance year to use this alternative RIN retirement schedule, regardless of whether it submitted an SRE petition for 2020 or recently received an SRE denial. Almost all small refineries submitted an SRE petition for 2020 that was denied in the June 2022 SRE Denial. We further believe that the alternative RIN retirement schedule should be provided to all small refineries because the previous uncertainty surrounding the availability of SREs potentially affected all small refineries, which ''may at any time petition'' for an SRE.[25]

Several commenters highlighted that the proposed regulations were inconsistent with EPA's stated intent in the preamble of the proposed rule to allow all small refineries to use the proposed alternative RIN retirement schedule. The proposed regulations, they noted, stated that a small refinery must meet the requirements of 40 CFR 80.1441(e)(2)(iii) in order to avail itself of the alternative RIN retirement schedule. The commenters stated that there is a distinction between meeting the requirements of the definition of ''small refinery'' in 40 CFR 80.1401 and qualifying for an SRE under 40 CFR 80.1441(e)(2)(iii).[26] We agree and have clarified the final regulations to reflect that a small refinery must meet the definition of ''small refinery'' in 40 CFR 80.1401 in the applicable compliance year (*i.e.,* 2020) in order to elect to use the alternative RIN retirement schedule.

We did not receive any comments objecting to limiting the alternative RIN retirement schedule for 2020 to only small refineries and, therefore, are finalizing it as proposed. However, one commenter stated that EPA's prior action to retroactively reduce the 2020 standards to preserve the carryover RIN bank and ensure that sufficient RINs were available for 2020 compliance made the proposed alternative RIN retirement schedule unnecessary. We disagree with this assertion and believe that it is appropriate to provide this alternative RIN retirement schedule for small refineries for their 2020 RFS obligations because it responds to their unique circumstances at this time. Some small refineries have stated that they have not been acquiring RINs ratably while producing transportation fuels that incur an RFS obligation in anticipation of EPA granting their SRE petitions as it had in past years, a result that did not manifest.[27] Currently, the available RINs [28] small refineries need for compliance with their 2020 RVOs are being held in large part by other obligated parties that likely intend to use these RINs for compliance with their own RFS obligations, and those parties may not be willing to sell them.[29] While the revisions to the 2020

[22] See *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/rfs-small-refinery-exemptions.*

[23] 40 CFR 80.1402(c).

[24] CAA section 211(o)(1)(K), 40 CFR 80.1401.

[25] CAA section 211(o)(9)(B)(i).

[26] The definition of ''small refinery'' in 40 CFR 80.1401 requires that a refinery's average aggregate daily crude oil throughput does not exceed 75,000 bpd for a given year. The requirements of 40 CFR 80.1441(e)(2)(iii) require that a refinery meet the definition of ''small refinery'' for both the year in question and the year prior. For purposes of the proposed alternative RIN retirement schedule, the proposed regulations would have meant that a refinery needed to qualify as a ''small refinery'' for both 2019 and 2020 in order to use the alternative RIN retirement schedule.

[27] We note, however, that the RIN cost passthrough analysis presented in the April 2022 and June 2022 SRE Denials puts small refineries on notice regarding the high burden they bear when petitioning for an SRE to demonstrate that their alleged DEH is caused by compliance with the RFS program. Thus, absent a compelling demonstration that a small refinery experiences DEH caused by compliance with the RFS program, a small refinery should have no reasonable expectation that its SRE petition will be granted in the future and has no reason to again delay the acquisition of RINs to demonstrate compliance with its RFS obligations. This is a long-held position by EPA; for example, in its December 6, 2016, SRE guidance document, EPA stated that ''[p]etitioning small refineries should always presume that they are subject to the requirements of the RFS program and include RFS compliance in their overall planning.'' Accordingly, as has been true in the past, every small refinery should plan and prepare to demonstrate compliance with their RFS obligations unless and until they receive an exemption.

[28] ''Available RINs'' refers to those RINs that can be used to demonstrate compliance because they have not been retired as required under 40 CFR 80.1434.

[29] RIN-holding data indicates that just four obligated parties—which represented approximately 40 percent of the 2019 total RVO—currently hold over half of all available 2019 RINs, and nine obligated parties—which represent approximately 55 percent of the 2019 total RVO—hold over three-quarters of all available 2019 RINs. Similarly, just five obligated parties currently hold over half of all available 2020 and 2021 RINs, and 12 obligated parties hold over three-quarters of all

Continued

standards made it possible for them to be met by the market as a whole, those revisions did not take targeted action to assist individual compliance by small refineries. For these reasons, many small refineries may not be prepared to comply with their 2020 RVOs by the 2020 compliance deadline. Therefore, we are providing small refineries with more time to acquire RINs and allow the use of a broader range of RIN vintages through the alternative RIN retirement schedule, which we believe will help resolve some of the obstacles small refineries may currently be facing.

III. Alternative RIN Retirement Schedule for Small Refineries for the 2020 Compliance Year

The alternative RIN retirement schedule is an extended period over which small refineries must acquire and retire RINs to demonstrate compliance with their 2020 RFS obligations. The alternative RIN retirement schedule includes five quarterly RIN retirement deadlines that extend into the 2024 calendar year, thereby allowing small refineries to potentially use 2021, 2022, 2023, and 2024 RINs to satisfy a portion of their 2020 RVOs. We are providing this schedule to allow over 18 months between the June 2022 SRE Denial and the final 2020 RVO quarterly RIN retirement deadline of February 1, 2024, for small refineries to satisfy, in full, their 2020 RVOs. Table III.1 provides the alternative RIN retirement schedule and expected RIN vintages that can be used for each quarterly RIN retirement deadline, along with annual compliance reporting deadlines:

TABLE III.1—2020 RVO ALTERNATIVE RIN RETIREMENT SCHEDULE WITH ANNUAL COMPLIANCE REPORTING DEADLINES

Milestone	Deadline	RIN vintage						
		2018	2019	2020	2021	2022	2023	2024
2019 Compliance Deadline	September 1, 2022	C	X	.....	.....	.....	.....	.....
2020 Compliance Deadline	December 1, 2022	.....	C	X	.....	.....	.....	.....
2020 RVO RIN Retirement 1 (20%)	February 1, 2023	.....	.....	X	X	X	X	.....
2021 Compliance Deadline	March 31, 2023	.....	.....	C	X	.....	.....	.....
2020 RVO RIN Retirement 2 (40%)	May 1, 2023	.....	.....	.....	X	X	X	.....
2020 RVO RIN Retirement 3 (60%)	August 1, 2023	.....	.....	.....	X	X	X	.....
2022 Compliance Deadline[a]	September 1, 2023	.....	.....	.....	C	X	.....	.....
2020 RVO RIN Retirement 4 (80%)	November 1, 2023	.....	.....	.....	.....	X	X	.....
2020 RVO RIN Retirement 5 (100%)	February 1, 2024	.....	.....	.....	.....	X	X	X
2023 Compliance Deadline[a]	March 31, 2024	.....	.....	.....	.....	C	X	.....

[a] The 2022 and 2023 compliance deadlines are provided for illustrative purposes but have not yet been established. See 40 CFR 80.1451(f)(1)(A).
X = RINs of this vintage may be used in any amount.
C = RINs of this vintage may be used to satisfy up to 20 percent of the RVO, per 40 CFR 80.1427(a)(5).

We are establishing these specific RIN retirement deadlines so that they will not overlap with other RFS compliance reporting deadlines. This approach will allow EPA staff to implement and oversee the RIN retirements more effectively and mitigate the potential for confusion on the part of participating small refineries that will have overlapping compliance reporting requirements. We are setting specific dates for these deadlines—as opposed to tying them to the effective date of this or another RFS-related action—to provide greater certainty regarding the RIN retirement deadlines under the alternative RIN retirement schedule.

We are establishing the five quarterly RIN retirement deadlines because this will allow small refineries additional time to acquire RINs, as well as provide small refineries with access to additional newer RIN vintages, as any valid RIN at the time of retirement can be used to demonstrate compliance. In this way, the alternative RIN retirement schedule strikes a balance between easing the compliance burden for small refineries while not indefinitely postponing their compliance demonstrations, thereby also supporting the integrity of the RFS program and ensuring the use of renewable fuels in the U.S. The extended RIN retirement schedule and expanded RIN vintage eligibility will help individual small refineries fully comply, and in so doing will strengthen the entire RFS program following the recent delays in issuing SRE petition decisions for 2019 and 2020 and in establishing the RFS standards for 2021 and 2022 (and revised standards for 2020).

Several commenters stated that acquiring and retiring RINs for the 2020 compliance year over five quarterly installments would still impose too high of a compliance burden that small refineries could not bear. These commenters advocated for EPA to allow all small refineries to use the same approach to demonstrating compliance with their 2019 and 2020 RFS obligations that EPA provided to the 31 small refineries for their 2016–2018 RFS obligations in the Compliance Actions. These commenters asserted that the RIN market fundamentally disadvantages small refineries that comply by purchasing RINs, and that the extended time to purchase RINs would not remedy this situation.

We disagree that using the approach suggested by commenters is appropriate for the 2019 and 2020 compliance years. First, the unique confluence of circumstances that justified the Compliance Actions for the 31 small refineries' 2016–2018 RFS obligations does not exist for the small refineries that have unmet 2019 and 2020 RFS obligations.[30] In particular, EPA had not previously granted SREs for 2019 and 2020, which it then subsequently revoked, nor do we find that compliance is not feasible for small refineries for 2019 and 2020. Second, we fundamentally disagree that a small refinery is disadvantaged by needing to purchase RINs instead of being able to blend renewable fuels into their petroleum-based transportation fuels to separate RINs, as explained in the June 2022 SRE Denial. Indeed, extending the

available 2020 and 2021 RINs. See ''EMTS RIN Holding Data as of August 1, 2022,'' available in the docket for this action. RIN holdings are presented in relation to the 2019 total RVO because this is the most recent year for which EPA has compliance data.

[30] See ''April 2022 Alternative Compliance Demonstration Approach for Certain Small Refineries Under the Renewable Fuel Standard Program,'' EPA–420–R–22–006, April 2022, at Section III.

unusual remedy provided in the Compliance Actions to the 2019 and 2020 RVOs would be wholly inappropriate, as it would be contrary to the purpose of transitioning small refineries into a compliance posture and ignore the unique circumstances that warranted such an extreme compliance demonstration for the 2016–2018 RVOs, thereby exacerbating uncertainty in the RIN market. Nevertheless, we believe the alternative RIN retirement schedule for 2020 is necessary and appropriate for facilitating RFS compliance by small refineries.

Under the alternative RIN retirement schedule, a small refinery must retire at least 20 percent of its 2020 RVOs by the first quarterly RIN retirement deadline, at least 40 percent by the second quarterly RIN retirement deadline, and so on, as laid out in Table III.1, such that a small refinery's full 2020 RVOs must be met on the final RIN retirement deadline of February 1, 2024. For example, under the alternative RIN retirement schedule, if a small refinery retired RINs sufficient to meet 30 percent of its 2020 RVOs by the 2020 compliance deadline of December 1, 2022, then it would not be obligated to retire additional RINs towards its 2020 RVOs until the second quarterly RIN retirement deadline (*i.e.,* May 1, 2023), at which time it would be obligated to retire RINs equal to at least 40 percent of its 2020 RVOs.

We are also allowing small refineries to use any valid RINs at the time of retirement for compliance, including RIN vintages after 2020 (*i.e.,* 2021, 2022, 2023, and 2024 RINs) until such RIN vintages expire (*e.g.,* 2021 RINs expire after the 2022 compliance deadline). This will allow small refineries access to additional RINs while maintaining compliance with the RFS regulations regarding the validity and expiration of RINs.[31] Doing so will increase the likelihood of a small refinery satisfying its outstanding 2020 obligations and that the volume targets are fulfilled. Given the relatively small proportion of the overall demand for RINs that is represented by all small refineries (*i.e.,* less than 10 percent of the total RVO for any given year) and that there is likely only a limited number of small refineries that will utilize the alternative RIN retirement schedule, we do not anticipate that this action will have any significant impact on the overall RIN market in future years through increased demand for future year vintages given the small volume of RINs likely to be used through the alternative RIN retirement schedule as compared to the larger renewable fuels market.

One commenter asserted that it is inappropriate to allow the use of RINs generated in 2023 and 2024 as part of the alternative RIN retirement schedule because EPA has not yet established the RVOs for those years. However, the commenter did not explain why the fact the EPA has not yet set the standards for 2023 and 2024 makes the use of those vintage RINs inappropriate for the alternative RIN retirement schedule. Indeed, this is an integral aspect of the alternative RIN retirement schedule as it eases current RIN supply constraints and provides small refineries with sufficient time to plan and execute their RIN purchases.

Other commenters asserted that the proposal to allow small refineries to use 2023 and 2024 RINs for compliance with their 2020 obligations under the alternative RIN retirement schedule did not go far enough to support small refineries. These commenters asserted that EPA should allow small refineries to use any 2019 or 2020 RINs they currently hold for compliance in any compliance year through 2023. One commenter further suggested that EPA could create a separate compliance category for small refineries and set their RFS obligations at the same average percentage of their RVOs based on the number of RINs the group currently holds.

We disagree that these additional flexibilities are appropriate or necessary to bring small refineries into compliance with their RFS obligations. Small refineries currently holding 2019 or 2020 RINs are encouraged to use those RINs for 2019 or 2020 compliance, such that there will be fewer RINs that they need to acquire going forward. Additionally, EPA did not propose a new methodology to create small refinery-specific RVOs and such comments overlook the fact that the RFS obligations are already proportional to an obligated party's production of gasoline and diesel fuel. Moreover, CAA section 211(o)(3)(B)(ii)(III) requires EPA to establish a single annual standard applicable to all obligated parties. The commenter did not provide any explanation as to how EPA could establish a separate annual obligation for only small refineries under the terms of CAA section 211(o)(3)(B)(ii)(III).

We are requiring small refineries to notify EPA of their intent to use the alternative RIN retirement schedule on or before the 2020 compliance deadline. This notice will inform EPA as to which small refineries are using the alternative RIN retirement schedule and will allow EPA to monitor and track the progress of the small refineries towards full compliance with their 2020 RVOs. We are requiring a small refinery to send us a letter signed by the responsible corporate officer expressing their intent to comply using the alternative RIN retirement schedule. We will acknowledge receipt of the small refinery's notification of their intent to comply using the alternative RIN retirement schedule. We did not receive any comments on this aspect of the proposal. Accordingly, we are finalizing as proposed.

Under the alternative RIN retirement schedule, we will still require that participating small refineries submit a 2020 annual compliance report by the 2020 compliance deadline. The 2020 annual compliance report is necessary to establish a small refinery's 2020 RVOs, which will be used by the small refinery to determine minimum RIN retirements for each installment under the alternative RIN retirement schedule, and for EPA to verify that the small refinery is meeting its quarterly RIN retirement obligations. We did not receive any comments on this aspect of the proposal and are finalizing it as proposed.

As a condition to use the alternative RIN retirement schedule, the obligated party that owns/operates the small refinery must, on its annual RFS compliance report, provide the individual-small refinery RVO for the 2020 compliance year (*i.e.,* comply on a refinery-basis for that small refinery). Under the RFS program, obligated parties must either comply with their RVOs on an individual-refinery basis or an aggregated basis (*i.e.,* they combine the RVOs from all of their refineries). If an obligated party owns other refineries with RVOs in addition to the small refinery and complies on an aggregated basis, it would be unclear what portion of the aggregated RVOs apply to only the small refinery and whether the obligated party has met the RIN retirement quotas under the alternative RIN retirement schedule. Therefore, as a condition for a small refinery to use the alternative RIN retirement schedule, the small refinery must demonstrate compliance on an individual basis so that RINs can be retired for the specific small refinery's RVOs. Similarly, if an obligated party carries forward a RIN deficit from 2019 into 2020, that obligated party would need to comply on an individual-refinery basis for the

[31] 40 CFR 80.1428(a) specifies that any RIN that is not used for compliance purposes for the calendar year in which it was generated, or for the following calendar year, will be considered an expired RIN. Pursuant to 40 CFR 80.1431(a), an expired RIN will be considered an invalid RIN. We are not reopening these regulations, nor the regulations associated with which RIN vintages are available for compliance under 40 CFR 1427(a).

2019 compliance year as well. This condition allows EPA to track the small refinery's progress towards compliance with its 2020 obligations more effectively, and will not unduly hinder obligated parties in making their compliance demonstrations. We did not receive any comments on this aspect of the proposal. Accordingly, we are finalizing as proposed.

We are not changing the regulatory provisions governing the use of cellulosic waiver credits (CWCs). The regulations currently state that CWCs ''may only be used for an obligated party's current-year cellulosic biofuel RVO and not towards any prior year deficit cellulosic biofuel volume obligations.'' [32] We believe this approach is appropriate because, in recent years, the use of CWCs has decreased as obligated parties have largely been complying with their cellulosic RVO through RIN retirements.[33] Accordingly, small refineries wishing to use CWCs for their 2020 cellulosic biofuel RVO must purchase and use CWCs by the 2020 compliance deadline.[34] Additionally, allowing small refineries to use CWCs to meet their cellulosic biofuel RVO through the alternative RIN retirement schedule (*i.e.,* after the 2020 compliance deadline) would introduce logistical challenges for EPA and small refineries that would complicate the implementation of the alternative RIN retirement schedule. Moreover, it is unlikely that modifications to the CWC regulations would provide small refineries with a meaningful benefit in complying with their RFS obligations, when viewed in light of what we have already provided in this alternative RIN retirement schedule. We did not receive any comments on this aspect of the proposal and are finalizing it as proposed.

Under the alternative RIN retirement schedule, a participating small refinery will not be permitted to carry forward a RIN deficit from 2021 or a subsequent year into the following compliance year unless it had fully complied with its 2020 RFS obligations. We are imposing this condition as a prerequisite to carrying forward a future RIN deficit because we want to prevent the scenario in which a small refinery continuously accrues annual RIN deficits, placing it in the position where it is no longer capable of complying with its accrued RFS obligations. The alternative RIN retirement schedule is intended to support small refineries in achieving and maintaining full compliance with their RFS obligations and get them on track for future compliance, not to permit them to indefinitely delay their compliance demonstrations.

Some commenters supported the RIN deficit carry-forward restriction, while several other commenters opposed this limitation as being contrary to EPA's goal of providing meaningful support to small refineries to achieve compliance. The commenters opposing this restriction also asserted that it is contrary to CAA section 211(o)(5)(D) in that it denies small refineries that would be in compliance with the alternative RIN retirement schedule a statutory flexibility that would otherwise be available to them. We disagree that this restriction is contrary to CAA section 211(o)(5)(D). In this instance, EPA is allowing small refineries to carry forward RIN deficits from 2019 into 2020 and satisfy their combined obligations using the alternative RIN retirement schedule. Thus, EPA is not depriving small refineries of that statutory flexibility. However, as the statute requires that such a deficit be satisfied in the next compliance year, and the compliance demonstration for 2020 is prolonged by the alternative RIN retirement schedule, it would be a violation of the statute and regulations to allow additional deficits to be carried forward. Moreover, even if a small refinery chose not to carry forward a 2019 RIN deficit and only used the alternative RIN retirement schedule for its 2020 RVOs, permitting a 2021 deficit to be carried forward before the 2020 obligations have been fully satisfied would only encourage small refineries to again delay their compliance preparation and demonstration, contrary to the goals of the alternative RIN retirement schedule and the RFS program. Additionally, a small refinery would again be eligible to carry forward a deficit upon full demonstration of its 2020 obligation; thus, it is the decisions of the small refinery itself that determine whether or not they can utilize the statutory and regulatory flexibilities provided by the deficit carry forward provision.

We note that all of the already existing regulatory flexibilities for small refineries—including the ability to satisfy up to 20 percent of their 2019 RVOs using 2018 carryover RINs under 40 CFR 80.1427(a)(5) and the ability to carry forward a RIN deficit from 2019 to 2020 if they did not carry forward a RIN deficit from 2018 under 40 CFR 80.1427(b)—will continue to be available under the alternative RIN retirement schedule. It should also be noted that other current RFS regulations will also remain in effect, including that small refineries that use 2018 RINs to meet up to 20 percent of their 2019 RVOs must do so by the 2019 compliance deadline because 2018 RINs expire after the 2019 compliance deadline and become invalid.[35] Similarly, any 2019 RINs that a small refinery uses to satisfy up to 20 percent of its 2020 RVOs must be retired for compliance by the 2020 compliance deadline because 2019 RINs expire after the 2020 annual compliance deadline and become invalid.[36]

As described above, participating small refineries will still be able to use any valid RINs at the time of retirement under the alternative RIN retirement schedule. We believe that this approach will encourage participating small refineries to retire a maximum number of 2019 RINs for their 2020 RVOs while providing flexibility for small refineries to obtain and retire valid RINs for 2021, 2022, 2023, and 2024 to satisfy their 2020 RVOs.

To help implement the alternative RIN retirement schedule for participating small refineries, we intend to assist parties with procedures for submitting forms that they would use. For example, we plan to leverage existing forms and procedures for the submission of reports and transactions under our e-reporting systems. Due to the limited number of small refineries, we plan to work individually with participating small refineries. To further help communicate this alternative RIN retirement schedule for small refineries, we also intend to post the deadlines for the alternative RIN retirement schedule on our website.[37]

Lastly, we received comments from one commenter that were beyond the scope of this rulemaking. This commenter raised issues facing the RFS program as a whole, such as renewable fuel blending challenges relating to the E10 ''blendwall,'' the imposition of RIN price controls, and the potential environmental impacts of renewable fuel production. While the proposed RIN retirement schedule touched on many challenges small refineries currently face—including the final RFS standards, RIN price controls, and the environmental impacts of renewable fuel production—these matters are

[32] 40 CFR 80.1456(b)(4).

[33] See Table 4: RFS2 RIN Retirements in EMTS Nested by RVO and Table 6: Cellulosic Waiver Credits Purchased Annually at *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/annual-compliance-data-obligated-parties-and.*

[34] 40 CFR 80.1456(c)(2).

[35] 40 CFR 80.1427(a)(6), 80.1428(c).

[36] 40 CFR 80.1427(a)(6).

[37] Information related to annual compliance and attest engagement reporting is available at *https://www.epa.gov/fuels-registration-reporting-and-compliance-help/reporting-fuel-programs.*

beyond the scope of this rulemaking. Many of these issues, moreover, have been addressed in separate proceedings. Therefore, these topics are not further addressed in this action.

IV. Statutory and Executive Order Reviews

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

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

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

B. Paperwork Reduction Act (PRA)

The information collection activities in this final rule have been submitted for approval to the Office of Management and Budget (OMB) under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2718.02. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

The information to be collected is necessary to implement the alternative RIN retirement schedule for small refineries. As part of this rule, a participating small refinery will submit a notification to EPA indicating that the small refinery will use the alternative RIN retirement schedule and maintain records related to the determination and retirement of RINs under the alternative RIN retirement schedule. We estimate that 13 small refineries will use the alternative RIN retirement schedule.

Respondents/affected entities: Small refineries.

Respondent's obligation to respond: Mandatory in order to receive compliance flexibility under § 80.1444.

Estimated number of respondents: 39.[38]

Frequency of response: Notification letters would typically be a one-time response. Recordkeeping is performed on occasion, and as needed.

Total estimated burden: 19 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,710, all of which is labor costs, and which includes $0 annualized capital or operation & maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, EPA will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule has no net burden on the small entities subject to the rule. This action reduces burden to small refineries by creating an alternative RIN retirement schedule for their 2020 RVOs. As small refineries have no obligation to use the alternative RIN retirement schedule, there is no additional cost to small refineries if they simply comply with the existing regulatory schedule. We do not anticipate that there will be any costs associated with these changes and that the alternative RIN retirement schedule may reduce costs. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local, or tribal governments. Requirements for the private sector do not exceed $100 million in any one year.

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. This action only affects RFS obligated parties. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

This 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) and 1 CFR Part 51

This action does not involve technical standards.

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

EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does establish an environmental health or safety standard. This action addresses the 2020 compliance deadline for small refineries only and does not impact the RFS standards themselves.

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

[38] We note that under this alternative RIN retirement schedule, each participating small refinery will have to submit a notification letter, keep records of the submitted notification letter, and keep records of the methods and variables used to determine RIN retirements under the alternative RIN retirement schedule. For purposes of estimating burden associated with reporting and recordkeeping as a result of this rule, we count each small refinery three times. Because we estimate that 13 small refineries will elect to take advantage of the alternative RIN retirement schedule, we estimate that the total number of respondents under this collection will be 39.

States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

V. Statutory Authority

Statutory authority for this action comes from section 211(o) of the Clean Air Act, 42 U.S.C. 7545(o).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedure, Air pollution control, Diesel fuel, Fuel additives, Gasoline, Imports, Oil imports, Penalties, Petroleum, Renewable fuel, Reporting and recordkeeping requirements.

Michael S. Regan,

Administrator.

For the reasons set forth in the preamble, EPA amends 40 CFR part 80 as follows:

PART 80—REGISTRATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

Subpart M—Renewable Fuel Standard

■ 2. Add § 80.1444 to read as follows:

§ 80.1444 Alternative RIN retirement schedule for small refineries.

(a) *Applicability.* The provisions of this section apply to the following compliance years:

(1) 2020.

(2) [Reserved]

(b) *Eligibility.* Any obligated party that has a refinery that meets the definition of small refinery in § 80.1401 for the applicable compliance year in paragraph (a) of this section (hereinafter the ''applicable compliance year'') is eligible to use the provisions of this section for each small refinery it operates (hereinafter the ''small refinery'').

(c) *Treatment of RVOs.* (1) In lieu of retiring sufficient RINs under § 80.1427(a) to demonstrate compliance with the small refinery's RVOs for the applicable compliance year by the applicable compliance deadline, the obligated party must meet all the requirements of this section and all other applicable requirements of this subpart.

(2) If the obligated party does not meet all of the requirements in this section, the obligated party is subject to the requirements of § 80.1427(a).

(d) *Individual facility compliance.* (1) If the obligated party carries a deficit into the applicable compliance year from the previous compliance year, the obligated party must comply with its RVOs for each refinery it operates on an individual basis (as specified in § 80.1406(c)) for both the previous compliance year and the applicable compliance year.

(2) If the obligated party does not carry a deficit into the applicable compliance year from the previous compliance year, the obligated party must comply with its RVOs for each refinery it operates on an individual basis (as specified in § 80.1406(c)) for the applicable compliance year.

(e) *Compliance report submission and notification.* The obligated party must do all the following by the annual compliance reporting deadline specified in § 80.1451(f)(1)(i) for the applicable compliance year (hereinafter the ''applicable compliance deadline''):

(1) Submit an annual compliance report for the small refinery for the applicable compliance year.

(2) Notify EPA in a letter signed by the responsible corporate officer (RCO) or RCO delegate, as specified at 40 CFR 1090.800(d), of its intent to use the provisions of this section for the small refinery.

(f) *Alternative RIN retirement schedule.* The obligated party must retire sufficient RINs to satisfy the minimum percentages of each and every RVO for the applicable compliance year (as determined under § 80.1407(a)) according to the following RIN retirement schedule:

(1) For the 2020 compliance year:

TABLE 1 TO PARAGRAPH (f)(1)—2020 COMPLIANCE YEAR RIN RETIREMENT SCHEDULE

Minimum 2020 RVOs percentage RIN retirement	Deadline
20	February 1, 2023.
40	May 1, 2023.
60	August 1, 2023.
80	November 1, 2023.
100	February 1, 2024.

(2) [Reserved]

(g) *RIN vintages and retirements.* (1) The obligated party may retire for compliance any valid RINs at the time of retirement towards the small refinery's RVOs for the applicable compliance year and is exempt from the requirements in § 80.1427(a)(6)(i).

(2) The obligated party must not retire for compliance any prior-year RINs for the small refinery's RVOs after the applicable compliance deadline.

(h) *Deficit carry-forward for subsequent compliance years.* The obligated party may not carry forward any deficit under § 80.1427(b) for the small refinery for compliance years after the applicable compliance year until it has retired sufficient RINs to satisfy each and every RVO for the applicable compliance year in its entirety.

(i) *Forms and procedures.* The obligated party must submit annual compliance reports and retire RINs under this section using forms and procedures specified by EPA under §§ 80.1451(j) and 80.1452(d).

■ 3. Amend § 80.1454 by adding paragraph (a)(7) to read as follows:

§ 80.1454 What are the recordkeeping requirements under the RFS program?

(a) * * *

(7) Any obligated party that uses the provisions of § 80.1444 for a small refinery must keep the following records:

(i) Copies of any notifications submitted to EPA under § 80.1444(e)(2).

(ii) Copies of the methods and variables used to calculate the number of RINs retired for the alternative RIN retirement schedule under § 80.1444(f).

* * * * *

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–74

[FMR Case 2022–02; Docket No. GSA–FMR–2022–0011, Sequence No. 1]

RIN 3090–AK54

Federal Management Regulation; Soliciting Union Memberships Among Contractors in GSA-Controlled Buildings

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: GSA is issuing a final rule amending the Federal Management Regulation (FMR) to revise the soliciting, vending, and debt collection policy. The rule will update policies consistent with the White House Task Force on Worker Organizing and Empowerment recommendations to revise the FMR. This rule will clarify that activities related to worker organizing and collective bargaining among contractors' employees working in Federal Government facilities are not covered or restricted by the general prohibition on soliciting, posting and distributing materials in or on Federal property under the jurisdiction, custody or control of GSA (GSA-controlled property).

DATES:

Effective date: This rule is effective September 2, 2022.

Comment date: Interested parties should submit written comments on or before November 1, 2022 to be considered in future rulemaking.

ADDRESSES: Submit comments in response to FMR case 2022–02 to: *Regulations.gov* at *https://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FMR Case 2022–02.'' Select the link ''Comment Now'' that corresponds with FMR Case 2022–02. Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FMR Case 2022–02'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite FMR Case 2022–02, in all correspondence related to this case.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov,* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Coneeney, Real Property Policy Director, at 202–208–2956, or at *chris.coneeney@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite FMR Case 2022–02.

SUPPLEMENTARY INFORMATION:

I. Background

GSA is issuing a final rule with a 60-day comment period amending the Federal Management Regulation (FMR) to update certain provisions regarding Facility Management. These revisions will enable access to property under the direct custody and control of GSA, or property for which Federal agencies are acting under a delegation of authority from GSA, for union organizers with the intent to educate employees of private sector contractors working in these Federal Government facilities about the benefits of organizing, collective bargaining and union membership.

In 1935, in the middle of the Great Depression, Congress enacted the National Labor Relations Act, as amended, 29 U.S.C. 151–169 (NLRA), to protect the rights of workers to organize into trade unions and engage in collective bargaining and collective action. The NLRA was a landmark piece of legislation that sought to correct the ''inequality of bargaining power between employees . . . and employers . . .'' (29 U.S.C. 151) and promoted collective bargaining between trade unions on behalf of their members and the business entities that employed them.

In the decades that followed, Congress also enacted reforms to civil service, as the government grew in size and complexity. These efforts resulted in the Civil Service Reform Act of 1978, as amended, Public Law 95–454 (October 13, 1978), 5 U.S.C. 1101 *et seq.* (CSRA), the most comprehensive civil service legislation in almost a century. These reforms included the Federal Service Labor-Management Relations Statute, which allowed Federal employees to form unions and engage in collective bargaining regarding personnel practices. Among many other provisions, this statute required Federal agencies to allow union organizers access to Federal property for the purpose of conducting union business, such as organizing, holding regular meetings and dispute settlement.

On April 26, 2021, President Biden issued Executive Order (E.O.) 14025, titled ''Worker Organizing and Empowerment'' (available at 86 FR 22829 (April 29, 2021); *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/*), section 2 of which established a White House Task Force on Worker Organizing and Empowerment (Task Force) to identify executive branch policies, practices and programs that could be used, consistent with applicable law, to promote the Administration's policy of empowering workers to organize and successfully bargain with their employers. The Task Force recommended that GSA, in consultation with the Office of Management and Budget (OMB), consider revising the FMR to allow that worker organizing and collective bargaining among employees of contractors working in Federal Government facilities are not covered or restricted by the general prohibition on soliciting, posting and distributing materials in GSA-controlled property. These recommendations are available at *https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2022/02/OSEC20220195.pdf* on page 20.

GSA, in consultation with OMB, is updating the FMR on soliciting, vending and debt collection consistent with the Task Force recommendation. Specifically, GSA is updating the FMR to address the recommendation to include an exception to the prohibition on soliciting, posting or distributing materials, or seeking donations, on GSA-controlled property. The FMR currently contains a general prohibition on the activities of soliciting and posting and distributing materials on GSA-controlled property at 41 CFR 102–74.410 and 102–74.415, respectively. This prohibition only covers activities and does not set forth any restrictions or exemptions regarding the individuals performing those activities. The existing regulation provides six exceptions to the general prohibition in 41 CFR 102–74.410 concerning soliciting, vending and debt collection in or on Federal property, including one for the solicitation of labor organization membership or dues authorized by occupant agencies under the CSRA. This exception authorizes union organizer access to Federal employees working in GSA-controlled property to educate Federal employees who either wish to organize or are already members of a union.

Requests by union organizers to meet with Federal contractor employees in space occupied by the legislative or judicial branches are beyond the scope of the order because executive orders do not apply to the legislative or judicial branches of the Federal Government.

This final rule will enable labor organizations who represent contractors working in Federal Government facilities to access Federal property to educate Federal contractors about the benefits of organizing, collective bargaining and union membership. If a security clearance is required for access to the Federal property, labor organizations will still have to follow the normal process of gaining access. This final rule also furthers the goals of E.O. 14035, ''Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce.'' This E.O. reflects the goal of ''cultivat[ing] a workforce that draws from the full diversity of the Nation,'' and directs agencies to identify strategies to promote diversity and equity while removing barriers to inclusion and success for employees in marginalized groups. Unions can provide greater protection for employees in marginalized groups as they advocate for employees and allow for collective bargaining on behalf of marginalized employees who may not otherwise be comfortable with or able to do so on their own.

II. Discussion of the Final Rule

A. Summary of Change

This final rule amends 41 CFR part 102–74 by adding a new paragraph to § 102–74.410. The section outlines the ban on soliciting contributions, vending goods, advertising, and debt collection on Federal property. The current FMR already provides an exception for union organizing activities for Federal employees; however, this rule will add union organizing activities for labor organizations representing or seeking to represent contractors working in GSA-controlled property to the list of authorized exceptions to the general prohibition. The addition of this new exception does not in and of itself create a direct employment relationship with the Federal Government nor does it replace or prohibit the implementation of current or future Federal agency or contractor policies regarding access to Federal property or the regulation of conduct in or on Federal property.

B. Expected Costs and Benefits

GSA has conducted an economic analysis of the proposed change and determined that the total predicted monetary costs to the Government and to the private sector are $1,334,937 over the next 10 years. (For a full breakdown of compliance costs, see section VI of this rule.) The benefit to the Federal agencies and Federal contractors may include no loss of productivity due to workers taking leave to attend labor organization or collective bargaining presentations or unscheduled meetings. Federal contractors' employees will also benefit from having easier access to union organizers and better opportunities for collective bargaining.

III. Request for Public Comment

In addition to the changes discussed with this final rule, GSA requests public comments to better understand how the agency can promote the goals articulated in E.O. 14025, as well as providing opportunities for all employees to learn about and access unions should they deem it beneficial. These comments will inform possible policy formation in the future, as well as future Task Force projects.

IV. Administrative Procedure Act

This rulemaking is exempt from the advance notice-and-comment and delayed-effective-date requirements of the Administrative Procedure Act pursuant to 5 U.S.C. 553(a)(2) because this rulemaking relates to agency management or personnel or to public property, loans, grants, benefits, or contracts. This rulemaking relates to both GSA's agency management and public property, as it involves the internal process of managing conduct on public property by GSA and Federal agencies acting under a delegation of authority from GSA.

V. Executive Orders 12866 and 13563

E.O.s 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits of reducing costs, harmonizing rules and promoting flexibility. OMB's Office of Information and Regulatory Affairs has determined that this is a significant regulatory action and, therefore, was subject to review under section 6(b) of E.O. 12866, ''Regulatory Planning and Review,'' dated September 30, 1993.

VI. Congressional Review Act

The OMB Office of Information and Regulatory Affairs has determined that this rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). Additionally, this rule is excepted from Congressional Review Act reporting requirements prescribed under 5 U.S.C. 801 since it relates to agency management or personnel under 5 U.S.C. 804(3).

VII. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* because it applies to agency management or personnel. Therefore, an initial regulatory flexibility analysis has not been performed. GSA invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

GSA will also consider comments from small entities and other interested parties concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FMR Case 2022–02) in correspondence.

GSA determined, based on an economic model, that there will be compliance costs associated with the new rule. For the model, GSA assumed that compliance activities would need to take place in federally owned and leased buildings and buildings under construction. Compliance activities would consist of developing guidance around providing union organizer access to Federal facilities where employees of private sector contractors are working and distributing that guidance to building managers for their review. Below is a list of activities related to regulatory familiarization that GSA anticipates will occur.

A. Government Costs

1. Federally Owned Buildings

GSA calculates it will take 8 GSA employees, on average with a GS–14, step 5, with an average hourly rate of $76.29/hour, 30 hours each in the first year to develop guidance informing the owned building community of the changes to union organizer access to Federal property. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$18,310 (= 8 × $76.29 [GS–14, step 5 rate] × 30 hours).*

Based on recent experience, GSA estimates that the guidance document will be updated about once every 10 years and the updated guidance will be redistributed to appropriate individuals. GSA calculates it will take 8 GSA employees, on average with a GS–14, step 5, with an average hourly rate of $76.29/hour, 5 hours each once every 10 years to develop updates to the guidance informing the owned building community of the changes to union organizer access to Federal property. Therefore, GSA calculated the total annual estimated cost for year 10 for this part of the rule to be *$3,052 (= 8 × $76.29 [GS–14, step 5 rate] × 5 hours).*

GSA calculates it will take 12 GSA employees, on average with a GS–15, step 5, with an average hourly rate of $89.73/hour, 0.25 hours each to distribute the union organizer access guidance to the owned building community once every 10 years. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be *$269 (= 12 × $89.73 [GS–15, step 5 rate] × 0.25 hours).*

There are 893 GSA employees in the Building Manager, GS–1176, job series. GSA calculates it will take 893 GSA building managers, on average with a GS–13, step 5, with an average hourly rate of $64.56/hour, 0.25 hours each to receive and review the initial and any updates to the union organizer access guidance, again estimated to be once every 10 years. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be *$14,413 (= 893 × $64.56 [GS–13, step 5 rate] × 0.25 hours).*

2. Federally Leased Buildings

GSA calculates it will take 12 GSA employees, on average with a GS–14, step 5, with an average hourly rate of $76.29/hour, 30 hours each in the first year to develop awareness communication at the headquarters level for occupant agencies on the change in the union organizer access policies. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$27,464 (= 12 × $76.29 [GS–14, step 5 rate] × 30 hours).*

GSA calculates it will take 12 GSA employees, on average with a GS–14, step 5, with an average hourly rate of $76.29/hour, 5 hours once every 10 years to develop awareness communication at the headquarters level for occupant agencies on any updates to the union organizer access policies. Therefore, based on the prior estimation of updates to the policies occurring once every decade, GSA calculated the total annual estimated cost for year 10 for this part of the rule to be *$4,577 (= 12 × $76.29 [GS–14, step 5 rate] × 5 hours).*

There are 893 GSA employees in the building manager, GS–1176, job series. GSA calculates it will take 893 GSA employees, on average with a GS–14, step 5, with an average hourly rate of $76.29/hour, 0.5 hours each to develop awareness communication at the regional or local level for occupant agencies on the union organizer access policies once every 10 years. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be *$34,063 (= 893 × $76.29 [GS–14, step 5 rate] × 0.5 hours).*

GSA calculates it will take 1 GSA employee, on average with a GS–14, step 5, with an average hourly rate of $76.29/hour, 0.25 hours to distribute the regional or local level awareness communication to occupant agencies on any changes to the union organizer access policies, estimated to occur once every 10 years. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be *$19 (1 × $76.29 [GS–14, step 5 rate] × 0.25 hours).*

There are 893 GSA employees in the building manager, GS–1176, job series. GSA calculates it will take 893 GSA employees, on average with a GS–13, step 5, with an average hourly rate of $64.56/hour, 0.25 hours each to distribute the regional or local level awareness communication to occupant agencies on the changes to the union organizer access policies once every 10 years, based on the prior estimation. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be *$14,413 (= 893 × $64.56 [GS–13, step 5 rate] × 0.25 hours).*

GSA estimated the costs associated with Federal employees based on historical familiarization of headquarters, regional, and local level employees and subject matter expert judgment. Subject matter experts included GSA realty specialists and leasing contracting officers. GSA calculates it will take 10,000 Federal employees, on average with a GS–14, step 5, with an average hourly rate of $76.29/hour, 0.5 hours each to receive and review the awareness communication on the union organizer rule once every 10 years, based on the prior estimation of changes to the policies occurring once each decade. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be *$381,450 (= 10,000 × $76.29 [GS–14, step 5 rate] × 0.5 hours).*

3. Buildings Under Construction

GSA calculates it will take 8 GSA employees, on average with a GS–14, step 5, with an average hourly rate of $76.29/hour, 30 hours each in the first year to develop awareness communication on the union organizer rule. Therefore, GSA calculated the total estimated cost for this part of the rule to be *$18,310 (= 8 × $76.29 [GS–14, step 5 rate] × 30 hours).*

GSA calculates it will take 8 GSA employees, on average with a GS–14, step 5, with an average hourly rate of $76.29/hour, 5 hours each to develop awareness communication as a building requirement on the union organizer access policies once every 10 years. Therefore, GSA calculated the total annual estimated cost for year 10 for this part of the rule to be *$3,052 (= 8 × $76.29 GS–14 Step 5 rate × 5 hours).*

GSA calculates it will take 12 GSA employees, on average with a GS–15, step 5, with an average hourly rate of $89.73/hour, 0.25 hours each to distribute the awareness communication as a building requirement on the union organizer access policies once every 10 years, based on the prior estimation. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be *$269 (= 12 × $89.73 [GS–15, step 5 rate] × 0.25 hours).*

GSA assumes 3 GSA employees per large construction project and 1 GSA employee per small construction project receiving and reading the communication, which totals to 5,846 GSA employees. GSA calculates it will take 5,846 GSA employees, on average with a GS–13, step 5, with an average hourly rate of $64.56/hour, 0.25 hours each to receive and review the awareness communication as a building requirement on union organizer access policies once every 10 years, based on the prior estimation. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be $94,354 (= 5,846 × $64.56 [GS–13, step 5 rate] × 0.25 hours).

4. Total Government Costs

GSA calculates the total government costs to be $603,334 in the first year and $549,931 in year 10. The table below shows total present value and annualized costs for 10 years.

Summary	Total costs
Present Value (3 percent)	$994,961.48
Annualized Costs (3 percent)	116,639.84
Present Value (7 percent)	843,420.59
Annualized Costs (7 percent)	120,084.12

B. Public Costs

1. Public Costs

Public costs associated with this rule include both large and small businesses managing buildings with ongoing construction projects in or on GSA-controlled property. The GSA Office of Design and Construction estimated that there are 109 capital projects under construction. GSA assumes each large business operating a building under construction will have one employee receive and review the awareness communication. GSA calculates it will take 109 large business employees, on average with a GS–13, step 5, with an average hourly rate of $64.56/hour, 0.25 hours to receive and review the awareness communication as a building requirement on the union organizer rule once every 10 years. GSA estimates the average hourly rate of $64.56 for the large business employees as the private sector pay equivalent of a GS–13, step 5. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be *$1,759 (= 109 × $64.56 [GS–13, step 5 rate] × 0.25 hours).*

GSA estimates an average of 5,519 small businesses operating a building under construction each year. GSA assumes each small business operating a building under construction will have one employee receive and review the awareness communication. GSA calculates it will take 5,519 small business employees, with an average hourly rate of $64.56/hour, 0.25 hours to receive and review the awareness communication as a building requirement on the union organizer rule

once every 10 years. GSA estimates the average hourly rate of $64.56 for the small business employees as the private sector pay equivalent of a GS–13, step 5. Therefore, GSA calculated the total annual estimated cost for year 1 and year 10 for this part of the rule to be *$89,077 (= 5,519 × $64.56 [GS–13, step 5 rate] × 0.25 hours).*

2. Overall Public Costs

GSA calculates the total undiscounted public costs related to buildings under construction to be $90,836 over 10 years. The table below shows total present value and annualized costs for 10 years.

Summary	Total costs
Present Value (3 percent)	$88,190.29
Annualized Costs (3 percent)	10,338.59
Present Value (7 percent)	84,893.46
Annualized Costs (7 percent)	12,086.92

C. Overall Total Additional Costs

The overall total additional undiscounted cost of this final rule is estimated to be $1,334,937 over a 10-year period. GSA did not identify any cost savings based on the impact of the rule.

D. Analysis of Alternatives

The preferred alternative is the process laid out in the analysis above. However, GSA has analyzed two alternatives to the preferred process.

Alternative 1: GSA could decide to take no regulatory action and not allow exceptions for labor organizations representing or seeking to represent contractors working in GSA-controlled property to access the property. No action from the government would be required. Union organizers might still be able to access GSA-controlled property; however, they would have to have a Federal employee act as their host, depending on access rules for the specific building. This option would be inconsistent with the Task Force recommendation based on E.O. 14025, as it would mean that some buildings or worksites would be inaccessible to union organizers, thus denying workers opportunities to be informed of the benefits of unions and collective bargaining. As a result, GSA rejects this alternative.

Alternative 2: GSA could take limited regulatory action based on the policy direction of E.O. 14025 and the recommendation from the Task Force. Limited action from the government would be required, and would only be partially consistent with E.O. 14025 and the Task Force recommendation, and would only partially provide workers opportunities to be informed of the benefits of unions and collective bargaining. As a result, GSA rejects this alternative.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors or members of the public, that require the approval of OMB under 44 U.S.C. 3501 *et seq.*

List of Subjects in 41 CFR Part 102–74

Government property management.

Robin Carnahan,

Administrator of General Services.

For the reasons set forth in the Preamble, GSA amends 41 CFR part 102–74 as set forth below:

PART 102–74—FACILITY MANAGEMENT

■ 1. The authority citation for 41 CFR part 102–74 is revised to read as follows:

Authority: 40 U.S.C. 121(c); E.O. 12191, 45 FR 7997, 3 CFR, 1980 Comp., p 138; E.O. 14025, 86 FR 22829.

■ 2. Amend § 102–74.410 by redesignating paragraphs (d) through (f) as paragraphs (e) through (g) and adding new paragraph (d) to read as follows:

§ 102–74.410 What is the policy concerning soliciting, vending and debt collection?

* * * * *

(d) Labor organizations representing or seeking to represent contractors working in Federal Government facilities;

* * * * *

[FR Doc. 2022–17949 Filed 9–1–22; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 22–889; MB Docket No. 22–188; RM–11928; FR ID 102758]

Radio Broadcasting Services; Big Coppitt Key, Florida

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the FM Table of Allotments, of the Commission's rules, by adding Channel 265C3 at Big Coppitt Key, Florida. Channel 265C3 would provide a first local service at Big Coppitt Key, Florida. A staff engineering analysis indicates that Channel 265C3 can be allotted to Big Coppitt Key, Florida, consistent with the minimum distance separation requirements of the Commission's rules, with a site restriction of 14.5 km (9.0 miles) northeast of the community. The reference coordinates are 24–39–34 NL and 81–32–17 WL.

DATES: Effective October 11, 2022.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Federal Communications Commission's (Commission) Report and Order, adopted August 25, 2022 and released August 26, 2022. The full text of this Commission decision is available online at *https://apps.fcc.gov/ecfs/.* This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will send a copy of the Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.202(b), amend the Table of FM Allotments under Florida by adding in alphabetical order an entry for ''Big Coppitt Key'' to read as follows:

§ 73.202 Table of Allotments.

* * * * *

(b) * * *

TABLE 1 TO PARAGRAPH (b)

U.S. States				Channel No.
*	*	*	*	*
Florida				
Big Coppitt Key				265C3
*	*	*	*	*

[FR Doc. 2022–18989 Filed 9–1–22; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 220510–0113; RTID 0648–XC289]

Fisheries Off West Coast States; Modification of the West Coast Salmon Fisheries; Inseason Actions #34 Through #36

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

ACTION: Inseason modification of 2022 management measures.

SUMMARY: NMFS announces three inseason actions in the 2022 ocean salmon fisheries. These inseason actions modify the recreational and commercial salmon fisheries in the area from the United States/Canada border to the Oregon/California border.

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

FOR FURTHER INFORMATION CONTACT: Shannon Penna at 562–980–4239, Email: *Shannon.Penna@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The 2022 annual management measures for ocean salmon fisheries (87 FR 29690, May 16, 2022), announced management measures for the commercial and recreational fisheries in the area from the United States (U.S.)/Canada border to the U.S./Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 16, 2022, until the effective date of the 2023 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council), and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions).

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

Consultations with the Council Chairperson on these inseason actions occurred on August 4, 2022 and August 10, 2022. Representatives from NMFS, Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), California Department of Fish and Wildlife (CDFW) and Council staff participated in these consultations. Members of the Salmon Advisory Subpanel and Salmon Technical Team (STT) were also present on the calls.

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

Inseason Actions

Inseason Action #34

Description of the action: Inseason action #34 modifies the commercial salmon troll fishery from Humbug Mountain, OR, to the Oregon/California border (Oregon Klamath Management Zone (KMZ)). The August 2022 quota increased from 250 Chinook salmon to 658 Chinook salmon through an impact-neutral rollover of unused quota from the July 2022 commercial troll fishery in the same area.

Effective date: Inseason action #34 took effect on August 4, 2022, and remains in effect until August 28, 2022, at 11:59 p.m.

Reason and authorization for the action: The 2022 commercial salmon troll fishery in the Oregon KMZ includes three quota managed seasons: June (800 Chinook salmon), July (400 Chinook salmon), and August (250 Chinook salmon) (87 FR 29690, May 16, 2022). After the July season, 627 Chinook salmon remained uncaught. The annual management measures (87 FR 29690, May 16, 2022) provide that any remaining portion of Chinook salmon quotas in this fishery may be transferred inseason on an impact-neutral basis to the next open quota period. The STT calculated the impact-neutral transfer of 627 Chinook salmon from the July quota to the August quota would result in adding 408 Chinook salmon to the August quota, resulting in an adjusted August quota of 658 Chinook salmon. The quota transfer is impact-neutral for spawning escapement goals for Klamath River fall-run Chinook salmon (KRFC). This change results in KRFC and Sacramento River fall-run Chinook salmon escapement meeting or exceeding the escapement levels forecasted at the April 2022 Council meeting. The quota transfer also preserves 50/50 KRFC harvest sharing between non-tribal Klamath River tribal fisheries and results in a KRFC age-4 ocean harvest rate of 10 percent. This action did not increase the overall 2022 Chinook salmon quota in the SOF commercial salmon troll fishery.

The NMFS West Coast Region Regional Administrator (RA) considered the landings of Chinook salmon in the SOF commercial salmon fishery to date, fishery effort occurring to date as well as anticipated under the proposal, and the Chinook salmon quota remaining and determined that this inseason action was necessary to meet management and conservation objectives. Inseason modification of quotas is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #35

Description of the action: Inseason action #35 modifies the Chinook salmon landing and possession limit for the commercial salmon troll fishery across the entire north of Cape Falcon area, regardless of subarea, to: 40 Chinook salmon per vessel per landing week (Thursday through Wednesday).

Effective date: Inseason action #35 took effect on August 5, 2022, and remains in effect until superseded.

Reason and authorization for the action: Inseason action #35 was necessary to allow opportunity to catch the remainder of the Chinook salmon quota and to allow greater access to coho salmon in the commercial salmon troll fishery. The RA considered the landings of Chinook and coho salmon to date and projected catch, fishery effort occurring to date and projected effort, and quotas set preseason and determined that this inseason action was necessary to meet management goals to fully utilize the salmon quotas

set preseason while not exceeding conservation objectives. The modification of commercial landing and possession limits is authorized by 50 CFR 660.409(b)(1)(i).

Inseason Action #36

Description of the action: Inseason action #36 modifies the Chinook salmon landing and possession limit for the commercial salmon troll fishery across the entire north of Cape Falcon area, regardless of subarea, to: 30 Chinook salmon per vessel per landing week (Thursday through Wednesday).

Effective date: Inseason action #36 took effect on August 11, 2022, and remains in effect until superseded.

Reason and authorization for the action: Inseason action #36 was necessary to slow the rate of Chinook salmon catch in order to preserve the length of the salmon fishing season by setting a lower landing and possession limit. The RA considered the landings of Chinook salmon to date and projected catch, fishery effort occurring to date and projected effort, and quotas set preseason and determined that this inseason action was necessary to provide greater fishing opportunity and provide economic benefit to the fishery-dependent community by preserving season length. The modification of commercial landing and possession limits is authorized by 50 CFR 660.409(b)(1)(i).

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

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

Classification

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

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment on this action was impracticable because NMFS had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook and coho salmon abundance, catch, and effort information were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best scientific information available and that fishery participants can take advantage of the additional fishing opportunity these changes provide. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (87 FR 29690, May 16, 2022), the Fishery Management Plan (FMP), and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

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

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

Dated: August 29, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–18991 Filed 9–1–22; 8:45 am]

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Proposed Rules

Federal Register
Vol. 87, No. 170
Friday, September 2, 2022

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Doc. No. AMS–NOP–21–0008]

RIN 0581–AE02

Inert Ingredients in Pesticides for Organic Production

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of proposed rulemaking (ANPR) seeks input from stakeholders about how to update the United States Department of Agriculture (USDA) organic regulations on inert ingredients in pesticides used in organic production. The USDA Agricultural Marketing Service (AMS) seeks comments on alternatives to its existing regulations that would align with the Organic Foods Production Act of 1990 (OFPA) and the U.S. Environmental Protection Agency's (EPA) regulatory framework for inert ingredients. Information from public comments would inform AMS's approach to this topic, including any proposed revisions of the USDA organic regulations.

DATES: Comments must be received by November 1, 2022.

ADDRESSES: To submit comments on the ANPR, use any of the following procedures:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. You can access this ANPR and instructions for submitting public comments by searching for document number, AMS–NOP–21–0008.
- *Mail:* Jared Clark, Standards Division, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave. SW, Room 2642–S., Ag Stop 0268, Washington, DC 20250–0268.

All submissions received must include the docket number AMS–NOP–21–0008, and/or Regulatory Information Number (RIN) 0581–AE02 for this ANPR. AMS seeks information and feedback on specific topics listed in this ANPR. Commenters are also invited to provide information and perspectives on inert ingredients for topics not requested by AMS in this notification. Specific and relevant information and data to support your comments is encouraged, including, scientific, environmental, manufacturing, industry, or impact information. Comments received will be posted to *https://www.regulations.gov.*

To access the document, related documents, and comments received, go to *https://www.regulations.gov/* (search for Docket ID AMS–NOP–21–0008).

FOR FURTHER INFORMATION CONTACT: Jared Clark, Standards Division, National Organic Program. Telephone: (202) 720–3252. Email: *jared.clark@usda.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary

This ANPR seeks input from stakeholders about how to rectify the USDA organic regulations' references to outdated EPA policy on inert ingredients used in pesticide products. The outdated references are inconsistent with current EPA requirements. This causes problems in the organic industry and for AMS's administration of the USDA organic regulations (see Background section).

Inert ingredients (''inerts''—also identified as ''other ingredients'' on pesticide labels) are substances other than the ''active'' (*i.e.,* pesticidal) ingredients included in formulated pesticide products. Inert ingredients added to pesticides may function, for example, as adjuvants, solvents, diluents, stabilizers, or preservatives. Pesticide labels do not typically disclose the identity (common or chemical name) of the inert ingredients in the product.

For organic crop and livestock production, current USDA organic regulations allow EPA List 3 and List 4 inert ingredients to be used in pesticide products when the product includes active ingredients permitted by the organic regulations. Together, EPA List 3 and List 4 include more than 2,700 inert ingredients.[1] AMS does not know how many of these inert ingredients are included in products used in organic production, but it is likely a relatively small subset of these 2,700 ingredients. These lists were last updated by the EPA in 2004 and will not be updated again (see Background section).

In this ANPR, AMS's National Organic Program (NOP) seeks comments that will assist the Agency in assessing the feasibility of alternatives that could replace the references to these outdated EPA lists. Information from public comments would inform AMS's approach to this topic, including any proposed revisions of the USDA organic regulations. AMS seeks comments to identify alternatives as well as to receive information about obstacles and the costs and benefits of options. Stakeholders that may be affected by future actions on this topic include pesticide manufacturers, certified organic operations, consumers, certifying agents, and other interested parties.

II. Background

Inert ingredients are key components of formulated pesticide products. These ingredients can, for example, increase the effectiveness of pesticidal products, increase a product's shelf-life, or prevent degradation.[2] Inert ingredients, being a key component of pesticide products, are specifically identified in the Organic Foods Production Act of 1990 (OFPA). Under OFPA at 7 U.S.C. 6517(c)(1)(B)(ii), the National List may provide for the use of substances in an organic farming or handling operation if the substance is used in production and contains synthetic inert ingredients that are not classified as inerts of toxicological concern by the EPA, in addition to the general considerations for National List substances at 7 U.S.C. 6517(c)(1)(A) and 6518(m).

In a December 16, 1997, proposed rule to establish the National Organic Program (62 FR 65850), AMS proposed that all inert ingredients not classified by the EPA as ''of toxicological

[1] ''Categorized List of Inert Ingredients (Old Lists),'' U.S. Environmental Protection Agency, *https://www.epa.gov/pesticide-registration/categorized-lists-inert-ingredients-old-lists.*

[2] ''Inert Ingredient Frequently Asked Questions,'' U.S. Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, December 2015, *https://www.epa.gov/sites/default/files/2015-12/documents/faqs.pdf.*

concern'' be allowed when formulated with allowed active ingredients. During this time, the EPA classified inert ingredients using categorical lists to group these substances by toxicological concern and risk. While the proposed regulatory text did not reference the EPA Lists, AMS stated in the preamble of the proposed rule that only EPA List 1 was to be used to identify inert ingredients of toxicological concern.

In February 1999, in response to this proposed rule, the National Organic Standards Board (NOSB or Board), a Federal advisory committee established by the OFPA, recommended that inert ingredients appearing on:

- EPA List 1 and List 2 be prohibited;
- EPA List 3 be prohibited unless specifically approved by the NOSB; and
- EPA List 4 should generally be allowed, unless explicitly recommended for prohibition.[3]

AMS agreed with the NOSB's recommendation. In the December 21, 2000, final rule (65 FR 80547), EPA List 4 was added to the National List. This allowed any synthetic substance on EPA List 4 to be in pesticide products used in organic crop and livestock production (when used in conjunction with pesticides containing allowed active ingredients). Subsequently, AMS amended the National List to include an allowance for EPA List 3 inert ingredients for use in crop production only in passive pheromone dispensers, effective November 3, 2003 (68 FR 61987). EPA List 1 and List 2 contain only synthetic substances. They remain prohibited and are not listed as allowed on the National List.

When NOP added these lists, referencing an entire set of substances in a single entry on the National List, as recommended by the NOSB, limited disruption to the organic industry because it allowed most inert ingredients that were approved by organic certifying agents prior to implementation of the USDA organic regulations. The regulatory framework that relied on EPA List 3 and List 4 also reduced the administrative burden on the NOSB and on AMS, as the effort to evaluate each allowed synthetic inert substance on the National List would have likely exceeded available resources. As a result, pesticides containing inert ingredients of toxicological concern (*i.e.,* EPA List 1 and List 2) were not allowed in organic production, but organic producers continued to have access to pesticides containing inert ingredients on EPA List 3 and List 4.

The EPA moved away from their own categorical list system while AMS developed regulations to establish the NOP and the USDA organic requirements (7 CFR part 205). The passage of the Food Quality Protection Act of 1996 (FQPA, 7 U.S.C. 136 *et seq.*) mandated that the EPA develop tolerances (or tolerance exemptions) for inert ingredients used in food-contact products. These tolerances, which are the maximum amount of a pesticide allowed to remain in or on a food, are codified in EPA regulations at 40 CFR part 180. As a result, new and existing inert ingredients are approved for use through EPA's rulemaking process, and the EPA Lists referenced in the USDA organic regulations are no longer updated.[4]

In response to these lists no longer being updated, the NOSB passed an April 2010 recommendation to replace references to EPA List 3 and List 4.[5] This recommendation proposed a system in which the NOSB would evaluate inert ingredients on EPA List 3 and List 4 for a synthetic or nonsynthetic determination (the terms ''synthetic'' and ''nonsynthetic (natural)'' are defined in the organic regulations at 7 CFR 205.2). Following classification, the list of the nonsynthetic inert ingredients would be presented as the ''first choice,'' or preferred, inert ingredients for manufacturers when formulating pesticide products for organic production. Under this recommendation, synthetic inert ingredients could only be added to the National List through the petition process to the NOSB. This work was to be conducted through a working group comprised of NOSB members, representatives from the EPA's Design for the Environment/Safer Choice program, and AMS. This working group eventually led to the development of a subsequent October 2015 NOSB recommendation.

In October 2015, the NOSB recommended an annotation change to address the National List references to EPA List 3 and List 4.[6] This recommendation, like the 2010 recommendation, suggested a change to the annotations at 7 CFR 205.601(m) and 205.603(e) to remove references to EPA List 3 and List 4. This recommendation suggested replacing these references as follows:

- Allow inert ingredients that are permitted in ''minimum risk pesticide'' products that are exempt from registration as described in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). (Note: as of February 2016 (80 FR 80653), this list of inert ingredients is codified at 40 CFR 152.25(f)(2));
- Allow substances listed on EPA's Safer Choice program's Safer Chemical Ingredients List; and
- Allow inert ingredients exempt from the requirement of a tolerance at 40 CFR 180.1122 (only for use in passive pheromone dispensers).

The working group continued through 2017 with a goal of rulemaking prior to the NOSB's 2020 List 4 sunset review (a process in which National List substances are reviewed every five years to assess continued OFPA compliance).

Given the emphasis the NOSB gave the Safer Choice program to help resolve the issue with the outdated lists, AMS consulted with the Safer Choice program in September 2021. This consultation explored ways EPA's program could assist with a solution to the references to EPA List 3 and List 4 in the National List. The meeting highlighted many reasons why the Safer Choice program is not well suited to help address this issue. First, there is a discrepancy between the structure of the programs: the NOP is a regulatory program, while the Safer Choice program is a voluntary program that exists outside of a regulatory framework. The issues associated with this discrepancy are further explained in the Regulatory Challenges section.

Second, the expertise, review criteria, and structure of the Safer Choice program is focused on review of cleaners and disinfectants, not crop and livestock pest control products. As a result, it does not directly translate to review of crop and livestock pest control materials. Further, the Safer Choice program generally does not meet the needs of AMS or NOSB in addressing the outdated references to the EPA lists in the organic regulations, as replacement inert ingredients in the

[3] National Organic Standards Board Joint Committee Meetings, Washington, DC, May 1–2, 1992; Minneapolis, Minnesota, May 4–6, 1992, *https://www.ams.usda.gov/sites/default/files/media/NOSB%20Meeting%20Minutes%26Transcripts%201992-2009.pdf.*

[4] ''Categorized Lists of Inert Ingredients (Old Lists),'' U.S. Environmental Protection Agency, *https://www.epa.gov/pesticide-registration/categorized-lists-inert-ingredients-old-lists.*

[5] ''Inerts in Pesticides Allowed for use in Organic Production,'' Formal Recommendation by the National Organic Standards Board (NOSB) to the National Organic Program (NOP), April 29, 2010, *https://www.ams.usda.gov/sites/default/files/media/NOP%20Final%20Rec%20on%20Inerts%20in%20Pesticides.pdf.*

[6] ''Formal Recommendation from National Organic Standards Board (NOSB) to the National Organic Program (NOP),'' October 29, 2015, *https://www.ams.usda.gov/sites/default/files/media/CS%20LS%20EPA%20List%204InertsAnnotation_final%20rec.pdf.*

National List must meet specific requirements of the OFPA, including human and environmental health impacts, natural substitute products, toxicological concerns, and compatibility with organic farming. While Safer Choice may consider similar criteria in their review of products, they do not consider them in the scope of crop and livestock production, nor are they considerations which would be easily integrated into their system.

At the conclusion of the NOSB's October 2020 sunset review for EPA List 4 substances, AMS had not yet initiated rulemaking to address these references, for reasons discussed in the Regulatory Challenges section and elsewhere in this ANPR. Acknowledging the lack of rulemaking on this topic, the NOSB discussed voting to remove EPA List 4 from the National List to encourage rulemaking action.[7] Ultimately, the Board voted to not recommend removal of EPA List 4 inert ingredients from the National List,[8] noting a desire to minimize market disruption. In August 2021, AMS renewed the listing of EPA List 4 on the National List until March 15, 2027 (86 FR 41699).

During its October 2020 meeting, the Board also passed a resolution encouraging coordination between the Board and the NOP to replace the outdated reference to EPA List 4 on the National List.[9] This resolution requested that AMS work with NOSB to develop an alternative review process for inerts, work with NOSB to develop an implementation timeline, and coordinate with NOSB on progress to develop an alternative to EPA List 4. This ANPR solicits feedback on alternatives, and comments received would inform AMS's approach on this topic, which may include further consultation with the NOSB and proposed revisions to the USDA organic regulations.

[7] ''Public Comment Webinar,'' United States Department of Agriculture, National Organic Standards Board, October 20, 2020, *https://www.ams.usda.gov/sites/default/files/media/TranscriptsNOSBOctober2020.pdf*.

[8] ''Formal Recommendation from National Organic Standards Board (NOSB) to the National Organic Program (NOP),'' 2022 Sunset Reviews—Crops, October 30, 2020, *https://www.ams.usda.gov/sites/default/files/media/CS2022SunsetRecs_webpost.pdf*.

[9] ''NOSB Resolution from National Organic Standards Board (NOSB) to the National Organic Program (NOP),'' Resolution on EPA List 4 Inerts, October 30, 2020, *https://www.ams.usda.gov/sites/default/files/media/NOSBResolutionList4InertsRec_webpost.pdf*.

III. Potential Replacements for EPA List 3 and/or List 4

In this ANPR, AMS describes five options (in sections A–E) for updating references to inert ingredients in the USDA regulations on organic production. These options were received as recommendations from the NOSB or identified as possibilities by AMS. AMS also outlines some of the advantages and disadvantages of each option. We did not include an option that references the Safer Choice program for reasons explained in the Background section. A robust alternative to the existing regulations may require implementing more than one option. Commenters are invited to comment on the costs and benefits, obstacles or other aspects of these options.

A. Allow Inert Ingredients Permitted by EPA in Minimum Risk Pesticides

This option would replace the reference to EPA List 4, in part, with an allowance for inert ingredients allowed by EPA regulations in ''minimum risk pesticides.'' Minimum risk pesticides are pesticides that are exempt from regulation under FIFRA because they pose little to no risk to human health or the environment.[10] These inerts are listed in Table 2 at 40 CFR 152.25(f).

This option would:

- Satisfy the OFPA requirement that inert ingredients not be classified by the EPA as ''inerts of toxicological concern,'' as the EPA review process for all food-use inert ingredients includes a robust evaluation of toxicity and exposure risks;
- Be similar to current regulations, and relies on the EPA's assessment of inert ingredients; and
- Not allow substances currently used in formulated pesticide products (in compliance with current USDA organic regulations at § 205.601(m) and § 205.603(e)) that are not on EPA Table 2 at 40 CFR 152.25(f). This could eliminate products currently available to organic producers and/or require manufacturers to reformulate.

B. Allow Specific Inert Ingredients Permitted by EPA

This option focuses on List 4 only, to explore a partial solution with respect to that list. This option would replace reference to EPA List 4 with an allowance for an inert ingredient that is exempt from the requirement of a tolerance. These inert ingredients are listed at 40 CFR part 180 subpart D (§§ 180.900–180.1381). Active ingredients in these sections that are exempt from the requirements of a tolerance that do not have an allowed use as an inert would not be permitted.

This option would:

- Satisfy the OFPA requirement that inert ingredients not be classified by the EPA as ''inerts of toxicological concern,'' as the EPA review process for all food-use inert ingredients includes a robust evaluation of toxicity and exposure risks;
- Be similar to current regulations, as this option relies on the EPA's assessment of inert ingredients. Inerts permitted by the EPA are codified (appear in the Code of Federal Regulations [CFR]) and could be easily cross-referenced within the USDA organic regulations. When EPA adds or removes inert ingredients, the USDA organic regulations would not require corresponding revisions. Additional engagement with EPA in their rulemaking process by AMS and stakeholders may be warranted to stay informed of changes to EPA regulations; and
- Potentially permit the use of more inert substances compared to the number of inert substances on EPA List 4 (approximately 870 substances) and EPA List 3 (approximately 1,850 substances).

C. Replace EPA List 3 With EPA-Allowed Inert Ingredients of Semiochemical Dispensers

This option would focus on List 3 only, to explore a partial solution with respect to that list. This option would replace the current reference to EPA List 3 (for inert ingredients used in passive pheromone dispensers) at 7 CFR 205.601(m)(2) with reference to the current EPA framework for inert ingredients in ''semiochemical dispensers.'' Semiochemicals are chemicals that are emitted by plants or animals and modify the behavior of the receiving species (*e.g.,* disruption of mating for the purposes of pest control). Special conditions for the exemption of these inert ingredients appear in EPA regulations at 40 CFR 180.1122 (''Inert ingredients of semiochemical dispensers; exemptions from the requirement of a tolerance''). These special conditions include, among other things: (1) Exposure that must be limited to inadvertent physical contact only; and (2) design of the dispenser must preclude any contamination by its components of the raw agricultural commodity or processed foods/feeds derived from the commodity by virtue of its proximity to the raw agricultural

[10] ''Minimum Risk Pesticide: Definition and Product Confirmation,'' U.S. Environmental Protection Agency, February 1, 2021, *https://www.epa.gov/minimum-risk-pesticides/minimum-risk-pesticide-definition-and-product-confirmation*.

commodity or as a result of its physical size (see 40 CFR 180.1122(a)(1)). Exposure must be limited to inadvertent physical contact only. The design of the dispenser must be such as to preclude any contamination by its components of the raw agricultural commodity or processed foods/feeds derived from the commodity by virtue of its proximity to the raw agricultural commodity or as a result of its physical size.

This option would:

- Continue to allow passive pheromone dispensers; and
- Simplify the review of formulated products for certifying agents and third parties who review inputs for compliance with USDA organic regulations.

D. List Inert Ingredients Individually on the National List

As a replacement to List 3 and/or List 4, inert ingredients could be migrated to the USDA organic regulations at 7 CFR part 205 as individual itemized or grouped listings. This would result in a codified list of inert ingredients, contained within the National List. In developing a list of inert ingredients, EPA List 3 and List 4, as well as work done by the EPA (either by AMS in cooperation with EPA or extracted from the list of inerts permitted in minimum risk pesticides at 40 CFR 152.25(f)(2)), could be used to identify inert ingredients for proposal for inclusion on the National List. Alternatively, inert ingredients for consideration could be identified by pesticide manufacturers or other parties through petitions to the NOSB. In either case, the individual substances would be reviewed by the NOSB, and, if recommended, inert ingredients could be added to the National List by AMS through the rulemaking process.

This option would require substantial work by both the NOSB and AMS. Specifically, this option would:

- Require coordination or validation of these inert ingredients by the EPA to verify they are not of toxicological concern to meet the OFPA requirement that synthetic inert ingredients not be classified by the Administrator of the EPA as ''inerts of toxicological concern'';
- Require a sunset review of approximately 190 substances currently in use in organic-compliant pest control products every five years as required by OFPA at 7 U.S.C. 6517(e). This change would nearly double the number of substances currently present on the National List (approximately 230 substances) and would significantly increase the NOSB's and NOP's workload; and
- Likely require a lengthy implementation period to minimize disruption and provide adequate time for submission of petitions, NOSB review, and AMS rulemaking.

E. Take No Action (Status Quo)

This option would maintain the status quo and continue to rely on historical EPA List 3 and List 4. Any person may submit a petition to add an inert ingredient to the National List according to 7 CFR 205.607 and the procedures in NOP 3011.[11] Currently, NOSB consideration of these petitions are at the discretion of the Board.[12]

This option would:

- Continue to conflict with current EPA regulations. EPA has revoked the use of certain List 4 inert ingredients in pesticide formulations. AMS would need an effective mechanism to identify and communicate these discrepancies between EPA tolerance assessments and List 4 inert ingredients;
- Potentially lead to stagnation in development of alternative products for organic production, including products with potentially lower toxicity, and loss of confidence among stakeholders/industry in NOP's ability to address pressing regulatory needs; and
- Potentially result in the removal of EPA List 3 and List 4 from the National List at the conclusion of NOSB's next sunset review. AMS would prefer not to remove List 3 and List 4 from the National List in the absence of a viable alternative.

IV. Regulatory Challenges

In this section, AMS describes the regulatory challenges related to updating the USDA organic regulations on synthetic inert ingredients used in organic crop and livestock production. AMS invites specific comments related to these topics in the Request for Public Comments section below.

Referencing Third-Party Lists

All options discussed in this ANPR would rely on lists or regulations maintained by EPA. Some options would rely on codified listings that have completed notice-and-comment rulemaking. NOSB's recommendation that AMS reference the EPA Safer Chemical Ingredients List brings the regulatory challenges associated with third-party lists to the forefront of this discussion. Referring to a third-party (non-codified) list would pose several regulatory challenges:

- Updates to third-party lists would require oversight and management by the third party, rather than AMS. For example, opportunities for public input about revisions to the list (or revisions to the standards/criteria used to assess substances) may be more limited or less transparent than provided by AMS during its notice-and-comment rulemaking.
- Any reference to a list that is not within the CFR—and that is required to understand or comply with the regulations—would require approval by the Director of the Federal Register, as dictated by the Federal regulations related to ''incorporation by reference'' (see 1 CFR part 51). The Director's decision is outside of AMS's control.
- AMS would be required to refer to only one publication (*i.e.,* an edition with a specific publication date) of a list within the USDA organic regulations (see 1 CFR 51.1). Providing notice of the change in the **Federal Register** and updating the CFR would be some of the steps necessary to update the reference to a new edition of the list (1 CFR 51.11).

Individual Listings for Inert Ingredients on the National List

As discussed in the Background section of this ANPR, AMS originally referenced EPA Lists in the USDA organic regulations to prevent disruption to the industry and to reduce the administrative burden on the NOSB and AMS. AMS is aware that some stakeholders may prefer to include permitted inert ingredients to be individually listed in the USDA organic regulations. AMS also recognizes that stakeholders may believe that the intent of OFPA was to individually list inert ingredients on the National List.

Individual listings of inert ingredients on the National List would greatly increase the Board's and AMS's workloads due to the required process and timeline. Generally, petitioned substances undergo an NOSB review process that can take one to two years. This review process is supported by third-party technical reports, stakeholder engagement, and NOP staff. If the review process results in a recommendation for rulemaking, the rulemaking process can take an additional one and a half to three years. In total, this means a petition to add or remove a substance can take up to two and a half to five years before the process is completed. Substances

[11] ''Procedure: National List Petition Guidelines,'' United States Department of Agriculture, National Organic Program, *https://www.ams.usda.gov/sites/default/files/media/NOP%203011%20Petition%20Procedures.pdf.*

[12] ''Petitions for Inert Ingredients under the National Organic Program,'' Notice 11–6, United States Department of Agriculture, National Organic Program, February 3, 2011, *https://www.ams.usda.gov/sites/default/files/media/NOP-Notice-11-6.pdf.*

recommended for removal through the sunset process would need to undergo rulemaking, which takes approximately two years before the recommended removal is reflected in the regulations. This increased workload may be beyond the administrative capacity of the NOSB, contracted partners, and NOP staff.

V. Request for Public Comments

Over the years, AMS's references to third-party lists of substances (*i.e.,* the EPA Lists) served to reduce the impact on the NOSB and on AMS to review each inert substance separately. As AMS considers options for future rulemaking to replace these obsolete lists, the Agency seeks comments on how to balance: (1) The disadvantages of relying on external agencies/organizations or external lists; (2) available resources (including time) of the NOSB and AMS; and (3) statutory requirements under OFPA. AMS also invites comments from the public on the topic areas listed in this section of the ANPR. We would also consider comments on other topic areas related to inert ingredients in organic production.

General

- Should AMS replace the references in the USDA organic regulations to the outdated EPA List 3 and List 4? What problems are caused by the current references to EPA List 3 and List 4?
- How do various options align (or not align) with the statute (OFPA) and with AMS's authority, as provided under the statute, to regulate inert ingredients?
- What other options might be available that AMS and NOSB have not considered?

Third-Party (Non-Codified) Lists

- Should AMS rely on third-party list(s) as a means of evaluating inert ingredients permitted in organic production? If so, which third-party list(s) would be appropriate, and why?
- To what degree should the National List include individual substances allowed as synthetic inert ingredients versus referencing third-party lists established outside of AMS?
- How feasible or acceptable is it for AMS to reference third-party lists (lists that exist outside of Federal regulations that are not published in the CFR) to update current references on the National List to EPA List 3 and List 4?
- How does the approval and update process (via incorporation by reference) affect the feasibility of referencing a third-party list(s) for inert ingredients on the National List? For example, if a third-party list of inerts is not published in editions, it is ineligible for incorporation by reference. Conversely, if a third-party list were published in editions, AMS would need to take rulemaking action to update the reference to a newer edition.

Administrative Capacity

- AMS recognizes that it takes time and effort for the NOSB to perform a sunset review for each item on the National List, and there are likely hundreds of substances used as inert ingredients under current USDA organic regulations. How could AMS and the NOSB complete the necessary sunset reviews if substances were listed individually on the National List?
- How should the time constraints influence the approach that AMS should take regarding inert ingredients?
- The referenced Safer Choice program framework includes accreditation of third-party organizations, evaluation of substances against published standards by those accredited organizations, agency review of the evaluation, and publication of a list of approved substances. If AMS adopted a similar framework to that of the Safer Choice program, what would this look like, and would it address the regulatory challenges and capacity constraints outlined in this ANPR? What additional AMS staff resources would be required to accomplish this?
- If inert ingredients are individually listed, which set of substances from EPA List 3 and List 4 should be initially migrated to the National List, and how would those substances be identified?
- AMS notes that the NOSB has received more than 15 petitions to add specific inert ingredients to the National List, yet none have been recommended for addition to the National List.[13] If the established petition process is used to amend the National List to add or remove inert ingredients [14] would this approach satisfy the needs of the organic industry?

EPA Process and References

- How should the phrase in OFPA ''not classified by the Administrator of the Environmental Protection Agency as inerts of toxicological concern'' be interpreted in light of the EPA's current regulations and regulatory scheme for inert ingredients (see 7 U.S.C. 6517(c))?
- If none of the inert ingredients permitted under EPA regulations are considered to be of toxicological concern to the EPA, should AMS permit all EPA allowed inert ingredients in pesticides for organic production? What are the risks and benefits associated with this option?
- If any inert ingredients that are allowed by EPA should not be permitted under USDA organic regulations, what are those substances and why should they not be permitted as inert ingredients used in organic production?
- Can inert ingredients currently allowed by EPA regulations (*i.e.,* in the Code of Federal Regulations) be sorted or classified according to toxicological concern? If some substances are of more concern, should AMS prohibit specific substances, or groups of substances, while allowing all other substances allowed as inert ingredients by the EPA? What criteria, specifically, would be appropriate for AMS to consider when assessing ''toxicological concern''?
- If inerts at 40 CFR 152.25(f)(2) were used with active ingredients in pesticide products that are not exempt from regulation (*i.e.,* not ''minimum risk pesticides'') the inert ingredient would require a tolerance (or exemption from the requirements of a tolerance) at 40 CFR part 180 for use in food or feed crops. AMS understands that there is not uniformity among 40 CFR 152.25(f)(2), 40 CFR part 180, and EPA List 4 (*e.g.,* a substance may be listed on EPA List 4 and 40 CFR 152.25(f)(2) but not be present at 40 CFR part 180). What combination of these EPA regulatory citations, if any, would be acceptable and provide the least disruption to industry?
- Would the scope of allowed inert ingredients be clear if AMS adopted a reference to 40 CFR part 180 subpart D (or a subsection therein)? Is there a subsection of Subpart D that would be preferable to a reference to the entire Subpart D? Are there inert ingredients listed on EPA List 4 that are being used in organic-compliant herbicides for farmstead maintenance (roadways, ditches, right of ways, etc.) and ornamental crops, which do not appear in 40 CFR part 180 subpart D? Are there alternatives within Subpart D that could substitute for inerts in currently formulated products?

VI. Conclusion and Next Steps

Given the background, key regulatory challenges, and options for consideration outlined in this ANPR, AMS is seeking comment on potential and preferred paths forward. Specifically, we seek comment on feasible alternatives to the allowance of

[13] ''Petitioned Substances,'' United States Department of Agriculture, National Organic Program, *https://www.ams.usda.gov/rules-regulations/organic/national-list/petitioned.*

[14] ''Procedure NOP 3011,'' March 11, 2016, *National Organic Program Handbook,* United States Department of Agriculture, National Organic Program, *https://www.ams.usda.gov/sites/default/files/media/Program%20Handbk_TOC.pdf.*

EPA List 3 and List 4, unforeseen legal and regulatory challenges not mentioned in this ANPR, estimated impacts to industry of each option, and preferred method (or combination of methods) for addressing these listings. When possible, comments should be accompanied by citations of supporting sources.

Comments received in response to this ANPR would inform AMS's approach on this topic regarding the allowance of inert ingredients in organic production. Substantive, well-reasoned, constructive comments would assist in identifying if there are unforeseen challenges or a viable alternative to move forward into rulemaking. Comments generally in support or opposition to alternatives identified in the ANPR would assist AMS in identifying the acceptability of the presented options in the absence of other alternatives.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022–18928 Filed 9–1–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

10 CFR Part 851

[EHSS–RM–20–WSHP]

RIN 1992–AA61

Worker Safety and Health Program

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

ACTION: Notice of proposed rulemaking and request for public comment.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is proposing to amend its current worker safety and health program regulation. The proposed amendment would make corrections to the worker safety and health program regulation requirements related to beryllium and beryllium compounds for purposes of accuracy and consistency with DOE's Chronic Beryllium Disease Prevention Program regulation, and to clarify that DOE did not intend to adopt the 2016 American Conference of Governmental Industrial Hygienists threshold limit value for beryllium and beryllium compounds.

DATES: Written comments on this proposed rulemaking must be received by the Department on or before October 3, 2022. Please refer to section IV (Public Participation—Submission of Comments) for additional information on the comment period.

ADDRESSES: You may submit comments identified by docket number EHSS–RM–20–WSHP and/or Regulation Identification Number (RIN) 1992–AA61, in one of two ways (please choose only one of the ways listed):

1. *Federal e-Rulemaking Portal: www.regulations.gov.* Follow the instructions in the portal for submitting comments.

2. *Email: Rulemaking.851@hq.doe.gov.* Include docket number EHSS–RM–20–WSHP and/or RIN 1992–AA61 in the subject line of the email. Please include the full body of your comments in the text of the message or as an attachment. For detailed instructions on submitting comments and additional information on the rulemaking process, see section IV of this document.

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available. A link to the docket web page can be found at: *www.energy.gov/ehss/worker-safety-and-health-program-10-cfr-851doe-o-4401b.* This web page contains a link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* web page contains instructions on how to access all documents, including public comments, in the docket. See section IV of this document for further information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. James Dillard, U.S. Department of Energy, Office of Environment, Health, Safety and Security, Mailstop EHSS–11, 1000 Independence Ave. SW, Washington, DC 20585, Telephone: 301–903–1165, or by Email at: *james.dillard@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE incorporates by reference into part 851 the following publication:

American Conference of Governmental Industrial Hygienists (ACGIH®), *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices* (2016), excluding beryllium and beryllium compounds.

A copy of this publication can be obtained from: ACGIH®, 1330 Kemper Meadow Drive, Cincinnati, OH 45240; telephone number 513–742–2020; or go to: *http://www.acgih.org.*

For a further discussion of this publication, see section III.M of this document.

Table of Contents

I. Authority and Background

A. Authority

DOE has broad authority to regulate worker safety and health with respect to its nuclear and nonnuclear functions pursuant to the Atomic Energy Act of 1954 (AEA), 42 U.S.C. 2011 *et seq.;* the Energy Reorganization Act of 1974 (ERA), 42 U.S.C. 5801 *et seq.;* and the Department of Energy Organization Act (DOEOA), 42 U.S.C. 7101 *et seq.* Specifically, the AEA authorized and directed the Atomic Energy Commission (AEC) to protect health and promote safety during the performance of activities under the AEA. (*See* Sec. 31a.(5) of the AEA, 42 U.S.C. 2051(a)(5); Sec. 161b. of the AEA, 42 U.S.C. 2201(b); Sec. 161i.(3) of the AEA, 42 U.S.C. 2201(i)(3); and Sec. 161p. of the AEA, 42 U.S.C. 2201(p)). In addition, Congress amended the AEA in 2002 by adding section 234C, 42 U.S.C. 2282c, which, among other things, directed DOE to ''promulgate regulations for industrial and construction health and safety at Department of Energy facilities that are operated by contractors covered by agreements of indemnification under section 2210(d) of'' title 42 of the United States Code. In 1974, the ERA abolished the AEC and replaced it with the Nuclear Regulatory Commission (NRC), which became responsible for the licensing of commercial nuclear activities, and the Energy Research and Development Administration (ERDA),

which became responsible for the other functions of the AEC under the AEA, as well as several nonnuclear functions. The ERA authorized ERDA to use the regulatory authority under the AEA to carry out its nuclear and nonnuclear functions, including those functions that might become vested in ERDA in the future. (*See* Sec. 105(a) of the ERA, 42 U.S.C. 5815(a); and Sec. 107 of the ERA, 42 U.S.C. 5817.) In 1977, the DOEOA transferred the functions and authorities of ERDA to DOE. (*See* Sec. 301(a) of the DOEOA, 42 U.S.C. 7151(a); Sec. 641 of the DOEOA, 42 U.S.C. 7251; and Sec. 644 of the DOEOA, 42 U.S.C. 7254).

B. Background

On February 9, 2006, when DOE promulgated 10 CFR part 851, *Worker Safety and Health Program* (71 FR 6858), it adopted several industry standards and guidelines to establish the baseline industrial and construction safety and health requirements for DOE workplace operations. The standards and guidelines with which DOE contractors performing work on DOE sites were required to comply included certain Occupational Safety and Health Administration (OSHA) regulations and threshold limit values (TLVs®) published by the ACGIH®. Compliance with these standards and guidelines were already required by DOE Order 440.1A, *Worker Protection Management for DOE Federal and Contractor Employees,* which established a comprehensive worker protection program that provided the basic framework necessary for contractors to ensure the safety and health of their workforce. Title 10 CFR 851.23(a) requires DOE contractors to comply with 10 CFR part 850, *Chronic Beryllium Disease Prevention Program,* and certain OSHA regulations at 29 CFR parts 1910, 1915, and 1926, among others. In 2015, DOE amended 10 CFR part 851 and added § 851.2(d) to clarify DOE's intent to adopt only OSHA's permissible exposure limit for beryllium found in 29 CFR 1910.1000, and that the ancillary provisions (*e.g.,* exposure assessment, personal protective clothing and equipment, medical surveillance, medical removal, training, and regulated areas or access control) of OSHA's standard do not apply to DOE and DOE contractors and their employees (80 FR 69564, November 10, 2015).

On January 9, 2017, OSHA promulgated new regulations in 29 CFR parts 1910, 1915, and 1926 for the protection of workers from the effects of beryllium and beryllium compounds in the workplace (82 FR 2470). These new provisions had the potential to conflict with or overlap DOE's beryllium safety and health requirements in 10 CFR part 850.

On December 18, 2017 (82 FR 59947), DOE issued a technical amendment to 10 CFR part 851 that replaced the existing references to safety and health standards and guidelines with the latest versions of the standards and guidelines. In the December 2017 amendment, DOE updated the safety and health standards and guidelines that were incorporated by reference in 10 CFR part 851, including the ACGIH® TLVs® in the ''*Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices*'' (2016). The TLVs® included those for beryllium and beryllium compounds.

In this proposed rule, DOE is proposing to make corrections to 10 CFR part 851 with respect to the requirements for beryllium and beryllium compounds that would: (1) ensure accuracy and consistency with 10 CFR part 850, *Chronic Beryllium Disease Prevention Program;* (2) clarify that in adopting certain OSHA regulations and ACGIH® TLVs® in 10 CFR part 851, DOE did not intend to adopt OSHA's ancillary beryllium safety requirements and ACGIH® values for beryllium and beryllium compounds; and (3) clarify in § 851.2(d) that 10 CFR part 851 does not require compliance by DOE contractors with any OSHA requirements for beryllium or beryllium compounds except as provided in 10 CFR part 850. DOE believes these corrections are necessary to avoid potential conflicts with DOE's beryllium safety and health requirements in 10 CFR part 850 and to avoid potential confusion among DOE contractors as to the requirements with which they must comply at DOE sites.

This proposed rule would also make minor corrections to clarify the meaning of § 851.23(b) regarding contractor compliance with additional safety and health requirements that are necessary to protect workers at their covered workplace.

II. Discussion

Section 851.2(d) currently provides that part 851 does not require compliance with any OSHA beryllium requirement except for any permissible exposure limit for beryllium in 29 CFR 1910.1000. The proposed text in § 851.2(d) would modify the current language by instead referring to DOE's beryllium rule and stating that part 851 does not require compliance with any OSHA requirements for beryllium and beryllium compounds except as provided in 10 CFR part 850, *Chronic Beryllium Disease Prevention Program.* DOE notes that 10 CFR 850.22, *Permissible exposure limit,* states that the responsible employer must assure that no worker is exposed to an airborne concentration of beryllium greater than the permissible exposure limit established in 29 CFR 1910.1000, as measured in the worker's breathing zone by personal monitoring, or a more stringent time weighted average permissible exposure limit that may be promulgated by OSHA as a health standard. The proposed change to § 851.2(d) would ensure consistency between the language in 10 CFR parts 850 and 851 with respect to beryllium and beryllium compounds.

Section 851.23(a) currently requires contractors to comply with safety and health standards and guidelines that are applicable to the hazards at their covered workplace, including those identified at paragraphs (a)(3), (a)(4), and (a)(7) of that section. DOE's proposed changes in § 851.23(a) would clarify that while DOE currently adopts OSHA's permissible exposure limit for beryllium, it is not DOE's intention to adopt OSHA's remaining beryllium requirements in 29 CFR parts 1910, 1915, and 1926.

The current language in § 851.23(a)(3) refers to 29 CFR part 1910, *Occupational Safety and Health Standards,* excluding 29 CFR 1910.1096, *Ionizing Radiation,* and 29 CFR 1910.1000, *Beryllium.* The proposed language in § 851.23(a)(3) would correct the reference to OSHA's regulations and refer instead to 29 CFR part 1910, *Occupational Safety and Health Standards,* excluding 29 CFR 1910.1096, *Ionizing Radiation;* 29 CFR 1910.1000, *Air Contaminants,* Tables Z–1 and Z–2, as they relate to beryllium and beryllium compounds; and 29 CFR 1910.1024, *Beryllium.*

The current language in § 851.23(a)(4) refers to 29 CFR part 1915, *Shipyard Employment.* The proposed language in § 851.23(a)(4) would refer instead to 29 CFR part 1915, *Occupational Safety and Health Standards for Shipyard Employment,* except for 29 CFR 1915.1024, *Beryllium.* In addition, the current language in § 851.23(a)(7) refers to 29 CFR part 1926, *Safety and Health Regulations for Construction.* The proposed language in § 851.23(a)(7) would refer instead to 29 CFR part 1926, *Safety and Health Regulations for Construction,* except for 29 CFR 1926.1124, *Beryllium.*

In 2017, DOE adopted and incorporated by reference the ACGIH® *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices,* (2016), but

did not intend to adopt the ACGIH® TLV® for beryllium and beryllium compounds. This proposed rule would amend § 851.23(a)(9) to exclude the ACGIH® TLV® for beryllium and beryllium compounds. In addition, § 851.23(a)(9) currently only refers to two of OSHA's health standards for beryllium and beryllium compounds, 29 CFR part 1910 (general industry) and 29 CFR part 1926 (construction). The proposed language in § 851.23(a)(9) would also include references to 29 CFR part 1915, the OSHA standard for shipyards.

In this proposed rule, DOE is also proposing minor editorial changes that would clarify the Department's intent with respect to § 851.23(b). Currently, § 851.23(b) states that nothing in this part must be construed as relieving a contractor from complying with any additional specific safety and health requirement that it determines to be necessary to protect the safety and health of workers. The proposed amendment to § 851.23(b) would state that nothing in this part relieves contractors from the responsibility to comply with any additional safety and health requirements that are necessary to protect the safety and health of workers.

In addition to the proposed amendment to § 851.23(a)(9) to exclude the ACGIH® TLV® for beryllium and beryllium compounds, this proposed rule would also clarify DOE's intent in § 851.27(b)(1) that the incorporation by reference of ACGIH®, *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices,* 2016, excludes beryllium and beryllium compounds.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

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

B. Review Under the Regulatory Flexibility Act

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

DOE reviewed this proposed rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE certifies that the proposed rule, if adopted, would not have significant economic impact on a substantial number of small entities. The factual basis for this certification is set forth below.

This proposed rule would update DOE's worker safety and health program regulation and clarify DOE's ongoing intent to exempt DOE contractors from specified OSHA regulations and the ACGIH® TLV® pertaining to beryllium and beryllium compounds. This proposed rule would apply only to activities conducted by DOE's contractors who would be responsible for implementing the rule requirements. DOE expects that any potential economic impact of this proposed rule on small businesses would be minimal because work performed at DOE sites is under contracts with DOE or the prime contractor at the site. DOE contractors are reimbursed through their contracts for the costs of complying with worker safety and health program requirements. Therefore, they would not be adversely impacted by the requirements in this proposed rule. For these reasons, DOE certifies that this proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities, and therefore, no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Act of 1995

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

D. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969 (NEPA), DOE has analyzed this proposed action in accordance with NEPA and DOE's NEPA implementing regulations (10 CFR part 1021). DOE's regulations include a categorical exclusion (CX) for rulemakings interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended. 10 CFR part 1021, subpart D, appendix A5. DOE has determined that this proposed rule is covered under the CX found in DOE's NEPA regulations at paragraph A.5 of appendix A to subpart D, 10 CFR part 1021, because it is an amendment to an existing regulation that does not change the environmental effect of the amended regulation and, therefore, meets the requirements for the application of this CX. *See* 10 CFR 1021.410. Therefore, DOE has determined that this proposed rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and does not require an Environmental Assessment or an Environmental Impact Statement.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, Section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for the affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; (6) specifies whether administrative proceedings are to be required before parties may file suit in court and, if so, describes those proceedings and requires the exhaustion of administrative remedies; and (7) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is

unreasonable to meet one or more of the standards. DOE has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of Executive Order 12988.

F. 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. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has tentatively determined that it would not preempt State law and 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. No further action is required by Executive Order 13132.

G. Review Under Executive Order 13175

Under Executive Order 13175 (65 FR 67249, November 9, 2000) on ''Consultation and Coordination with Indian Tribal Governments,'' DOE may not issue a discretionary rule that has ''Tribal'' implications and imposes substantial direct compliance costs on Indian Tribal governments. DOE has determined that the proposed rule would not have such effects and concluded that Executive Order 13175 does not apply to this proposed rule.

H. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4) requires each Federal agency to assess the effects of a Federal regulatory action on State, local, and Tribal governments, and the private sector. (Pub. L. 104–4, sec. 201 *et seq.* (codified at 2 U.S.C. 1531 *et seq.*)). 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)). 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 Federal 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 them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. (62 FR 12820) (This policy is also available at: *https://www.energy.gov/gc/guidance-opinions* under ''Guidance & Opinions'' (Rulemaking)). DOE examined the proposed rule according to UMRA and its statement of policy and has determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year. Accordingly, no further assessment or analysis is required under UMRA.

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 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 the OIRA, which is part of 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 promulgates or is expected to lead to promulgation of a final rule, and that: (1)(i) is a significant regulatory action under Executive Order 12866, or any successor order; and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (2) is designated by the Administrator of OIRA as a significant energy action. For any 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. This proposed regulatory action is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

K. 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 proposed rule that may affect family well-being (5 U.S.C. 601, note). 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.

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

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

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

M. Materials Incorporated by Reference

DOE is proposing to restrict the TLVs® for chemical substances and physical agents and biological exposure indices (BEIs®) published by the ACGIH® titled *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices,* (2016), the currently-approved for

incorporation by reference, by excluding beryllium and beryllium compounds. The TLVs® and BEIs® are guidelines that are intended for use by industrial hygienists in making decisions regarding safe levels of exposure to various chemical and physical agents found in the workplace. Each year ACGIH® publishes its TLVs® and BEIs®. Copies of the ACGIH® TLVs® and BEIs® are available on ACGIH®'s website at: *www.acgih.org.*

IV. Public Participation—Submission of Comments

DOE will accept comments, data and information regarding this proposed rule before or no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested individuals are invited to participate in this proceeding by submitting data, views, or arguments with respect to this proposed rule using the method described in the **ADDRESSES** section at the beginning of this proposed rule. To help the Department review the submitted comments, commenters are requested to reference the paragraph(s), *e.g.,* § 851.2(d), to which they refer where possible.

1. *Submitting comments to 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 by DOE's Office of Worker Safety and Health Policy 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 cannot be 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. 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. 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 *www.regulations.gov* 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.

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.

2. *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.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel 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.

3. *Confidential Business Information.* Pursuant to the provisions of 10 CFR 1004.11, anyone submitting information or data he or she believes to be confidential and exempt by law from public disclosure should submit 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. Submit these documents via email. DOE will make its own determination as to the confidentiality 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).

4. *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.

V. Approval by the Office of the Secretary of Energy

The Secretary of Energy has approved publication of this notice of proposed rulemaking.

List of Subjects in 10 CFR Part 851

Civil penalty, Incorporation by reference, Occupational safety and health, Reporting and recordkeeping requirements, Safety.

Signing Authority

This document of the Department of Energy was signed on August 20, 2022, by Jennifer Granholm, Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 25, 2022.

Treena V. Garrett,

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

For the reasons set forth in the preamble, the Department of Energy proposes to amend part 851 of chapter III of title 10 of the Code of Federal Regulations as set forth below:

PART 851—WORKER SAFETY AND HEALTH PROGRAM

■ 1. The authority citation for part 851 continues to read as follows:

Authority: 42 U.S.C. 2201(i)(3), (p); 42 U.S.C. 2282c; 42 U.S.C. 5801 *et seq.;* 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.;* 28 U.S.C. 2461 note.

■ 2. Amend § 851.2 by revising paragraph (d) to read as follows:

§ 851.2 Exclusions.

* * * * *

(d) This part does not require compliance with any Occupational Safety and Health Administration requirements for beryllium or beryllium compounds except as provided in 10 CFR part 850, ''Chronic Beryllium Disease Prevention Program.''

* * * * *

■ 3. Amend § 851.23 by revising paragraphs (a)(3), (4), (7), (9) and (b) to read as follows:

§ 851.23 Safety and health standards.

(a) * * *

(3) Title 29 CFR, Part 1910, ''Occupational Safety and Health Standards,'' excluding 29 CFR 1910.1096, ''Ionizing Radiation''; 29 CFR 1910.1000, ''Air Contaminants,'' Tables Z–1 and Z–2, as they relate to beryllium and beryllium compounds; and 29 CFR 1910.1024, ''Beryllium.''

(4) Title 29 CFR, Part 1915, ''Occupational Safety and Health Standards for Shipyard Employment,'' except for 29 CFR 1915.1024, ''Beryllium.''

* * * * *

(7) Title 29 CFR, Part 1926, ''Safety and Health Regulations for Construction,'' except for 29 CFR 1926.1124, ''Beryllium.''

* * * * *

(9) American Conference of Governmental Industrial Hygienists (ACGIH®), *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices,* (2016) (incorporated by reference, see § 851.27), excluding those for beryllium and beryllium compounds, when the ACGIH® Threshold Limit Values (TLVs®) are lower (more protective) than permissible exposure limits in 29 CFR part 1910 for general industry, 29 CFR part 1915 for shipyards, and/or 29 CFR part 1926 for construction. When the ACGIH® TLVs® are used as exposure limits, contractors must comply with the other provisions of any applicable expanded health standard found in 29 CFR parts 1910, 1915, and 1926.

* * * * *

(b) Nothing in this part relieves contractors from the responsibility to comply with any additional safety and health requirements that are necessary to protect the safety and health of workers.

* * * * *

■ 4. Amend § 851.27 by revising paragraph (a) to read as follows:

§ 851.27 Materials incorporated by reference.

(a) Certain material is incorporated by reference into this subpart 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 Environment, Health, Safety and Security, Office of Worker Safety and Health Policy, 1000 Independence Ave. SW, Washington, DC 20585, (301) 903–1165. 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.

* * * * *

[FR Doc. 2022–18719 Filed 9–1–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1066; Project Identifier MCAI–2022–00622–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–21–11, which applies to certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes; and Model A320 and A321 series airplanes. AD 2020–21–11 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2020–21–11, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would continue to require the actions in AD 2020–21–11 and require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 17, 2022.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1066.

Examining the AD Docket

You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1066; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments

received, and other information. The street address for Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–1066; Project Identifier MCAI–2022–00622–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

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

Background

The FAA issued AD 2020–21–11, Amendment 39–21284 (85 FR 65674, October 16, 2020) (AD 2020–21–11), which applies to certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes; and Model A320 and A321 series airplanes. AD 2020–21–11 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2020–21–11 to address the failure of certain life-limited parts, which could result in reduced structural integrity of the airplane.

Actions Since AD 2020–21–11 Was Issued

Since the FAA issued AD 2020–21–11, the FAA has determined that new or more restrictive airworthiness limitations are necessary.

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0082, dated May 10, 2022 (EASA AD 2022–0082) (also referred to as the MCAI), to correct an unsafe condition for all Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after February 2, 2022 must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is proposing this AD to address failure of certain life-limited parts, which could result in reduced structural integrity of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0082 describes new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This AD would also require EASA AD 2020–0080, dated April 1, 2020, which the Director of the Federal Register approved for incorporation by reference as of November 20, 2020 (85 FR 65674, October 16, 2020).

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain the requirements of AD 2020–21–11. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2022–0082 described previously, as proposed for incorporation by reference. Revising the existing maintenance or inspection program would terminate the retained requirements from AD 2020–21–11. Any differences with EASA AD 2022–0082 are identified as exceptions in the regulatory text of this AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC)

according to paragraph (m)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0082 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0082 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0082 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2022–0082. Service information required by EASA AD 2022–0082 for compliance will be available at regulations.gov by searching for and locating Docket No. FAA–2022–1066 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions and intervals are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under ''Additional FAA Provisions.'' This new format includes a ''New Provisions for Alternative Actions and Intervals'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action or interval.

Costs of Compliance

The FAA estimates that this proposed AD affects 1,857 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2020–21–11 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2020–21–11, Amendment 39–21284 (85 FR 65674, October 16, 2020); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2022–1066; Project Identifier MCAI–2022–00622–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 17, 2022.

(b) Affected ADs

This AD replaces AD 2020–21–11, Amendment 39–21284 (85 FR 65674, October 16, 2020) (AD 2020–21–11).

(c) Applicability

This AD applies to Airbus SAS Model airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before February 2, 2022.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address failure of certain life-limited parts, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (i) of AD 2020–21–11, with a new terminating action. For all airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 13, 2019, except for Model A319–171N airplanes: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0080, dated April 1, 2020 (EASA AD 2020–0080). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2020–0080, With No Changes

(1) The requirements specified in paragraph (1), (3), and (4) of EASA AD 2020–0080 do not apply to this AD.

(2) Paragraph (2) of EASA AD 2020–0080 specifies revising ''the AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the ''limitations'' specified in paragraph (3) of EASA AD 2020–0080 within 90 days after November 20, 2020 (the effective date of AD 2020–21–11).

(3) The initial compliance time for doing the tasks specified in paragraph (2) of EASA AD 2020–0080 is at the applicable compliance times specified in paragraph (2) of EASA AD 2020–0080, or within 90 days after November 20, 2020 (the effective date of AD 2020–21–11), whichever occurs later.

(4) The ''Remarks'' section of EASA AD 2020–0080 does not apply to this AD.

(i) Retained Restrictions on Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (k) of AD 2020–21–11, with a new exception. Except as required by paragraph (j) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals are allowed except as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0080.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0082, dated May 10, 2022 (EASA AD 2022–0082). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2022–0082

(1) Where EASA AD 2022–0082 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraph (1) of EASA AD 2022–0082 do not apply to this AD.

(3) Paragraph (2) of EASA AD 2022–0082 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(4) The initial compliance time for doing the tasks specified in paragraph (2) of EASA AD 2022–0082 is at the applicable ''limitations'' as incorporated by the requirements of paragraph (2) of EASA AD 2022–0082, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraphs (3) and (4) of EASA AD 2022–0082 do not apply to this AD.

(6) The ''Remarks'' section of EASA AD 2022–0082 does not apply to this AD.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0082.

(m) Additional FAA AD Provisions

The following provisions also apply to this AD:

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

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(ii) AMOCs approved previously for AD 2020–21–11 are approved as AMOCs for the corresponding provisions of EASA AD 2022–0082 that are required by paragraph (j) of this AD.

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

(n) Related Information

(1) For EASA AD 2020–0080 and EASA AD 2022–0082, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1066.

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

Issued on August 29, 2022.

Christina Underwood,

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

[FR Doc. 2022–18993 Filed 9–1–22; 8:45 am]

BILLING CODE 4910–13–P

Notices

Federal Register
Vol. 87, No. 170
Friday, September 2, 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

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; 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; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on 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.

Comments regarding this information collection received by October 3, 2022 will be considered. 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.

An agency 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.

Animal and Plant Health Inspection Service

Title: Restricted, Prohibited, and Controlled Importation of Animal and Poultry Products and Byproducts, Into the United States.

OMB Control Number: 0579–0015.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing the Animal and Plant Health Inspection Service's (APHIS') ability to bolster the United States' capability to compete globally in animal and animal product trade. In connection with this mission, APHIS enforces regulations regarding both the importation of controlled materials and the prevention of foreign animal disease incursions into the United States. These regulations can be found at title 9, chapter I, subchapter D, parts 94, 95, 96, and 122 of the *Code of Federal Regulations* (CFR).

Need and Use of the Information: APHIS will collect information to ensure that imported items do not present a disease risk to the livestock and poultry populations of the United States. The information collected will provide APHIS with critical information concerning the origin and history of the items destined for importation into the United States. If this information were collected less frequently or not collected, the United States would be at increased risk for the introduction of FMD, ASF, CSF, swine vesicular disease (SVD), ND, or HPAI. This would cause serious economic consequences to several United States livestock industries and potentially serious health consequences for United States livestock.

Description of Respondents: Business or other for-profit; Not for-profit institutions; Foreign Government.

Number of Respondents: 30,902.

Frequency of Responses: Recordkeeping; Reporting; On occasion; Quarterly.

Total Burden Hours: 113,354.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–18988 Filed 9–1–22; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2022–0050]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Animal Welfare

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the Animal Welfare Act regulations for the humane handling, care, treatment, and transportation of certain animals by dealers, exhibitors, operators of auction sales, research facilities, carriers, and intermediate handlers.

DATES: We will consider all comments that we receive on or before November 1, 2022.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2022–0050 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–2022–0050, 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 *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 on the Animal Welfare Act regulations, contact Dr. Lance Bassage, Director, National Policy Staff, Animal Care, APHIS, 4700 River Road, Riverdale, MD 20737–1231; phone: (970) 494–7478; email: *animalcare@usda.gov.* For detailed information on the information collection process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator; phone: (301) 851–2483; email: *joseph.moxey@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Animal Welfare.

OMB Control Number: 0579–0036.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Welfare Act (AWA, 7 U.S.C. 2131 *et seq.*), the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, exhibitors, operators of auction sales, research facilities, carriers, and intermediate handlers. The Secretary has delegated responsibility for administering the AWA to the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), Animal Care.

Definitions, regulations, and standards established under the AWA are contained in 9 CFR parts 1, 2, and 3 (referred to below as the regulations). Part 1 contains definitions for terms used in parts 2 and 3. Part 2 provides administrative requirements and sets forth institutional responsibilities for regulated parties, including licensing requirements for dealers, exhibitors, and operators of auction sales. Part 3 provides standards for the humane handling, care, treatment, and transportation of covered animals, and consists of subparts A through E, which contain specific standards for dogs and cats, guinea pigs and hamsters, rabbits, nonhuman primates, and marine mammals, respectively, and subpart F, which sets forth general standards for warmblooded animals not otherwise specified in part 3.

Administering the AWA requires the use of information collection activities such as license applications and renewals; registration applications and updates; annual reports; acknowledgement of regulations and standards; inspections; requests; notifications; agreements; plans; written program of veterinary care and health records; itineraries; applications and permits; records of acquisition, disposition, or transport of animals; official identification; variances; protocols; health certificates; complaints; marking requirements; and recordkeeping. These activities provide APHIS with the data necessary for the review and evaluation of program compliance by regulated facilities and provide a workable enforcement system to carry out the requirements of the AWA and the intent of Congress without resorting to more detailed and stringent regulations and standards that could be more burdensome to regulated facilities.

The information collection activities listed above include activities merged from Office of Management and Budget (OMB) control numbers 0579–0470 (Animal Welfare; Amendments to Licensing Provisions and to Requirements for Dogs) and 0579–0479 (Animal Welfare; Handling of Animals; Contingency Plans). After OMB approves this combined information collection (OMB control number 0579–0036), APHIS will retire OMB control numbers 0579–0470 and 0579–0479.

We are asking OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.55 hours per response.

Respondents: Individuals or households; businesses or other for-profit entities; not-for-profit institutions; farms; State, local, or Tribal government officials; and foreign government officials.

Estimated annual number of respondents: 47,413.

Estimated annual number of responses per respondent: 16.

Estimated annual number of responses: 779,579.

Estimated total annual burden on respondents: 424,571 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 29th day of August 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–18967 Filed 9–1–22; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** on Monday, July 11, 2022, concerning a meeting of the Illinois Advisory Committee. The meeting link and meeting ID have since been updated.

FOR FURTHER INFORMATION CONTACT: Ana Fortes, *afortes@usccr.gov,* 312–353–8311.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** on Monday, July 11, 2022, in FR Document Number 2022–14622, on page 41109, first column, correct the meeting link to read: *https://tinyurl.com/ycbr9yvu*; correct the meeting ID to read: 161 778 3431; correct the phone number to read: (833) 435–1820.

Dated: August 30, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–19071 Filed 9–1–22; 8:45 am]

BILLING CODE P

CIVIL RIGHTS COMMISSION

Notice of Public Meetings of the Arkansas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Arkansas Advisory Committee (Committee) will hold a virtual (online) business meeting Wednesday, September 21, 2022 at 10 a.m. central time. The purpose of the meeting is for the Committee to discuss its draft report and recommendations regarding IDEA compliance and implementation in Arkansas schools.

DATES: Wednesday, September 21, 2022 at 10 a.m.–11 a.m. central time.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, Designated Federal Officer, at *mwojnaroski@usccr.gov* or (202) 618–4158.

SUPPLEMENTARY INFORMATION: *Join ZoomGov Meeting: https://www.zoomgov.com/j/1603211513.*

Phone Access (audio only): Dial 833 568 8864 US Toll-free, Meeting ID 160 321 1513. Members of the public may join online or listen to this discussion through the above call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. 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 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are 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 Melissa Wojnaroski at *mwojnaroski@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs 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, Arkansas 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 Unit at the above email or street address.

Agenda:

I. Welcome & Roll Call
II. Discussion: IDEA Compliance and Implementation in Arkansas School
III. Public Comment
VI. Adjournment

Dated: August 30, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–19067 Filed 9–1–22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** on Friday, August 26, 2022, concerning a meeting of the Nevada Advisory Committee. The meeting link and meeting ID have since been updated.

FOR FURTHER INFORMATION CONTACT: Ana Fortes, *afortes@usccr.gov,* 312–353–8311.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** on Friday, August 26, 2022, in FR Document Number 2022–18364, on page 52504, second column, correct the meeting link to read: *https://tinyurl.com/4y9nw423*; correct the meeting ID to read: 161 870 4100; correct the phone number to read: (833) 435–1820.

Dated: August 30, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–19073 Filed 9–1–22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Missouri Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Missouri Advisory Committee (Committee) will hold a meeting on Thursday, September 15, 2022 at 12:00 p.m.–1:00 p.m. Central time. The Committee will continue orientation and begin identifying potential civil rights topics for their first study of the 2022–2026 term.

DATES: The meeting will take place on Thursday, September 15, 2022 at 12:00 p.m. Central Time.

ADDRESSES:

Public Call Information: Dial: (833) 568–8864, Confirmation Code: 160 558 3385.

Zoom Link: https://www.zoomgov.com/j/1605583385?pwd=TU9yZWlaaUp6VmNXcCtXNHRkdUYvUT09.

- To join by phone only dial (833) 568–8864; Access Code: 160 558 3385.

FOR FURTHER INFORMATION CONTACT: David Barreras, DFO, at *dbarreras@usccr.gov* or (312) 353–8311.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call in number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. 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. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individual who is deaf, deafblind and hard of hear hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and confirmation code.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 230 S Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs 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, Mississippi 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 Unit at the above email or street address.

Agenda

I. Welcome and Roll Call
II. Introductions
III. Discuss Civil Rights Topics
IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: August 30, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–19065 Filed 9–1–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–39–2022]

Foreign-Trade Zone (FTZ) 207—Richmond, Virginia, Notification of Proposed Production Activity, voestalpine High Performance Metals LLC (Tool Steel and Specialty Metals), South Boston, Virginia

voestalpine High Performance Metals LLC submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in South Boston, Virginia within FTZ 207. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on August 25, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished products include centerless ground bar, cold drawn bar, and peeled and polished bar (duty rate ranges from duty-free to 3.0%).

The proposed foreign-status materials and components include wire rod and rolled black bar (duty rate ranges from duty-free to 3.0%). The request indicates that certain materials/components may be subject to duties under section 232 of the Trade Expansion Act of 1962 (section 232) or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is October 12, 2022.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: August 29, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–18994 Filed 9–1–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Final Results of the Antidumping Duty Administrative Review and Final Determination of No Shipments; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that eleven companies subject to this review had no shipments of certain steel nails (nails) from the People's Republic of China (China) during the period of review (POR) August 1, 2020, through July 31, 2021. Further, Commerce finds that any company potentially subject to individual or non-individual examination under this review failed to establish its eligibility for a separate rate and all entries of subject merchandise during the POR are subject to the China-wide entity rate.

DATES: Applicable September 2, 2022.

FOR FURTHER INFORMATION CONTACT: Zachariah Hall, 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) 482–6261.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 2022, Commerce published the preliminary results of the 2020–2021 administrative review of the antidumping duty order on nails from China [1] and invited comments from interested parties.[2] No interested party commented. We preliminarily found that that no company subject to this administrative review has established its eligibility for a separate rate and, therefore, aside from the 11 companies which we found made no shipments of subject merchandise during the POR, Commerce considers all other companies for which a review was requested, and which did not demonstrate separate rate eligibility, to be part of the China-wide entity.

Scope of the Order

The products covered by the *Order* [3] are nails from China. For a complete description of the scope, *see* the Preliminary Decision Memorandum.[4]

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[5] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the China-wide entity.[6] Because no party requested a review of the China-wide entity in this review, the China-wide entity is not under review and the China-wide entity's rate (*i.e.,* 118.04 percent) is not subject to change as a result of this review.[7]

Final Results of Review

In the *Preliminarily Results,* Commerce determined that 11 companies under review had no shipments of subject merchandise during the POR.[8] We received no

[1] *See Certain Steel Nails from the People's Republic of China; 2020–2021: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020–2021,* 87 FR 27564 (May 9, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See Preliminary Results,* 87 FR at 27565–27566.

[3] *See Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China,* 73 FR 44961 (August 1, 2008) (*Order).*

[4] *See Preliminary Results* PDM at 2–3.

[5] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[6] *Id.*

[7] *See Order.*

[8] These companies are: Hebei Minmetals Co., Ltd.; Nanjing Caiqing Hardware Co., Ltd.; Nanjing Yuechang Hardware Co., Ltd.; Shandong Qingyun Hongyi Hardware Products Co., Ltd.; Shanxi Hairui Trade Co., Ltd.; Shanxi Pioneer Hardware Industrial Co., Ltd.; S-Mart (Tianjin) Technology Development Co., Ltd.; Suntec Industries Co., Ltd.; Tianjin Jinchi Metal Products Co., Ltd.; Tianjin Jinghai County

arguments identifying information that contradicts this determination. Therefore, we continue to find that these companies had no shipments of subject merchandise to the United States during the POR and will issue appropriate liquidation instructions.[9]

Additionally, in the *Preliminary Results,* Commerce found that no company subject to this administrative review had established its eligibility for a separate rate. In the *Preliminary Results,* we found that 15 companies did not submit separate rate applications or certifications, or no-shipment certifications, and two companies that submitted no-shipment certifications failed to respond to the results of our no-shipment inquiry to demonstrate they had no shipments of subject merchandise to the United States during the POR. Therefore, we find that these 17 companies continue not to be eligible for a separate rate and are part of the China-wide entity.[10] *See* the appendix of this notice for a list of these companies.

For additional details, *see* the Preliminary Decision Memorandum, which 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 *http://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.*

Assessment Rates

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review, in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). We will instruct CBP to apply an *ad valorem* assessment rate of 118.04 percent to all entries of subject merchandise during the POR which were exported by the 17 companies in the China-wide entity. In addition, we will instruct CBP to assess any suspended entries of subject merchandise associated with the companies that claimed no shipments of subject merchandise during the POR at the China-wide rate.

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

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(2)(C) of the Act: (1) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.,* 118.04 percent); (2) for a previously examined Chinese and non-Chinese exporter that received a separate rate in a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; and (3) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

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

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the 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 violation subject to sanction.

Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213, and 19 CFR 351.221(b)(5).

Dated: August 25, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Comliance.

Appendix—Companies Determined To Be Part of the China-Wide Entity

1. Dezhou Hualude Hardware Products Co., Ltd.
2. Huanghua Jinhai Hardware Products Co. Ltd.
3. Huanghua Xionghua Hardware Products Co., Ltd.
4. Jining Dragon Fasteners Co., Ltd.
5. Jining Huarong Hardware Products Co., Ltd.
6. Jining Yonggu Metal Products Co., Ltd.
7. SDC International Australia Pty. Ltd.
8. Shandong Oriental Cherry Hardware Group Heze Products Co., Ltd.
9. Shandong Oriental Cherry Hardware Import and Export Co., Ltd.
10. Shanghai Curvet Hardware Products Co., Ltd.
11. Shanghai Yueda Nails Industry Co., Ltd., a.k.a. Shanghai Yueda Nails Co., Ltd.
12. Shanxi Tianli Industries Co., Ltd.
13. Tianjin Jishili Hardware Products Co., Ltd.
14. Tianjin Universal Machinery Imp. & Exp. Corporation
15. Tianjin Zhitong Metal Products Co., Ltd.
16. Tianjin Zhonglian Metals Ware Co., Ltd.
17. Zhejiang Gem-Chun Hardware Accessory Co., Ltd.

[FR Doc. 2022–19062 Filed 9–1–22; 8:45 am]

BILLING CODE 3510–DS–P

Hongli Industry & Business Co., Ltd.; and Xi'an Metals & Minerals Import & Export Co., Ltd.

[9] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) (*NME Assessment of Duties*).

[10] *See Preliminary Results,* 76 FR at 27564, 27565.

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee; Reestablishment of the Environmental Technologies Trade Advisory Committee (ETTAC) and Solicitation of Nominations for Membership

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of reestablishment of the Environmental Technologies Trade Advisory Committee (ETTAC) and solicitation of nominations for membership.

SUMMARY: Pursuant to the Export Enhancement Act of 1988, as amended, and in accordance with the Federal Advisory Committee Act, as amended, the Department of Commerce announces the reestablishment of the Environmental Technologies Trade Advisory Committee (ETTAC), as of August 12, 2022. The ETTAC was first chartered on May 31, 1994. The ETTAC serves as an advisory body to the Environmental Trade Working Group (ETWG) of the Trade Promotion Coordinating Committee (TPCC), reporting through the Secretary of Commerce in her capacity as Chair of the TPCC. The ETTAC advises on the development and administration of programs to expand U.S. exports of environmental technologies, goods, and services and products that comply with United States environmental, safety, and related requirements.

DATES: Nominations for membership must be received on or before 5:00 p.m. Eastern Daylight Time (EDT) on October 14, 2022.

ADDRESSES: Nominations may be emailed to Megan Hyndman, ETTAC Designated Federal Officer, Office of Energy & Environmental Industries, International Trade Administration, U.S. Department of Commerce, at *Megan.Hyndman@trade.gov.* Nominations must be submitted in either Microsoft Word or PDF format.

FOR FURTHER INFORMATION CONTACT: Megan Hyndman, Office of Energy & Environmental Industries, phone 202–843–2376; email *Megan.Hyndman@trade.gov.* The ETTAC Charter and other committee materials are posted online at *http://trade.gov/ettac.*

SUPPLEMENTARY INFORMATION: The Committee shall consist of approximately 35 members appointed by the Secretary in accordance with applicable Department of Commerce guidance and based on their ability to carry out the objectives of the Committee. Members shall represent U.S. environmental technologies manufacturing and services companies, U.S. trade associations, U.S. private sector organizations, States or associations representing the States, and other appropriate groups and interested individuals involved in the promotion of exports of environmental technologies products and services.

Members of the Committee are selected, in accordance with applicable Department of Commerce guidelines, based on their ability to carry out the objectives of the Committee as set forth in the Charter and in a manner that ensures that the Committee is balanced in terms of points of view, industry subsector, geography, and company size. The diverse membership of the Committee assures perspectives reflecting the full breadth of the Committee's responsibilities, and, where possible, the Department of Commerce will also consider the ethnic, racial, and gender diversity and various abilities of the United States population.

Members of the Committee serve at the pleasure of the Secretary from the date of appointment to the Committee to the date on which the Committee's charter terminates. Members of the Committee serve in a representative capacity presenting the views and interests of a U.S. entity or U.S. organization, as well as their particular subsector; they are, therefore, not Special Government Employees.

Members of the Committee must not be registered as foreign agents under the Foreign Agents Registration Act. No member may represent a company that is majority owned or controlled by a foreign government entity (or foreign government entities). Members of the Committee will not be compensated for their services or reimbursed for their travel expenses.

If you are interested in applying or nominating someone else to become a member of the Committee, please provide the following information:

(1) Sponsor letter on the company's, trade association's or organization's letterhead containing the name, title, and relevant contact information (including phone and email address) of the individual who is applying or being nominated;

(2) An affirmative statement that the nominee will be able to meet the expected time commitments of Committee work. Committee work includes (1) attending Committee meetings roughly four times per year (lasting one day each), including attending at least four Committee meetings in-person during the 2022–2024 Charter (including the first and last Committee meetings), (2) undertaking additional work outside of full committee meetings including subcommittee conference calls or meetings as needed, and (3) frequently drafting, preparing, or commenting on proposed recommendations to be evaluated at Committee meetings;

(3) Short biography of nominee, including credentials;

(4) Brief description of the company, trade association, or organization to be represented and its business activities; company size (number of employees and annual sales); and export markets served;

(5) An affirmative statement that the nominee meets all Committee eligibility requirements.

Please do not send company, trade association, or organization brochures or any other information.

See the **ADDRESSES** and **DATES** captions above for how and the deadline for submitting nominations.

Nominees selected for appointment to the Committee will be notified by email.

Man K. Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2022–18965 Filed 9–1–22; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–028]

Hydrofluorocarbon Blends From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on hydrofluorocarbon (HFC) blends from the People's Republic of China (China). The period of review (POR) is August 1, 2020, through July 31, 2021. We preliminarily find that Huantai Dongyue International Trade Co., Ltd. (Huantai Dongyue), Shandong Dongyue Chemical Co., Ltd. (Shandong Dongyue), Zhejiang Yonghe Refrigerant Co., Ltd. (Zhejiang Yonghe), and Zhejiang Sanmei Chemical Ind. Co., Ltd. (Sanmei) had no shipments during the POR. Commerce also preliminarily determines that the remaining companies subject to this administrative review (collectively, the non-responsive parties) are part of the China-wide entity. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 2, 2022.

FOR FURTHER INFORMATION CONTACT: Steven Seifert, 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) 482–3350.

SUPPLEMENTARY INFORMATION:

Background

On August 19, 2016, Commerce published in the **Federal Register** an AD order on HFC blends from China.[1] On August 2, 2021, Commerce published a notice of opportunity to request an administrative review of the *Order* for the POR.[2] On August 31, 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 the American HFC Coalition (petitioner) and Sanmei.[3] Based on these requests, Commerce initiated an administrative review of the *Order* with respect to 43 companies on October 7, 2021.[4] On October 14, 2021, consistent with the *Initiation Notice,* Commerce released U.S. Customs and Border Protection (CBP) data for purposes of respondent selection and provided interested parties an opportunity to comment on these data by October 21, 2021.[5] Commerce received comments on the CBP Data from the petitioner and Sanmei.[6] On October 28, 2021, three companies submitted certifications of no shipments.[7] The deadline for companies to submit an separate rate application (SRA) or separate rate certification (SRC) was November 8, 2021.[8] On November 8, 2021, Sanmei submitted an SRA.[9]

On February 7, 2022, we selected Sanmei as a mandatory respondent in this review and issued the AD questionnaire to it.[10] On April 25, 2022, Commerce extended the deadline for the preliminary results of this administrative review until June 24, 2022.[11] On June 3, 2022, Commerce again extended the deadline for the preliminary results of this administrative review until August 31, 2022.[12]

Scope of the Order

The products subject to the *Order* are HFC blends. HFC blends covered by the scope are R–404A, a zeotropic mixture consisting of 52 percent 1,1,1-Trifluoroethane, 44 percent Pentafluoroethane, and 4 percent 1,1,1,2-Tetrafluoroethane; R–407A, a zeotropic mixture of 20 percent Difluoromethane, 40 percent Pentafluoroethane, and 40 percent 1,1,1,2-Tetrafluoroethane; R–407C, a zeotropic mixture of 23 percent Difluoromethane, 25 percent Pentafluoroethane, and 52 percent 1,1,1,2-Tetrafluoroethane; R–410A, a zeotropic mixture of 50 percent Difluoromethane and 50 percent Pentafluoroethane; and R–507A, an azeotropic mixture of 50 percent Pentafluoroethane and 50 percent 1,1,1-Trifluoroethane also known as R–507. The foregoing percentages are nominal percentages by weight. Actual percentages of single component refrigerants by weight may vary by plus or minus two percent points from the nominal percentage identified above.[13]

Any blend that includes an HFC component other than R–32, R–125, R–143a, or R–134a is excluded from the scope of the *Order.*

Excluded from the *Order* are blends of refrigerant chemicals that include products other than HFCs, such as blends including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), hydrocarbons (HCs), or hydrofluoroolefins (HFOs).

Also excluded from the *Order* are patented HFC blends, including, but not limited to, ISCEON® blends, including MO99TM (R–438A), MO79 (R–422A), MO59 (R–417A), MO49PlusTM (R–437A) and MO29TM (R–4 22D), Genetron® PerformaxTM LT (R–407F), Choice® R–421A, and Choice® R–421B.

HFC blends covered by the scope of the *Order* are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 3824.78.0020 and 3824.78.0050. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.[14]

Preliminary Determination of No Shipments

Commerce's practice is to conduct administrative reviews only on suspended entries of subject merchandise.[15] Based on information Commerce received from Enforcement and Compliance's Customs and Liaison Unit,[16] as well as information submitted by Sanmei's U.S. importer (Company A), we preliminarily determine that Sanmei had no shipments of the subject merchandise during the POR because there are no suspended entries during the POR.[17] Likewise, based on the CBP Data and the No-Shipment Statements, we preliminarily determine that Huantai

[1] *See Hydrofluorocarbon Blends from the People's Republic of China: Antidumping Duty Order,* 81 FR 55436 (August 19, 2016) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 86 FR 41436 (August 2, 2021).

[3] *See* Petitioner's Letter, ''Request for Administrative Review of Antidumping Duty Order,'' dated August 31, 2021; and Sanmei's Letter, ''Request for Administrative Review,'' dated August 31, 2021.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 55815, 55816 (October 7, 2021) (*Initiation Notice*).

[5] *Id.,* 86 FR at 55811; *see also* Memorandum, ''Release of U.S. Customs and Border Protection Entry Data,'' dated October 14, 2021 (CBP Data).

[6] *See* Petitioner's Letter, ''Comments on CBP Data Release,'' dated October 21, 2021; *see also* Sanmei's Letter, ''Submission of Zhejiang Sanmei's Comments on CBP Data,'' dated October 21, 2021.

[7] *See* Huantai Dongyue's Letter, ''Submission of Statement of No Shipment,'' dated October 28, 2021; Shandong Dongyue's Letter, ''Submission of Statement of No Shipment,'' dated October 28, 2021; and Zhejiang Yonghe's Letter, ''Submission of Statement of No Shipment,'' dated October 28, 2021 (collectively, No-Shipment Statements).

[8] SRAs and SRCs were due thirty days from the publication date of the *Initiation Notice.* In this administrative review the deadline was November 8, 2021. *See Initiation Notice,* 86 FR at 55812.

[9] *See* Sanmei's Letter, ''Separate Rate Application,'' dated November 8, 2021.

[10] *See* Memorandum, ''Selection of Respondents for Individual Examination,'' dated February 7, 2022; and Commerce's Letter, ''Request for Information,'' dated February 7, 2022.

[11] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 25, 2022.

[12] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated June 3, 2022.

[13] R–404A is sold under various trade names, including Forane® 404A, Genetron® 404A, Solkane® 404A, Klea® 404A, and Suva®404A. R–407A is sold under various trade names, including Forane® 407A, Solkane® 407A, Klea®407A, and Suva®407A. R–407C is sold under various trade names, including Forane® 407C, Genetron® 407C, Solkane® 407C, Klea® 407C and Suva® 407C. R–410A is sold under various trade names, including EcoFluor R410, Forane® 410A, Genetron® R410A and AZ–20, Solkane® 410A, Klea® 410A, Suva® 410A, and Puron®. R–507A is sold under various trade names, including Forane® 507, Solkane® 507, Klea®507, Genetron®AZ–50, and Suva®507. R–32 is sold under various trade names, including Solkane®32, Forane®32, and Klea®32. R–125 is sold under various trade names, including Solkane®125, Klea®125, Genetron®125, and Forane®125. R–143a is sold under various trade names, including Solkane®143a, Genetron®143a, and Forane®125.

[14] *See* the *Order.* Certain merchandise has been the subject of affirmative anti-circumvention determinations by Commerce, pursuant to section 781 of the Tariff Act of 1930, as amended (the Act). As a result, the circumventing merchandise is included in the scope of the *Order. See Hydrofluorocarbon Blends from the People's Republic of China: Final Negative Scope Ruling on Gujarat Fluorochemicals Ltd.'s R–410A Blend; Affirmative Final Determination of Circumvention of the Antidumping Duty Order by Indian Blends Containing Chinese Components,* 85 FR 61930 (October 1, 2020); *Hydrofluorocarbon Blends from the People's Republic of China: Final Scope Ruling on Unpatented R–421A; Affirmative Final Determination of Circumvention of the Antidumping Duty Order for Unpatented R–421A,* 85 FR 34416 (June 4, 2020); and *Hydrofluorocarbon Blends from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order; Unfinished R–32/R–125 Blends,* 85 FR 15428 (March 18, 2020).

[15] *See Honey from the People's Republic of China: Final Rescission of the New Shipper Review and Final Results of the Administrative Review; 2015–2016,* 83 FR 1015 (January 9, 2018), and accompanying Issues and Decision Memorandum, at Comment 4.

[16] *See* Memorandum, ''U.S. Customs and Border Patrol Information,'' dated June 24, 2022.

[17] *See* Memorandum, ''Business Proprietary Information (BPI) Related to the Preliminary Finding of No Shipments,'' dated concurrently with this notice.

Dongyue, Shandong Dongyue, and Zhejiang Yonghe had no shipments of the subject merchandise during the POR.

Consistent with Commerce's practice, we will not rescind the review with respect to Sanmei, Huantai Dongyue, Shandong Dongyue, and Zhejiang Yonghe, but, rather, will complete the review and issue appropriate liquidation instructions to CBP based on the final results.[18]

China-Wide Entity

In accordance with Commerce's policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity.[4] Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity's rate is not subject to change (*i.e.,* 216.37 percent).[19]

Aside from Sanmei, Huantai Dongyue, Shandong Dongyue, and Zhejiang Yonghe, which we preliminarily find made no shipments, Commerce considers all other companies for which a review was requested to be part of the China-wide entity because they did not demonstrate their separate rate eligibility.[20] Accordingly, for the preliminary results, we consider the following non-responsive parties, none of which submitted a separate rate application, to be part of the China-wide entity: Changshu 3F Zhonghao New Chemical Materials Co., Ltd.; Daikin Fluorochemicals (China) Co., Ltd.; Dongyang Weihua Refrigerants Co., Ltd.; Electrochemical Factory of Zhejiang Juhua Co., Ltd.; Fujian Qingliu Dongying Chemical Ind. Co., Ltd.; Hongkong Richmax Ltd.; Icool International (Hong Kong) Limited; Jiangsu Bluestar Green Technology Co., Ltd.; Jiangsu Meilan Chemical Co., Ltd.; Jiangsu Sanmei Chemicals Co., Ltd; Jinhua Binglong Chemical Technology Co., Ltd.; Jinhua Yonghe Fluorochemical Co., Ltd.; Liaocheng Fuer New Materials Technology Co., Ltd.; Linhai Limin Chemicals Co., Ltd.; Ninhua Group Co., Ltd.; Puremann, Inc.; Ruyuan Dongyangguang Fluorine Co., Ltd.; Shandong Huaan New Material Co., Ltd.; Shandong Xinlong Science Technology Co., Ltd.; Shanghai Aohong Chemical Co., Ltd.; Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd.; Sinochem Lantian Fluoro Materials Co., Ltd.; T.T. International Co., Ltd.; Taizhou Huasheng New Refrigeration Material Co., Ltd.; Taizhou Qingsong Refrigerant New Material Co., Ltd.; Weitron International Refrigeration Equipment (Kunshan) Co., Ltd.; Weitron International Refrigeration Equipment Co., Ltd.; Zhejiang Fulai Refrigerant Co., Ltd.; Zhejiang Guomao Industrial Co., Ltd.; Zhejiang Lantian Environmental Protection Fluoro Material Co. Ltd.; Zhejiang Lishui Fuhua Chemical Co., Ltd.; Zhejiang Organic Fluor-Chemistry Plant; Zhejiang Juhua Co., Ltd.; Zhejiang Quhua Fluor-Chemistry Co., Ltd.; Zhejiang Quhua Juxin Fluorochemical Industry Co., Ltd.; Zhejiang Quzhou Juxin Fluorine Chemical Co., Ltd.; Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd.; Zhejiang Sanmei Chemical Industry Co., Ltd.; Zhejiang Zhiyang Chemical Co., Ltd.; Zhejiang Zhonglan Refrigeration Technology Co., Ltd.; and Zibo Feiyuan Chemical Co., Ltd.

Disclosure and Public Comment

Normally, Commerce discloses the calculations used in its analysis to parties in a review within five days of the date of publication of the notice of preliminary results, in accordance with 19 CFR 351.224(b). However, in this case, there are no calculations to disclose.

Interested parties are invited to comment on the preliminary determination of no shipments in this review. Case briefs or other written comments may be submitted to Commerce no later than 30 days after the date of publication of this notice.[21] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline for case briefs.[22] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs 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.[23] An electronically-filed document must be received successfully in its entirety via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (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.[24]

Pursuant to 19 CFR 351.310(c), 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 ACCESS within 30 days after the date of publication of this notice.[25] 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, parties will be notified of the time and date for the hearing.[26]

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, unless otherwise extended.[27]

Assessment

Upon issuance of the final results of the administrative review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[28] For the companies which Commerce determined had no shipments of the subject merchandise during the POR, any suspended entries of subject merchandise that entered under any of these exporters' CBP case numbers during the POR will be liquidated at the China-wide rate.[29] In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

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.

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

[19] *See Order,* 81 FR at 55438.

[20] *See Initiation Notice,* 86 FR at 55812 (''All firms listed below that wish to qualify for separate rate status in the administrative reviews involving {non-market economy} countries must complete, as appropriate, either a separate rate application or certification, as described below.'').

[21] *See* 19 CFR 351.309(c).

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

[23] *See* 19 CFR 351.309(c)(2) and (d)(2).

[24] *See Temporary Rule.*

[25] *See* 19 CFR 351.310(c).

[26] *See* 19 CFR 351.310(d).

[27] *See* section 751(a)(3)(A) of the Act.

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

[29] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) for previously investigated or reviewed Chinese or non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity (*i.e.,* 216.37 percent); and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during 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 preliminary results in accordance with sections 751(a)(1) of the Act and 19 CFR 351.213(d).

Dated: August 26, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–19061 Filed 9–1–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–902]

Utility Scale Wind Towers From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Review; 2020–2021

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that sales of utility scale wind towers (wind towers) from the Republic of Korea (Korea) were made at less than normal value (NV) during the period of review (POR) February 14, 2020, through July 31, 2021. Interested parties are invited to comment on these preliminary results.

DATES: Applicable September 2, 2022.

FOR FURTHER INFORMATION CONTACT: Adam Simons, 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) 482–6172.

SUPPLEMENTARY INFORMATION:

Background

On October 7, 2021, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on wind towers from Korea.[1] This review covers one producer/exporter of the subject merchandise, Dongkuk S&C Co., Ltd. (Dongkuk). In April 2022, we extended the preliminary results of this review to no later than August 31, 2022.[2] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3]

Scope of the Order

The merchandise subject to the order is wind towers.[4] The product is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7308.20.0020 or 8502.31.0000 and may also be classified under HTSUS subheading 7308.20.0020 or 8502.31.0000. While the HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. 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.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as the appendix to this notice.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation. On January 5, 2022, the petitioner timely withdrew its request for administrative review of CS Wind Corporation (CS Wind);[5] we received no other requests for review of this company. Therefore, Commerce is rescinding this review with respect to CS Wind, in accordance with 19 CFR 351.213(d)(1).

Preliminary Results of Review

As a result of this review, we preliminarily determine the following weighted-average dumping margin for

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 55811 (October 7, 2021); *see also Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 85 FR 52546 (August 26, 2020) (*Order*); and *Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Notice of Correction to the Antidumping Duty Orders,* 85 FR 56213 (September 11, 2020) (correcting the date that the provisional measures period expired).

[2] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2020–2021 Antidumping Duty Administrative Review,'' dated April 11, 2022.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2020–2021 Administrative Review of the Antidumping Duty Order on Utility Scale Wind Towers from Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] For a complete description of the scope of the order, *see* Preliminary Decision Memorandum.

[5] *See* Petitioner's Letter, ''Partial Withdrawal of Request for Administrative Review,'' dated January 5, 2022.

the period February 14, 2020, through July 31, 2021:

Producer/exporter	Weighted-average dumping margin (percent)
Dongkuk S&C Co., Ltd	2.58

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[6] Interested parties may submit case briefs or other written comments to Commerce no later than 30 days after the date of publication of this notice.[7] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.[8] Parties who submit case briefs 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.[9] Case and rebuttal briefs should be filed using ACCESS.[10] An electronically filed document must be received successfully in its entirety by 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.[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice.[12] 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. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[13]

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the date of publication of this notice, unless otherwise extended.[14]

Assessment Rates

Upon issuing the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.

Pursuant to 19 CFR 351.212(b)(1), where Dongkuk reported the entered value of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. We intend to instruct CBP to take into account the ''provisional measures deposit cap,'' in accordance with 19 CFR 351.212(d). The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Commerce's ''automatic assessment'' practice will apply to entries of subject merchandise during the POR produced by Dongkuk for which Dongkuk did not know that the merchandise it sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

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).

For CS Wind, the company for which we are rescinding this administrative review, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period February 14, 2020, through July 31, 2021, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.41 percent, the all-others rate established in the LTFV investigation.[15] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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.

[6] *See* 19 CFR 351.224(b).

[7] *See* 19 CFR 351.309(c).

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

[9] *See* 19 CFR 351.309(c)(2) and (d)(2).

[10] *See* 19 CFR 351.303.

[11] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[12] *See* 19 CFR 351.310(c).

[13] *See* 19 CFR 351.310(d).

[14] *See* section 751(a)(3)(A) of the Act.

[15] *See Order,* 85 FR at 52547.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 29, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Partial Rescission of Review
V. Discussion of the Methodology
VI. Recommendation

[FR Doc. 2022–19056 Filed 9–1–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; West Coast Fisheries Participation Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before November 1, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0749 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Karma Norman, Social Scientist, Northwest Fisheries Science Center, 2725 Montlake Blvd. East, Seattle, WA 98112–2097, Phone: (206) 302–2418, email: *karma.norman@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for a revision and extension of a currently approved information collection, approved under the authority and goals of the Magnuson-Stevens Fishery Conservation and Management Act.

Fishing livelihoods are both centrally dependent on marine ecosystems and part of the set of forces acting on other components of these ecosystems, including the ecosystem's resident fish and marine species. Alongside social factors like economics and management actions, biophysical dynamics within the ecosystems, including fisheries population fluctuations, shape fishing livelihoods. However, the decisions fishermen make regarding which fisheries to access and when to access them are not fully understood, particularly within the holistic food web frameworks offered up by ecosystem-based approaches to research and management. Moreover, a full understanding and predictive capacity for these movements of fishermen across fisheries in the context of ecological and social variability presents a significant gap in management-oriented knowledge. Managing fisheries in a way that enhances their social and economic value, mitigates risks to ecosystems and livelihoods, and facilitates sustainable adaptation, requires this fundamental knowledge.

For this reason, the Northwest Fisheries Science Center (NWFSC) seeks to conduct fisheries participation analyses which involve repeated follow-up surveys of United States (U.S.) West Coast commercial fishing participants. A U.S. mail survey will be conducted, replicating the survey administered during 2017 and 2020, with slight changes in questions about direct marketing of catch and community infrastructure. The survey will be voluntary, and contacted individuals may decline to participate. Respondents will be asked to answer questions about their motivations for fishing and other factors that affect participation in the suite of West Coast commercial fisheries. Fishing employment information will be collected so that responses can be organized based on a respondent typology. This survey is essential because data on smaller scale fishing practices, values, participation decisions and beliefs about fishing livelihoods are sparse; yet, they are critical to the development of usable fishery ecosystem models that account for non-pecuniary benefits of fishing, as well as the ways in which fishing practices shape individual and community well-being.

II. Method of Collection

Respondents will be contacted via mail for administration of the survey.

III. Data

OMB Control Number: 0648–0749.
Form Number(s): None.
Type of Review: Regular submission (revision and extension of a currently approved information collection).
Affected Public: Individuals or households.
Estimated Number of Respondents: 3,000.
Estimated Time per Response: 20 minutes.
Estimated Total Annual Burden Hours: 1,000.
Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.
Respondent's Obligation: Voluntary.
Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other 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 may ask us in your comment to withhold your personal identifying

information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2022–19080 Filed 9–1–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting for September 20–22, 2022

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: This serves as notice of a public meeting for the NOAA Hydrographic Services Review Panel (HSRP). This meeting will include the opportunity to receive public comments on NOAA's navigation observations and positioning services topics.

DATES: The NOAA HSRP public meeting will meet in-person and via webinar on September 20–22, 2022, with times subject to change and noted in the website agenda. All times are listed in Hawaii Time (HT).

ADDRESSES: The HSRP meeting agenda with the location, draft meeting documents, presentations, and background materials are posted and updated online and can be downloaded prior to the meeting at: *https://www.nauticalcharts.noaa.gov/hsrp/hsrp.html*.

Advance registration is required. The agenda, speakers and times are subject to change, please refer to the meeting website listed below for the most updated information at *https://www.nauticalcharts.noaa.gov/hsrp/meetings/2022/fall-2022.html*.

This is a request for public comments. Comments may be submitted in advance by email, identified by ''*Comments September 2022 HSRP meeting,*'' in the subject line, or you can request to speak during the public comment period at the meeting by sending an email to: *Virginia.Dentler@noaa.gov, Melanie.Colantuno@noaa.gov, Lynne.Mersfelder@noaa.gov* and *hydroservices.panel@noaa.gov*. Comments can also be submitted through the webinar in writing during the meeting and will be noted during the public comment period.

All comments received are a part of the public record. Comments that are submitted in writing during the public comment period will be read into the record, transcribed, and become part of the meeting record. All personal identifying information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Public comments are encouraged and requested on the navigation observations and positioning services especially for NOS's Center for Operational Oceanographic Products and Services, National Geodetic Survey, and the Office of Coast Survey. Advance written statements will be shared with the HSRP members and included in the meeting public record. Due to the condensed nature of the meeting, each individual or group providing written public comments will be limited to one comment of no more than three minutes during the public comment period, with no repetition of previous comments. Due to time meeting constraints, comments may not be addressed during the meeting.

FOR FURTHER INFORMATION CONTACT: Lynne Mersfelder-Lewis, HSRP program manager, Office of Coast Survey, NOS, NOAA, email: *Lynne.Mersfelder@noaa.gov, hydroservices.panel@noaa.gov,* or phone 240–691–6106.

SUPPLEMENTARY INFORMATION:

Background

The NOAA HSRP is a Federal Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere, the NOAA Administrator, on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, as amended, the U.S. Coast and Geodetic Survey Act, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice. Attendees are required to follow all COVID–19 safety protocols including masking in areas that are deemed high COVID–19 Community Level by the Centers for Disease Control and Prevention. Past HSRP recommendation letters, issue and position papers are located online at: *https://www.nauticalcharts.noaa.gov/hsrp/recommendations.html*.

Matters To Be Considered

The panel is convening on issues relevant to NOAA's navigation, observations, and positioning services, particularly in Hawaii and the Pacific region. This includes stakeholder use of navigation services, data, and products, along with other topics related to hydrographic and bathymetric surveys, nautical charting, the ongoing National Spatial Reference System (NSRS) modernization—including changes to floodplain management, navigation services contributions to resilience and coastal data and information systems, coastal and ocean modeling, Physical Oceanographic Real-Time System (PORTS®) sensor enhancements and expansion, the projects of the NOAA-University of New Hampshire Joint Hydrographic Center Cooperative Agreement, updates on legislative and budget priorities, and additional topics. The meeting will focus on mapping, navigation, positioning, and observation services including the data, products, and services provided by NOAA programs and activities undertaking geodetic observations, gravity modeling, coastal and shoreline mapping, bathymetric mapping and modeling, hydrographic surveying, nautical charting, tide and water level observations, current observations, flooding, resilience, inundation and sea level rise, marine and coastal modeling, geospatial and laser imaging, detection, and ranging (LIDAR) data, and related topics. This suite of NOAA products and services support safe and efficient navigation, resilient coasts and communities, and the nationwide positioning information infrastructure to support America's climate needs and commerce. The Panel will hear about the missions and uses of NOAA's navigation, observations, and positioning services, the value these services bring, and what improvements could be made. Other matters may be considered.

Special Accommodations

This meeting is physically accessible to people with disabilities and there will be sign language interpretation and captioning services available through the webinar. Please direct requests for other auxiliary aids to *Melanie.Colantuno@noaa.gov* at least 10 business days in advance of the meeting.

Lorraine Robidoux,

Deputy Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–19068 Filed 9–1–22; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC328]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public hybrid meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Groundfish Plan Teams will meet September 19, 2022, through September 23, 2022.

DATES: The meetings will be held on Monday, September 19, 2022 through Friday, September 23, 2022, from 9 a.m. to 5 p.m., PDT.

ADDRESSES:

Meeting address: The meetings will be a hybrid meeting. The in-person component of the meeting will be held at the Alaska Fishery Science Center in the Traynor Room (2076) and the Observer Room (1055), 7600 Sand Point Way NE, Building 4, Seattle, WA 98115, or join the meeting online through the links at *https://meetings.npfmc.org/Meeting/Details/2949*.

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: Sara Cleaver, Council staff; email: *sara.cleaver@noaa.gov* or Diana Stram, Council staff; email *diana.stram@noaa.gov*; telephone: (907) 271–2809.

For technical support, please contact our administrative staff; email: *npfmc.admin@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, September 19, 2022, Through Friday, September 23, 2022

The Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Groundfish Plan Teams will meet to review and discuss issues of importance to both Plan Teams, including but not limited to: Economic and Socioeconomic Profile update, Ecosystem Status Report Climate update, Ecosystem surveys, Essential Fish Habitat, Economic Stock Assessment and Fishery Evaluation (SAFE), Bottom Trawl Surveys (BTS), Longline survey, updates on model progress for stock assessments to be presented in November, and proposed harvest specifications. The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/2949* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smartphone; or by phone only. Connection information will be posted online at: *https://meetings.npfmc.org/Meeting/Details/2949*.

Public Comment

Public comment letters should be submitted electronically via the electronic agenda at *https://meetings.npfmc.org/Meeting/Details/2949*.

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

Dated: August 30, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–19076 Filed 9–1–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Final Management Plan for the Chesapeake Bay Virginia National Estuarine Research Reserve

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of approval for the revised management plan for the Chesapeake Bay Virginia National Estuarine Research Reserve.

SUMMARY: Notice is hereby given that the Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce approves the revised management plan for the Chesapeake Bay Virginia Reserve. In accordance with applicable Federal regulations, the Virginia Institute of Marine Science revised the reserve's management plan, which replaces the plan previously approved in 2008.

ADDRESSES: The approved management plan can be downloaded or viewed at *https://www.vims.edu/cbnerr/resources/resources_annual_reports.php.* The document is also available by sending a written email request to Tricia Hooper, NOAA's Office for Coastal Management, *Tricia.Hooper@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Tricia Hooper, NOAA's Office for Coastal Management, *Tricia.Hooper@noaa.gov,* (617) 921–1998.

SUPPLEMENTARY INFORMATION: Pursuant to 15 CFR 921.33(c), a State must revise the management plan for its research reserve at least every five years. Changes to a reserve's management plan may be made only after receiving written approval from NOAA. NOAA approves changes to management plans via notice in the **Federal Register**. On March 1, 2022, NOAA issued a notice in the **Federal Register** announcing a thirty-day public comment period for the proposed revision of the Chesapeake Bay Virginia management plan (87 FR 11418).

Appendix J of the plan contains a summary of written and oral comments received, and an explanation of how comments were incorporated into the final version of the management plan.

The management plan outlines the reserve's strategic goals and objectives; administrative structure; programs for conducting research and monitoring, education, and training; resource protection, restoration, and manipulation plans; public access and visitor use plans; consideration for future land acquisition; and facility development to support reserve operations. Since 2008, the reserve has made notable investments in programs and infrastructure, which include launching the new Margaret A. Davidson Fellowship, reinvigorating the York River and Small Coastal Basin Roundtable, and establishing the Environmental Data Center and the Virginia Scientists and Educators Alliance with partners at the Virginia Institute of Marine Science. The reserve installed a floating dock at Taskinas Creek and Catlett Islands components, and maintained extensive Sentinel Site infrastructure, including boardways, sediment elevation tables, tide gauges, and survey benchmarks. The reserve also navigated changes in ownership and management at the Catlett Islands and Sweet Hall Marsh components, conducted an internal reorganization, and developed a comprehensive communications plan. The revised management plan will serve as the guiding document for the 3,072 acre (12 km^2) research reserve for the next five years.

NOAA reviewed the environmental impacts of the revised management plan and determined that this action is

categorically excluded from further analysis under the National Environmental Policy Act, consistent with NOAA Administrative Order 216–6.

Authority: 16 U.S.C. 1451 *et seq.;* 15 CFR 921.33.

Keelin S. Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–19006 Filed 9–1–22; 8:45 am]

BILLING CODE 3510–NK–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the procurement list.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* October 2, 2022.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 785–6404 or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 1/7/2022, 7/1/2022, 7/22/2022, and 7/29/2022, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
5140–00–529–2517—Belt, Tool, Repairman's, Size 34
5140–00–529–2691—Belt, Tool, Repairman's, Size 44
5140–00–529–2694—Belt, Tool, Repairman's, Size 38
Contracting Activity: FAS HEARTLAND REGIONAL ADMINISTRATO, KANSAS CITY, MO

NSN(s)—Product Name(s):
8465–00–262–5237—Lanyard, Pistol, White
8465–00–965–1705—Lanyard, Pistol, Olive Green
Designated Source of Supply: Work, Incorporated, Dorchester, MA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Service(s)

Service Type: Medical Transcription
Mandatory for: Federal Bureau of Prisons, Greenville, IL
Designated Source of Supply: Lighthouse for the Blind of Houston, Houston, TX
Contracting Activity: FEDERAL PRISON SYSTEM, TERMINAL ISLAND, FCI

Service Type: Administrative Services
Mandatory for: Internal Revenue Service Mailroom: 1919 Smith Street, Houston, TX
Designated Source of Supply: Lighthouse for the Blind of Houston, Houston, TX
Contracting Activity: TREASURY, DEPARTMENT OF THE, DEPT OF TREAS/

Service Type: Transcription Services
Mandatory for: U.S. Army, U.S. Army War College, Carlisle, PA (Offsite: 5590 Derry Street, Harrisburg, PA 17111)
Designated Source of Supply: InspiriTec, Inc., Philadelphia, PA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–CARLISLE BARRACKS

Michael R. Jurkowski,

Acting Director, Business Operations.

[FR Doc. 2022–19010 Filed 9–1–22; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Information and Regulatory Affairs (''OIRA''), of the Office of Management and Budget (''OMB''), for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before October 3, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be submitted within 30 days of this notice's publication to OIRA, at *https://www.reginfo.gov/public/do/PRAMain.* Please find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the website's search function. Comments can be entered electronically by clicking on the ''comment'' button next to the information collection on the ''OIRA Information Collections Under Review'' page, or the ''View ICR—Agency Submission'' page. A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting *https://www.reginfo.gov/public/do/PRAMain.*

In addition to the submission of comments to *https://Reginfo.gov* as indicated above, a copy of all comments submitted to OIRA may also be submitted to the Commodity Futures Trading Commission (the ''Commission'' or ''CFTC'') by clicking on the ''Submit Comment'' box next to the descriptive entry for OMB Control No. 3038–0031, at *https://comments.cftc.gov/FederalRegister/PublicInfo.aspx.*

Or by either of the following methods:

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission,

Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

• *Hand Delivery/Courier:* Same as Mail above.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments submitted to the Commission should include only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1] The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: William M. Roberson, Senior Procurement Executive, Business Operations Branch, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581; phone: (202) 418–5367; fax: (202) 418–5414; email: *wroberson@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on July 01, 2022 (87 FR 39501).

Title: Procurement Contracts (OMB Control No. 3038–0031). This is a request for an extension of a currently approved information collection.

Abstract: The information collected under this request is gathered through the use of forms specific to a contract or contracting action. The standard forms are prescribed for use for non-personal services, construction, award of contracts and solicitations by agencies in connection with the procurement of supplies, purchase and delivery orders, specified in the Federal Acquisition Regulations (48 CFR 1–53). The information provided on the forms is specific and generally does not require additional information or questions.

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.[2] On July 1, 2022, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 87 FR 39501 (''60-Day Notice''). The Commission did not receive any relevant comments on the 60-Day Notice.

Burden Statement: The Commission is revising its estimate of the burden for this collection to reflect changed circumstances below.

The information collection consists of procurement activities relating to solicitations, amendments to solicitations, requests for quotations, construction contracts, awards of contracts, performance bonds, and payment information for individuals (vendors) or contractors engaged in providing supplies or services.

The Commission estimates the burden of this collection of information as follows:

Respondents/Affected Entities: Vendors and contractors.

Estimated number of respondents: 1,096.

Estimated burden hours per respondent: 2 hours.

Estimated total annual burden on respondents: 2,192 hours.

Frequency of responses: Annually.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: August 29, 2022.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2022–18970 Filed 9–1–22; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9.

[2] 44 U.S.C. 3512, 5 CFR 1320.5(b)(2)(i) and 1320.8 (b)(3)(vi).

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2022–0038]

Request for Information Regarding Employer-Driven Debt

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Request for information; extension of comment period.

SUMMARY: On June 9, 2022, the Consumer Financial Protection Bureau (Bureau or CFPB) issued a request for information seeking input from the public on debt obligations incurred by consumers in the context of an employment or independent contractor arrangement. The request for information was published in the **Federal Register** on June 17, 2022, and provided for a comment period that was set to expire on September 7, 2022. To allow interested persons more time to gather the requested information and submit comments, the Bureau has determined that an extension of the comment period until September 23, 2022, is appropriate.

DATES: The end of the comment period for the Request for Information Regarding Employer-Driven Debt published on June 17, 2022 (87 FR 36469), is extended from September 7, 2022, until September 23, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2022–0038, by any of the following methods:

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

• *Email: employer-drivendebt@cfpb.gov.* Include Docket No. CFPB–2022–0038 in the subject line of the message.

• *Mail/Hand Delivery/Courier:* Comment Intake—Employer-Driven Debt RFI, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552. Please note that due to circumstances associated with the COVID–19 pandemic, the CFPB discourages the submission of comments by hand delivery, mail, or courier.

Instructions: The CFPB encourages the early submission of comments. All submissions should include document title and docket number. Because paper mail in the Washington, DC area and at the CFPB is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *https://www.regulations.gov.* In addition, once the CFPB's headquarters reopens,

comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. At that time, you can make an appointment to inspect the documents by telephoning 202–435–7275.

All submissions in response to this Request for Information (RFI), including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Emma Oppenheim, Director's Front Office, at (202) 297–7515. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: On June 9, 2022, the Bureau issued a request for information seeking information from the public on how employer-driven debt has impacted consumers. The CFPB is particularly interested in hearing from consumers, worker organizations and labor unions, employers (including employers trying to compete with other employers using employer-driven debt), social services organizations, consumer rights and advocacy organizations, legal aid attorneys, academics and researchers, small businesses, financial institutions, and state and local government officials.

The CFPB welcomes the submission of descriptive information about experiences faced by people participating in the market, as well as quantitative data about employer-driven debt. The CFPB is interested in receiving comments relating to debt incurred to an employer or an associated entity, taken on in pursuit or in the course of employment. Commenters need not answer all or any of the specific questions posed. The CFPB anticipates analyzing this information in the service of better understanding the relationship between labor practices and the market for consumer financial products or services and identifying priority areas for future action.

The Bureau has determined that it is appropriate to extend until September 23, 2022, the comment period on this request for information. This extension will allow interested persons more time to pull together the requested information for submission. The comment period will now close on September 23, 2022.

Paul Hannah,

Senior Counsel and Federal Register Liaison, Consumer Financial Protection Bureau.

[FR Doc. 2022–19016 Filed 9–1–22; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, September 7, 2022–10:00 a.m.

PLACE: This meeting will be held remotely.

STATUS: Commission Meeting—Open to the Public.

MATTERS TO BE CONSIDERED: Decisional Matter:

Final Rule: Safety Standard for Magnets

All attendees should pre-register for the Commission meeting using the following link: *https://cpsc.webex.com/cpsc/onstage/g.php?MTID=e2939aa04c8fdd3a915afd11581d22d95.*

After registering you will receive a confirmation email containing information about joining the meeting.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, 301–504–7479 (Office) or 240–863–8938 (Cell).

Dated: August 31, 2022.

Alberta E. Mills,

Commission Secretary.

[FR Doc. 2022–19178 Filed 8–31–22; 4:15 pm]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2015–0029]

Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Children's Chairs and Children's Stools

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of availability and request for comment.

SUMMARY: The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Children's Folding Chairs and Children's Folding Stools, incorporates by reference ASTM F2613–21, Standard Consumer Safety Specification for Children's Chairs and Stools. The Commission has received notice of a revision to this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of the consumer products covered by the standard.

DATES: Comments must be received by September 16, 2022.

ADDRESSES: Submit comments, identified by Docket No. CPSC–2015–0029, by any of the following methods:

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

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

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

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2015–0029, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Kevin K. Lee, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2486; email: *klee@cpsc.gov.*

SUPPLEMENTARY INFORMATION: Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to adopt mandatory standards for durable infant

or toddler products. 15 U.S.C. 2056a(b)(1). Mandatory standards must be ''substantially the same as'' voluntary standards, or may be ''more stringent'' than voluntary standards, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the products. *Id.* Mandatory standards may be based, in whole or in part, on a voluntary standard.

Pursuant to section 104(b)(4)(B) of the CPSIA, if a voluntary standards organization revises a standard that has been adopted, in whole or in part, as a consumer product safety standard under CPSIA section 104, it must notify the Commission. The revised voluntary standard then shall be considered to be a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which the organization notifies the Commission (or a later date specified by the Commission in the **Federal Register**) unless, within 90 days after receiving that notice, the Commission responds to the organization that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard, and therefore the Commission is retaining its existing mandatory consumer product safety standard. 15 U.S.C. 2056a(b)(4)(B).

Under this authority, the Commission issued a mandatory safety rule for children's folding chairs and children's folding stools in 2017. The rulemaking created 16 CFR part 1232, which incorporated by reference, without modification, ASTM F2613–17a, Standard Consumer Safety Specification for Children's Chairs and Stools. Although the voluntary standard applies to children's chairs and children's stools, the scope of the mandatory standard is limited to children's folding chairs and children's folding stools. 82 FR 59505 (Dec. 15, 2017). The mandatory standard includes performance requirements and test methods, as well as requirements for warning labels and instructions, to address hazards to children associated with children's folding chairs and children's folding stools. After promulgation of the final rule, ASTM revised the voluntary standard in 2019 and 2021, and the Commission issued two direct final rules to update the mandatory standard for children's folding chairs and children's folding stools to incorporate by reference the latest version of ASTM F2613:

- On April 1, 2020, the Commission published a direct final rule to update part 1232 to reflect incorporation by reference of ASTM F2613–19, with no modifications (85 FR 18111).
- On May 17, 2021, the Commission published a direct final rule to update part 1232 to reflect incorporation by reference of ASTM F2613–21, with no modifications (86 FR 26654).

In August 2022, ASTM published a revised version of the incorporated voluntary standard, ASTM F2613–22. On August 22, 2022, ASTM notified the Commission that it had approved and published that revised version of the voluntary standard. CPSC staff is assessing the revised voluntary standard to determine, consistent with section 104(b)(4)(B) of the CPSIA, its effect on the safety of consumer products covered by the standard. The Commission invites public comment on that question, to inform staff's assessment and any subsequent Commission consideration of the revisions in ASTM F2613–22.[1]

The incorporated voluntary standard and the revised voluntary standard are available for review in several ways. ASTM has provided on its website (at *https://www.astm.org/CPSC.htm*), at no cost, a read-only copy of ASTM F2613–22 and a red-lined version that identifies the changes made to ASTM F2613–21. Likewise, a read-only copy of the existing, incorporated standard (ASTM F2613–21) is available for viewing, at no cost, on the ASTM website at: *https://www.astm.org/READINGLIBRARY/.* Interested parties can also download copies of the standards by purchasing them from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: 610–832–9585; *https://www.astm.org.* Alternatively, interested parties can schedule an appointment to inspect copies of the standards at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone: 301–504–7479; email: *mailto:cpsc-os@cpsc.gov.*

Comments must be received by September 16, 2022. Because of the short statutory time frame Congress established for the Commission to consider revised voluntary standards under section 104(b)(4) of the CPSIA, CPSC will not consider comments received after this date.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2022–18987 Filed 9–1–22; 8:45 am]

BILLING CODE 6355–01–P

[1] The Commission voted unanimously (5–0) to approve this notice.

COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

60-Day Notice for Request for Generic Clearance for Website Satisfaction Surveys

AGENCY: Council of the Inspectors General on Integrity and Efficiency (CIGIE).

ACTION: Notice and request for comments.

SUMMARY: CIGIE, as part of its effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the ''Generic Clearance for the Collection of Qualitative Feedback on Website Satisfaction'' for approval under the Paperwork Reduction Act (PRA). This notice announces CIGIE's intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

DATES: Consideration will be given to all comments received by November 1, 2022.

ADDRESSES: Submit comments identified by ''CIGIE Request for Generic Clearance 2022–1'' by any of the following methods:

1. *Mail:* Council of the Inspectors General on Integrity and Efficiency, 1717 H Street NW, Suite 825, Washington, DC 20006. ATTN: Atticus Reaser/CIGIE Request for Generic Clearance 2022–1.
2. *Email: comments@cigie.gov.*

FOR FURTHER INFORMATION CONTACT: Atticus Reaser, General Counsel, Council of the Inspectors General on Integrity and Efficiency, (202) 292–2600 or *comments@cigie.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Website Satisfaction.

Abstract: The proposed information collection activity provides a means to garner qualitative website user and stakeholder feedback in an efficient, timely manner. By qualitative feedback CIGIE means information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into website user or stakeholder perceptions, experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training, or changes in operations might improve delivery of information. These

collections will allow for ongoing, collaborative, and actionable communications between CIGIE and its stakeholders and the public. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: timeliness, appropriateness, accuracy of information, courtesy, efficiency of information delivery, and resolution of issues. Responses will be assessed to plan and inform efforts to improve or maintain the quality of CIGIE's websites. If this information is not collected, vital feedback from users and stakeholders of CIGIE's websites will be unavailable.

CIGIE will only submit a collection for approval under this generic clearance if it meets the following conditions:

The collections are voluntary;

The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;

The collections are non-controversial and do not raise issues of concern to other Federal agencies;

Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;

Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Action: Request for approval for a collection of information.

Type of Review: Initial approval.

Affected Public: Individuals, households, professionals, public/private sector.

Annual Reporting Burden:

Estimated Number of Respondents: 20,000.

Responses per Respondent: 1.

Estimated Total Annual Responses: 20,000.

Estimated Average Hours per Response: 4 minutes.

Estimated Total Burden Hours: 666 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. 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. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

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.

Dated: August 23, 2022.

Allison C. Lerner,

Chairperson of the Council of the Inspectors General on Integrity and Efficiency.

[FR Doc. 2022–18964 Filed 9–1–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0095]

Privacy Act of 1974; System of Records

AGENCY: Department of Defense (DoD).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Defense (DoD) is establishing a new Department-wide system of records titled, ''DoD Historical Records,'' DoD–0014. This system of records covers DoD's maintenance of records about individuals in the Department of Defense (DoD) historical system, the purpose of which is to collect, preserve, and present the history of the components within the DoD to support agency leadership and to inform the American public. Additionally, DoD is issuing a Direct Final Rule, which exempts this system of records from certain provisions of the Privacy Act, elsewhere in today's issue of the **Federal Register**.

DATES: This system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before October 3, 2022. The Routine Uses are effective at the close of the comment period.

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

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

* *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox

24, Suite 08D09, Alexandria, VA 22350–1700.

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

FOR FURTHER INFORMATION CONTACT: Ms. Rahwa Keleta, Defense Privacy and Civil Liberties Division, Directorate for Privacy, Civil Liberties and Freedom of Information, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700; *OSD.DPCLTD@mail.mil;* (703) 571–0070.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is establishing the ''DoD Historical Records,'' DoD–0014 as a DoD-wide Privacy Act system of records. A DoD-wide system of records notice (SORN) supports multiple DoD paper or electronic recordkeeping systems operated by more than one DoD component that maintain the same kind of information about individuals for the same purpose. Establishment of DoD-wide SORNs helps DoD standardize the rules governing the collection, maintenance, use, and sharing of personal information in key areas across the enterprise. DoD-wide SORNs also reduce duplicative and overlapping SORNs published by separate DoD components. The creation of DoD-wide SORNs is expected to make locating relevant SORNs easier for DoD personnel and the public, and create efficiencies in the operation of the DoD privacy program.

The mission of the DoD History Program is to collect, preserve, and present the history of the Department of Defense, in order to support Agency leadership and inform the American public. To further this mission, the Department is authorized to gather individuals' information to prepare and publish historical reports, provide historically relevant information on advisory panels and commissions, organize historical presentations and prepare historical studies. The DoD Historical Records SORN contains information on DoD civilian employees, uniformed service members, contractors, and other DoD-affiliated individuals. The system of records contains data derived from government records (Federal, state, and local), information collected directly from individuals, international government and non-government organizations, and publicly available information.

Additionally, DoD is issuing a Direct Final Rule to exempt this system of records from certain provisions of the Privacy Act elsewhere in today's issue of the **Federal Register**. DoD SORNs have been published in the **Federal Register** and are available from the address in FOR FURTHER INFORMATION CONTACT or at the Defense Privacy, Civil Liberties, and Freedom of Information Directorate website at *https://dpcld.defense.gov.*

II. Privacy Act

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

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

Dated: August 29, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER:

DoD Historical Records, DoD–0014.

SECURITY CLASSIFICATION:

Classified and Unclassified.

SYSTEM LOCATION:

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

SYSTEM MANAGER(S):

The system managers are the Chief Historians assigned to components and commands throughout the Department. Their addresses will vary according to the location where the actions described in this notice are conducted. The Privacy Act responsibilities concerning access, amendment, and disclosure of the records within this system of records have been delegated to the DoD components. DoD components include the Military Departments of the Army, Air Force (including the U.S. Space Force), and Navy (including the U.S. Marine Corps), field operating agencies, major commands, field commands, installations, and activities. To contact the system manager at the DoD component with oversight of the records, go to *www.FOIA.gov* to locate the contact information for each component's Freedom of Information Act (FOIA) office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113, Secretary of Defense; 44 U.S.C. 2107—Acceptance of Records for Historical Preservation; 44 U.S.C. 3101, Records Management by Federal Agencies; E.O. 12333, United States Intelligence Activities, as amended; and E.O. 12958, Classified National Security Information; and E.O. 9397, as amended.

PURPOSE(S) OF THE SYSTEM:

The purpose of the DoD historical system is to collect, preserve, and present the history of the Agency and its components to inform the American public and archive historical information. DoD accomplishes this overall purpose by conducting the following activities:

A. Researching, writing, and publishing special historical studies, government reports, and book series.

B. Educating and training DoD personnel on historical information.

C. Accounting for and providing accurate information to inform DoD leaders and other government agency leaders and personnel on matters related to history.

D. Providing historical information to advisory panels and commissions.

E. Managing the DoD History Speaker Series in collaboration with Military Service and Joint Staff history programs.

F. Assisting in the production of public statements on behalf of DoD officials.

G. Supporting DoD libraries and museums with planning and/or undertaking historical, archival, curatorial, art, and archaeological programs and projects.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who participate in or are associated with historically relevant events. Individuals may include (but are not limited to) the following:

A. Current and former members of the uniformed services, including those in the National Guard or Reserve.

B. Current and former DoD civilian employees, contractors; or individuals (and their surviving beneficiaries) accorded benefits, rights, privileges, or immunities associated with DoD as provided by U.S. law.

C. Dependents and family members of uniformed services members.

D. Members of the public.

E. DoD ''affiliated'' individuals (*e.g.,* non-appropriated fund employees working on DoD installations, Red Cross volunteers assisting at military hospitals, United Services Organization (USO) staff providing services on DoD installations, Congressional staff members visiting DoD installations, etc.).

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Personal and biographical information including: name, date of birth; place of birth; immigration history, including date of naturalization; hometown; phone numbers, email addresses, physical addresses; biographic information; information conveyed as physical images (photos/video), voice recordings (audio), and handwritten information.

B. Professional information, including: work history and professional experience (job titles, positions held, notable accomplishments); education; military experience, if applicable; civic duties; decorations; awards; employment identification, DoD ID Number, or badge number.

RECORD SOURCE CATEGORIES:

Records and information stored in this system of records are obtained from:

A. Individuals.

B. Publicly available information including (but not limited to) newspapers, books, periodicals, magazines, television or movies, social media, industry or commercial databases, or other materials.

C. Government sources (Federal, state, local, tribal, foreign, and international).

D. Non-governmental organizations.

E. Classified or controlled unclassified sources including (but not limited to) intelligence products, law enforcement, security sources, and correspondence.

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

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

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

B. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

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

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

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

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

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

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

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

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

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored electronically or on paper in secure facilities in a locked drawer behind a locked door. Electronic records may be stored locally on digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by name, DoD ID number, or other personal identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are to be retained by the Office of the Secretary of Defense, the Joint Staff, the Military Departments, the Defense Agencies, and the Defense Field Activities in accordance with their NARA-approved records retention schedules.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DoD safeguards records in this system of records according to applicable rules, policies, and procedures, including all applicable DoD automated systems security and access policies. DoD policies require the use of controls to minimize the risk of compromise of personally identifiable information (PII) in paper and electronic form and to enforce access by those with a need to know and with appropriate clearances. Additionally, DoD has established security audit and accountability policies and procedures which support the safeguarding of PII and detection of potential PII incidents. DoD routinely employs safeguards such as the following to information systems and paper recordkeeping systems: Multifactor log-in authentication

including Common Access Card (CAC) authentication and password; physical token as required; physical and technological access controls governing access to data; network encryption to protect data transmitted over the network; disk encryption securing disks storing data; key management services to safeguard encryption keys; masking of sensitive data as practicable; mandatory information assurance and privacy training for individuals who will have access; identification, marking, and safeguarding of PII; physical access safeguards including multifactor identification physical access controls, detection and electronic alert systems for access to servers and other network infrastructure; and electronic intrusion detection systems in DoD facilities.

RECORD ACCESS PROCEDURES:

Individuals seeking access to their records should follow the procedures in 32 CFR part 310. Individuals should address written inquiries to the DoD component with oversight of the records, as the component has Privacy Act responsibilities concerning access, amendment, and disclosure of the records within this system of records. The public may identify the contact information for the appropriate DoD office through the following website: *www.FOIA.gov.* Signed written requests should contain the name and number of this system of records notice along with the full name, current address, and email address of the individual. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

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

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

Individuals seeking to amend or correct the content of records about them should follow the procedures in 32 CFR part 310.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The DoD has exempted records maintained in this system from 5 U.S.C. 552a(c)(3); (d)(1)–(4); (e)(1), (e)(4)(G), (H), and (I); and (f) of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(1). In addition, when exempt records received from other systems of records become part of this system, the DoD also claims the same exemptions for those records that are claimed for the system(s) of records from which they originated and claims any additional exemptions set forth here. An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), and (c), and published in 32 CFR part 310.

HISTORY:

None.

[FR Doc. 2022–18986 Filed 9–1–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0109]

Agency Information Collection Activities; Comment Request; Upward Bound (UB) Upward Bound Math Science (UBMS) Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), 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 November 1, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2022–SCC–0109. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kathy Morgan, (202) 453–7589.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Upward Bound (UB) Upward Bound Math Science (UBMS) Annual Performance Report.

OMB Control Number: 1840–0831.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 1,178.

Total Estimated Number of Annual Burden Hours: 20,026.

Abstract: The purpose of the Upward Bound (UB) and Upward Bound Math Science (UBMS) Program is to generate in the program's participants the skills and motivation necessary to complete a

program of secondary education and to enter and succeed in a program of postsecondary education.

Authority for this program is contained in title IV, part A, subpart 2, chapter 1, section 402C of the Higher Education Opportunity Act of 2008. Eligible applicants include institutions of higher education, public or private agencies, or organizations, including community-based organizations with experience in serving disadvantaged youth, secondary schools, and combinations of institutions, agencies, organizations and secondary schools.

The UB and UBMS Program's participants must be potential first-generation college students, low-income individuals, or individuals who have high risk of academic failure and have a need for academic support in order to pursue successfully a program of education beyond high school. Required services of the UB–UBMS Program include: (1) academic tutoring; (2) advice and assistance in secondary and postsecondary course selection; (3) preparation for college entrance exams and completing college admission applications; (4) information on federal student financial aid programs including (a) Federal Pell grant awards, (b) loan forgiveness, and (c) scholarships; (5) assistance completing financial aid applications; (6) guidance and assistance in: (a) secondary school reentry, (b) alternative programs for secondary school drop outs that lead to the receipt of a regular secondary school diploma, (c) entry into general educational development (GED) programs or (d) entry into postsecondary education; and (7) education or counseling services designed to improve the financial and economic literacy of students or the students' parents, including financial planning for postsecondary education. (8) Also, projects funded for at least two years under the program must provide instruction in mathematics through pre-calculus; laboratory science; foreign language; composition; and literature.

Dated: August 30, 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. 2022–19011 Filed 9–1–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0039]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Public Service Loan Forgiveness Reconsideration Request

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before October 3, 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: Public Service Loan Forgiveness Reconsideration Request.

OMB Control Number: 1845–0164.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 36,000.

Total Estimated Number of Annual Burden Hours: 9,000.

Abstract: The Department of Education (Department) is requesting the extension of this information collection. This collection is used to obtain information from federal student loan borrowers to determine eligibility for reconsideration of their Public Service Loan Forgiveness (PSLF) or Temporary Expanded Public Service Loan Forgiveness (TEPSLF) denial notification on the basis of payment counts or employer eligibility determinations pursuant to a settlement agreement between the Department and the American Federation of Teachers (ATF) which was signed on October 12, 2021.

The settlement between the Department and the AFT requires that ''as soon as practicable but no later than April 30, 2022, the Department will establish an interim reconsideration process that will be available to any borrower whose application for PSLF or TEPSLF has been or is denied''. In continue to meet the requirements of this settlement, the Department must gather the information needed from the borrowers to reconsider their denial. This collection allows for the collection and review of such reconsideration requests.

Dated: August 30, 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. 2022–19052 Filed 9–1–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0091]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Talent Search (TS) Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before October 3, 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 Ginger Allen, 202–987–1973.

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: Talent Search (TS) Annual Performance Report.

OMB Control Number: 1840–0826.

Type of Review: A revision of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 530.

Total Estimated Number of Annual Burden Hours: 9,540.

Abstract: Talent Search grantees must submit the report annually. The report provides the Department of Education with information needed to evaluate a grantee's performance and compliance with program requirements and to award prior experience points in accordance with the program regulations. The data collection is also aggregated to provide national information on project participants and program outcomes.

The requested revisions include updating the form has been revised to collect information about activities related to the Competitive Preference Priorities that were used in the most recent competition, but there are no changes in burden or responses associated with this update.

Dated: August 30, 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. 2022–19063 Filed 9–1–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES:

Monday, September 26, 2022; 1 p.m.–5 p.m.

Tuesday, September 27, 2022; 9 a.m.–5 p.m.

ADDRESSES: Holiday Inn & Suites, 2225 Boundary Street, Beaufort, SC 29902.

The meeting will also be streamed on YouTube, no registration is necessary; links for the livestream can be found on the following website: *https://cab.srs.gov/srs-cab.html.*

Attendees should check the website listed above for any meeting format changes due to COVID–19 protocols.

FOR FURTHER INFORMATION CONTACT: Amy Boyette, Office of External Affairs, U.S. Department of Energy (DOE), Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952–6120; or Email: *amy.boyette@srs.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, September 26, 2022

Chair Update
Agency Updates
Subcommittee Updates
Program Presentations
Board Business
Public Comments

Tuesday, September 27, 2022

Program Presentations
Public Comments
Board Business, Voting

Public Participation: The meeting is open to the public. It will be held strictly following COVID–19 precautionary measures. To provide a safe meeting environment, seating may be limited; attendees should register for in-person attendance by sending an email to *srscitizensadvisoryboard@srs.gov* no later than 4 p.m. ET on Friday, September 23, 2022. The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Amy Boyette at least seven days in advance of the meeting at

the telephone number listed above. Written statements may be filed with the Board via email either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should submit their request to *srscitizensadvisoryboard@srs.gov.* Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. Comments will be accepted after the meeting, by no later than 4 p.m. ET on Monday, October 3, 2022. Please submit comments to *srscitizensadvisoryboard@srs.gov.* The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make oral public comments will be provided a maximum of five minutes to present their comments. Individuals wishing to submit written public comments should email them as directed above.

Minutes: Minutes will be available by emailing or calling Amy Boyette at the email address or telephone number listed above. Minutes will also be available at the following website: *https://cab.srs.gov/srs-cab.html.*

Signing Authority

This document of the Department of Energy was signed on August 29, 2022, by Miles Fernandez, Acting Committee Management Officer, 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 29, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–18969 Filed 9–1–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2381–070]

PacifiCorp; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 2381–070.

c. *Date Filed:* July 5, 2022.

d. *Submitted By:* PacifiCorp.

e. *Name of Project:* Ashton Hydroelectric Project.

f. *Location:* On the Henry's Fork of the Snake River, in Fremont County, Idaho. The project occupies 15.6 acres of United States lands administered by the U.S. Bureau of Land Management.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. Potential *Applicant Contact:* Mark Stenberg, PacifiCorp, 822 Grace Power Plant Road, Grace, ID 83241; (208) 339–9552; email—*mark.stenberg@pacificorp.com.*

i. *FERC Contact:* John Matkowski at (202) 502–8576; or email at *john.matkowski@ferc.gov.*

j. PacifiCorp filed its request to use the Traditional Licensing Process on July 5, 2022. PacifiCorp provided public notice of its request on July 5, 2022. In a letter dated August 29, 2022, the Director of the Division of Hydropower Licensing approved PacifiCorp's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Idaho State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating PacifiCorp as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. PacifiCorp filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2381. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 2025.

p. Register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: August 29, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–19057 Filed 9–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2736–000]

Moss Landing Energy Storage 3, 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 Moss Landing Energy Storage 3, 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 19, 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 29, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–19053 Filed 9–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2705–037]

Seattle City Light; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Application for surrender of license.

b. *Project No.:* P–2705–037.

c. *Date filed:* January 28, 2022.

d. *Applicant:* Seattle City Light.

e. *Name of Project:* Newhalem Creek Hydroelectric Project.

f. *Location:* The existing project is located on Newhalem Creek, near Newhalem, Whatcom County, Washington. The project occupies 6.4 acres of lands managed by the National Park Service.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Michael Haynes, Assistant General Manager, Seattle City Light, P.O. Box 3402, Seattle, WA 98124–4023; 206–684–3618.

i. *FERC Contact:* Diana Shannon at (202) 502–6136; or *diana.shannon@ferc.gov.*

j. *Deadline for filing scoping comments:* September 28, 2022.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *https://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://www.ferc.gov/docs-filing/ecomment.asp.* 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 the docket number P–2705–037. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice 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. *Description of Application:* Seattle City Light has concluded that the anticipated cost of relicensing, as well as costs associated with needed repairs and upgrades to project equipment and to the access road exceed the estimated future value of the Project. Seattle City Light proposes to decommission and remove the diversion dam and associated headworks, tailrace fish barrier, and certain overhead transmission lines. The rock shaft and power tunnel would be sealed, and the access road above elevation 840 feet would be decommissioned. The powerhouse, tailrace, and penstock would remain, and the powerhouse equipment would be de-energized. Electrical service to the powerhouse would remain to provide heating and lighting.

l. This filing may also be viewed on the Commission's website at *https://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. You may also register online at *https://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Scoping Process.

The Commission staff intends to prepare a draft and final Environmental Assessment (EA) for the project in accordance with the National Environmental Policy Act. The EAs will consider site-specific effects and reasonable alternatives to the proposed action.

At this time, we do not anticipate holding on-site public or agency scoping

meetings. Instead, we are soliciting your comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued Aug 29, 2022.

Copies of the SD1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of SD1 may be viewed on the web at *https://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: August 29, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–19060 Filed 9–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1858–023]

Beaver City Corporation; Notice of Intent To Prepare an Environmental Assessment

On July 30, 2021, Beaver City Corporation (Beaver City) filed an application for a subsequent minor license for the 625-kilowatt (kW) Beaver City Canyon Plant No. 2 Hydroelectric Project (Beaver City Project; FERC No. 1858). The Beaver City Project is located on the Beaver River, in Beaver County, Utah, about 5 miles east of the city of Beaver. The project currently occupies 10.2 acres of federal land administered by the U.S. Forest Service and 2.4 acres of federal land managed by the U.S. Bureau of Land Management. As proposed, the project would occupy an additional 0.3 acre of federal land administered by the U.S. Forest Service. As part of its relicensing proposal, Beaver City proposes to increase the generating capacity of the Beaver City Project from 625 to 720 kW.

In accordance with the Commission's regulations, on June 13, 2022, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to relicense the Beaver City Project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues Single EA ...	August 2023.[1]
Comments on Single EA	September 2023.

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare a Single EA for the Beaver City Project. Therefore, in accordance with CEQ's regulations, the EA must be issued within 1 year of the issuance date of this notice.

Any questions regarding this notice may be directed to Evan Williams at (202) 502–8462 or *evan.williams@ferc.gov.*

Dated: August 29, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–19059 Filed 9–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1858–023]

Beaver City Corporation; Notice of Waiver Period for Water Quality Certification Application

On August 24, 2022, Beaver City Corporation submitted to the Federal Energy Regulatory Commission (Commission) a copy of the request for a Clean Water Act section 401(a)(1) water quality certification filed with the Utah Department of Environmental Quality, Division of Water Quality (Utah DEQ), in conjunction with the above captioned project. Pursuant to 40 CFR 121.6 and section 4.34(b)(5) of the Commission's regulations,[1] we hereby notify the Utah DEQ of the following:

Date of Receipt of the Certification Request: August 2, 2022.

Reasonable Period of Time to Act on the Certification Request: One year (August 2, 2023).

If the Utah DEQ fails or refuses to act on the water quality certification request on or before the above date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

[1] 18 CFR 4.34(b)(5).

Dated: August 29, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–19058 Filed 9–1–22; 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: EC22–114–000.

Applicants: Pay Less Energy, LLC, City Power & Gas, LLC.

Description: Joint Application for Authorization Under section 203 of the Federal Power Act of Pay Less Energy, LLC, et al.

Filed Date: 8/26/22.

Accession Number: 20220826–5210.

Comment Date: 5 p.m. ET 9/16/22.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–211–000.

Applicants: Clearwater Energy Resources LLC.

Description: Clearwater Energy Resources LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/29/22.

Accession Number: 20220829–5128.

Comment Date: 5 p.m. ET 9/19/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1734–003.

Applicants: Alabama Power Company.

Description: Compliance filing: Order No. 864 OATT Further Compliance Filing to be effective 1/27/2020.

Filed Date: 8/29/22.

Accession Number: 20220829–5137.

Comment Date: 5 p.m. ET 9/19/22.

Docket Numbers: ER21–263–000.

Applicants: Startrans IO, LLC.

Description: Refund Report: Refund Report (Dkt. ER21–263) to be effective N/A.

Filed Date: 8/29/22.

Accession Number: 20220829–5113.

Comment Date: 5 p.m. ET 9/19/22.

Docket Numbers: ER21–378–002.

Applicants: Mississippi Power Company.

Description: Compliance filing: Gulf States TFA Order No. 864 Further Compliance Filing to be effective 1/27/2020.

Filed Date: 8/29/22.
Accession Number: 20220829–5101.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–1974–001.
Applicants: Evergy Kansas Central, Inc.
Description: Tariff Amendment: Response to Deficiency Letters to be effective 8/1/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5021.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–1975–001.
Applicants: Evergy Kansas Central, Inc.
Description: Tariff Amendment: Evergy Response to Deficiency Letters to be effective 8/1/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5018.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–1976–001.
Applicants: Evergy Generating, Inc.
Description: Tariff Amendment: Response to Deficiency Letters to be effective 8/1/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5025.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–2083–002.
Applicants: Evergy Kansas Central, Inc., Southwest Power Pool, Inc.
Description: Tariff Amendment: Evergy Kansas Central, Inc. submits tariff filing per 35.17(b): Deficiency Response—Evergy Kansas Central & Evergy Kansas South FRT Revisions to be effective 8/1/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5054.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–2444–001.
Applicants: ITC Midwest LLC.
Description: Tariff Amendment: Amendment to Filing of Agreements with Independence Light & Power Company to be effective 9/19/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5093.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–2734–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 312, Orchard-N. Gila Interconnection Agreement to be effective 10/26/2022.
Filed Date: 8/26/22.
Accession Number: 20220826–5177.
Comment Date: 5 p.m. ET 9/16/22.
Docket Numbers: ER22–2735–000.
Applicants: Persimmon Creek Wind Farm 1, LLC.
Description: § 205(d) Rate Filing: Filing of First Amended and Restated Common Facilities Agreement. to be effective 8/29/2022.
Filed Date: 8/26/22.
Accession Number: 20220826–5179.
Comment Date: 5 p.m. ET 9/16/22.
Docket Numbers: ER22–2736–000.
Applicants: Moss Landing Energy Storage 3, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 10/1/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5033.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–2737–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-Tres Bahias Solar Power 1st A&R Generation Interconnection Agreement to be effective 8/4/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5048.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–2738–000.
Applicants: Southwestern Public Service Company.
Description: § 205(d) Rate Filing: 2022–08–29 GSEC–SPEC–Leprino–IA–744–0.0.0 to be effective 8/30/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5099.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–2739–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 347 to be effective 8/16/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5110.
Comment Date: 5 p.m. ET 9/19/22.
Docket Numbers: ER22–2740–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Amendment: Notice of Cancellation of Rate Schedule FERC No. 327 to be effective 8/16/2022.
Filed Date: 8/29/22.
Accession Number: 20220829–5112.
Comment Date: 5 p.m. ET 9/19/22.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES22–63–000.
Applicants: Montana-Dakota Utilities Co.
Description: Application Under section 204 of the Federal Power Act for Authorization to Issue Securities of Montana-Dakota Utilities Co.
Filed Date: 8/26/22.
Accession Number: 20220826–5201.
Comment Date: 5 p.m. ET 9/16/22.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 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 29, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–19048 Filed 9–1–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–033]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed August 22, 2022 10 a.m. EST Through August 29, 2022 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20220121, Draft, USAF, AR, Beddown of a Foreign Military Sales Pilot Training Center at Ebbing Air National Guard Base, Arkansas or Selfridge Air National Guard Base, Michigan, Comment Period Ends: 10/17/2022, Contact: David Martin 210–925–2741.

EIS No. 20220122, Draft, CHSRA, CA, California High-Speed Rail Authority Palmdale to Burbank Project Section: Draft Environmental Impact Report/Environmental Impact Statement, Comment Period Ends: 11/01/2022, Contact: Scott Rothenberg 916–403–6936.

EIS No. 20220123, Final, NMFS, HI, Pacific Islands Aquaculture Management Program, Review Period Ends: 10/03/2022, Contact: Tori Spence McConell 808–725–5186.

EIS No. 20220124, Final, FERC, KY, Texas Gas Henderson County Expansion Project, Review Period Ends: 10/03/2022, Contact: Office of External affairs 866–208–3372.

EIS No. 20220125, Final Supplement, USN, AK, Gulf of Alaska Navy Training Activities, Review Period Ends: 10/03/2022, Contact: Jennifer Steele 360–396–1735.

EIS No. 20220126, Final, FERC, CA, Lower Klamath Project, Review Period Ends: 10/03/2022, Contact: Office of External Affairs 866–208–3372.

EIS No. 20220127, Final, UDOT, UT, Little Cottonwood Canyon Environmental Impact Statement; SR–210: Wasatch Boulevard to Alta, Review Period Ends: 10/17/2022, Contact: Josh Van Jura 801–231–8452.

EIS No. 20220128, Final, RUS, WI, Badger State Solar Project, Review Period Ends: 10/03/2022, Contact: Peter Steinour 202–692–5346.

EIS No. 20220129, Final Supplement, DHS, DC, ADOPTION—St. Elizabeth's Master Plan Amendment 2, Contact: Sarah Koeppel 202–868–2759.

The Department of Homeland Security (DHS) has adopted the General Service Administration's Final EIS No. 20200173, filed 8/20/2020 with the Environmental Protection Agency. The DHS was a cooperating agency on this project. Therefore, republication of the document is not necessary under Section 1506.3(b)(2) of the CEQ regulations.

EIS No. 20220130, Draft, BOEM, RI, Revolution Wind Farm and Revolution Wind Export Cable Project, Comment Period Ends: 10/17/2022, Contact: Trevis Olivier 504–736–5713.

EIS No. 20220131, Final, BIA, NM, Navajo Nation Integrated Weed Management Plan, Review Period Ends: 10/04/2022, Contact: Leonard Notah 508–863–8287.

Dated: August 29, 2022.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2022–19017 Filed 9–1–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; System of Records

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of new system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Federal Deposit Insurance Corporation (FDIC) gives notice of the establishment of a new system of records titled ''FDIC–039, E-Rulemaking System of Records.'' FDIC's E-Rulemaking system allows the public to search, review, download and comment on FDIC rulemaking and notice documents via FDIC's website (*https://www.fdic.gov/resources/regulations/federal-register-publications/*). This system of records notice covers the records maintained by the FDIC relating to comments and other written input submitted to the Corporation in response to proposed FDIC rulemakings, notices, or other requests for comments.

DATES: This action will become effective on September 2, 2022. The routine uses in this action will become effective on October 3, 2022, unless the FDIC makes changes based on comments received. Written comments should be submitted on or before October 3, 2022.

ADDRESSES: Interested parties are invited to submit written comments identified by Privacy Act Systems of Records by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/.* Follow the instructions for submitting comments on the FDIC website.
- *Email: comments@fdic.gov.* Include ''SORN'' on the subject line of the message.
- *Mail:* James P. Sheesley, Assistant Executive Secretary, Attention: Comments SORN, Legal Division, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW) on business days between 7:00 a.m. and 5:00 p.m.
- *Public Inspection:* Comments received, including any personal information provided, may be posted without change to *https://www.fdic.gov/resources/regulations/federal-register-publications/.* Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of this document will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Shannon Dahn, Chief, Privacy Program, 703–516–5500, *privacy@fdic.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, FDIC is establishing a new system of records, FDIC–039, E-Rulemaking System of Records. FDIC collects comments on rulemakings and other regulatory actions, which it publishes on its website to provide transparency in the informal rulemaking process under the Administrative Procedure Act (APA), 5 U.S.C. 553, and in the regulatory processes established by the Federal Deposit Insurance Act, 12 U.S.C. 1811. FDIC also may solicit comments or other input from the public that may not be associated with statutory or regulatory notice and comment requirements.

The E-Rulemaking system collects and stores comments and input received by the Corporation. Specifically, the system includes an option on *https://www.fdic.gov/resources/regulations/federal-register-publications/* that allows individuals to electronically submit their comments or input to FDIC. The system collects the email address of the commenter, along with any additional information that the commenter elects to include in their submission, such as their name, organization, and contact information. Once submitted, the system stores this information in the E-Rulemaking database. Any comments received by fax, postal mail, or email are uploaded by authorized FDIC personnel into this database, collecting all comments into one central repository. The commenter's email address, name, organization, work contact information, and comment are published to *https://www.fdic.gov/resources/regulations/federal-register-publications/.* The commenter's personal contact information, or other additional personal information voluntarily submitted, is generally not published online. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. During a proposed

rulemaking or other statutory or regulatory notice and comment process, FDIC personnel may manually remove a comment from publication if the commenter withdraws the comment before the comment period has closed. However, comments that are removed from publication will be retained by the FDIC for consideration as required by the APA, or as part of the FDIC's documentation of a requested comment withdrawal.

II. The Privacy Act

Under the Privacy Act of 1974, 5 U.S.C. 552a, a ''system of records'' is defined as any group of records under the control of a Federal government agency from which information about individuals is retrieved by name or by some identifying number, symbol, or other identifying particular assigned to the individual. The Privacy Act establishes the means by which government agencies must collect, maintain, and use information about an individual in a government system of records.

Each government agency is required to publish a notice in the **Federal Register** in which the agency identifies and describes each system of records it maintains, the reasons why the agency uses the information therein, the routine uses for which the agency will disclose such information outside the agency, and how individuals may exercise their rights under the Privacy Act.

In accordance with 5 U.S.C. 552a(r), FDIC has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

SYSTEM NAME AND NUMBER:

E-Rulemaking System of Records, FDIC–039.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at FDIC facilities in Washington, DC; Arlington, VA; and regional offices. Original and duplicate systems may exist, in whole or in part, at secure sites and on secure servers maintained by third-party service providers for the FDIC.

SYSTEM MANAGER(S):

Legal Division, Office of the Executive Secretary, FDIC, 550 17th Street NW, Washington, DC 20429.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 206(d) of the E-Government Act of 2002 (Pub. L. 107–347, 44 U.S.C. 3501 note); Section 553 of the Administrative Procedure Act (5 U.S.C. 553); and the Federal Deposit Insurance Act (12 U.S.C. 1811) and rules and regulations promulgated thereunder.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to collect, review, and maintain feedback from the public on proposed FDIC rulemakings, notices, and other FDIC regulatory actions. FDIC may use any submitted contact information to seek clarification about a comment, respond to a comment when warranted, and for other purposes associated with the rulemaking or notice process.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals providing comments or other input to the FDIC in response to an FDIC rulemaking, notice, or other request for comment, as well as individuals who may be discussed or identified in the body of a comment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include comments and other written input received by FDIC in response to proposed rules, notices, or other requests for comments associated with Corporation rules, regulations, policies, or procedures. Comments or input submitted through *https://www.fdic.gov/resources/regulations/federal-register-publications* include the commenter's email address and any supplemental information that the commenter chooses to provide in their submission to FDIC, such as their full name, job title, organization name, representative name, mailing address, telephone number, fax number, and supporting documentation.

The comments or input provided may contain other personal information, although the comment submission instructions advise commenters not to include any information that the commenter does not wish to make available publicly, as all comments, including personal information, may be posted without change. The system may also contain summaries or memorializations of general communications input by FDIC personnel related to the proposed rule, statutory or regulatory provision, or Corporation activity.

RECORD SOURCE CATEGORIES:

The FDIC receives records from individuals and organizations providing comments to FDIC, including members of the public; representatives of Federal, State, or local government; non-governmental organizations; and the private sector.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the FDIC as a routine use as follows:

(1) To appropriate Federal, State, local, and foreign authorities responsible for investigating or prosecuting a violation of, or for enforcing or implementing a statute, rule, regulation, or order issued, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto;

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary;

(3) To a congressional office in response to an inquiry made by the congressional office at the request of the individual who is the subject of the record;

(4) To appropriate agencies, entities, and persons when (a) the FDIC suspects or has confirmed that there has been a breach of the system of records; (b) the FDIC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the FDIC (including its information systems, programs, and operations), the Federal Government, or national security; the FDIC and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the FDIC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(5) To another Federal agency or Federal entity, when the FDIC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach; or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or

national security, resulting from a suspected or confirmed breach;

(6) To appropriate Federal, State, and local authorities in connection with hiring or retaining an individual; conducting a background security or suitability investigation; adjudication of liability; or eligibility for a license, contract, grant, or other benefit;

(7) To appropriate Federal, State, and local authorities, agencies, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or corrective actions or grievances or appeals, or if needed in the performance of other authorized duties;

(8) To appropriate Federal agencies and other public authorities for use in records management inspections;

(9) To contractors, grantees, volunteers, and others performing or working on a contract, service, grant, cooperative agreement, or project for the FDIC, the Office of Inspector General, or the Federal Government for use in carrying out their obligations under such contract, grant, agreement or project;

(10) To Federal, State, and local agencies for use in meeting their statutory or regulatory requirements; and

(11) To the public or certain stakeholders in the form of FDIC documents, such as final rules or reports, that use, consider, discuss, or publish comments received by the FDIC.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored in paper and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

FDIC may retrieve records by a variety of fields, including but not limited to, keyword, name of individual or entity submitting a comment, contact information or any data elements submitted in or as part of a comment, document title, Code of Federal Regulations (CFR) (search for a specific title within the CFR), CFR citation (search for the part or parts within the CFR title being searched), document type, document subtype, or date (*e.g.,* date comment received or posted, **Federal Register** publication date, comment period end date).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Public comments received in response to rulemakings are temporary records that are destroyed/deleted 15 years after the rule or regulation becomes effective, in accordance with approved records retention schedules.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are protected from unauthorized access and improper use through administrative, technical, and physical security measures. Administrative safeguards include written guidelines on handling personal information including agency-wide procedures for safeguarding personally identifiable information. In addition, all FDIC staff are required to take annual privacy and security training. Technical security measures within FDIC include restrictions on computer access to authorized individuals who have a legitimate need to know the information; required use of strong passwords that are frequently changed; multi-factor authentication for remote access and access to many FDIC network components; use of encryption for certain data types and transfers; firewalls and intrusion detection applications; and regular review of security procedures and best practices to enhance security. Physical safeguards include restrictions on building access to authorized individuals, 24-hour security guard service, and maintenance of records in lockable offices and filing cabinets.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them in this system of records must submit their request in writing to the FDIC FOIA & Privacy Act Group, 550 17th Street NW, Washington, DC 20429, or email *efoia@fdic.gov.* Requests must include full name, address, and verification of identity in accordance with FDIC regulations at 12 CFR part 310.

CONTESTING RECORD PROCEDURES:

Individuals wishing to contest or request an amendment to their records in this system of records must submit their request in writing to the FDIC FOIA & Privacy Act Group, 550 17th Street NW, Washington, DC 20429, or email *efoia@fdic.gov.* Requests must specify the information being contested, the reasons for contesting it, and the proposed amendment to such information in accordance with FDIC regulations at 12 CFR part 310.

NOTIFICATION PROCEDURES:

Individuals wishing to know whether this system contains information about them must submit their request in writing to the FDIC FOIA & Privacy Act Group, 550 17th Street NW, Washington, DC 20429, or email *efoia@fdic.gov.* Requests must include full name, address, and verification of identity in accordance with FDIC regulations at 12 CFR part 310.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on July 26, 2022.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–19042 Filed 9–1–22; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 22–18]

Color Brands, LLC, Complainant. v. AAF Logistics, Inc., Respondent; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Color Brands, LLC, hereinafter ''Complainant,'' against AAF Logistics, Inc., hereinafter ''Respondent.'' Complainant states that it is a corporation under the laws of the State of Michigan, with its principal place of business in Chicago, Illinois. Complainant states that Respondent is a non-vessel-operating common carrier incorporated under the laws of the State of California.

Complainant alleges that Respondent violated 46 U.S.C. 41102 (a)(c), 46 U.S.C. 41104(a)(4)(e) and 46 U.S.C. 41104(a)(14) on the matter of insurance premiums and the adjustment and settlement of insurance claims on its cargo shipments. The full text of the complaint can be found in the Commission's Electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/22-18/.* This proceeding has been assigned to Office of Administrative Law Judges. The initial decision of the presiding office in this proceeding shall be issued by August 30, 2023, and the final decision of the Commission shall be issued by March 15, 2024.

Served: August 30, 2022.

William Cody,

Secretary.

[FR Doc. 2022–19079 Filed 9–1–22; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company; Correction

This notice corrects a notice (FR Doc. 2022–18061) published on page 51418 in the first column of the issue for Monday, August 22, 2022.

Under A. Federal Reserve Bank of Chicago, entry 1 is corrected to read as follows:

1. *Bernard Bennett Banks, Evanston, Illinois, as trustee of the Voting Trust Agreement, Miami, Florida;* to acquire voting shares of National Bancorp Holdings, Inc., and thereby indirectly acquire voting shares of The Federal Savings Bank, both of Chicago, Illinois.

Comments on this application must be received by September 19, 2022.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–19081 Filed 9–1–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 19, 2022.

A. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *KJ Jansen, LP, and Robert G. Willenborg, individually and as general partner of KJ Jansen, LP, both of Effingham, Illinois;* as a group acting in concert, to acquire voting shares of Prime Banc Corp., and thereby indirectly acquire voting shares of Dieterich Bank, both of Effingham, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–19082 Filed 9–1–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–OH–22–005, Commercial Fishing Occupational Safety Research Cooperative Agreement; and RFA–OH–22–006, Commercial Fishing Occupational Safety Training Project Grants.

Date: November 15, 2022.

Time: 1:00 p.m.–4:00 p.m., EST.

Place: Video-Assisted Meeting.

Agenda: To review and evaluate grant applications.

FOR FURTHER INFORMATION CONTACT: Dan Hartley, Ed.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1095 Willowdale Road, Morgantown, West Virginia 26505; Telephone: (304) 285–5812; Email: *DHartley@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–19014 Filed 9–1–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, National Center for Health Statistics (BSC, NCHS). This meeting is open to the public. Time will be available for public comment.

DATES: The meeting will be held on October 24, 2022, from 11:00 a.m. to 5:20 p.m., EDT.

ADDRESSES: Instructions to access the live meeting broadcast will be posted here: *https://www.cdc.gov/nchs/about/bsc/bsc_meetings.htm.*

FOR FURTHER INFORMATION CONTACT: Rebecca Hines, M.H.S., Designated Federal Officer, Board of Scientific Counselors, NCHS, CDC, 3311 Toledo Road, Mailstop P–08, Hyattsville, Maryland 20782; Telephone: (301) 458–4715; Email: *RSHines@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Board is charged with providing advice and making recommendations to the Secretary, Department of Health and Human Services; the Director, CDC; and the

Director, NCHS, regarding the scientific and technical program goals and objectives, strategies, and priorities of NCHS.

Matters To Be Considered: The meeting agenda will include a Center update by the NCHS Director in addition to updates on NCHS data collection, analysis, and reporting activities, including upcoming changes to the National Hospital Ambulatory Medical Care Survey (NHAMCS); status of a National Ambulatory Medical Care Survey (NAMCS) pilot and plans for obtaining clinician visit data; a new project to improve metadata and catalogs for the public to access restricted use data files; and new releases of linked data sets. The Board's Workgroup to Consider and Assess Measures of Discrimination for Use in NCHS Surveys will brief the Board with findings from 6 months of information-gathering and assessment work. The Committee will reserve time for public comment at the end of the day. Meeting times and topics are subject to change as priorities dictate.

Meeting Information: Please visit the BSC, NCHS website for details: *https://www.cdc.gov/nchs/about/bsc/bsc_meetings.htm.* Further information and the meeting agenda will be available on the BSC website, including instructions for accessing the live meeting broadcast.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–19013 Filed 9–1–22; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting of the Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board). This meeting is open to the public, but without a public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcomed to listen to the meeting by joining the teleconference (information below). The audio conference line has 150 ports for callers.

DATES: The meeting will be held on October 20, 2022, from 11:00 a.m. to 1:00 p.m., EDT. Written comments must be received on or before October 13, 2022.

ADDRESSES: You may submit comments by mail to: Sherri Diana, National Institute for Occupational Safety and Health (NIOSH), CDC, 1090 Tusculum Avenue, Mailstop C–34, Cincinnati, Ohio 45226.

Meeting Information: Audio Conference Call via FTS Conferencing. The USA toll-free dial-in number is 1–866–659–0537; the passcode is 9933701.

FOR FURTHER INFORMATION CONTACT: Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226; Telephone: (513) 533–6800, Toll Free 1(800) CDC–INFO; Email *ocas@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines which have been promulgated by the Department of Health and Human Services (HHS) as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule, advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC.

The charter was issued on August 3, 2001, renewed at appropriate intervals, and rechartered under Executive Order 13889 on March 22, 2022, and will terminate on March 22, 2024.

Purpose: This Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters To Be Considered: The agenda will include discussions on the following: Work Group and Subcommittee Reports; Update on the Status of SEC Petitions; and plans for the December 2022 Advisory Board Meeting. Agenda items are subject to change as priorities dictate. For additional information, please contact Toll Free 1(800) 232–4636.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–19012 Filed 9–1–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Analyses, Research, and Studies To Assess the Impact of Centers for Medicare & Medicaid Services Programs on American Indians/Alaska Natives and the Indian Health Care System Serving American Indians/ Alaska Natives Beneficiaries

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of a single source award.

SUMMARY: Through a Notice of Funding Opportunity, ''Analyses, Research, and Studies to Assess the Impact of Centers for Medicare & Medicaid Services (CMS) Programs on American Indians/Alaska Natives (AI/ANs) and the Indian Health Care System Serving AI/AN Beneficiaries,'' CMS has sought an application from the National Indian Health Board (NIHB)for a single source cooperative agreement. The funding CMS anticipates awarding under this single source cooperative agreement will support research to assess the impact of CMS programs that affect AI/ ANs and the Indian Health Care System.

DATES: The NIHB's application is due on September 1, 2022, and if the application is approved, CMS anticipates awarding a single source cooperative agreement by September 28, 2022. The anticipated period of performance for the cooperative agreement would be from September 29, 2022, through September 28, 2027, subject to the availability of funds and satisfactory performance.

FOR FURTHER INFORMATION CONTACT: Rhonda Martinez-McFarland, Project Officer (206) 615–2267.

SUPPLEMENTARY INFORMATION:

I. Background

Through a Notice of Funding Opportunity (NOFO), ''Analyses, Research, and Studies to Assess the Impact of Centers for Medicare & Medicaid Services (CMS) Programs on American Indians/Alaska Natives (AI/ ANs) and the Indian Health Care System Serving AI/AN Beneficiaries,'' CMS has sought an application from the National Indian Health Board (NIHB) for a single source cooperative agreement. The funding CMS anticipates awarding under this single source cooperative agreement will support research to assess the impact of CMS programs that affect AI/ANs and the Indian Health Care System, composed of Indian Health Service (IHS) providers, providers that are Tribally operated under the Indian Self Determination and Education Assistance Act (ISDEAA), and providers operated by Urban Indian organizations (collectively referred to as ITU providers). This cooperative agreement is authorized under Section 1110 of the Social Security Act, codified at 42 U.S.C. 1310, which authorizes federal funding for analyses, research, and studies which will help improve the administration and effectiveness of programs carried on or assisted under the Social Security Act and programs related thereto.

CMS anticipates that the research conducted under this award will help CMS to develop more effective and efficient ways to increase access to health services and coverage for the AI/ AN population, including by improving and increasing the enrollment of AI/AN individuals and Indian Health Care System providers in Medicare, Medicaid, the Children's Health Insurance Program (CHIP), and Health Insurance Marketplace® [1] coverage. CMS also anticipates that the research conducted under this award might help CMS develop policies to reduce health inequities experienced by AI/AN communities.

The scope of the work under the anticipated award builds on NIHB's past experience and knowledge and is expected to help CMS better serve AI/ AN communities. NIHB was established by federally recognized Tribes to advocate as their united voice. NIHB seeks to reinforce Tribal sovereignty, strengthen Tribal health care systems, secure resources, and build capacity to achieve the highest level of health and well-being for AI/ANs. NIHB provides culturally appropriate outreach and education to Tribal communities to encourage enrollment of AI/ANs in CMS programs. Data analysis conducted by NIHB is shared with Tribal leaders to increase their knowledge of the important role CMS plays in providing greater access to health coverage in Tribal communities. In the past, NIHB has conducted extensive analysis of AI/ AN enrollment in Medicare, which resulted in several data symposiums and reports. More recently, NIHB analyzed data from the American Community Survey (ACS) to demonstrate an increase in AI/AN enrollment in Medicare and Medicaid. NIHB's initial analysis of Medicaid enrollment noted an increase of AI/ANs enrolled in Medicaid from 1.4 million in 2012 to 1.7 million in 2016. Through the work of NIHB, Tribal leaders and Tribal health directors have gained a better understanding of CMS policies and programs and their impact on the Indian Health Care System and Tribal communities.

[1] Health Insurance Marketplace® is a registered service mark of the U.S. Department of Health & Human Services.

II. Provisions of the Notice

CMS has solicited a proposal from the NIHB to undertake analysis, research, and studies to assess the impact of CMS programs on AI/AN beneficiaries and the Indian Health Care System serving those beneficiaries. The project consists of five principal tasks:

- *Research and analysis of impact of CMS Regulations/Policies on AI/ANs and on the Indian Health Care System:* Assess the ongoing impact of CMS programs through an analysis of CMS regulations, policies, and initiatives that have a potential impact or effect on the Indian Health Care System and on AI/ ANs. The objective is to determine the level of Tribal input in the CMS regulatory and policy formulation process and assess whether such input was effectively considered in the final development of CMS regulations and policies that impact AI/ANs and the Indian Health Care System.
- *Data Research and Analysis:* Analysis of AI/AN demographic, enrollment, and utilization data by reviewing CMS, IHS, Social Security Administration (SSA), United States Census, and other data resources in order to develop strategies that make CMS data systems capable of reporting on AI/AN enrollment. Determine service utilization, health status, and payment data from Medicare, Medicaid, CHIP, and Health Insurance Marketplace® coverage. The results of this data analysis are expected to help facilitate CMS program planning, evaluation, performance measurement, health status monitoring, and targeted enrollment efforts. In addition, the data analysis will include a review of data to help address health inequities experienced by Tribal communities in a coordinated continuous effort with CMS and Tribal partners.
- *Research & Strategic Priority Planning:* Review, revise, and provide updates to the CMS Tribal Technical Advisory Group (TTAG) strategic plan activities to reflect the views of all federally recognized Tribal leaders on changes to Medicare, Medicaid, CHIP, and Health Insurance Marketplace® coverage that impact AI/ANs and the Indian Health Care System, including changes to CMS programs resulting from legislation, regulations, policy guidance, and new initiatives or priorities of the agency.

• *Consultation Policy:* Provide research support on the use and effectiveness of the CMS Tribal Consultation Policy, national consultations and listening sessions with Tribes on CMS program issues, and annual HHS National and Regional Consultation Sessions with Tribes. Track issues raised at Tribal consultation/listening sessions and develop an executive summary on key issues and recommended actions for resolution and/or further analysis.

• *Enrollment and Outreach:* Evaluate the effectiveness of CMS outreach and enrollment efforts to AI/ANs enrolled in CMS-regulated programs by conducting quarterly trainings on these programs for Tribal enrollment assisters, ITU providers, ITU third-party resource staff, and AI/ANs. NIHB will complete an assessment and compile best practices to increase AI/AN enrollment in Medicare, Medicaid, CHIP, and Health Insurance Marketplace® coverage. In addition, NIHB, in collaboration with CMS, will develop culturally appropriate Tribal outreach materials. The information NIHB uses to evaluate CMS outreach and enrollment efforts will be collected based on feedback from CMS annual ITU trainings, AI/AN outreach events, and other data sources. NIHB, in collaboration with Tribal leadership and CMS, will summarize lessons learned and make recommendations on how CMS could improve AI/AN outreach efforts in Indian Country.

Amount of the Award

The total amount of funding available over a 5-year period will be up to $4,000,000 pending availability of funds and satisfactory performance by the recipient. The cooperative agreement will be awarded consistent with the overall quality of the proposal and the applicant's ability to meet project goals. The amount of funding awarded will be no more than $800,000 per 12-month budget period, subject to availability of funds, and there will be five 12-month budget periods under this award. Funding for budget periods 2–5 is non-competitive and is subject to the availability of funds as well as satisfactory performance of the recipient. The total award will not exceed $4,000,000.

Justification for Single Source Award

In 2012, CMS awarded a five-year single-source cooperative agreement to NIHB under Section 1110 of the Social Security Act and in 2017, CMS awarded a second five-year single source cooperative agreement to NIHB under the same authority. With this NOFO, CMS has sought an application from NIHB for a third five-year single source award, under the same authority.

Through its two previous cooperative agreements, since 2012, NIHB has provided analysis and research on the potential and actual impact of CMS policies and guidance on AI/ANs and the Indian Health Care System. The work has included analysis and research on Medicare and Medicaid enrollment of AI/ANs in order to gain a better understanding of AI/AN utilization of CMS programs.

In addition, NIHB has been instrumental in tracking CMS regulation and policy changes, and has provided a better understanding of the implications that CMS regulations and guidance have had for Indian Health Care System providers and AI/AN individuals. This includes evaluating the impact of effective and meaningful Tribal consultation. NIHB has a long history of providing unique forums for showcasing how CMS works within Indian Country to promote enrollment of AI/ANs and Indian Health Care System providers in CMS programs.

Based on this past experience, NIHB is the only entity capable of carrying out the scope of activities in Fiscal Years (FY) 2022–2027 because the scope of the work that would be performed under this award builds on past experience and knowledge. Any other source would not have all of the knowledge and experience NIHB has gained in the last ten years.

Project Period

The anticipated period of performance for this cooperative agreement is September 29, 2022 through September 28, 2027 with funding awarded in 12-month budget increments subject to the availability of funds and satisfactory performance.

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Evell Barco Holland, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Authority: Social Security Act section 1110.

Dated: August 30, 2022.

Evell Barco Holland,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2022–19085 Filed 9–1–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10465]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by October 3, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. Type of Information Collection Request: Extension of a currently approved collection; *Title:* Minimum Essential Coverage; *Use:* The final rule titled ''Patient Protection and Affordable Care Act; Exchange Functions: Eligibility for Exemptions; Miscellaneous Minimum Essential Coverage Provisions,'' published July 1, 2013 (78 FR 39494) designates certain types of health coverage as minimum essential coverage. Other types of coverage, not statutorily designated and not designated as minimum essential coverage in regulation, may be recognized by the Secretary of Health and Human Services (HHS) as minimum essential coverage if certain substantive and procedural requirements are met. To be recognized as minimum essential coverage, the coverage must offer substantially the same consumer protections as those enumerated in the title I of the Affordable Care Act relating to non-grandfathered, individual health insurance coverage to ensure consumers are receiving adequate coverage. The final rule requires sponsors of other coverage that seek to have such coverage recognized as minimum essential coverage to adhere to certain procedures. Sponsoring organizations must submit to HHS certain information about their coverage and an attestation that the plan substantially complies with the provisions of title I of the Affordable Care Act applicable to non-grandfathered individual health insurance coverage. Sponsors must also provide notice to enrollees informing them that the plan has been recognized as minimum essential coverage. *Form Number:* CMS–10465 (OMB Control Number 0938–1189); *Frequency:* Occasionally; *Affected Public:* Public and Private sectors; *Number of Respondents:* 10; *Total Annual Responses:* 10; *Total Annual Hours:* 53. (For policy questions regarding this collection contact Russell Tipps at 301–492–4371.)

Dated: August 25, 2022.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022–19005 Filed 9–1–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–1914]

Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held virtually on October 20, 2022, from 9 a.m. Eastern Time to 6 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of the COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions, including information regarding special accommodations due to a disability, may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2022–N–1914. The docket will close on November 18, 2022. Either electronic or written comments on this public meeting must be submitted by November 18, 2022. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 18, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before October 4, 2022, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate. You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–N–1914 for ''Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: James Swink, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5211, Silver Spring, MD 20993–0002, 301–796–6313, *James.Swink@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On October 20, 2022, the committee will discuss, make recommendations, and vote on clinical information related to the *De Novo* request for the AvertD Test sponsored by SolvD, Inc. The AvertD is a prescription, qualitative genotyping test used to detect and identify 15 clinically relevant genetic polymorphisms in genomic deoxyribonucleic acid (DNA) isolated from buccal samples collected from adults. The 15 detected genetic polymorphisms are involved in the brain reward pathways that are associated with opioid use disorder (OUD) and identify patients who may be at increased genetic risk for OUD. Information from AvertD provides patients 18 years of age or older and healthcare providers with objective information to be used for informed decision-making prior to the first prescription of oral opioids for acute pain. The AvertD is intended to be used in combination with a clinical evaluation and assessment of the patient.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Select the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before October 4, 2022, will be provided to the committee. Oral presentations from the public will be scheduled on October 20, 2022, between approximately 1 p.m. and 2 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before September 27, 2022. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 3, 2022.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Artair Mallett (*Artair.Mallett@fda.hhs.gov* or 301–796–9638) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 29, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–19030 Filed 9–1–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–1960]

Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Oncologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on October 28, 2022, from 10 a.m. to 3 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2022–N–1960. The docket will close on October 27, 2022. Either electronic or written comments on this public meeting must be submitted by October 27, 2022. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of October 27, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before October 14, 2022, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–N–1960 for ''Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Philip Bautista, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 240–762–8729, Fax: 301–847–8533, *ODAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly

enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On October 28, 2022, the committee will discuss biologics license application 761176, for ^{131}I-omburtamab solution for injection, submitted by Y-mAbs Therapeutics, Inc. The proposed indication (use) for this product is for the treatment of neuroblastoma with central nervous system/leptomeningeal metastases.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before October 14, 2022, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. to 2 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 5, 2022. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 6, 2022.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Philip Bautista (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 29, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–19047 Filed 9–1–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Charter Renewal for the Advisory Committee on Organ Transplantation

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), HHS is hereby giving notice that the Advisory Committee on Organ Transplantation (ACOT or Committee) has been renewed. The effective date of the charter renewal is August 31, 2022.

FOR FURTHER INFORMATION CONTACT: Shelley Tims Grant (Designated Federal Officer); HRSA Division of Transplantation, HRSA, 5600 Fishers Lane, 08W67, Rockville, Maryland 20857; 301–443–8036; or *sgrant@hrsa.gov.*

SUPPLEMENTARY INFORMATION: ACOT provides advice and recommendations to the Secretary of HHS (Secretary) on policy, program development, and other matters of significance concerning the activities pursuant to 42 U.S.C. 217a; section 222 of the Public Health Service Act. ACOT may provide advice to the Secretary on proposed Organ Procurement and Transplantation Network policies and such other matters as the Secretary determines.

The renewed charter for ACOT was approved on August 25, 2022. The filing date of the renewed charter is August 31, 2022. The renewal of the ACOT charter gives authorization for the committee to operate until August 31, 2024.

A copy of the ACOT charter is available on the ACOT website at *https://www.hrsa.gov/advisory-committees/organ-transplantation.* A copy of the charter can also be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The website address for the FACA database is *http://www.facadatabase.gov/.*

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2022–18963 Filed 9–1–22; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Tick-Borne Disease Working Group

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As required by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the Tick-Borne Disease Working Group (TBDWG) will hold a meeting. The meeting will be open to the public via webcast. For this meeting, the TBDWG will (1) review the final draft of chapters for the report and (2) further discuss plans for developing the next report to the HHS Secretary and Congress on federal tick-borne activities and research, taking into consideration the 2018 and 2020 report. The 2022 report will address a wide range of topics related to tick-borne diseases, such as, surveillance, prevention, diagnosis, diagnostics, and treatment; identify advances made in research, as well as overlap and gaps in tick-borne disease research; and provide recommendations regarding any appropriate changes or improvements to such activities and research.

DATES: The public can view the meeting online via webcast on October 4–5, 2022

from approximately 9 a.m. to 5 p.m. ET (times are tentative and subject to change) each day. The confirmed times and agenda items for the meeting will be posted on the TBDWG web page at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2022-10-04/index.html* when this information becomes available.

FOR FURTHER INFORMATION CONTACT: James Berger, Designated Federal Officer for the TBDWG; Office of Infectious Disease and HIV/AIDS Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services, Mary E. Switzer Building, 330 C Street SW, Suite L600, Washington, DC 20024. Email: *tickbornedisease@hhs.gov*. Phone: 202–795–7608.

SUPPLEMENTARY INFORMATION: A link to view the webcast can be found on the meeting website at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2022-10-04/index.html* when it becomes available. The public will have an opportunity to present their views to the TBDWG orally during the meeting's public comment session or by submitting a written public comment. Comments should be pertinent to the meeting discussion. Persons who wish to provide verbal or written public comment should review instructions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/2022-10-04/index.html* and respond by midnight September 26, 2022 ET. Verbal comments will be limited to three minutes each to accommodate as many speakers as possible during the 30-minute session. Written public comments will be accessible to the public on the TBDWG web page prior to the meeting.

Background and Authority: The Tick-Borne Disease Working Group was established on August 10, 2017, in accordance with Section 2062 of the 21st Century Cures Act, and the Federal Advisory Committee Act, 5 U.S.C. App., as amended, to provide expertise and review federal efforts related to all tick-borne diseases, to help ensure interagency coordination and minimize overlap, and to examine research priorities. The TBDWG is required to submit a report to the HHS Secretary and Congress on their findings and any recommendations for the federal response to tick-borne disease every two years.

Dated: August 23, 2022.

James J. Berger,

Designated Federal Officer, Tick-Borne Disease Working Group, Office of Infectious Disease and HIV/AIDS Policy.

[FR Doc. 2022–18972 Filed 9–1–22; 8:45 am]

BILLING CODE 4150–28–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: Microbiology, Infectious Diseases and AIDS Initial Review Group; Microbiology and Infectious Diseases B Research Study Section Microbiology and Infectious Diseases B Research Study Section.

Date: October 26–27, 2022.

Time: 11:00 a.m. to 5:30 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 3F58, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mario Cerritelli, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F58, Rockville, MD 20892, 240–669–5199, *cerritem@mail.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 30, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19054 Filed 9–1–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Research Education Program Advancing the Careers of a Diverse Research Workforce (R25 Clinical Trial Not Allowed).

Date: September 30, 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 3G21, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Dimitrios Nikolaos Vatakis, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G21, Rockville, MD 20892, 301–761–7176, *dimitrios.vatakis@nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Biomarker Signatures of TB Infection in Young Children With and Without HIV (R01 Clinical Trial Not Allowed).

Date: October 4, 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 3G21, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Dimitrios N. Vatakis, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G21, Rockville, MD 20892, 301–761–7176, *dimitrios.vatakis@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 30, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19049 Filed 9–1–22; 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: Microbiology, Infectious Diseases and AIDS Initial Review Group Microbiology and Infectious Diseases Research Study Section Microbiology and Infectious Diseases Research Study Section.

Date: October 18–19, 2022.

Time: 10 a.m. to 5 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 3G62, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Eleazar Cohen, Ph.D., Scientific Review Officer, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62, Rockville, MD 20892, (240) 669–5081, *ecohen@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 30, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19051 Filed 9–1–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration Fiscal Year (FY) 2022 Notice of Supplemental Funding Opportunity

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of intent to award supplemental funding.

SUMMARY: This is a notice of intent to award supplemental funding to the Suicide Prevention Resource Center (SPRC) recipient funded in FY 2020 under Notice of Funding Opportunity (NOFO) SM–20–11. This is to inform the public that the Substance Abuse and Mental Health Services Administration (SAMHSA) is supporting an administrative supplement, which is consistent with the scope of the initial award, of up to $1,609,838, for one-year to the SPRC recipient, University of Oklahoma Health Sciences Center. This recipient was funded in FY 2020 under the SPRC Notice of Funding Opportunity (NOFO) SM–20–011 with a project end date of November 30, 2025. This supplement will provide continued support for the HHS Behavioral Health Coordinating Committee's, Comprehensive Community Suicide Prevention Workgroup in the development of recommendations to increase the community-based suicide prevention infrastructure; provide staff support and technical assistance on a new platform that will be used to train the suicide prevention workforce on approaches to address the needs of individuals at risk for suicide; provide additional suicide prevention technical assistance for states, tribes, territories, and community-based organizations in the implementation of suicide prevention; and conduct an evaluation, in coordination with the National Action Alliance for Suicide Prevention, of 988 call centers to ensure 988 implementation, programmatic and messaging efforts are well informed by the unique needs of populations at high risk or disproportionately impacted by suicide-related behaviors.

This is not a formal request for application. Assistance will only be provided to the SPRC Grant recipient, University of Oklahoma Health Sciences Center, based on the receipt of a satisfactory application and associated budget.

Funding Opportunity Title: Suicide Prevention Resource Center (SPRC) NOFO SM–20–011.

Assistance Listing Number: 93.243.

Authority: The SPRC grant is authorized under Section 520A and 520C of the Public Health Service Act, as amended.

Justification: Eligibility for this supplemental funding is limited to the University of Oklahoma Health Sciences Center which was funded in FY 2020 under the SPRC NOFO SM–20–011. The University of Oklahoma Health Sciences Center since they are currently providing technical assistance on suicide prevention and have specialized expertise conducting needs assessments to understand the attitudes, knowledge, and beliefs regarding suicide of various groups and populations.

Contact: Brandon J. Johnson, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, MD 20857, telephone (240) 276–1222; email: *brandon.johnson1@samhsa.hhs.gov*.

Carlos Graham,

Reports Clearance Officer.

[FR Doc. 2022–18975 Filed 9–1–22; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2022 Notice of Supplemental Funding Opportunity

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of intent to award supplemental funding.

SUMMARY: This is a notice of intent to award supplemental funding to the National Center of Excellence for Infant and Early Childhood Mental Health Consultation (COE–IECMH) recipient funded in FY 2019 under Notice of Funding Opportunity (NOFO) SM–19–010. This is to inform the public that the Substance Abuse and Mental Health Services Administration (SAMHSA) is supporting an administrative supplement, which is consistent of the initial award, up to $900,000 (for one-year to Georgetown University). This supplement will provide continued support for the IECMH grantees in their efforts to strengthen their IECMH systems; working with state-level systems and leaders to integrate grantee innovations into ongoing initiatives, policies, and sustainable funding streams, and/or participate in the development of new IECMH efforts; share best practices and advances in infant and early childhood mental health with the early childhood field

through webinars, presentations at conferences, and/or development of materials about specific grant programs that can be shared with local, Tribal, and state stakeholders; and conduct a virtual grantee meeting or policy academy to engage all grantees in peer learning and technical assistance. This is not a formal request for application. Assistance will only be provided to the COE–IECMH. This recipient was funded in FY 2019 under National Center of Excellence for Infant and Early Childhood Mental Health Consultation Grant, NOFO SM–19–010 with a project end date of April 30, 2023. This is not a formal request for application. Assistance will only be provided to the COE–IECMH grant recipient, Georgetown University, based on the receipt of a satisfactory application and associated budget that is approved by a review group.

FOR FURTHER INFORMATION CONTACT: Melinda J. Baldwin, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, MD 20857, telephone (240) 276–0579; email: *melinda.baldwin@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Funding Opportunity Title: FY 2019 National Center of Excellence for Infant and Early Childhood Mental Health Consultation Notice of Funding Opportunity (NOFO) SM–19–010.

Assistance Listing Number: 93.243.

Authority: The COE–IECMH grant is authorized under section 520A of the Public Health Service Act, as amended.

Justification: Eligibility for this supplemental funding is limited to Georgetown University, which was funded in FY 2019 under the National Center of Excellence for Infant and Early Childhood Mental Health Consultation grant program. Georgetown University has special expertise in completing activities that support IECMH grantees and their ability to improve outcomes for children through service provision to children and families, mental health consultation to early childhood programs, and training early childhood providers and clinicians.

Carlos Graham,

Reports Clearance Officer.

[FR Doc. 2022–18976 Filed 9–1–22; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4663–DR; Docket ID FEMA–2022–0001]

Kentucky; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–4663–DR), dated July 29, 2022, and related determinations.

DATES: The declaration was issued July 29, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 29, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky resulting from severe storms, flooding, landslides, and mudslides beginning on July 26, 2022, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program in the designated areas, Hazard Mitigation throughout the Commonwealth, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs).

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Brett H. Howard, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this major disaster:

Breathitt, Clay, Floyd, Johnson, Knott, Leslie, Letcher, Magoffin, Martin, Owsley, Perry, Pike, and Wolfe Counties for emergency protective measures (Category B), including direct federal assistance, under the Public Assistance program.

All areas within the Commonwealth of Kentucky are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19032 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4562–DR; Docket ID FEMA–2022–0001]

Oregon; Amendment No. 10 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4562–DR), dated September 15, 2020, and related determinations.

DATES: This change occurred on July 29, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and

Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Toney L. Raines, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Lance E. Davis as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19031 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4599–DR; Docket ID FEMA–2022–0001]

Oregon; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4599–DR), dated May 4, 2021, and related determinations.

DATES: This change occurred on July 29, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Toney L. Raines, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Lance E. Davis as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19034 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4663–DR; Docket ID FEMA–2022–0001]

Kentucky; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4663–DR), dated July 29, 2022, and related determinations.

DATES: This amendment was issued August 6, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include debris removal and permanent work for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 29, 2022.

Floyd, Knott, Owsley, and Pike Counties for debris removal [Category A] and permanent work [Categories C–G] (already designated for Individual Assistance and emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19039 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4652–DR; Docket ID FEMA–2022–0001]

New Mexico; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–4652–DR), dated May 4, 2022, and related determinations.

DATES: This amendment was issued August 3, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New Mexico is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared

a major disaster by the President in his declaration of May 4, 2022.

Los Alamos and Sandoval Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19046 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4664–DR; Docket ID FEMA–2022–0001]

South Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of South Dakota (FEMA–4664–DR), dated August 2, 2022, and related determinations.

DATES: The declaration was issued August 2, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 2, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of South Dakota resulting from a severe storm, straight-line winds, tornadoes, and flooding during the period of June 11 to June 14, 2022, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of South Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Alana B. Kuhn, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of South Dakota have been designated as adversely affected by this major disaster:

Butte, Haakon, Jackson, Jones, McPherson, and Spink Counties for Public Assistance.

All areas within the State of South Dakota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19040 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4661–DR; Docket ID FEMA–2022–0001]

Alaska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alaska (FEMA–4661–DR), dated July 26, 2022, and related determinations.

DATES: The declaration was issued July 26, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 26, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from a landslide on May 7, 2022, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Alaska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated area and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Yolanda J. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Alaska have been designated as adversely affected by this major disaster:

Kenai Peninsula Borough for Public Assistance.

All areas within the State of Alaska are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19038 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4631–DR; Docket ID FEMA–2022–0001]

Confederated Tribes of the Colville Reservation; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Confederated Tribes of the Colville Reservation (FEMA–4631–DR), dated December 21, 2021, and related determinations.

DATES: This change occurred on August 3, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Yolanda J. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Thomas J. Dargan as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19044 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4654–DR; Docket ID FEMA–2022–0001]

Kansas; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4654–DR), dated May 25, 2022, and related determinations.

DATES: This change occurred on August 4, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Andrew P. Meyer, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of DuWayne Tewes as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19036 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4663–DR; Docket ID FEMA–2022–0001]

Kentucky; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4663–DR), dated July 29, 2022, and related determinations.

DATES: This amendment was issued August 5, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include Individual Assistance for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 29, 2022.

Leslie, Magoffin, and Martin Counties for Individual Assistance (already designated for

emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

Whitley County for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19028 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4663–DR; Docket ID FEMA–2022–0001]

Kentucky; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4663–DR), dated July 29, 2022, and related determinations.

DATES: This amendment was issued August 4, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include Individual Assistance for the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 29, 2022.

Owsley County for Individual Assistance (already designated for emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19027 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4663–DR; Docket ID FEMA–2022–0001]

Kentucky; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4663–DR), dated July 29, 2022, and related determinations.

DATES: This amendment was issued August 5, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include debris removal and permanent work for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 29, 2022.

Clay, Martin, and Perry Counties for debris removal [Category A] and permanent work [Categories C–G] (already designated for Individual Assistance and emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19037 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4663–DR; Docket ID FEMA–2022–0001]

Kentucky; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4663–DR), dated July 29, 2022, and related determinations.

DATES: This amendment was issued August 2, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include Individual Assistance for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 29, 2022.

Floyd and Pike Counties for Individual Assistance (already designated for emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19026 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4640–DR; Docket ID FEMA–2022–0001]

Kansas; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4640–DR), dated February 17, 2022, and related determinations.

DATES: This change occurred on August 4, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Andrew P. Meyer, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of DuWayne Tewes as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19045 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4663–DR; Docket ID FEMA–2022–0001]

Kentucky; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4663–DR), dated July 29, 2022, and related determinations.

DATES: This amendment was issued August 12, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include Public Assistance for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 29, 2022.

Breathitt, Leslie, Letcher, and Magoffin Counties for debris removal [Category A] and permanent work [Categories C–G] (already designated for Individual Assistance and emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

Johnson and Wolfe Counties for debris removal [Category A] and permanent work [Categories C–G] (already designated emergency protective measures [Category B], including direct federal assistance, under the Public Assistance program).

Whitley County for Public Assistance (already designated for Individual Assistance).

Cumberland County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19033 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4663–DR; Docket ID FEMA–2022–0001]

Kentucky; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4663–DR), dated July 29, 2022, and related determinations.

DATES: This amendment was issued July 30, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include Individual Assistance for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 29, 2022.

Breathitt, Clay, Knott, Letcher, and Perry Counties for Individual Assistance (already designated for emergency protective

measures [Category B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–19035 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–NEW]

Agency Information Collection Activities; New Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until November 1, 2022.

ADDRESSES: All submissions received must include the OMB Control Number 1615–NEW in the body of the letter, the agency name and Docket ID USCIS–2022–0010. Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number USCIS–2022–0010.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *https://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Background

On March 15, 2022, President Biden signed the EB–5 Reform and Integrity Act of 2022, Div. BB of the Consolidated Appropriations Act, 2022 (Pub. L. 117–103) into law, which revised INA 203(b)(5). The law immediately repealed the former Regional Center (RC) Program statute at Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1993, Public Law 102–395, 106 Stat. 1828, § 610(b).

The law also reauthorized a substantially reformed EB–5 Regional Center (RC) Program which became effective on May 14, 2022. Though USCIS will continue to provide similar services for the newly reformed RC program as it did under the former RC program (such as initial designations, petition adjudications, etc.), the newly authorized RC program has a different legal framework and requirements from the previously authorized program. Consequently, the current Form I–924 and Form I–924A would not sufficiently collect the necessary information required to adjudicate services under this new program. In an effort to reduce confusion for the services provided in the newly authorized RC program, USCIS discontinued the Form I–924 and Form I–924A collection of information and will be submitting a new information collection under a separate OMB Control Number. Furthermore, the new law included an exemption from the Paperwork Reduction Act for a 1-year period beginning on the date of the enactment of this Act, March 15, 2022. In order to meet the immediate requirements of the Act, the creation of new collections of information to address the newly authorized RC Program were expected to take effect 60 days after the date of the enactment of this Act, May 14, 2022.

Accordingly, USCIS created new forms to address the requirements in the EB–5 Reform and Integrity Act of 2022 and provide services under the newly authorized RC Program. USCIS created five new forms: Form I–956, Application for Regional Center Designation; Form I–956F, Application for Approval of an Investment in a Commercial Enterprise; Form I–956G, Regional Center Annual Statement; Form I–956H, Bona Fides of Persons Involved with Regional Center Program; Form I–956K, Registration for Direct and Third-Party Promoters. USCIS began accepting the new forms upon release after May 14, 2022.

On June 24, 2022, the U.S. District Court for the Northern District of California preliminarily enjoined USCIS from ''treating as deauthorized the previously designated regional centers'' including ''processing new I–526 petitions from immigrants investing through previously authorized regional centers . . . just as the agency would do for a newly approved regional center.'' *Behring* v. *Mayorkas,* Order Granting Plaintiff's Motion for a Preliminary Injunction, Case No. 22–cv–02487–VC (N.D. Cal. Jun 24, 2022). As USCIS is working to implement the Court Order, if it determines changes to the Forms I–956, I–956F, I–956G, I–956H, or I–956K are necessary, it will pursue such changes through either this new form development process or other appropriate mechanism.

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* and entering USCIS–2022–0010 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at *https://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *https://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies

should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New Collection.

(2) *Title of the Form/Collection:* Application for Regional Center Designation; Application for Approval of an Investment in a Commercial Enterprise; Regional Center Annual Statement; Bona Fides of Persons Involved with Regional Center Program; Registration for Direct and Third-Party Promoters.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–956; I–956F; I–956G; I–956H; I–956K; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The Form I–956 is used to request U.S. Citizenship and Immigration Services (USCIS) designation as a regional center under Immigration and Nationality Act (INA) section 203(b)(5)(E), or to request an amendment to an approved regional center designated under INA 203(b)(5)(E). The Form I–956F is used by a designated regional center to request approval of each particular investment offering through an associated new commercial enterprise. The Form I–956G is used by regional centers to provide required information, certifications, and evidence to support their continued eligibility for regional center designation. Each approved regional center must file Form I–956G for each Federal fiscal year (October 1 through September 30) on or before December 29 of the calendar year in which the Federal fiscal year ended. The Form I–956H must be completed by each person involved with a regional center, new commercial enterprise, or affiliated job-creating entity and submitted as a supplement to Form I–956, Application for Regional Center Designation, or other forms where persons are required to attest to their eligibility to be involved with the EB–5 entity and compliance with INA section 203(b)(5)(H). The Form I–956K must be completed by each person acting as a direct or third-party promoter (including migration agents) of a regional center, any new commercial enterprise, an affiliated job-creating entity, or an issuer of securities intended to be offered to alien investors in connection with a particular capital investment project.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–956 is 400 and the estimated hour burden per response is 23 hours; the estimated total number of respondents for the information collection I–956F is 1,000 and the estimated hour burden per response is 25 hours; the estimated total number of respondents for the information collection I–956G is 643 and the estimated hour burden per response is 16 hours; for the audit requirement associated with the I–956G, the estimated total number of respondents for Compliance Review is 40 and the estimated hour burden per response is 24 hours and the estimated total number of respondents for the information collection during the Site Visit is 40 and the estimated hour burden per response is 16 hours; the estimated total number of respondents for the information collection I–956H is 3,643 and the estimated hour burden per response is 1 hour and 30 minutes; the estimated total number of respondents for the information collection of Biometrics Processing for Form I–956H is 3,643 and the estimated hour burden per response is 1 hour and 10 minutes; the estimated total number of respondents for the information collection I–956K is 632 and the estimated hour burden per response is 2 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 57,065 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 $4,448,925.00.

Dated: August 29, 2022.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2022–19084 Filed 9–1–22; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2022–N045; FXES11130800000–223–FF08E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before October 3, 2022.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* XXXXXX or PER0001234).

- *Email: permitsR8ES@fws.gov.*
- *U.S. Mail:* Susie Tharratt, Regional Recovery Permit Coordinator, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Susie Tharratt, via phone at 916–414–6561, or via email at *permitsR8ES@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting, in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
080779	Melissa Busby, San Diego, California.	• Quino checkerspot butterfly (*Euphydryas editha quino*). • Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • Vernal pool tadpole shrimp (*Lepidurus packardi*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*).	CA	Survey by pursuit; capture, handle, release, collect adult vouchers, and collect branchiopod cysts.	Renew.
148555	Phillip Brylski, Irvine, CA	• Fresno kangaroo-rat (*Dipodomys nitratoides exilis*). • Giant kangaroo-rat (*Dipodomys ingens*). • Tipton kangaroo-rat (*Dipodomys nitratoides nitratoides*). • San Bernardino kangaroo-rat (*Dipodomys merriami parvus*). • Stephen's kangaroo-rat (*Dipodomys stephensi*). • Pacific pocket mouse (*Perognathus longimembris pacificus*). • Salt marsh harvest mouse (*Reithrodontomys raviventris*). • Amargosa vole (*Microtus californicus scirpensis*).	CA	Survey, capture, handle, and release.	Renew.
85618B	Biological Resources Services, LLC., Folsom, California.	• California tiger salamander (*Ambystoma californiense*), Sonoma County and Santa Barbara County distinct population segments.	CA	Survey, capture, handle, and release.	Renew.
PER0036109 ...	Sarah Flaherty, Berkeley, California.	• California tiger salamander (*Ambystoma californiense*), Sonoma County and Santa Barbara County distinct population segments.	CA	Survey, capture, handle, and release.	New.
17211C	Zoological Society of San Diego, San Diego, California.	• San Diego ambrosia (*Ambrosia pumila*). • Salt marsh bird's beak (*Cordylanthus maritimus* ssp. *maritimus*). • Mexican flannelbush (*Fremontodendron mexicanum*). • California Orcutt grass (*Orcuttia californica*) • San Diego mesa-mint (*Pogogyne abramsii*) • San Diego button-celery (*Eryngium aristulatum* var. *parishii*). • Willowy monardella (*Monardella viminea*).	CA	Collect herbarium and genetic samples, conduct establishment and maintenance of a living collection or seed bank, conduct propagation, conduct pollination, and do genetic research.	Renew and amend.
64546A	Power Engineers, Inc., Hailey, Idaho.	• Southwestern willow flycatcher (*Empidonax traillii extimus*).	CA, NV, NM, AZ, TX, CO, UT.	Play recorded vocalizations	Renew and amend.
PER0050068 ...	David Jacobs, Los Angeles, California.	• Tidewater goby (*Eucyclogobius newberryi*)	CA	Survey, capture, handle, measure, relocate, release, collect voucher specimens.	New.
PER0050163 ...	Anderson Tate-Montenegro, Sacramento, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts.	New.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
PER0050168 ...	Nicolette Murphey, Tehachapi, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts.	New.
PER0050169 ...	Tanner Lichty, Orangevale, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts.	New.
068745	Jeffery Wilcox, Vallejo, California.	• California tiger salamander (*Ambystoma californiense*), Sonoma County and Santa Barbara County distinct population segments.	CA	Survey, capture, handle, collect tail tissue, and release.	Renew.
799570	Carol Witham, Sacramento, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • Vernal pool tadpole shrimp (*Lepidurus packardi*). • Solano grass (*Tuctoria mucronata*).	CA	Survey, capture, handle, release, collect adult vouchers, collect branchiopod cysts, conduct training workshops to non-permitted individuals, remove and reduce to possession from lands under Federal jurisdiction.	New.
012973	ECORP Consulting, Inc., Rocklin, California.	• Giant kangaroo-rat (*Dipodomys ingens*). • San Bernardino Merriam's kangaroo-rat (*Dipodomys merriami parvus*). • Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • Vernal pool tadpole shrimp (*Lepidurus packardi*). • California tiger salamander (*Ambystoma californiense*), Sonoma County and Santa Barbara County distinct population segments. • Salt marsh harvest mouse (*Reithrodontomys raviventris*).	CA	Survey, capture, handle, release, collect adult vouchers, collect branchiopod cysts, process vernal pool soil samples, and culture and hatch out branchiopod resting eggs for species identification.	Renew.
62868B	The Klamath Tribes, Chloquin, Oregon.	• Shortnose sucker (*Chasmistes brevirostris*) • Lost River sucker (*Deltistes luxatus*).	OR	Survey, trap, capture, handle, mark, collect tissue samples, collect gametes, collect and rear in captivity, relocate/reintroduce, sacrifice, and release.	Amend.
98536C	Stillwater Sciences, Berkeley, California.	• California tiger salamander (*Ambystoma californiense*), Sonoma County and Santa Barbara County distinct population segments.	CA	Survey, capture, handle, and release.	Amend.
837448	Douglas Allen, San Diego, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*). • Longhorn fairy shrimp (*Branchinecta longiantenna*). • Vernal pool tadpole shrimp (*Lepidurus packardi*). • Riverside fairy shrimp (*Streptocephalus woottoni*). • San Diego fairy shrimp (*Branchinecta sandiegonensis*). • Quino checkerspot butterfly (*Euphydryas editha quino*).	CA	Survey by pursuit, survey capture, handle, release, collect adult vouchers, and collect branchiopod cysts.	Renew.
19906C	Ross Taylor, McKinleyville, California.	• Tidewater goby (*Eucyclogobius newberryi*)	CA	Survey, capture, handle, measure, relocate, release, collect voucher specimens.	Renew.
009018	Rancho Santa Ana Botanical Garden, Claremont, California.	• San Mateo thornmint (*Acanthomintha obovata* ssp. *duttonii*). • Munz's onion (*Allium munzii*). • Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*). • San Diego ambrosia (*Ambrosia pumila*). • Large-flowered fiddleneck *(Amsinckia grandiflora*). • McDonald's rock-cress (*Arabis mcdonaldiana*). • Santa Rosa Island manzanita (*Arctostaphylos confertiflora*). • Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*). • Presidio manzanita (*Arctostaphylos hookeri* var. *ravenii*). • Marsh sandwort (*Arenaria paludicola*). • Cushenbury milk-vetch (*Astragalus albens*).	CA, NV	Remove/reduce to possession from lands under Federal jurisdiction, collect herbarium and genetic samples, carry out establishment and maintenance of a living collection or seed bank, conduct propagation, conduct pollination, and do genetic research.	Renew and amend.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
		• Braunton's milk-vetch (*Astragalus brauntonii*). • Clara Hunt's milk-vetch (*Astragalus clarianus*). • Lane Mountain milk-vetch (*Astragalus jaegerianus*). • Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*). • Ventura Marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*). • Coastal dunes milk-vetch (*Astragalus tener* var. *titi*). • Triple-ribbed milk-vetch (*Astragalus tricarinatus*). • San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*). • Nevin's barberry (*Berberis nevinii*). • Island barberry (*Berberis pinnata* ssp. *insularis*). • Sonoma sunshine (*Blennosperma bakeri*). • Hoffmann's rock-cress (*Arabis hoffmannii*). • Stebbins' morning-glory (*Calystegia stebbinsii*). • White sedge (*Carex albida*). • Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*). • Soft-leaved paintbrush (*Castilleja mollis*). • California jewelflower (*Caulanthus californicus*). • Coyote ceanothus (*Ceanothus ferrisae*). • Pine Hill ceanothus (*Ceanothus roderickii*). • Catalina Island mountain-mahogany (*Cercocarpus traskiae*). • Howell's spineflower (*Chorizanthe howellii*). • Orcutt's spineflower (*Chorizanthe orcuttiana*). • Ben Lomond spineflower (*Chorizanthe pungens* var. *hartwegiana*). • Scotts Valley spineflower (*Chorizanthe robusta* var. *hartwegii*). • Robust spineflower (*Chorizanthe robusta* var. *robusta*). • Sonoma spineflower (*Chorizanthe valida*). • Fountain thistle (*Cirsium fontinale* var. *fontinale*). • Chorro Creek bog thistle thistle (*Cirsium fontinale* var. *obispoense*). • Suisun thistle (*Cirsium hydrophilum* var. *hydrophilum*). • La Graciosa thistle (*Cirsium loncholepis*). • Presidio clarkia (*Clarkia franciscana*). • Vine Hill clarkia (*Clarkia imbricata*). • Pismo clarkia (*Clarkia speciosa* ssp. *immaculata*). • Salt marsh bird's-beak (*Cordylanthus maritimus* ssp. *maritimus*). • Soft bird's beak (*Cordylanthus mollis* ssp. *mollis*). • Palmate-bracted bird's-beak (*Cordylanthus palmatus*). • Pennell's bird's-beak (*Cordylanthus tenuis* ssp. *capillaris*). • Gaviota tarplant (*Deinandra increscens* ssp. *villosa*). • Baker's larkspur (*Delphinium bakeri*). • Yellow larkspur (*Delphinium luteum*). • San Clemente Island larkspur larkspur (*Delphinium variegatum* ssp. *kinkiense*). • Slender-horned spineflower (*Dodecahema leptoceras*). • Santa Clara Valley dudleya (*Dudleya setchellii*). • Kern mallow (*Eremalche kernensis*). • Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*). • Indian Knob mountainbalm (*Eriodictyon altissimum*). • Lompoc yerba santa (*Eriodictyon capitatum*). • Ione (incl. Irish Hill) buckwheat (*Eriogonum apricum* [incl. var. *prostratum*]). • Cushenbury buckwheat (*Eriogonum ovalifolium* var. *vineum*).			

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
		• San Mateo woolly sunflower (*Eriophyllum latilobum*). • San Diego button-celery (*Eryngium aristulatum* var. *parishii*). • Loch Lomond coyote thistle (*Eryngium constancei*). • Contra Costa wallflower (*Erysimum capitatum* var. *angustatum*). • Menzies' wallflower (*Erysimum menziesii*). • Ben Lomond wallflower (*Erysimum teretifolium*). • Pine Hill flannelbush (*Fremontodendron californicum* ssp. *decumbens*). • Mexican flannelbush (*Fremontodendron mexicanum*). • Island bedstraw (*Galium buxifolium*). • El Dorado bedstraw (*Galium californicum* ssp. *sierrae*). • Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*). • Hoffmann's slender-flowered gilia (*Gilia tenuiflora* ssp. *hoffmannii*). • Burke's goldfields (*Lasthenia burkei*). • Contra Costa goldfields (*Lasthenia conjugens*). • San Francisco lessingia (*Lessingia germanorum* [=*L.g.* var. *germanorum*]). • Western lily (*Lilium occidentale*). • Pitkin marsh lily (*Lilium pardalinum* ssp. *pitkinense*). • Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*). • Sebastopol meadowfoam (*Limnanthes vinculans*). • San Clemente Island woodland-star (*Lithophragma maximum*). • Clover (Tidestrom's) lupine (*Lupinus tidestromii*). • Nipomo Mesa lupine (*Lupinus nipomensis*). • San Clemente Island bush-mallow (*Malacothamnus clementinus*). • Santa Cruz Island bush-mallow (*Malacothamnus fasciculatus* var. *nesioticus*). • Santa Cruz Island malacothrix (*Malacothrix indecora*). • Island malacothrix (*Malacothrix squalida*). • Willowy monardella (*Monardella viminea*). • San Joaquin wooly-threads (*Monolopia* [=*Lembertia*] *congdonii*). • Few-flowered navarretia (*Navarretia leucocephala* ssp. *pauciflora* [=*N. pauciflora*]). • Many-flowered navarretia (*Navarretia leucocephala* ssp. *plieantha*). • Amargosa niterwort (*Nitrophila mohavensis*). • California Orcutt grass (*Orcuttia californica*). • Antioch Dunes evening-primrose (*Oenothera deltoides* ssp. *howellii*). • Hairy Orcutt grass (*Orcuttia pilosa*). • Cushenbury oxytheca (*Oxytheca parishii* var. *goodmaniana*). • White-rayed pentachaeta (*Pentachaeta bellidiflora*). • Lyon's pentachaeta (*Pentachaeta lyonii*). • Island phacelia (*Phacelia insularis* ssp. *insularis*). • Yreka phlox (*Phlox hirsuta*). • Yadon's piperia (*Piperia yadonii*). • Calistoga allocarya (*Plagiobothrys strictus*). • San Bernardino bluegrass (*Poa atropurpurea*). • Napa bluegrass (*Poa napensis*). • San Diego mesa-mint (*Pogogyne abramsii*). • Otay mesa-mint (*Pogogyne nudiuscula*). • Scotts Valley polygonum (*Polygonum hickmanii*). • Hickman's potentilla (*Potentilla hickmanii*). • Gambel's watercress (*Rorippa gambellii*). • Lake County stonecrop (*Parvisedum leiocarpum*). • Santa Cruz Island rockcress (*Sibara filifolia*).			

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
068072	Philippe Vergne, Boulder, Colorado.	• Keck's checker-mallow (*Sidalcea keckii*). • Kenwood marsh checker-mallow (*Sidalcea oregana* ssp. *valida*). • Pedate checker-mallow (*Sidalcea pedata*). • Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*). • Tiburon jewelflower (*Streptanthus niger*). • California seablite (*Suaeda californica*). • California taraxacum (*Taraxacum californicum*). • Slender-petaled mustard (*Thelypodium stenopetalum*). • Santa Cruz Island fringepod (*Thysanocarpus conchuliferus*). • Kneeland Prairie penny-cress (*Thlaspi californicum*). • Showy Indian clover (*Trifolium amoenum*). • Monterey clover (*Trifolium trichocalyx*). • Greene's tuctoria (*Tuctoria greenei*). • Solano grass (*Tuctoria mucronata*). • Santa Barbara Island liveforever (*Dudleya traskiae*). • Hartweg's golden sunburst (*Pseudobahia bahiifolia*). • Stephen's kangaroo-rat (*Dipodomys stephensi*). • Pacific pocket mouse (*Perognathus longimembris pacificus*). • Salt marsh harvest mouse (*Reithrodontomys raviventris*).	CA	Survey, capture, handle, and release.	Renew.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Peter Erickson,

Acting Regional Ecological Services Program Manager, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2022–18974 Filed 9–1–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2022–0112; FXIA16710900000–223–FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by October 3, 2022.

ADDRESSES:

Obtaining Documents: The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *https://www.regulations.gov* in Docket No. FWS–HQ–IA–2022–0112.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2022–0112.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2022–0112; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, by phone at 703–358–2185 or via email at *DMAFR@fws.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will

take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Endangered Species

Applicant: Florida Fish and Wildlife Conservation–Fish and Wildlife Research Institute; Saint Petersburg, FL; Permit No. PER0049151

The applicant requests authorization to import 120 tissue samples collected from loggerhead turtles (*Caretta caretta*) originating from the Mediterranean Sea Distinct Population Segment (defined as loggerhead sea turtles originating from the Mediterranean Sea east of 5 degrees 36 minus west longitude), for the purpose of scientific research. This notification is for a single import.

Applicant: Smithsonian's National Zoological Park, Washington, DC; Permit No. PER0049651

The applicant requests renewal of their permit to take, import, export, re-export, and/or purchase in interstate or foreign commerce, the following, for the purpose of scientific research: Blood, hair, and other tissue samples, as well as salvaged material from any endangered or threatened wildlife exotic to the United States. Samples are to be obtained from wild, captive-held, and/or captive-born animals. Samples collected in the wild are to be taken opportunistically during immobilization of animals by local wildlife management officials or trained veterinarians, and animals may not be harmed for the purpose of collecting such samples. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Trophy Applicants

The following applicants request permits to import sport-hunted trophies of male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

Applicant: Lori Pruitt, Nacogdoches, TX; Permit No. PER0048429

Applicant: Thomas Sloan, Midland, TX; Permit No. 63058C

Applicant: Nello Cooper, Fairbanks, AK; Permit No. 98051C

Applicant: Michael Howard, Montgomery, TX; Permit No. PER0049577

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *https://www.regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Brenda Tapia,

Supervisory Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2022–18977 Filed 9–1–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX.22.DJ73.UAC10.00, OMB Control Number 1028–NEW]

Agency Information Collection Activities: Vulnerability to Water Insecurity, Hazards Planning, and Response

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the U.S. Geological Survey (USGS) is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before November 1, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201

Sunrise Valley Drive MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–NEW in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jennifer Rapp by email at *jrapp@usgs.gov* or by telephone at 804–261–2635. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the PRA of 1995, we are providing the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: The United States is facing growing challenges related to the availability and quality of water due to shifting demographics, aging water-delivery infrastructure, the impacts of climate change, and increasing hazards risk, such as floods and drought. Working with incomplete knowledge, managers must consider the needs of various demographic groups and economic sectors when making management decisions as well as when responding to emergencies. To improve delivery of effective science to support decision-making, the USGS must adapt to meet the evolving needs of stakeholders in the water-hazard space. We will collect information regarding the decision-making process, data, and data format needs to support daily, long-term, and emergency management decision-making. Information will also be sought on gaps in data delivery and coverage. A lack of decision-support data within water institutions can lead to poor decision-making and outcomes that produce conflict between water-use sectors, states, or communities and ultimately may led to a crisis. This information will support the delivery of appropriate data, in appropriate formats, at the right time for decision-making and emergency management. The information will guide USGS support of water-resource institutions, enhancing resilience in the face of the many water-resource challenges the nation currently faces.

Title of Collection: Vulnerability to Water Insecurity, Hazards Planning, and Response.

OMB Control Number: 1028–NEW.

Form Number: None.

Type of Review: New.

Respondents/Affected Public: Federal, State, Tribal Nation, and local water-resource managers, water-resource stakeholders, and water-hazard responders.

Total Estimated Number of Annual Respondents: 750.

Total Estimated Number of Annual Responses: 750.

Estimated Completion Time per Response: 60 minutes.

Total Estimated Number of Annual Burden Hours: 750.

Respondent's Obligation: Voluntary.

Frequency of Collection: Once per year.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA of 1995 (44 U.S.C. 3501 *et seq.*).

Joseph Nielsen,

Director, Integrated Information Dissemination Division, USGS Water Resources Mission Area.

[FR Doc. 2022–19064 Filed 9–1–22; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAKC001030/A0A501010.999900]

Notice of Availability of the Final Programmatic Environmental Impact Statement for the Navajo Nation Integrated Weed Management Plan; Arizona, New Mexico, and Utah

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, the Bureau of Indian Affairs (BIA) as the lead Federal agency, with the Navajo Nation as a cooperating agency, has prepared a Final Programmatic Environmental Impact Statement (FPEIS) for the proposed Navajo Nation Integrated Weed Management Plan (NNIWMP) and by this notice is announcing its availability.

DATES: The BIA will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability (NOA) in the **Federal Register**.

ADDRESSES: The FPEIS and associated documents are available for review online at *https://www.bia.gov/regional-offices/navajo/navajo-nation-integrated-weed-management-plan* and by request at the Bureau of Indian Affairs, Navajo Regional Office, 301 West Hill Street, Gallup, NM 87301.

FOR FURTHER INFORMATION CONTACT: Leonard Notah, NEPA Coordinator, Bureau of Indian Affairs, Navajo Regional Office, Branch of Environmental Quality Compliance and Review, P.O. Box 1060, Gallup, New Mexico 87301, *leonard.notah@bia.gov,* (505) 863–8256. 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.

SUPPLEMENTARY INFORMATION:

Background

The proposed action is the implementation of the NNIWMP. The BIA Navajo Regional Office prepared the NNIWMP to determine the most effective and appropriate methods to treat noxious and invasive weeds. The FPEIS discloses the direct, indirect, and cumulative environmental impacts of weed treatment techniques that would result from the proposed action and alternatives. The weed treatment techniques provide the BIA with the tools to implement an integrated approach to treating weeds on the Navajo Nation (Navajo Tribal Trust Lands and Navajo Indian Allotments).

Purpose

The purpose of the NNIWMP is to prevent, eradicate, contain, and/or monitor 45 noxious weed species on the Navajo Nation including Navajo Tribal Trust Lands and Navajo Indian Allotments. The NNIWMP focuses on managing non-native invasive plant species using mechanical, manual, cultural, biological, and chemical weed treatment methods. The following objectives were developed for the NNIWMP:

- Develop the best control techniques described for the target weed species in a planned, coordinated, and economically feasible program to limit the impact and spread of noxious and invasive weeds;
- Incorporate project successes and lessons learned from completed weed projects on the Navajo Nation when developing weed removal project proposals through adaptive management;
- Identify and prevent the expansion of existing infestations of target weed species, and quickly prevent the spread of new high priority weed species in the project area;
- Coordinate weed removal efforts with adjacent landowners, land managers, and/or Federal agencies to prevent the further spread of weed populations (*e.g.,* State roads and Bureau of Land Management);
- Provide and promote economic opportunities to the Navajo people by improving rangeland productivity and potentially providing economic opportunities to remove noxious plant species; and
- Develop a public education program focusing on weed identification, prevention, and removal techniques for local communities and non-profit organizations.

Duration

The NNIWMP encompasses a ten (10) year period but will incorporate a plan review after five (5) years. Repeated treatments will be necessary for most species since seeds can be viable in soil for ten (10) or more years. Therefore, reoccurring weed treatments will be implemented until the desired management goal is reached.

Stakeholders

Cooperating agencies for this NEPA process include: the Navajo Nation, Arizona Department of Transportation (ADOT), Utah Department of Transportation (UDOT), Navajo Nation Soil and Water Conservation Districts (SWCD), San Juan Soil and Water Conservation District, U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), the Bureau of Land Management, USDA Animal and Plant Health Inspection Service (APHIS) and the National Park Service. The BIA will seek to coordinate weed removal projects on adjacent lands managed by the above-mentioned agencies and neighboring areas managed by the Coconino National Forest and the Hopi Tribe.

Next Steps

The BIA issued a Notice of Availability of the Draft Programmatic Environmental Impact Statement on October 29, 2021 (86 FR 60065). The BIA responded to public comments during the Draft Programmatic EIS public review period. In accordance with NEPA, an agency must prepare a concise public Record of Decision (ROD) at the time the agency makes a decision in cases involving an EIS (40 CFR 1505.2). The BIA will issue the ROD no earlier than 30 days after the Environmental Protection Agency publishes a notice in the **Federal Register** announcing the availability (40 CFR 1506.10).

Authority

This notice is published in accordance with section 1503.1 of the Council on Environmental Quality regulations (40 CFR 1500 *et seq.*) and the Department of the Interior Regulations (43 CFR part 46) implementing the procedural requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by part 209 of the Department Manual.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–19018 Filed 9–1–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[DOI–2021–0006; 223D0102DM, DLSN00000.000000, DS65100000, DX.65101]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior (DOI) is issuing a public notice of its intent to modify the Privacy Act system of records, INTERIOR/DOI–45, HSPD–12: Identity Management System and Personnel Security Files. DOI is revising this notice to update the title of the system, update all sections of the system notice, propose new and modified routine uses, and provide general administrative updates to the remaining sections of the notice. Additionally, DOI is publishing a notice of proposed rulemaking (NPRM) elsewhere in the **Federal Register** to exempt this system of records from certain provisions of the Privacy Act. This modified system will be included in DOI's inventory of record systems.

DATES: This modified system will be effective upon publication. New or modified routine uses will be effective October 3, 2022. Submit comments on or before October 3, 2022.

ADDRESSES: You may send comments identified by docket number [DOI–2021–0006] by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for sending comments.
- *Email: DOI_Privacy@ios.doi.gov.* Include docket number [DOI–2021–0006] in the subject line of the message.
- *U.S. Mail or Hand-Delivery:* Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

Instructions: All submissions received must include the agency name and docket number [DOI–2021–0006]. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C

Street NW, Room 7112, Washington, DC 20240, *DOI_Privacy@ios.doi.gov* or (202) 208–1605.

SUPPLEMENTARY INFORMATION:

I. Background

The DOI Office of Law Enforcement and Security (OLES) maintains the INTERIOR/DOI–45, HSPD–12: Identity Management System and Personnel Security Files, system of records. This system supports the DOI Personnel Security Program functions to determine suitability, eligibility, and fitness for service of applicants for Federal employment and contract positions or individuals appointed to commissions and boards, including Bureau of Indian Education agency or local school boards, who require access to Departmental facilities, information systems and networks. The system also helps OLES manage a National Security Program to document and support decisions regarding clearance access to classified information and implement provisions that apply to Federal employees and contractors who access classified information or materials and participate in classified activities that impact national security, and ensure the safety, storage of classified information and security of Departmental facilities, information systems and networks, occupants, and users.

DOI last published the INTERIOR/DOI–45, HSPD–12: Identity Management System and Personnel Security Files, system notice in the **Federal Register** on March 12, 2007 (72 FR 11036), modification published at 86 FR 50156 (September 7, 2021). DOI is publishing this revised notice to reflect the expanded scope of the modified system of records to meet personnel security and national security requirements outlined in Federal law, Executive Orders, and Intelligence Community (IC) policy for security clearance and access determinations, access to Sensitive Compartmented Information (SCI) reciprocity, exceptions to personnel security standards, and safeguarding classified information and secure facilities. DOI is proposing to change the title to INTERIOR/DOI–45, Personnel Security Program Files, to accurately reflect the purpose and scope of the system of records; update the system manager and system location; expand on categories of individuals covered by the system, the categories of records and records source categories sections; update authorities for maintenance of the system; update storage, safeguards, and records retention schedule; update the notification, records access and contesting procedures; and provide general updates in accordance with the Office of Management and Budget (OMB) Circular A–108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act.*

DOI personnel security records are maintained in DOI Bureau and Office Personnel Security Offices and in the National Background Investigation Services (NBIS) system managed by the Department of the Defense (DoD), Defense Counterintelligence and Security Agency (DCSA). The DCSA conducts background investigations, end-to-end personnel security, suitability, fitness, and credentialing processes, investigations, adjudications, and continuous vetting activities on behalf of Federal agencies. The records created and managed by DCSA belong to the DCSA and are covered by the DoD system of records notice (SORN), DUSDI 02–DoD, Personnel Vetting Records System (October 17, 2018; 83 FR 52420). Copies of these decentralized records may be in the custody of DOI, but are owned by DoD and are subject to the DoD SORN. To the extent that individuals are seeking access to their background investigation records owned and managed by the DoD, individuals must follow the instructions in the DUSDI 02–DoD SORN and must submit a Privacy Act request for access, notification or amendment to the DoD system manager.

This notice covers the records created and managed by DOI to support personnel security activities and document evaluations and decisions regarding suitability, eligibility, and fitness for service of applicants for Federal employment and contract positions to the extent necessary to manage secure access to Departmental facilities, information systems and networks, and to manage access to classified information and reciprocity.

DOI is also changing the routine uses from a numeric to alphabetic list and is proposing to modify existing routine uses to provide clarity and transparency and reflect updates consistent with standard DOI routine uses. Routine use A has been modified to further clarify disclosures to the Department of Justice or other Federal agencies when necessary in relation to litigation or judicial proceedings. Routine use B has been modified to clarify disclosures to a congressional office to respond to or resolve an individual's request made to that office. Modified routine use E allows DOI to share information with other Federal agencies to assist in the performance of their responsibility to ensure records are accurate and complete, and to respond to requests from individuals who are the subject of the records. Routine use F facilitates sharing of information related to hiring, issuance of a security clearance, or a license, contract, grant or benefit. Routine use G has been modified to update the legal authority for the National Archives and Administration to conduct records management inspections. Routine use H has been modified to expand the sharing of information with territorial organizations in response to court orders or for discovery purposes related to litigation. Routine use I has been modified to include the sharing of information with grantees of DOI that perform services requiring access to these records on DOI's behalf to carry out the purposes of the system. Routine use J was slightly modified to allow DOI to share information with appropriate Federal agencies or entities when reasonably necessary to prevent, minimize, or remedy the risk of harm to individuals or the Federal Government resulting from a breach in accordance with OMB Memorandum M–17–12, *Preparing for and Responding to a Breach of Personally Identifiable Information.* Routine use L was modified to clarify sharing with OMB in relation to legislative affairs mandated by OMB Circular A–19. Routine use P was modified to expand the sharing of information with DoD and DCSA in support of personnel security programs, suitability, and/or credentialing. Routine use Q was modified to clarify that information is shared with the Federal Bureau of Investigation during background investigation activities.

Proposed new routine use C permits sharing of information with the Executive Office of the President to respond to an inquiry by the individual to whom that record pertains. Proposed routine use D allows DOI to refer matters to the appropriate Federal, state, local, or foreign agencies, or other public authority agencies responsible for investigating or prosecuting violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license. Proposed routine use M allows sharing with the Department of the Treasury to recover debts owed to the United States. Proposed routine use N allows sharing of information with the news media and the public, with approval by the Public Affairs Officer and Senior Agency Official for Privacy in consultation with counsel, where there is a legitimate public interest or in support of a legitimate law enforcement or public safety function. Proposed routine use R allows sharing with Federal agencies

and organizations in the IC to manage accounts and access to systems, verify personnel security information, implement visitor control, and facilitate information sharing and clearance reciprocity. Proposed routine use S allows sharing with other Federal agencies and organizations to report, investigate, and respond to a classified spillage or major security violation. Proposed routine use T allows sharing with Congressional committees that have oversight of personnel security programs, background investigations, and continuous vetting activities. Proposed routine use U allows the Merit Systems Protection Board or the Office of the Special Counsel to respond to requests related to appeals and civil service and other merit systems, review of applicable agency rules and regulations, investigations of personnel practices, and other functions. Proposed routine use V allows sharing with another Federal agency or organization for national security purposes to fulfill responsibilities under Federal law or Executive Order. Proposed routine use W allows sharing with other agencies under a shared service agreement with DOI for the processing or maintenance of records in this system.

In an NPRM published separately in today's **Federal Register**, DOI is proposing to exempt records maintained in this system from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(3), (k)(5), and (k)(6).

II. Privacy Act

The Privacy Act of 1974, as amended, embodies fair information practice principles in a statutory framework governing the means by which Federal agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to records about individuals that are maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The Privacy Act defines an individual as a United States citizen or lawful permanent resident. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DOI by complying with DOI Privacy Act regulations at 43 CFR part 2, subpart K, and following the procedures outlined in the Records Access, Contesting Record, and Notification Procedures sections of this notice.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the existence and character of each system of records that the agency maintains and the routine uses of each system. The INTERIOR/DOI–45, Personnel Security Program Files, SORN is published in its entirety below. In accordance with 5 U.S.C. 552a(r), DOI has provided a report of this system of records to the Office of Management and Budget and to Congress.

III. Public Participation

You should be aware your entire comment including your personally identifiable information, such as your address, phone number, email address, or any other personal information in your comment, may be made publicly available at any time. While you may request to withhold your personally identifiable information from public review, we cannot guarantee we will be able to do so.

SYSTEM NAME AND NUMBER:

INTERIOR/DOI–45, Personnel Security Program Files.

SECURITY CLASSIFICATION:

Classified and Unclassified.

SYSTEM LOCATION:

The system is centrally managed by the Office of Law Enforcement and Security, Office of the Secretary, U.S. Department of the Interior, 1849 C Street NW, Mail Stop 3428 MIB, Washington, DC 20240. Records are maintained in the NBIS system located at the Defense Information Systems Agency (DISA), Defense Enterprise Computing Center (DECC), 3990 E Broad St., Columbus, OH 43213. Records in this system are also maintained by DOI bureaus and offices that manage personnel security programs at the following locations:

(1) Bureau of Indian Affairs, Office of Human Capital Management, Personnel Security Office, 1011 Indian School Road NW, Suite 273, Albuquerque, NM 87104.

(2) Bureau of Indian Education, Human Resources, Personnel Security Office, 1011 Indian School Road NW, Suite 150, Albuquerque, NM 87104.

(3) Bureau of Land Management, National Operations Center, Office of Security Operations, Denver Federal Center, Building 50, Denver, Colorado 80225.

(4) Bureau of Ocean Energy Management, 45600 Woodland Road, Mail Stop VAE/PSB, Sterling, VA 20166.

(5) Bureau of Reclamation, Policy and Programs Directorate, Security Division, Personnel Security and Suitability Program, P.O. Box 25007, Denver, CO 80225.

(6) Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Mail Stop VAE/PSB, Sterling, VA 20166.

(7) National Park Service, Workforce & Inclusion Directorate, Personnel Security & Identity Management Group, 1849 C Street NW, Washington, DC 20240.

(8) Office of Surface Mining, Reclamation and Enforcement, Office of Human Resources, 1849 C Street NW, Mail Stop 1543 MIB, Washington, DC 20240.

(9) Office of Inspector General, 381 Elden Street, Suite 3000, Herndon, VA 20170.

(10) Office of the Solicitor, Division of Administration, 1849 C Street NW, Mail Stop 6556 MIB, Washington, DC 20240.

(11) U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Mail Stop: JAO, Falls Church, VA 22041.

(12) U.S. Geological Survey, Office of Management Services, Security Management Branch, 12201 Sunrise Valley Drive, Mail Stop 250 National Center, Reston, VA 20192.

(13) Assistant Secretary—Indian Affairs, Office of Human Capital Management, Personnel Security, 12220 Sunrise Valley Drive, Reston, VA 20191.

SYSTEM MANAGER(S):

(1) Personnel Security Manager, Office of Law Enforcement and Security, U.S. Department of the Interior, 1849 C Street NW, Mail Stop 3428 MIB, Washington, DC 20240.

(2) National Security Program Office Manager, Office of Law Enforcement and Security, U.S. Department of the Interior, 1849 C Street NW, Mail Stop 3428 MIB, Washington, DC 20240. This official is responsible for the Classified National Security Information, the Sensitive Compartmented Information, and the Industrial Security Programs.

(3) Bureau Personnel Security System Managers:

(a) Bureau of Indian Affairs: Personnel Security Officer, Bureau of Indian Affairs, Office of Human Capital Management, Personnel Security Office, 1011 Indian School Road NW, Suite 273, Albuquerque, NM 87104.

(b) Bureau of Indian Education: Personnel Security Specialist, Bureau of Indian Education, Human Resources, Personnel Security Office, 1011 Indian School Road NW, Suite 150, Albuquerque, NM 87104.

(c) Bureau of Land Management: Chief Security and Intelligence, Bureau of Land Management, Office of Law Enforcement and Security, 1620 L Street NW, Washington, DC 20036.

(d) Bureau of Ocean Energy Management, Personnel Security Officer, 45600 Woodland Road, Mail Stop VAE/PSB, Sterling, VA 20166.

(e) Bureau of Reclamation: Lead Personnel Security Specialist, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225.

(f) Bureau of Safety and Environmental Enforcement: Personnel Security Officer, 45600 Woodland Road, Mail Stop VAE/PSB, Sterling, VA 20166.

(g) National Park Service: Security Officer, National Park Service, Workforce & Inclusion Directorate, Personnel Security & Identity Management Group, 1849 C Street NW, Washington, DC 20240.

(h) Office of Surface Mining, Reclamation and Enforcement: Personnel Security Officer, Office of Surface Mining, Reclamation and Enforcement, 1951 Constitution Avenue NW, South Interior Building, Washington, DC 20240.

(i) Office of Inspector General: Security Specialist, Office of Inspector General, 381 Elden Street, Suite 3000, Herndon, VA 20170.

(j) Office of the Secretary/Interior Business Center: Security Manager, Interior Business Center, 1849 C Street NW, Mail Stop 1224 MIB, Washington, DC 20240.

(k) Office of the Solicitor: Director of Administrative Services, Division of Administration, Office of the Solicitor, 1849 C Street NW, Mail Stop 6556 MIB, Washington, DC 20240.

(l) U.S. Fish and Wildlife Service: Personnel Security Manager, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Mail Stop: JAO, Falls Church, VA 22041.

(m) U.S. Geological Survey: U.S. Geological Survey, Office of Management Services, Security Management Branch, 12201 Sunrise Valley Drive, Mail Stop 250 National Center, Reston, VA 20192.

(n) Assistant Secretary—Indian Affairs, Office of Human Capital Management, Personnel Security Specialist, 12220 Sunrise Valley Drive, Reston, VA 20191.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. Ch. 23, Internal Security Act of 1950, as amended; National Security Act of 1947, as amended, Public Law 80–253; 40 U.S.C. 11331, Responsibilities for Federal information systems standards; Federal Property and Administrative Services Act of 1949, as amended, Public Law 81–152; E-Government Act of 2002, Public Law 107–347, section 203; 44 U.S.C. 3501–3520, Paperwork Reduction Act of 1995; 5 U.S.C. 301, Departmental regulations; 5 U.S.C. 3301, Civil service; generally; 5 U.S.C. 9101, Access to criminal history records for national security and other purposes; 42 U.S.C. 2165, Security restrictions; 42 U.S.C. 2201, General duties of Commission; 5 CFR part 5, Regulations, Investigation, and Enforcement (Rule V); 5 CFR part 732, National Security Positions; 5 CFR part 736, Personnel Investigations; Executive Order (E.O.) 9397, as amended, Numbering System for Federal Accounts Relating to Individual Persons; E.O. 10450, as amended, Security Requirements for Government Employment; E.O. 10865, Safeguarding Classified Information within Industry; E.O. 12829, as amended, National Industrial Security Program; Executive Order 12333, as amended, United States Intelligence Activities; Executive Order 12968, as amended, Access to Classified Information; E.O. 13470, Further Amendments to Executive Order 12333, United States Intelligence Activities; E.O. 13488, as amended, Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust; E.O. 13526, Classified National Security Information; E.O. 13741, Amending Executive Order 13467, To Establish the Roles and Responsibilities of the National Background Investigations Bureau and Related Matters; E.O. 13764, Amending the Civil Service Rules; Security Executive Agent Directives; Homeland Security Presidential Directive (HSPD) 12, Policy for a Common Identification Standard for Federal Employees and Contractors, August 27, 2004; 32 CFR parts 2001 and 2003; and Federal Information Processing Standard (FIPS) 201–3, Personal Identity Verification (PIV) of Federal Employees and Contractors.

PURPOSE(S) OF THE SYSTEM:

The primary purposes of the system are:

(1) To document and support decisions regarding suitability, eligibility, and fitness for service of applicants for Federal employment, contractors and subcontractors, students, interns, affiliates, or volunteers, or individuals appointed to commissions and boards, including Bureau of Indian Education agency or local school boards, to the extent their duties require regular, ongoing access to Departmental facilities and information systems and networks including clearance for access to classified information and Sensitive Compartmented Information (SCI) access;

(2) To prescribe a uniform system for classification management, safeguarding, and declassifying national security information;

(3) To ensure the safety and security of Departmental facilities, information systems and networks, occupants, and users; and

(4) To verify personnel security clearances, access to SCI, reciprocity, and documented exceptions to personnel security standards.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who require regular, ongoing access to Departmental facilities, information systems and networks, that will grant them access to either classified and unclassified information in the interest of national security, including applicants for employment or contracts with DOI, Departmental employees, contractors, subcontractors, students, interns, volunteers, affiliates, or individuals appointed to commissions and boards, including Bureau of Indian Education agency or local school boards, and individuals formerly in any of these positions. In addition, it will cover individuals needing access to a uniform system of classification management.

(2) Employees of independent agencies, councils and commissions, which are provided administrative support by DOI.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Copies of forms submitted by individuals covered by this system including but not limited to: SF 85, Questionnaire for Non-Sensitive Positions; SF 85P, Questionnaire for Public Trust Positions; SF 85P–S, Supplemental Questionnaire for Selected Positions; SF–86, Questionnaire for National Security Positions; SF 86C, Certification; SF 87 Fingerprint Chart; the FD 258 Applicant Fingerprint Card; and other forms and information provided by individuals.

(2) Personnel security records including but not limited to favorable or unfavorable adjudications related to suitability, fitness for service, credentialing, and continuous vetting, and approvals, denials, revocations, suspensions, waivers, deviations or eligibility-for-access determinations related to national security.

(3) Records of all collateral clearances, SCI access, and personnel security background investigations and adjudications granted or conducted by an IC element, to include pending and cancelled investigations or adjudications.

(4) Copies of letters of transmittal between DOI and the Department of

Defense regarding the covered individual's background investigation.

(5) Copies of certification of clearance status and briefings and/or copies of debriefing certificates signed by the individual, as appropriate. Card files contain case file summaries, case numbers, and dispositions of case files following review.

(6) Copies of the annual Self-Inspection Report that is due to the Information Security Oversight Office (ISOO); loss, possible compromise, or unauthorized disclosure of classified information; mandatory review of declassified information report; and any report as stipulated by ISOO under the authority 32 CFR parts 2001 and 2003.

(7) Records maintained on individuals issued credentials by the Department including personal identity verification (PIV) request form, PIV registrar approval signature, PIV card serial number, PIV card issue and expiration dates, personal identification number, emergency responder designation, copies of ''I–9'' documents including driver's license, birth certificate or other government issued identification used to verify identification. These records include information derived from those documents such as document title, document issuing authority, document number, or document expiration date; level of national security clearance and expiration date; computer system user name; user access and permission rights, authentication certificates; and digital signature information.

These records may contain a combination of personally identifiable information on individuals including but not limited to: full name, former names, date of birth, place of birth, Social Security number (SSN), signature, home and work address, personal and official email address, personal and official phone numbers, driver's license number, passport number, foreign passport, employment or travel visa, employment history, agency affiliation (*i.e.,* employee, contractor or volunteer); military record including status, branch of service, entry and separation date, and type of discharge; residential history, education and degrees earned, names of associates and references and their contact information, citizenship, names of relatives, birthdates and places of relatives, citizenship of relatives, names of relatives who work for the Federal government, criminal history, mental health history, drug use, financial information, image (photograph), fingerprints, gender, hair color, eye color, height, weight; and background investigation, summary report of investigation, results of suitability decisions, level of security clearance, date of issuance of security clearance, and requests for appeal.

RECORD SOURCE CATEGORIES:

Information is obtained from a variety of sources including applicants for employment with DOI, employees, contractors, subcontractors, students, interns, volunteers, affiliates, or individuals appointed to commissions and boards, including Bureau of Indian Education agency or local school boards, individuals formerly in any of these positions, and individuals who are the subject of a background investigation through forms such as the SF–85, Questionnaire for Non-Sensitive Positions, SF–85P, Questionnaire for Public Trust Positions, SF–86, Questionnaire for the National Security Positions, and self-reported information provided in other forms; personal interviews; employers' and former employers' records; other Federal agencies supplying data on covered individuals; Federal Bureau of Investigation criminal history records and other law enforcement databases; financial institutions and credit reports; medical records and health care providers; educational institutions; and individuals or Federal, state, local, territory, tribal entities or an individual as protected by the Freedom of Information Act.

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

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

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

(1) DOI or any component of DOI;

(2) Any other Federal agency appearing before the Office of Hearings and Appeals;

(3) Any DOI employee or former employee acting in his or her official capacity;

(4) Any DOI employee or former employee acting in his or her individual capacity when DOI or DOJ has agreed to represent that employee or pay for private representation of the employee; or

(5) The United States Government or any agency thereof when DOJ determines that DOI is likely to be affected by the proceeding.

B. To a congressional office when requesting information on behalf of, and at the request of, the individual who is the subject of the record, to the extent the records have not been exempted from disclosure pursuant to 5 U.S.C. 552a(k).

C. To the Executive Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf, or for a purpose compatible with the reason for which the records are collected or maintained, to the extent the records have not been exempted from disclosure pursuant to 5 U.S.C. 552a(k).

D. To any criminal, civil, or regulatory law enforcement authority (whether Federal, state, territorial, local, tribal or foreign) when a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature, and the disclosure is compatible with the purpose for which the records were compiled.

E. To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files or to enable that agency to respond to an inquiry by the individual to whom the record pertains.

F. To Federal, state, territorial, local, tribal, or foreign agencies that have requested information relevant or necessary to the hiring, firing or retention of an employee or contractor, or the issuance of a security clearance, license, contract, grant or other benefit, when the disclosure is compatible with the purpose for which the records were compiled.

G. To representatives of the National Archives and Records Administration (NARA) to conduct records management inspections under the authority of 44 U.S.C. 2904 and 2906.

H. To state, territorial and local governments and tribal organizations to provide information needed in response to court order and/or discovery purposes related to litigation, when the disclosure is compatible with the purpose for which the records were compiled.

I. To an expert, consultant, grantee, or contractor (including employees of the contractor) of DOI that performs services requiring access to these records on DOI's behalf to carry out the purposes of the system.

J. To appropriate agencies, entities, and persons when:

(1) DOI suspects or has confirmed that there has been a breach of the system of records;

(2) DOI has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOI (including its information systems, programs, and operations), the Federal Government, or national security; and

(3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DOI's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

K. To another Federal agency or Federal entity, when DOI determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(1) responding to a suspected or confirmed breach; or

(2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

L. To the Office of Management and Budget (OMB) during the coordination and clearance process in connection with legislative affairs as mandated by OMB Circular A–19.

M. To the Department of the Treasury to recover debts owed to the United States.

N. To the news media and the public, with the approval of the Public Affairs Officer in consultation with counsel and the Senior Agency Official for Privacy, where there exists a legitimate public interest in the disclosure of the information, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

O. To the Federal Protective Service and appropriate Federal, state, local or foreign agencies responsible for investigating emergency response situations or investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license, when DOI becomes aware of a violation or potential violation of a statute, rule, regulation, order or license.

P. To the Department of Defense, Defense Counterintelligence and Security Agency, Director of National Intelligence, as Security Executive Agent, the Director of the Office of Personnel Management, as Suitability Executive Agent or Credentialing Executive Agent, or their assignee, to perform oversight or any functions authorized by law or executive order in support of personnel security programs, suitability, and/or credentialing.

Q. To the Federal Bureau of Investigation for the purpose of conducting background investigations and performing authorized audit and oversight functions.

R. To Federal agencies and organizations in the Intelligence Community to manage individual accounts and logical access to systems, verify personnel security information, and facilitate information sharing, visitor control, and clearance reciprocity.

S. To other Federal agencies and organizations as appropriate to report, investigate, and respond to a classified spillage and/or any major security violation.

T. To a Congressional committee with jurisdiction for oversight of matters pertaining to personnel security programs, background investigations, and continuous vetting activities.

U. To the Merit Systems Protection Board or the Office of the Special Counsel to disclose information when requested in connection with appeals, special studies of the civil service and other merit systems, review of applicable agency rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, *e.g.,* as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

V. To another Federal agency or organization when authorized and necessary for the purpose of national security, to include but not limited to, insider threat, counterintelligence, counterterrorism, and homeland defense activities to fulfill responsibilities under Federal law or Executive Order.

W. To another Federal agency or organization operating under a shared service agreement with DOI for the processing and maintenance of records and support related to the provision of personnel security and suitability services, to reconstitute the system in case of system failure or helpdesk request, and to ensure the integrity of the system and effective management of personnel security program functions.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records are contained in file folders stored within filing cabinets in secured rooms. Electronic records are contained in computers, compact discs, computer tapes, removable drives, email, diskettes, and electronic databases.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name, SSN, and date of birth.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Departmental Records Schedule (DRS), Administrative Records Bucket Schedule has superseded many of the General Records Schedule (GRS) items for security records. Personnel security records include questionnaires, summaries of reports prepared by the investigating agency, documentation of agency adjudication process and final determination, as well as case files of applicants not hired. The records disposition is temporary. Records are cut off one year after consideration of the candidate ends and destroyed when no longer needed after cutoff (DRS 1.1.0003, DAA–0048–2013–0001–0003). For records maintained on individuals issued credentials by the Department including PIV request form, PIV registrar approval signature, PIV card serial number, PIV card issue and expiration dates, personal identification number, emergency responder designation, copies of ''I–9'' documents including driver's license, birth certificate or other government issued identification used to verify identification, the records disposition is temporary. The records are cut off at the end of the fiscal year in which files are closed and destroyed 7 years after cut off (DRS 1.1.0002, DAA–0048–2013–0001–0002). The Standard Form 312, Classified Information Nondisclosure Agreement (NDA), is covered under GRS 4.2 item 121 (DAA–GRS–2015–0002–0003) and requires longer retention. The disposition is temporary. SF 312 forms are destroyed 50 years after final signature.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records contained in this system are safeguarded in accordance with 43 CFR 2.226 and other applicable security and privacy rules and policies. Paper records are maintained in locked file cabinets and/or safes under the control of authorized personnel during normal hours of operation. Computer servers on which electronic records are stored are located in secured DOI and DoD facilities with physical, technical and administrative levels of security to prevent unauthorized access to the DOI or DoD network and information assets. Authorized DOI and DoD personnel must complete training specific to their roles to ensure they are knowledgeable about how to protect personally

identifiable information before they are granted access to the system of records.

Computerized records systems follow the National Institute of Standards and Technology privacy and security standards as developed to comply with the Privacy Act of 1974, as amended, 5 U.S.C. 552a; Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.;* Federal Information Security Modernization Act of 2014, 44 U.S.C. 3551 *et seq.;* and the Federal Information Processing Standards 199: Standards for Security Categorization of Federal Information and Information Systems. Security controls include user identification, passwords, database permissions, encryption, firewalls, audit logs, and network system security monitoring and software controls which establish access levels according to the type of user. Access to records in the system is limited to authorized personnel who have a need to access the records in the performance of their official duties, and each user's access is restricted to only the functions and data necessary to perform that person's job responsibilities. Audit trails are maintained and reviewed periodically to identify unauthorized access or use. System administrators and authorized users are trained and required to follow established internal security protocols and must complete all security, privacy, and records management training and sign the DOI Rules of Behavior.

RECORD ACCESS PROCEDURES:

DOI is proposing to exempt portions of this system from the notification, access, and amendment procedures of the Privacy Act pursuant to sections (k)(1), (k)(2), (k)(3), (k)(5), and (k)(6). DOI will make access determinations on a case-by-case basis.

An individual requesting records on himself or herself should send a signed, written inquiry to the applicable System Manager identified above. The request must include the specific bureau or office that maintains the record to facilitate location of the applicable records. The request envelope and letter should both be clearly marked ''PRIVACY ACT REQUEST FOR ACCESS.'' A request for access must meet the requirements of 43 CFR 2.238.

CONTESTING RECORD PROCEDURES:

DOI is proposing to exempt portions of this system from the notification, access, and amendment procedures of the Privacy Act pursuant to sections (k)(1), (k)(2), (k)(3), (k)(5), and (k)(6). DOI will make amendment determinations on a case by case basis.

An individual requesting corrections or the removal of material from his or her records should send a signed, written request to the applicable System Manager as identified above. The request must include the specific bureau or office that maintains the record to facilitate location of the applicable records. A request for corrections or removal must meet the requirements of 43 CFR 2.246.

NOTIFICATION PROCEDURES:

DOI is proposing to exempt portions of this system from the notification, access, and amendment procedures of the Privacy Act pursuant to sections (k)(1), (k)(2), (k)(3), (k)(5), and (k)(6). DOI will make notification determinations on a case by case basis.

An individual requesting notification of the existence of records on himself or herself should send a signed, written inquiry to the applicable System Manager as identified above. The request must include the specific bureau or office that maintains the record to facilitate location of the applicable records. The request envelope and letter should both be clearly marked ''PRIVACY ACT INQUIRY.'' A request for notification must meet the requirements of 43 CFR 2.235.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

This system contains background investigation records and investigatory records related to law enforcement and counterintelligence activities that are exempt from certain provisions of the Privacy Act, 5 U.S.C. 552a(k). Pursuant to the Privacy Act, 5 U.S.C. 552a(k)(1), (k)(2), (k)(3), (k)(5), and (k)(6), DOI has exempted portions of this system from the following subsections of the Privacy Act: (c)(3), (c)(4), (d), (e)(1) through (e)(3), (e)(4)(G) through (e)(4)(I), (e)(5), (e)(8), (e)(12), (f), and (g). In accordance with 5 U.S.C. 553(b), (c) and (e), DOI is publishing a NPRM separately in the **Federal Register** to claim exemptions under 5 U.S.C. 552a(k)(1), (k)(2), (k)(3), (k)(5), and (k)(6). Additionally, when this system receives a record from another system exempted in that source system under 5 U.S.C. 552a(j) or (k), DOI claims the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.

HISTORY:

72 FR 11036 (March 12, 2007); modification published at 86 FR 50156 (September 7, 2021).

Teri Barnett,

Departmental Privacy Officer, Department of the Interior.

[FR Doc. 2022–19077 Filed 9–1–22; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2022–0045]

Notice of Availability of a Draft Environmental Impact Statement for Revolution Wind, LLC's Proposed Revolution Wind Farm Offshore Rhode Island

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability and request for comments; draft environmental impact statement.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of the draft environmental impact statement (DEIS) for the construction and operations plan (COP) submitted by Revolution Wind, LLC (Revolution Wind) for its proposed Revolution Wind Offshore Wind Farm Project (Project) offshore Rhode Island. The DEIS analyzes the potential environmental impacts of the Project as described in the COP (the proposed action) and the alternatives to the proposed action. This notice of availability (NOA) announces the start of the public review and comment period, as well as the dates and times for public hearings on the DEIS. After the comment period and public hearings, BOEM will publish a final environmental impact statement (FEIS) addressing comments received on the DEIS. The FEIS will inform BOEM's decision whether to approve, approve with modifications, or disapprove the COP.

DATES: Comments must be received no later than October 17, 2022. BOEM will conduct three in-person public hearings and two virtual public hearings. BOEM's in-person public hearings will be held at the following times (eastern time).

- Tuesday, October 4, 2022, 5:00 p.m.;
- Wednesday, October 5, 2022, 5:00 p.m.; and
- Thursday, October 6, 2022, 5:00 p.m.

BOEM's virtual public meetings will be held at the following times (eastern time).

- Thursday, September 29, 2022, 1:00 p.m.; and
- Tuesday, October 11, 2022, 5:00 p.m.

Registration for the public hearings may be completed at *https://www.boem.gov/renewable-energy/state-activities/revolution-wind* or by calling (504) 736–5713.

ADDRESSES: The DEIS and detailed information about the Project, including the COP, can be found on BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/revolution-wind.* Comments can be submitted in any of the following ways:

- Orally or in written form during any of the public hearings identified in this NOA.
- In written form by mail or other delivery service, enclosed in an envelope labeled ''Revolution Wind COP DEIS'' and addressed to Program Manager, Office of Renewable Energy Programs, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.
- Through the *regulations.gov* web portal: Navigate to *http://www.regulations.gov* and search for Docket No. BOEM–2022–0045. Click on the ''Comment'' button below the document link. Enter your information and comment, then click ''Submit Comment.''

For more information about submitting comments, please see ''*Information on Submitting Comments*'' under the **SUPPLEMENTARY INFORMATION** heading below.

The in-person meetings will be held at the following locations:

- Tuesday, October 4, 2022—Aquinnah Old Town Hall, 67 State Road, Aquinnah, Massachusetts 02535, 5:00 p.m. EDT
- Wednesday, October 5, 2022—Swift Community Center, 121 Peirce Street, East Greenwich, Rhode Island 02818, 5:00 p.m. EDT
- Thursday, October 6, 2022—Keith Middle School, 225 Hathaway Boulevard, New Bedford, Massachusetts 02740, 5:00 p.m. EDT

Centers for Disease Control and Prevention COVID–19 Community Levels (*https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html*) will be monitored for Dukes County (Martha's Vineyard, MA), Washington County (North Kingstown, RI), and Bristol County (New Bedford, MA). If the COVID–19 Community Level is ''MEDIUM'' or ''HIGH,'' BOEM may decide to cancel one or more in-person hearings and hold an additional virtual hearing. Updates will be provided to all meeting registrants via email and on BOEM's website at *https://www.boem.gov/renewable-energy/state-activities/revolution-wind.* Therefore, early registration for in-person meetings is strongly encouraged.

A registration link for each of the hearings is provided on BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/revolution-wind.* Registration for the virtual meetings is required. Webinar information will be sent to registrants via their email address provided during registration.

FOR FURTHER INFORMATION CONTACT: Jessica Stromberg, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, Sterling, Virginia 20166, (703) 787–1730 or *jessica.stromberg@boem.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Action: Revolution Wind seeks approval to construct, operate, and maintain the Project and its associated export cables on the Outer Continental Shelf (OCS) offshore Rhode Island. The Project would be developed within the range of design parameters outlined in the Revolution Wind COP, subject to applicable mitigation measures. The Project as proposed in the COP would have a maximum capacity ranging between 704 and 880 megawatts, would include up to 100 wind turbine generators, up to 2 offshore, high voltage alternating current substations, inter-array cables linking the individual turbines to the offshore substations, one substation interconnector cable linking the substations to each other, offshore export cables, an onshore export cable system, 1 onshore substation, and connection to the existing electrical grid at The Narragansett Electric Company Davisville Substation in North Kingstown, Rhode Island. The Project would be located on the OCS approximately 15 nautical miles (18 statute miles) southeast of Point Judith, Rhode Island, within an area defined by Renewable Energy Lease OCS–A 0486. The offshore export cables would be buried below the seabed in the U.S. OCS and State of Rhode Island submerged lands. The onshore export cables, substations, and grid connections would be located in North Kingstown, Rhode Island.

Alternatives: BOEM considered 18 alternatives when preparing the DEIS and carried forward 6 alternatives for further analysis in the DEIS. These six alternatives include five action alternatives and the no action alternative. Twelve alternatives were not carried forward because they did not meet the purpose and need for the proposed action or did not meet screening criteria, which are presented in DEIS chapter 2 and appendix K. The screening criteria included consistency with law and regulations; technical and economic feasibility; environmental impacts; and geographic considerations.

Availability of the DEIS: The DEIS, Revolution Wind COP, and associated information are available on BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/revolution-wind.* BOEM has distributed digital copies of the DEIS to all parties listed in DEIS appendix H. If you require a digital copy on a flash drive or a paper copy, BOEM will provide one upon request, as long as previously prepared supplies of these materials are available. You may request a flash drive or paper copy of the DEIS by calling (504) 736–5713.

Cooperating Agencies: The following Federal agencies and State governmental entities participated as cooperating agencies in the preparation of the DEIS: Bureau of Safety and Environmental Enforcement; Environmental Protection Agency; National Marine Fisheries Service; U.S. Army Corps of Engineers; U.S. Coast Guard; Massachusetts Office of Coastal Zone Management; Rhode Island Coastal Resources Management Council; and the Rhode Island Department of Environmental Management. The Advisory Council on Historic Preservation; National Park Service; Department of Defense; U.S. Fish and Wildlife Service; and Department of the Navy participated as a participating agency.

Information on Submitting Comments: BOEM does not consider anonymous comments. Please include your name and address as part of your comment. BOEM makes all comments, including your name, address, and other personally identifiable information (PII) included in your comment, available for public review online and during regular business hours. You may request that BOEM withhold your name, address, and any other PII included in your comment from public disclosure. If you wish your name, address, or other PII to be withheld, you must state your request prominently in a cover letter and explain the harm that you fear from disclosure of such information, such as unwarranted privacy invasion, embarrassment, or injury. Under the Freedom of Information Act, BOEM cannot guarantee that it will be able to withhold your information from public disclosure. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Authority: 42 U.S.C. 4231 *et seq.* (NEPA, as amended) and 40 CFR 1506.6.

Karen Baker,

Chief, Office of Renewable Energy Programs, Bureau of Ocean Energy Management.

[FR Doc. 2022–18915 Filed 9–1–22; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[OMB Control Number 1010–0176; Docket ID: BOEM–2017–0016]

Agency Information Collection Activities; Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) is proposing to renew an information collection request (ICR).

DATES: Interested persons are invited to submit comments, which must be received by BOEM no later than November 1, 2022.

ADDRESSES: Send your comments on this ICR by mail to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov.* Please reference Office of Management and Budget (OMB) Control Number 1010–0176 in the subject line of your comments. You may also view the ICR and its related documents by searching the docket number BOEM–2017–0016 at *http://www.reginfo.gov/public/do/PRAMain.*

FOR FURTHER INFORMATION CONTACT: Contact Anna Atkinson by email at *anna.atkinson@boem.gov* or by telephone at 703–787–1025. 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 of the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, BOEM provides the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps BOEM assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BOEM's information collection requirements and provide the requested data in the desired format.

BOEM is soliciting comments on the proposed ICR described below. BOEM is especially interested in public comments addressing the following issues: (1) is the collection necessary to the proper functions of BOEM; (2) what can BOEM do to ensure that this information is processed and used in a timely manner; (3) is the burden estimate accurate; (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected; and (5) how might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments submitted in response to this notice are a matter of public record. BOEM will include or summarize each comment in its ICR to OMB for approval of this information collection. You should be aware that your entire comment—including your address, phone number, email address, or other personally identifiable information included in your comment—may be made publicly available at any time.

You may request that BOEM withhold your personally identifiable information from public disclosure. In order for BOEM to consider withholding from disclosure your personally identifying information, you must identify, in a cover letter, any information contained in the submittal of your comments that, if released, would constitute a clearly unwarranted invasion of your personal privacy. You must also briefly describe any possible harmful consequences from disclosing your information, such as embarrassment, injury, or other harm. Even if BOEM withholds your information in the context of this ICR, your submission is subject to the Freedom of Information Act (FOIA). If your submission is requested under the FOIA, BOEM can only withhold your information if it determines that one of the FOIA's exemptions to disclosure applies. Such a determination will be made in accordance with the Department's FOIA regulations and applicable law.

Note that BOEM will make available for public inspection all comments in their entirety submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

BOEM protects proprietary information in accordance with FOIA (5 U.S.C. 552), the Department of the Interior's implementing regulations (43 CFR part 2), and 30 CFR 585.113

Title of Collection: ''30 CFR part 585, Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf.''

Abstract: The ICR addresses the paperwork requirements in the regulations under ''30 CFR part 585, Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf [OCS]'' issued pursuant to the OCS Lands Act, as amended (43 U.S.C. 1331 *et seq.*). The OCS Lands Act at subsection 8(p) (43 U.S.C. 1337(p)) authorizes the Secretary of the Interior to issue leases, easements, or rights-of way on the OCS for activities that produce or support production, transportation, or transmission of energy from sources other than oil and gas, including renewable energy. Subsection 8(p) directs the Secretary to issue any necessary regulations to carry out the OCS renewable energy program. The Secretary delegated this authority to BOEM. BOEM issued regulations for OCS renewable energy activities at 30 CFR part 585; this notice concerns the reporting and recordkeeping elements required by these regulations.

Respondents are lessees and grantees submitting plans for commercial and noncommercial renewable energy projects on the OCS, and, if such plans are approved, constructing, operating, maintaining, and decommissioning those projects. BOEM must ensure that these activities are carried out in a manner that provides for, among other things, safety, protection of the environment, and consideration of other OCS users. In order to execute its duties, BOEM requires information regarding potential purchasers of leases, grants, and rights-of-way; their proposed activities; their financial assurance instruments to ensure accrued obligations are met; and their payments to the U.S. Treasury.

BOEM uses forms to collect some information to ensure proper and efficient administration of OCS renewable energy leases and grants and to document the financial responsibility of lessees and grantees. Forms BOEM–0002, BOEM–0003, BOEM–0004, and BOEM–0006 are used by renewable energy entities on the OCS to assign a lease interest, designate an operator, and to assign or relinquish a lease or grant. Form BOEM–0005 is used to document a surety's guarantee lessees' and

grantees' performance. BOEM maintains the submitted forms as official lease and grant records.

OMB Control Number: 1010–0176.

Form Number:

- BOEM–0002, ''Outer Continental Shelf (OCS) Renewable Energy Assignment of Grant;''
- BOEM–0003, ''Assignment of Record Title Interest in Federal OCS Renewable Energy Lease;''
- BOEM–0004, ''Outer Continental Shelf (OCS) Renewable Energy Lease or Grant Relinquishment Application;''
- BOEM–0005, ''Outer Continental Shelf (OCS) Renewable Energy Lessee's, Grantee's, and Operator's Bond;'' and
- BOEM–0006, ''Outer Continental Shelf (OCS) Renewable Energy Lease or Grant Designation of Operator.''

Type of Review: Extension of a currently approved information collection.

Respondents/Affected Public: Companies interested in renewable energy-related uses on the OCS and holders of leases and grants under 30 CFR part 585.

Total Estimated Number of Annual Responses: 265 responses.

Total Estimated Number of Annual Burden Hours: 18,783 hours.

Respondent's Obligation: Mandatory or required to obtain or retain a benefit.

Frequency of Collection: On occasion or annually.

Total Estimated Annual Non-Hour Burden Cost: $3,816,000 non-hour costs. The non-hour cost burdens consist of service fees and payments to a contractor for drafting BOEM-required documents, preparing and conducting a site-specific study, and writing a report to evaluate the cause of harm to natural resources.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this collection is 18,783 hours. The following table details the individual components and estimated hour burdens. In calculating the burdens, BOEM recognized that some of its required information collections are incurred by respondents in the normal course of their activities, like compiling and maintaining business records. BOEM considers some information collection activities to be usual and customary business practices and excluded those activities from its account in estimating the burden.

The following table details the individual BOEM components and respective burden hours of this ICR.

BURDEN TABLE

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
Subpart A—General Provisions				
102; 105; 110	These sections contain general references to responsibilities, submitting requests, applications, plans, notices, reports, and/or supplemental information needed to support requests for BOEM approval—burdens covered under specific requirements.			0
102(e)	State(s), local government(s), and/or Indian Tribe(s) enter into task force or joint planning or coordination agreement with BOEM.	1	2 agreements	2
103; 904;	Request general departures not specifically covered elsewhere in part 585	2	6 requests	12
105(c)	Make oral requests or notifications and submit written follow up within 3 business days not specifically covered elsewhere in part 585.	1	5 requests	5
106; 107; 213(e); 230(f); 302(a); 408(b)(7); 409(c); 1005(d); 1007(c); 1013(b)(7).	Submit evidence of qualifications to hold a lease or grant; submit required supporting information (electronically if required).	2	20 submissions	40
106(b)(1)	Request exception from exclusion or disqualification from participating in transactions covered by Federal non-procurement debarment and suspension system.	1	1 exception	1
106(b)(2), 118(c), 225(b); 436; 437; 527(c); 705(c)(2); 1016.	Request reconsideration and/or hearing	Requirement not considered IC under 5 CFR 1320.3(h)(9).		0
108; 530(b)	Notify BOEM within 3 business days after learning of any action filed alleging respondent is insolvent or bankrupt.	1	1 notice	1
109	Notify BOEM in writing of merger, name change, or change of business form no later than 120 days after earliest of either the effective date or filing date.	Requirement not considered IC under 5 CFR 1320.3(h)(1).		0
111	Within 30 days of receiving bill, submit processing fee payments for BOEM document or study preparation to process applications and other requests.	.5	4 submissions	2
		4 payments × $4,000 = $16,000		
111(b)(2), (3)	Submit comments on proposed processing fee or request approval to perform or directly pay contractor for all or part of any document, study, or other activity, to reduce BOEM processing costs.	2	4 requests	8
111(b)(3)	Perform, conduct, develop, etc., all or part of any document, study, or other activity; and provide results to BOEM to reduce BOEM processing fee.	12,000	1 submission	12,000
111(b)(3)	Pay contractor for all or part of any document, study, or other activity, and provide results to BOEM to reduce BOEM processing costs.	3 studies × $950,000 = $2,850,000		

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
111(b)(7); 118(a); 436(c)	Appeal BOEM estimated processing costs, decisions, or orders pursuant to 30 CFR 590.	Exempt under 5 CFR 1320.4(a)(2), (c).		0
115(c)	Request approval to use later edition of a document incorporated by reference or alternative compliance.	1	1 request	1
118(c); 225(b)	Within 15 days of bid rejection, request reconsideration of bid decision or rejection.	Requirement not considered IC under 5 CFR 1320.3(h)(9).		0
Subtotal			45 responses	12,072
			$2,866,000 non-hour costs	
Subpart B—Issuance of OCS Renewable Energy Leases				
200; 224; 231; 235; 236; 238.	These sections contain references to information submissions, approvals, requests, applications, plans, payments, etc., the burdens for which are covered elsewhere in part 585.			0
210; 211(a–c); 212 thru 216.	Submit nominations and general comments in response to **Federal Register** notices on Request for Interest in OCS Leasing, Call for Information and Nominations (Call), Area Identification, and Notices of Sale. Includes industry, State & local governments.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0
210; 211(a–c); 212 thru 216.	Submit required information in response to **Federal Register** notices on Request for Interest in OCS Leasing, Call for Information and Nominations (Call), Area Identification, and Notices of Sale. Includes industry, State & local governments.	4	30 responses	120
211(d); 216; 220 thru 223; 231(c)(2).	Submit bid, payments, and required information in response to **Federal Register** Final Sale Notice.	5	12 bids	60
224	Within 10 business days, execute 3 copies of lease form and return to BOEM with required payments, including evidence that agent is authorized to act for bidder; if applicable, submit information to support delay in execution—competitive leases.	1	2 lease executions	2
230; 231(a)	Submit unsolicited request and acquisition fee for a commercial or limited lease.	5	2 requests	10
231(b)	Submit comments in response to public notice re interest of unsolicited request for a lease.	4	4 comments	16
231(g)	Within 10 business days of receiving lease documents, execute lease; file financial assurance and supporting documentation—noncompetitive leases.	2	2 leases	4
231(g)	Within 45 days of receiving lease copies, submit rent and rent information	Burdens covered by information collections approved for ONRR 30 CFR Chapter XII.		0
235(b); 236(b)	Request additional time to extend preliminary or site assessment term of commercial or limited lease, including revised schedule for SAP, COP, or GAP submission.	1	3 requests	3
237(b)	Request lease be dated and effective 1st day of month in which signed	1	1 request	1
238	Submit request for renewable energy research lease	4	1 request	4
Subtotal			57 responses	220
Subpart C—ROW Grants and RUE Grants for Renewable Energy Activities				
306; 309; 315; 316	These sections contain references to information submissions, approvals, requests, applications, plans, payments, etc., the burdens for which are covered elsewhere in part 585.			0
302(a); 305; 306	Submit copies of a request for a new or modified ROW or RUE and required information, including qualifications to hold a grant, in format specified.	5	1 request	5
308(a)	Submit comments in response to public notice of grant auction	4	2 comments	8
308(a)(2), (b); 315; 316	Submit bid and payments in response to **Federal Register** notice of auction for a ROW or RUE grant.	5	1 bid	5
309	Submit decision to accept or reject terms and conditions of noncompetitive ROW or RUE grant.	2	1 submission	2
Subtotal			5 responses	20

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
Subpart D—Lease and Grant Administration				
400; 401; 402; 405; 409; 416, 433.	These sections contain references to information submissions, approvals, requests, applications, plans, payments, etc., the burdens for which are covered elsewhere in part 585.			0
401(b)	Take measures directed by BOEM in cessation order and submit reports in order to resume activities.	100	1 report	100
405(d)	Submit written notice of change of address	Requirement not considered IC under 5 CFR 1320.3(h)(1).		0
405(e); Form BOEM–0006.	If designated operator (DO) changes, notify BOEM and identify new DO for BOEM approval.	1	1 notice	1
408 thru 411; Forms BOEM–0002 and BOEM–0003.	Within 90 days after last party executes a transfer agreement, submit copies of a lease or grant assignment application, including originals of each instrument creating or transferring ownership of record title, eligibility and other qualifications; and evidence that agent is authorized to execute assignment, in format specified.	1 (30 minutes per form × 2 forms = 1 hour)	2 requests/submissions	2
415(a)(1); 416; 420(a), (b); 428(b).	Submit request for suspension and required information/payment no later than 90 days prior to lease or grant expiration.	10	1 request	10
417(b)	Conduct, and if required pay for, site-specific study to evaluate cause of harm or damage; and submit copies of study and results, in format specified.	100	1 study/submission	100
		1 study × $950,000 = $950,000		
425 thru 428; 652(a); 235(a), (b).	Request lease or grant renewal no later than 180 days before termination date of your limited lease or grant, or no later than 2 years before termination date of operations term of commercial lease. Submit required information.	6	1 request	6
435; 658(c)(2); Form BOEM–0004.	Submit copies of application to relinquish lease or grant, in format specified	1	1 submission	1
436; 437	Provide information for reconsideration of BOEM decision to contract or cancel lease or grant area.	Requirement not considered IC under 5 CFR 1320.3(h)(9).		0
Subtotal			8 responses	220
			$950,000 non-hour costs	
Subpart E—Payments and Financial Assurance Requirements				
An * indicates the primary cites for providing bonds or other financial assurance, and the burdens include any previous or subsequent references throughout part 585 to furnish, replace, or provide additional bonds, securities, or financial assurance (including riders, cancellations, replacements). This subpart contains references to other information submissions, approvals, requests, applications, plans, etc., the burdens for which are covered elsewhere in part 585. In the future BOEM may require electronic filings of certain submissions.				0
500 thru 509; 1011	Submit payor information, payments and payment information, and maintain auditable records according to ONRR regulations or guidance.	Burdens covered by information collections approved for ONRR 30 CFR Chapter XII.		0
506(c)(4)	Submit documentation of the gross annual generation of electricity produced by the generating facility on the lease—use same form as authorized by the EIA.	Burden covered under DOE/EIA OMB Control Number 1905–0129.		0
510; 506(c)(3)	Submit application and required information for waiver or reduction of rental or other payment.	1	1 submission	1
*515; 516; 525(a) thru (f)	Execute and provide $100,000 minimum lease-specific bond or other approved security; or increase bond level if required.	1	2 bonds	2
*516(a)(2), (3), (b), (c); 517; 525(a) thru (f).	Execute and provide commercial lease supplemental bonds in amounts determined by BOEM.	1	2 bonds	2
516(a)(4); 521(c)	Execute and provide decommissioning bond or other financial assurance; schedule for providing the appropriate amount.	1	1 bond	1
517(c)(1)	Submit comments on proposed adjustment to bond amounts	1	1 submission	1
517(c)(2)	Request bond reduction and submit evidence to justify	5	1 request	5
*520; 521; 525(a) thru (f); Form BOEM–0005.	Execute and provide $300,000 minimum limited lease or grant-specific bond or increase financial assurance and submit required information.	1	1 bond	1

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
525(g)	Surety notice to lessee or ROW/RUE grant holder and BOEM within 5 business days after initiating surety insolvency or bankruptcy proceeding, or Treasury decertifies surety.	1	1 surety notice	1
*526 Form BOEM–0005	In lieu of surety bond, pledge other types of securities, including authority for BOEM to sell and use proceeds and submit required information (1 hour for form).	2	1 pledge	2
526(c)	Provide annual certified statements describing the nature and market value, including brokerage firm statements/reports.	1	1 statement	1
*527; 531	Demonstrate financial worth/ability to carry out present and future financial obligations, annual updates, and related or subsequent actions/records/reports, etc.	10	1 demonstration	10
528	Provide third-party indemnity; financial information/statements; additional information related to bonds; executed guarantor agreement and supporting information/documentation/agreements.	10	1 submission	10
528(c)(6); 532(b)	Guarantor/Surety requests BOEM terminate period of liability and notifies lessee or ROW/RUE grant holder, etc.	1	1 request	1
*529	In lieu of surety bond, request authorization to establish decommissioning account, including pledge of Treasury securities and any requirement commitment of a stream of revenues.	2	1 request	2
530	Notify BOEM promptly of lapse in bond or other security/action filed alleging lessee, surety or guarantor et al is insolvent or bankrupt.	1	1 notice	1
533(a)(2)(ii), (iii)	Provide agreement from surety issuing new bond to assume all or portion of outstanding liabilities.	3	1 submission	3
536(b)	Within 10 business days following BOEM notice, lessee, grant holder, or surety agrees to and demonstrates to BOEM that lease will be brought into compliance.	16	1 demonstration every 2 years.	8
Subtotal			19 responses	52
Subpart F—Plans and Information Requirements				
Two ** indicate the primary cites for Site Assessment Plans (SAPs), Construction and Operations Plans (COPs), and General Activities Plans (GAPs); and the burdens include any previous or subsequent references throughout part 585 to submission and approval. This subpart contains references to other information submissions, approvals, requests, applications, plans, etc., the burdens for which are covered elsewhere in part 585.				0
**600(a); 601(a), (b); 605 thru 614; 238; 810.	Within time specified after issuance of a competitive lease or grant, or within time specified after determination of no competitive interest, submit copies of SAP, including required information to assist BOEM to comply with NEPA/CZMA such as hazard info, air quality, SEMS, and all required information, certifications, requests, etc., in format specified.	240	2 SAPs	480
**600(b); 601(c), (d)(1); 606(b); 618; 620 thru 629; 632; 633; 810.	If requesting an operations term for commercial lease, within time specified before the end of site assessment term, submit copies of COP, or FERC license application, including required information to assist BOEM to comply with NEPA/CZMA such as hazard info, air quality, SEMS, and all required information, surveys and/or their results, reports, certifications, project easements, supporting data and information, requests, etc., in format specified.	1,000	2 COPs	2,000
**600(c); 601(a), (b); 640 thru 648; 651; 238; 810.	Within time specified after issuance of a competitive lease or grant, or within time specified after determination of no competitive interest, submit copies of GAP, including required information to assist BOEM to comply with NEPA/CZMA such as hazard info, air quality, SEMS, and all required information, surveys and reports, certifications, project easements, requests, etc., in format specified.	240	2 GAP	480
**601(d)(2); 622; 628(f); 632; 634; 658(c)(3); 907.	Submit revised or modified COPs, including project easements, and all required additional information.	50	1 revised or modified COP.	50
602 [2]	Until BOEM releases financial assurance, respondents must maintain, and provide to BOEM if requested, all data and information related to compliance with required terms and conditions of SAP, COP, or GAP.	2	9 records/submissions	18
**613(a), (d), (e); 617	Submit revised or modified SAPs and required additional information	50	1 revised or modified SAP.	50

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
612; 647	Submit copy of SAP or GAP consistency certification and supporting documentation, including noncompetitive leases.	1	2 leases	2
615(a)	Notify BOEM in writing within 30 days of completion of construction and installation activities under SAP.	1	2 notices	2
615(b)	Submit annual report summarizing findings from site assessment activities	30	4 reports	120
615(c)	Submit annual, or at other time periods as BOEM determines, SAP compliance certification, effectiveness statement, recommendations, reports, supporting documentation, etc.	40	4 certifications	160
617(a)	Notify BOEM in writing before conducting any activities not approved, or provided for, in SAP; provide additional information if requested.	10	1 notice	10
627(c)	Submit oil spill response plan compliant with BSEE 30 CFR part 254	193	1 submission	193
631	Request deviation from approved COP schedule	2	1 request	2
633(b)	Submit annual, or at other time periods as BOEM determines, COP compliance certification, effectiveness statement, recommendations, reports, supporting documentation, etc.	50	9 certifications	450
634(a)	Notify BOEM in writing before conducting any activities not approved or provided for in COP, and provide additional information if requested.	10	1 notice	10
635	Notify BOEM any time commercial operations cease without an approved suspension.	1	1 notice	1
636(a)	Notify BOEM in writing no later than 30 days after commencing activities associated with placement of facilities on lease area.	1	2 notices	2
636(b)	Notify BOEM in writing no later than 30 days after completion of construction and installation activities.	1	2 notices	2
636(c)	Notify BOEM in writing at least 7 days before commencing commercial operations.	1	1 notice	1
** 642(b); 648; 655; 658(c)(3).	Submit revised or modified GAPs and required additional information	50	1 revised or modified GAP.	50
651	Before beginning construction of OCS facility described in GAP, complete survey activities identified in GAP and submit initial findings. [This only includes the time involved in submitting the findings; it does not include the survey time as these surveys would be conducted as good business practice.].	30	2 surveys/reports	60
653(a)	Notify BOEM in writing within 30 days of completing installation activities under the GAP.	1	2 notices	2
653(b)	Submit annual report summarizing findings from activities conducted under approved GAP.	30	4 reports	120
653(c)	Submit annual, or at other time periods as BOEM determines, GAP compliance certification, recommendations, reports, etc.	40	4 certifications	160
655(a)	Notify BOEM in writing before conducting any activities not approved or provided for in GAP, and provide additional information if requested.	10	1 notice	10
656	Notify BOEM any time approved GAP activities cease without an approved suspension.	1	1 notice	1
658(c)(1)	If after construction, cable or pipeline deviate from approved COP or GAP, notify affected lease operators and ROW/RUE grant holders of deviation and provide BOEM evidence of such notices.	3	1 notice/evidence	3
659	Determine appropriate air quality modeling protocol, conduct air quality modeling, and submit 3 copies of air quality modeling report and 3 sets of digital files as supporting information to plans.	70	5 reports/information	350
Subtotal			69 responses	4,789
Subpart G—Facility Design, Fabrication, and Installation				
Three *** indicate the primary cites for the reports discussed in this subpart, and the burdens include any previous or subsequent references throughout part 585 to submitting and obtaining approval. This subpart contains references to other information submissions, approvals, requests, applications, plans, etc., the burdens for which are covered elsewhere in part 585.				0

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
*** 700(a)(1), (b), (c); 701	Submit Facility Design Report, including copies of the cover letter, certification statement, and all required information (1–3 paper or electronic copies as specified).	200	1 report	200
*** 700(a)(2); (b), (c); 702	Submit copies of a Fabrication and Installation Report, certification statement and all required information, in format specified.	160	1 report	160
705(a)(3); 707; 712	Certified Verification Agent (CVA) conducts independent assessment of the facility design and submits copies of all reports/certifications to lessee or grant holder and BOEM—interim reports if required, in format specified.	100	1 interim report	100
		100	1 final report	100
705(a)(3); 708; 709; 710; 712.	CVA conducts independent assessments/inspections on the fabrication and installation activities, informs lessee or grant holder if procedures are changed or design specifications are modified; and submits copies of all reports/certifications to lessee or grant holder and BOEM—interim reports if required, in format specified.	100	1 interim report	100
		100	1 final report	100
*** 703; 705(a)(3); 712; 815.	CVA/project engineer monitors major project modifications and repairs and submits copies of all reports/certifications to lessee or grant holder and BOEM—interim reports if required, in format specified.	20	1 interim report	20
		15	1 final report	15
705(c)	Request waiver of CVA requirement in writing; lessee must demonstrate standard design and best practices.	40	1 waiver	40
706	Submit for approval with SAP, COP, or GAP, initial nominations for a CVA or new replacement CVA nomination, and required information.	16	2 nominations	32
708(b)(2)	Lessee or grant holder notify BOEM if modifications identified by CVA/project engineer are accepted.	1	1 notice	1
709(a) (14); 710(a)(2), (e) [2].	Make fabrication quality control, installation towing, and other records available to CVA/project engineer for review (retention required by § 585.714).	1	3 records retention	3
713	Notify BOEM within 10 business days after commencing commercial operations.	1	1 notice	1
714 [2]	Until BOEM releases financial assurance, compile, retain, and make available to BOEM and/or CVA the as-built drawings, design assumptions/analyses, summary of fabrication and installation examination records, inspection results, and records of repairs not covered in inspection report. Record original and relevant material test results of all primary structural materials; retain records during all stages of construction.	100	1 lessee	100
Subtotal			17 responses	972
Subpart H—Environmental and Safety Management, Inspections, and Facility Assessments for Activities Conducted Under SAPs, COPs, and GAPs				
801(c), (d)	Notify BOEM if endangered or threatened species, or their designated critical habitat, may be in the vicinity of the lease or grant or may be affected by lease or grant activities.	1	2 notices	2
801(e), (f)	Submit information to ensure proposed activities will be conducted in compliance with the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA); including agreements and mitigating measures designed to avoid or minimize adverse effects and incidental take of endangered species or critical habitat.	6	2 submissions	12
802; 902(e)	Notify BOEM of archaeological resource within 72 hours of discovery	3	1 notice	3
802(b), (c)	If requested, conduct further archaeological investigations and submit report/information.	10	1 report	10
802(d)	If applicable, submit payment for BOEM costs in carrying out National Historic Preservation Act responsibilities.	.5	1 payment	1
803	If required, conduct additional surveys to define boundaries and avoidance distances and submit report.	15	2 survey/report	30
*** 810; 614; 627; 632(b); 651.	Submit safety management system description with the SAP, COP, or GAP	35	2 submissions	70

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
813(b)(1)	Report within 24 hours when any required equipment taken out of service for more than 12 hours; provide written confirmation if reported orally.	.5	2 reports	1
		1	1 written confirmation	1
813(b)(3)	Notify BOEM when equipment returned to service; provide written confirmation if reported orally.	.5	2 notices	1
815(c)	When required, analyze cable, P/L, or facility damage or failures to determine cause and as soon as available submit comprehensive written report.	2	1 report	2
816	Submit plan of corrective action report on observed detrimental effects on cable, P/L, or facility within 30 days of discovery; take remedial action and submit report of remedial action within 30 days after completion.	2	1 plan/report	2
822(a)(2) (iii), (b)	Maintain records of design, construction, operation, maintenance, repairs, and investigation on or related to lease or ROW/RUE area; make available to BOEM for inspection.	1	4 records retention	4
823	Request reimbursement within 90 days for food, quarters, and transportation provided to BOEM reps during inspection.	2	1 request	2
824(a) [2]	Develop annual self-inspection plan covering all facilities; retain with records, and make available to BOEM upon request.	24	2 plans	48
824(b)	Conduct annual self-inspection and submit report by November 1	36	2 reports	72
825	Based on API RP 2A–WSD, perform assessment of structures, initiate mitigation actions for structures that do not pass assessment process, retain information, and make available to BOEM upon request.	60	2 assessments/actions	120
830(a), (c); 831 thru 833	Immediately report incidents to BOEM via oral communications, submit written follow-up report within 15 business days after the incident, and submit any required additional information.	Oral .5	2 incidents	1
		Written 4	1 incident	4
830(d)	Report oil spills as required by BSEE 30 CFR part 254	2	1	2
Subtotal			33 responses	388
Subpart I—Decommissioning				
Four **** indicate the primary cites for the reports discussed in this subpart, and the burdens include any previous or subsequent references throughout part 585 to submitting and obtaining approval. This subpart contains references to other information submissions, approvals, requests, applications, plans, etc., the burdens for which are covered elsewhere in part 585.				
**** 902; 905, 906; 907; 908(c); 909.	Submit for approval, in format specified, copies of the SAP, COP, or GAP decommissioning application and site clearance plan at least 2 years before decommissioning activities begin, 90 days after completion of activities, or 90 days after cancellation, relinquishment, or other termination of lease or grant. Include documentation of coordination efforts w/States/CZMA agencies, local or tribal governments, requests that certain facilities remain in place for other activities, be converted to an artificial reef, or be toppled in place. Submit additional information/evidence requested or modify and resubmit application.	20	1 application	20
902(d); 908;	Notify BOEM at least 60 days before commencing decommissioning activities.	1	1 notice	1
910	Within 60 days after removing a facility, verify to BOEM that site is cleared	1	1 verification	1
912	Within 60 days after removing a facility, cable, or pipeline, submit a written report.	8	1 report	8
BOEM does not anticipate decommissioning activities for at least 5 years so the requirements have been given a minimal burden				
Subtotal			4 responses	30
Subpart J—RUEs for Energy- and Marine-Related Activities Using Existing OCS Facilities				
1004, 1005, 1006	Contact owner of existing facility and/or lessee of the area to reach preliminary agreement to use facility and obtain concurring signatures; submit request to BOEM for an alternative use RUE, including all required information/modifications.	1	1 request	1

BURDEN TABLE—Continued

Section(s) in 30 CFR 585	Reporting and recordkeeping requirement [1]	Hour burden	Average number of annual responses	Annual burden hours
			Non-hour cost burdens	
1007(a), (b), (c)	Submit indication of competitive interest in response to **Federal Register** notice.	4	1 submission	4
1007(c)	Submit description of proposed activities and required information in response to **Federal Register** notice of competitive offering.	5	1 submission	5
1007(f)	Lessee or owner of facility submits decision to accept or reject proposals deemed acceptable by BOEM.	1	1 submission	1
1010(c)	Request renewal of Alternate Use RUE	6	1 request	6
1012; 1016(b)	Provide financial assurance as BOEM determines in approving RUE for an existing facility, including additional security if required.	1	1 submission	1
1013	Submit request for assignment of an alternative use RUE for an existing facility, including all required information.	1	1 request	1
1015	Request relinquishment of RUE for an existing facility	1	1 request	1
Subtotal			8 responses	20
Total Burden			265 Responses	18,783
			$3,816,000 Non-Hour Cost Burdens	

[1] In the future, BOEM may require electronic filing of certain submissions.
[2] Retention of these records is usual and customary business practice; the burden is primarily to make them available to BOEM and CVAs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Karen Thundiyil,

Chief, Office of Regulations, Bureau of Ocean Energy Management.

[FR Doc. 2022–19043 Filed 9–1–22; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1319]

Certain Electronic Devices and Semiconductor Devices With Timing-Aware Dummy Fill and Components Thereof; Notice of the Commission's Determination Not To Review an Initial Determination Terminating the Investigation Based on Withdrawal of the Complaint; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 8) terminating the investigation based on withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 13, 2022, based on a complaint filed by Bell Semiconductor, LLC of Bethlehem, Pennsylvania (''Complainant''). 87 FR 35791–92 (June 13, 2022). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices and semiconductor devices with timing-aware dummy fill and components thereof by reason of the infringement of certain claims of U.S. Patent No. 7,007,259. The complaint, as supplemented, further alleged that a domestic industry exists. The notice of investigation named as respondents: NXP Semiconductors, N.V. of Eindhoven, Netherlands; NXP B.V. of Eindhoven, Netherlands; NXP USA, Inc. of Austin, Texas; SMC Networks, Inc. d/b/a/IgniteNet of Irvine, California; Micron Technology, Inc. of Boise, Idaho; NVIDIA Corporation of Santa Clara, California; Advanced Micro Devices, Inc. of Santa Clara, California; Acer, Inc. of New Taipei City, Taiwan; Acer America Corporation of San Jose, California; Infineon Technologies America Corp. of Milpitas, California; Analog Devices Inc. of Norwood, Massachusetts; Bose Corporation of Framingham, Massachusetts; Marvell Technology Group, Ltd. of Hamilton, Bermuda; Marvell Semiconductor, Inc. of Santa Clara, California; Suteng Innovation Technology Co., Ltd. d/b/a RoboSense of Shenzen, China; Kioxia Corporation of Tokyo, Japan; Kioxia America, Inc. of San Jose, California; Socionext Inc. of Yokohama, Japan; Socionext America, Inc. of Santa Clara, California; Qualcomm Technologies, Inc. of San Diego, California; Lenovo Group Ltd. of Haidan District, China and Motorola Mobility LLC of Chicago, Illinois. The Office of Unfair Import Investigations (''OUII'') is also participating in the investigation.

On July 26, 2022, Complainant moved to terminate the investigation based on

withdrawal of the complaint. On August 1, 2022, the ALJ granted Complainant's motion. The ID found that it was in the public interest to grant the motion, that the Complainant represented ''there are no agreements, written or oral, express or implied between Complainant and any Respondents concerning the subject matter of the Investigation,'' and that no extraordinary circumstances exist that prevent withdrawal of the complaint. No one petitioned for review of the ID.

The Commission has determined not to review the subject ID. The investigation is terminated.

The Commission vote for this determination took place on August 30, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 30, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–19089 Filed 9–1–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1091 (Third Review)]

Artists' Canvas From China; Scheduling of Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on artists' canvas from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: May 9, 2022.

FOR FURTHER INFORMATION CONTACT: Nayana Kollanthara (202–205–2043), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—On May 9, 2022, the Commission determined that the domestic interested party group response to its notice of institution (87 FR 5513, February 1, 2022) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review on August 30, 2022. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before September 7, 2022 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by September 7, 2022. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: August 30, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–19087 Filed 9–1–22; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes is available from the Office of the Secretary and at the Commission's website.

[2] The Commission has found the response to its notice of institution filed on behalf of Ecker Textiles, LLC, a domestic producer of artists' canvas, to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1064 and 1066–1068 (Third Review)]

Frozen Warmwater Shrimp From China, India, Thailand, and Vietnam; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the antidumping duty orders on frozen warmwater shrimp from China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: August 5, 2022.

FOR FURTHER INFORMATION CONTACT: Tyler Berard (202–205–3354), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On August 5, 2022, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response and the respondent interested party group responses from India, Thailand, and Vietnam to its notice of institution (87 FR 25665, May 2, 2022) were adequate and that the respondent interested party group response from China was inadequate. A record of the Commissioners' votes will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: August 30, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–19086 Filed 9–1–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1256]

Certain Portable Battery Jump Starters and Components Thereof; Notice of the Commission's Final Determination With Respect to Defaulting Respondents; Issuance of a Limited Exclusion Order; Termination of the Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found the requirements of the Tariff Act of 1930, as amended, met, based on a complaint filed by the NOCO Company alleging a violation with respect to U.S. Trademark Registration Nos. 4,811,656 (''the '656 mark'') and 4,811,749 (''the '749 mark'') by defaulting respondent Zhejiang Quingyou Electronic Commerce Co., Ltd. (''Zhejiang Quingyou'') and with respect to the '749 mark by defaulting respondent Shenzhen Mediatek Tong Technology Co., Ltd. (''Mediatek''). The Commission has determined to issue a limited exclusion order against defaulting respondents Zhejiang Quingyou and Mediatek. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server (*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: On March 23, 2021, the Commission instituted this investigation based on a complaint filed on behalf of The NOCO Company of Glenwillow, Ohio (''NOCO''). 86 FR 15496–98 (Mar. 23, 2021). The complaint, as supplemented and amended, alleges a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain portable battery jump starters and components thereof by reason of infringement of one or more of claims 1, 4, 11, 14, 18, 19, and 21 of U.S. Patent No. 9,007,015 (''the '015 patent'') and claims 1, 4–6, 16, 19, 23, 24, 26, 29, and 30 of the '024 patent, and infringement of the '656 and '749 marks. *Id.* at 15497.

The notice of investigation named the following respondents: (1) Advance Auto Parts, Inc. of Raleigh, North Carolina; (2) Anker Technology (UK) Ltd. of Birmingham, United Kingdom; (3) Antigravity Batteries LLC of Gardena, California; (4) Arteck Electronic Co., Ltd. of Shenzhen, China; (5) AutoZone, Inc. of Memphis, Tennessee; (6) Best Buy Co., Inc. of South Richfield, Minnesota; (7) Best Parts, Inc. of Memphis, Tennessee; (8) Clore Automotive, LLC of Lenexa, Kansas; (9) Deltran USA, LLC of DeLand, Florida; (10) Energen, Inc. of City of Industry, California; (11) FlyLink Tech Co., Ltd. of Shenzhen, China; (12) Gooloo Technologies LLC and Shenzhen Gooloo E-Commerce Co., Ltd of Shenzhen, China; (13) Great Neck Saw Manufacturers, Inc. of Mineola, New York; (14) Guangdong Boltpower Energy Co., Ltd of Shenzhen City, China; (15) Halo2Cloud, LLC of Hartford, Connecticut; (16) Horizon Tool, Inc. of Greensboro, North Carolina; (17) K-Tool International of Plymouth, Michigan; (18) Lowe's Companies, Inc. of Mooresville, North Carolina; (19) Matco Tools Corporation of Stow, Ohio; (20) MonoPrice, Inc. of Brea, California; (21) National Automotive Parts Association, LLC (d/b/a NAPA) of Atlanta, Georgia; (22) Nekteck, Inc. of Anaheim, California; (23) O'Reilly Automotive, Inc. of Springfield, Missouri; (24) Paris Corporation of Westampton, New Jersey; (25) PowerMax Battery (U.S.A.), Inc. of Ontario, California; (26) Prime Global Products, Inc. of Ball Ground, Georgia;

(27) QVC, Inc. of West Chester, Pennsylvania; (28) Schumacher Power Technology Ltd. of Yancheng, China; (29) Schumacher Electric Corp. of Mount Prospect, Illinois; (30) Shenzhen Carku Technology Co., Ltd. of Shenzhen, China; (31) Shenzhen Dingjiang Technology Co., Ltd. of Shenzhen, China; (32) Shenzhen Jieruijia Technology Co. Ltd. of Gong Ming, China; (33) Mediatek of Shenzhen, China; (34) Shenzhen Take Tools Co., Ltd. of Shenzhen, China; (35) Shenzhen Topdon Technology Co., Ltd. of Shenzhen, China; (36) Shenzhen Valuelink E-Commerce Co., Ltd. of Shenzhen, China; (37) Smartech Products, Inc. of Savage, Maryland; (38) ThiEYE Technologies Co., Ltd. of Longgang, China; (39) Tii Trading Inc. of Baldwin Park, California; (40) Walmart Inc. of Bentonville, Arkansas; (41) Winplus North America, Inc. of Costa Mesa, California; (42) Zagg Co. Rrd Gst of Plainfield, Indiana; (43) Zhejiang Quingyou of Hangzhou, China; and (44) 70mai Co., Ltd. of Shanghai, China. *Id.* at 15497–98. The Office of Unfair Import Investigations is a party to the investigation. *Id.* at 15498.

The Commission permitted NOCO to amend the amended complaint and notice of investigation to make the following changes: (1) to substitute Lowe's Home Centers, LLC, for Lowe's Companies, Inc.; (2) to substitute O'Reilly Automotive Stores, Inc., O'Reilly Auto Enterprises, LLC, and Ozark Purchasing, LLC, for O'Reilly Automotive, Inc.; (3) to substitute Anker Innovations Ltd. (HK) for Anker Technology (UK) Ltd.; (4) to substitute ZAGG Inc. for Zagg Co. Rrd; (5) to substitute Shenzhen Dingjiang Technology Co., Ltd. (d/b/a Shenzhen Topdon Technology Co., Ltd. and Topdon Technology Co., Ltd.) for Shenzhen Dingjiang Technology Co., Ltd., and Shenzhen Topdon Technology Co., Ltd.; and (6) to add additional respondents related to Winplus North America, Inc.—ADC Solutions Auto, LLC d/b/a/Type-S and Winplus NA, LLC. Order No. 13 (Apr. 23, 2021), *unreviewed by* Comm'n Notice (May 18, 2021).

The Commission subsequently terminated the investigation with respect to National Automotive Parts Association, LLC (d/b/a NAPA), Shenzhen Jieruijia Technology Co., Ltd., and Shenzhen Take Tools Co., Ltd. based on a voluntary withdrawal of the complaint. Order No. 9 (Apr. 13, 2021), *unreviewed by* Comm'n Notice (May 12, 2021); Order No. 47 (Dec. 6, 2021), *unreviewed by* Comm'n Notice (Jan. 4, 2022). The Commission also subsequently terminated the investigation based on a settlement agreement with respect to the following respondents: Advance Auto Parts, Inc.; Lowe's Home Centers, LLC; Ozark Purchasing, LLC; O'Reilly Automotive Stores, Inc.; O'Reilly Auto Enterprises, LLC; Shenzhen Dingjiang Technology Co., Ltd. (d/b/a Shenzhen Topdon Technology Co., Ltd. and Topdon Technology Co., Ltd.); Walmart, Inc.; QVC, Inc.; AutoZone, Inc.; and Best Parts, Inc. Order No. 11 (Apr. 19, 2021), *unreviewed by* Comm'n Notice (May 4, 2021); Order No. 14 (Apr. 23, 2021), *unreviewed by* Comm'n Notice (May 18, 2021); Order No. 21 (Jul. 7, 2021), *unreviewed by* Comm'n Notice (Jul. 26, 2021); Order No. 31 (Sept. 20, 2021), *unreviewed by* Comm'n Notice (Oct. 12, 2021); Order No. 35 (Oct. 20, 2021), *unreviewed by* Comm'n Notice (Nov. 22, 2021); Order No. 44 (Nov. 15, 2021), *unreviewed by* Comm'n Notice (Dec. 6, 2021). Finally, the Commission terminated the investigation with respect to Schumacher Electric Corp. and Schumacher Power Technology Ltd. based on a consent order stipulation and entry of a consent order. Order No. 52 (Jan. 12, 2022), *unreviewed by* Comm'n Notice (Feb. 4, 2022).

The Commission found several respondents in default for failing to respond to the complaint, notice of investigation, and order to show cause why they should not be found in default. These defaulting respondents include the following: Energen, Inc.; FlyLink Tech Co., Ltd.; K-Tool International; MonoPrice, Inc.; Prime Global Products, Inc.; Mediatek; Shenzhen Valuelink E-Commerce Co., Ltd.; ThiEYE Technologies Co., Ltd; Tii Trading Inc.; Zhejiang Quingyou; and Arteck Electronics Co., Ltd. Order No. 23 (Jul. 13, 2021), *unreviewed by* Comm'n Notice (Jul. 30, 2021); Order No. 45 (Nov. 16, 2021), *unreviewed by* Comm'n Notice (Dec. 10, 2021). The Commission also found Smartech Products, Inc. in default based on its voluntary default. Order No. 28 (Aug. 9, 2021), *unreviewed by* Comm'n Notice (Aug. 20, 2021).

Accordingly, at the time of the evidentiary hearing, the following respondents remained active in the investigation: Antigravity Batteries LLC, Gooloo Technology LLC and Shenzhen Gooloo E-Commerce Co., Ltd., Horizon Tool, Inc., Nekteck, Inc., PowerMax Battery (U.S.A.), Inc., Shenzhen Carku Technology Co., Ltd., 70mai Co., Ltd., Matco Tools Corporation, Paris Corporation, and Great Neck Saw Manufacturers, Inc. (collectively, the ''Carku respondents''); Guangdong Boltpower Energy Co., Ltd. and Best Buy Co., Inc. (collectively, the ''Boltpower respondents''); and Winplus North America, Inc., Winplus NA, LLC, and ADC Solutions Auto, LLC d/b/a Type S (collectively, the ''Winplus respondents'').

The Commission also terminated the investigation with respect to claims 4, 14, 18, and 21 of the '015 patent and claims 4, 5, 6, 19, 23, and 26 of the '024 patent based on NOCO's partial withdrawal of the complaint. Order No. 27 (Aug. 6, 2021), *unreviewed by* Comm'n Notice (Aug. 18, 2021). The Commission later terminated the investigation with respect to the '015 patent in its entirety. Order No. 46 (Dec. 6, 2021), *unreviewed by* Comm'n Notice (Jan. 4, 2022).

Accordingly, at the time of the evidentiary hearing, the '656 mark, the '749 mark, and claims 1, 16, 24, 29, and 30 of the '024 patent remained asserted in the investigation. Specifically, NOCO asserted the following: claims 1, 16, 24, 29, and 30 of the '024 patent against the Carku respondents; claims 1, 16, 24, 29, and 30 against the Boltpower respondents; claims 1, 16, 29, and 30 against the Winplus respondents; and claims 1, 29, and 30 against ten of the twelve defaulting respondents. Final ID at 8–9. NOCO also accused defaulting respondent Mediatek of infringing the '749 mark and defaulting respondent Zhejiang Quingyou of infringing the '749 mark and the '656 mark. *Id.* at 338. NOCO's post-hearing brief did not contain infringement allegations against defaulting respondents FlyLink Tech Co., Ltd. and Arteck Electronics Co., Ltd. *See* CIB at 71–72, 183; Final ID at 8–9, 338.

On April 29, 2022, the ALJ issued a Final Initial Determination (''ID'') finding a violation with respect to the '749 mark by defaulting respondent Mediatek and with respect to the '656 and '749 marks by defaulting respondent Zhejiang Quingyou, and finding no violation with respect to the '024 patent. Specifically, with respect to the '024 patent, the ID finds that NOCO showed that the products of the Boltpower respondents and the ten defaulting respondents infringe the asserted claims of the '024 patent, but that NOCO failed to show that the products of the Carku respondents and Winplus respondents infringe the asserted claims. The ID further finds that no asserted claim of the '024 patent was shown to be invalid or unenforceable. Additionally, the ID finds that NOCO satisfied the economic prong of the domestic industry requirement but failed to satisfy the technical prong as to the '024 patent, and thus failed to establish a violation of section 337 as to that patent.

The Commission received no post-Recommended Determination submissions on the public interest.

On May 13, 2022, NOCO filed a petition with respect to the '024 patent, seeking review of certain of the Final ID's findings on the technical prong of the domestic industry requirement and infringement and seeking contingent review of certain of the Final ID's findings on invalidity. That same day, Boltpower filed a petition seeking review of certain of the ALJ's and ID's findings on claim construction and infringement with respect to the '024 patent. Also on May 13, 2022, the Carku and Winplus respondents filed a joint contingent petition with respect to the '024 patent, seeking review of the Final ID on numerous issues related to infringement, invalidity, the technical prong of the domestic industry requirement, and the economic prong of the domestic industry requirement. No petitions were filed concerning the Final ID's findings with respect to the asserted trademarks. On May 23, 2022, the parties and OUII filed responses to each other's petitions.

On June 30, 2022, the Commission determined not to review the Final ID's findings of a violation of section 337 with respect to the '656 mark and the '749 mark by defaulting respondent Zhejiang Quingyou and with respect to the '749 mark by defaulting respondent Mediatek. The Commission presumes that the allegations in the second amended complaint against Zhejiang Quingyou and Mediatek are true with respect to the '656 and '749 marks based on those respondents' defaults. 19 U.S.C. 1337(g)(1). The Commission also determined to review in part the Final ID's finding of no violation of section 337 with respect to the '024 patent and, on review, to affirm the Final ID's finding of no violation due to NOCO's failure to satisfy the technical prong of the domestic industry requirement. The Commission determined to take no position on the remainder of Final ID's findings under review. *Beloit Corp.* v. *Valmet Oy,* 742 F.2d 1421, 1423 (Fed. Cir. 1984). The Commission's notice requested that the parties, interested government agencies, and the public provide written submissions on remedy, bonding, and the public interest with respect to defaulting respondents Zhejiang Quingyou and Mediatek.

Having examined the parties' submissions concerning remedy, the public interest, and bonding, the Commission has determined, pursuant to subsection 337(g)(1) (19 U.S.C. 1337(g)(1)), that the appropriate form of relief in this investigation is a limited exclusion order (''LEO'') with respect to Zhejiang Quingyou prohibiting the importation of certain portable battery jump starters and components thereof that infringe the '656 or '749 marks and with respect to Mediatek prohibiting the importation of certain portable battery jump starters and components thereof that infringe the '749 mark. Although NOCO requested the Commission to issue cease and desist orders (''CDOs'') directed to these defaulting respondents, the Commission has determined not to issue CDOs because of the lack of evidence or allegations that Zhejiang Quingyou or Mediatek maintain commercially significant inventory and/or engage in significant commercial operations the United States. The Commission has further determined that the public interest factors enumerated in subsection 337(g)(1) do not preclude the issuance of the limited exclusion order.

Commissioner Schmidtlein and Commissioner Karpel agree that subsection 337(g)(1) is the appropriate authority for issuance of relief in this case, but they disagree with the determination not to issue the CDOs requested by NOCO. Specifically, Commissioners Schmidtlein and Karpel support issuance of both the requested LEO and the requested CDOs against defaulting respondents Zhejiang Quingyou and Mediatek because the criteria for issuance of such relief under subsection 337(g)(1)(A)–(E) are met as to these respondents. (19 U.S.C. 1337(g)(1)(A)–(E); *see* Order No. 23 at 2 (July 13, 2021); Notice of a Commission Determination Not to Review an Initial Determination Finding Ten Respondents in Default (July 30, 2021)). Here, in addition to an exclusion order, NOCO has requested CDOs as to these two defaulting respondents both in its post-hearing briefing before the ALJ and in its remedy submission before the Commission. Given that subsections 337(g)(1)(A)–(E) are satisfied, in Commissioner Schmidtlein's and Commissioner Karpel's view, the statute directs the Commission to issue the requested CDOs, subject to consideration of the public interest. Commissioners Schmidtlein and Karpel further find that the public interest factors enumerated in subsection 337(g)(1) do not preclude the issuance of the CDOs directed to defaulting respondents Zhejiang Quingyou and Mediatek. Accordingly, Commissioners Schmidtlein and Karpel support issuance of the CDOs, in addition to the issuance of the LEO discussed above, under subsection 337(g)(1).

Finally, the Commission has determined that the bond for importation during the period of Presidential review shall be in the amount of one hundred percent (100%) of the entered value of such articles.

The Commission's notice and order were delivered to the President and to the United States Trade Representative on the day of their issuance. The Commission has also notified the Secretary of the Treasury and Customs and Border Protection of the order. The investigation is hereby terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 29, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–18998 Filed 9–1–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1327]

Certain Solar Power Optimizers, Inverters, and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 28, 2022, under section 337 of the Tariff Act of 1930, as amended, on behalf of Ampt, LLC of Fort Collins, Colorado. The complaint was supplemented by letters on August 4, 11, and 15, 2022. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain solar power optimizers, inverters, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 9,673,630 (''the '630 patent'') and U.S. Patent 11,289,917 (''the '917 patent''). The complaint further alleges that an industry in the United States exists and/or is in the process of being established as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint (and supplements to the complaint), except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Jessica Mullan, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2021). Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 29, 2022, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 3–5, 7–10, and 17 of the '630 patent and one or more of claims 1–3, 9, 10, and 12 of the '917 patent, whether an industry in the United States exists and/or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''power optimizers for solar power systems that contain DC–DC converters, and inverters for solar power systems'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Ampt, LLC, 4850 Innovation Drive, Fort Collins, CO 80525

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

SolarEdge Technologies, Inc., 700 Tasman Drive, Milpitas, CA 95035

SolarEdge Technologies, Ltd., 1 HaMada Street, Postal Code 4673335, Herzliya, Israel

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 29, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–18971 Filed 9–1–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–718 (Fifth Review)]

Glycine From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on glycine from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted this review on January 3, 2022 (87 FR 112) and determined on April 8, 2022 that it would conduct an expedited review (87 FR 44422, July 26, 2022).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on August 30, 2022. The views of the Commission are contained in USITC Publication 5347 (August 2022), entitled *Glycine from China: Investigation No. 731–TA–718 (Fifth Review).*

By order of the Commission.

Issued: August 30, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–19088 Filed 9–1–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1105 (Second Review)]

Lemon Juice From Argentina

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that termination of the suspended investigation on lemon juice from Argentina would be likely to lead

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Amy A. Karpel not participating.

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted this review on September 1, 2021 (86 FR 49054) and determined on December 6, 2021 that it would conduct a full review (86 FR 71916, December 20, 2021). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on March 25, 2022 (87 FR 17103). The Commission conducted its hearing on July 6, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on August 29, 2022. The views of the Commission are contained in USITC Publication 5344 (August 2022), entitled *Lemon Juice from Argentina: Investigation No. 731–TA–1105 (Second Review).*

By order of the Commission.

Issued: August 29, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–18997 Filed 9–1–22; 8:45 am]

BILLING CODE 7020–02–P

[2] Commissioner Amy A. Karpel not participating.

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemption 2022–03; Exemption Application No. L–12021]

Exemption From Certain Prohibited Transaction Restrictions Involving Comcast Corporation (Comcast or the Applicant) Located in Philadelphia, PA

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of exemption.

SUMMARY: This document contains a notice of exemption issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). Under the exemption, the Comcast Corporation Comprehensive Health and Welfare Benefit Plan (the Plan) will enter into an insurance contract with an unrelated A-rated insurance company (the Fronting Insurer) that will, in turn, enter into a reinsurance contract with One Belmont Insurance Company (One Belmont), an affiliate of Comcast (the Reinsurance Arrangement). Under the Reinsurance Arrangement, One Belmont will reinsure the Plan's risks.

FOR FURTHER INFORMATION CONTACT: Mrs. Blessed Chuksorji-Keefe of the Department at (202) 693–8567. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 20, 2021, the Department published a notice of proposed exemption in the **Federal Register** at 86 FR 52217, permitting: (1) the reinsurance of risks; and (2) the receipt of premiums by One Belmont in connection with insurance contracts sold by Prudential Insurance Company (Prudential), or any successor Fronting Insurer, to provide group term life insurance benefits to participants in the life insurance component (the Life Insurance Component) of the Plan.

This exemption provides only the relief specified in the text of the exemption. It provides no relief from violations of any law other the prohibited transaction provisions of ERISA expressly stated herein.

The Department makes the requisite findings under ERISA Section 408(a) based on adherence to all of the conditions of the exemption. Accordingly, affected parties should be aware that the conditions incorporated in this exemption are, taken as a whole, necessary for the Department to grant the relief requested by the Applicant. Absent these or similar conditions, the Department would not have granted this exemption.

The Applicant requested an individual exemption pursuant to ERISA section 408(a) in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).

Written Comments

In the proposed exemption, the Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the notice of proposed exemption. All comments and requests for a hearing were due to the Department by November 4, 2021. The Department received one written comment from the Applicant,[1] discussed below, and three written comments from members of the public. Two of the public commenters were against the proposed exemption and shared the same general concern that the exemption would allow Comcast to own or control the entities that provide healthcare services to its employees.[2] The other public commenter expressed a view that was unrelated to the substance of the proposed exemption. The Department did not receive any requests for a public hearing from any of the commenters.

Comments From the Applicant

I. Reinsurance Benefit

The Applicant notes that footnote 16 of the Summary of Facts and Representations states: ''According to the Applicants, Prudential has agreed to reduce the Plan's basic life insurance premiums by $375,000 in return for transferring the Plan's basic life insurance risks to One Belmont. The result is a cost savings to Comcast since Comcast pays 100% of these premiums.''

The Applicant now represents, however, that, upon further review, the Reinsurance Arrangement will not result in Prudential reducing the premium amounts charged to Comcast for the Life Insurance Component. Those premium amounts are expected to remain the same. The current rates are guaranteed through December 31, 2023, as part of a three-year guarantee period. The Plan has negotiated three-year guarantee periods for several years.

Department's Note: Although Comcast will not save $375,000 per year in Plan premium payments, as originally expected, Comcast now expects One Belmont will instead receive approximately $375,000 in additional earned income per year from the captive arrangement. Under the terms of the exemption, the net result is the same: Plan participants must receive all the financial benefits that Comcast derives from the arrangement. This includes, as described in Section III(a) of the exemption, any premium savings to Comcast from the captive reinsurance arrangement, as well as any additional earned income to One Belmont from the arrangement.

[1] At the Department's request, the Applicant submitted an additional written submission clarifying its comment letter.

[2] The Department notes that Prudential, the ''fronting'' insurer, is unrelated to Comcast and its affiliates. The Department has clarified section III(l) of this exemption to expressly provide that, consistent with the Department's intent, each ''fronting'' insurer may not be owned or controlled, in whole or in part, by Comcast.

Comcast requests that the references throughout the exemption be modified to reflect ''expected earned income'' or ''earned income'' rather than ''premium reduction'' or ''savings.''

Department's Response: The Department declines to revise the operative language of the exemption as requested. The terms ''earned income'' or ''expected earned income'' do not accurately describe the exemption's expressed intent to ensure that all benefits generated from the captive arrangement, not just additional earned income, inure to the benefit of Plan participants. Consistent with this intent, the Department has changed the term ''savings'' to ''benefits'' in Section III(a) and deleted the reference to ''savings'' in Section III(g)(9) (for consistency).

Further, the Department has not changed the term ''premium reduction'' to ''earned income'' ''or expected earned income.'' The term ''premium reduction,'' as used in the exemption, describes the requirement that Comcast must reduce the participants' portion of the premium for the dental component of the Plan by at least $375,000 each year the reinsurance arrangement is in effect. In this context, the term ''premium reduction'' more accurately describes the Department's intent than ''earned income'' or ''expected earned income.''

II. Five-Year or Three-Year Look Back Proposal

Section III(a) of the proposal states that: ''In the initial year and each subsequent year of the captive reinsurance arrangement, the participants' portion of the premium for the dental component of the Plan (the Dental Component) must be reduced by at least $375,000. If Comcast's savings from the captive reinsurance arrangement are greater than $375,000 in any year, Comcast must reduce the participants' portion of the Dental Component's premium by that greater amount in the next subsequent year. If Comcast or any of its affiliates ultimately receive some other benefit in connection with the captive insurance arrangement, such as a tax reduction or a profit or any benefit arising from a further diversification of One Belmont's risks in connection with adding the Plan-related insurance risks to One Belmont's other risks, participants in the Dental Component must receive an additional corresponding dollar-for-dollar reduction to their portion of the Dental Component's premiums in the subsequent year.''

Comcast requests that this section be modified to allow for a five-year look-back in which to calculate and apply any additional earned income over $1,875,000 to reduce the dental premiums (*i.e.,* any amount above the $375,000 per year over a five-year period that Comcast is already expected to receive from the arrangement and required to pass on to participants in the form of reduced premiums). Comcast states that it is ''concerned that the current structure of the proposed exemption, which could involve adjustments to participant contribution amounts each year, introduces the potential for significant fluctuations in participant dental premium amounts over time.'' Comcast states that such a period will help it ''smooth fluctuations in participant contribution amounts over time.''

Comcast requests that if the Department is not agreeable to a five-year lookback period, the exemption be modified to allow for a three-year rolling lookback period. Comcast states that a three-year rolling lookback would allow Comcast to assess over a three-year period whether any additional earnings above $125,000 (the $375,000 guaranteed minimum amount over a three-year period) must be credited against participant contributions on an annual basis (subject to the timing request discussed below). Comcast argues that this three-year rolling lookback would mitigate any significant lag between the calculation of the extra earning income and crediting the earnings against participant contributions to the Dental Component and this methodology will allow Comcast to achieve more consistent pricing to soften the impact of fluctuations on participant contributions.

Department's Response: The Department declines to make either of the Applicant's requested revisions. The Department developed the conditions of the exemption to ensure that participants will benefit from all earned income and other benefits that are generated by the reinsurance arrangement. A five or three-year period is excessive for participants to receive additional premium reductions. Among other things, a multi-year period would deprive Plan participants who leave Comcast's employment before the end of the period of the benefits of further premium reduction. Consistent with this view, the exemption requires Comcast to calculate One Belmont's earned income from the reinsurance arrangement on an annual basis. However, the Department acknowledges that Comcast may have legitimate concerns regarding the amount of time it needs to properly reduce participants' premium payments by such amount and has agreed to additional timing considerations, as discussed immediately below.

III. Timing of Use of Benefits and Independent Fiduciary Report

Comcast represents that it is not feasible for the Independent Fiduciary to provide their review of the documents within six months after the end of the prior year. The Applicant also claims that applying the extra earned income (amounts above the guaranteed $375,000) to offset the Dental premiums for the immediately subsequent plan year (which is a calendar year) may be very difficult because of the time it takes for the insurance carrier to report year-end information and for the Independent Fiduciary to calculate the earned income to be applied to the Dental premium. The Applicant points to timing constraints that may make it difficult to share the extra earned income in the next year as required by the proposed exemption. In particular, the Applicant states that the experience results for the life insurance for the prior year are provided in May/June of the subsequent year; final premium and employee contribution rates are set no later than the end of July; One Belmont receives its audited financial statement in mid-July, at the earliest, and therefore the Independent Fiduciary cannot begin review until mid-July or later. The Applicant claims these timing constraints will make it impossible to apply any additional earnings above $375,000 against participant contributions for the following Plan year in a process overseen by the Independent Fiduciary.

The Applicant therefore requests that the Independent Fiduciary be required to complete its report within one year after the 12-month period to which it relates and submit the report to the Department within four months thereafter.

Department's Response: Section III(a) of the exemption has been revised to: (a) reflect a two-year ''make whole'' period; (b) require the Plan to receive interest on amounts Comcast owes the Plan at a rate equal to underpayments established in Internal Revenue Code section 6621(b); and (c) more clearly describes the term ''benefits.''

Section III(a) now reads, ''In the initial year and each subsequent year of the captive reinsurance arrangement, the participant's portion of the premium for the dental component of the Plan (the Dental Component) must be reduced by at least $375,000. The Independent Fiduciary must determine whether Comcast earned a financial

benefit in excess of $375,000 per year and must report its determination as part of the Independent Fiduciary's annual report. Benefits include, but are not limited to, increased earned income, increased savings, a tax reduction or a profit or any benefit arising from a further diversification of One Belmont's risks in connection with adding Plan-related insurance risks to One Belmont's other risks. If Comcast's benefit from the arrangement exceeds $375,000 per year in any year (the Excess Benefit), Comcast must further reduce the participants' portion of the dental component of the Plan's (the Dental Plan's) premium no later than two years after the end of the year in which the Excess Benefit was earned by an amount that is at least equal to the Excess Benefit plus an additional payment of interest on the Excess Benefit at the Code's federal underpayment rate established in Internal Revenue Code section 6621(b). The interest on the Excess Benefit must be calculated for the period from the end of the plan year the Excess Benefit was earned through the start of the Plan year in which the Excess Benefit is applied to reduce the participants' portion of the Dental Plan's premiums. The premium reduction must benefit all Dental Plan participants equally and must be verified by the Independent Fiduciary.''

The Department is not persuaded that the Independent Fiduciary needs four additional months to submit its completed report to the Department, and so has not made the requested revision.

IV. Dental Premium Split

In paragraph 7 of the Summary of Facts and Representations, the Department stated: ''In no event may the reduction in the participants' portion of the Dental Component's premium be less than the amount Comcast or any of its affiliates ultimately benefits from the captive reinsurance arrangement. Further, Comcast must continue to contribute no less than 60% of the Dental Component's premiums after the captive reinsurance arrangement takes effect.''

In its comment letter, Comcast requests that the Department not require a specific level of premium split for the Dental Component. Comcast argues that locking-in the split between employer and employee premium contribution amounts is unnecessary to make the captive reinsurance arrangement protective of the participants and in their best interest. Comcast claims that such a requirement would severely constrain future offerings under the Dental Component and deter Comcast, as settlor, from offering options that otherwise provide greater benefits even though employees would be willing to pay more for those benefits.

Comcast notes that its application stated that the dental payment percentage split between Comcast and its employees was ''approximately'' 60/40. Comcast explains that the Plan offers three different dental benefit options with three different premium splits. Comcast employees are offered a Dental Maintenance Organization (DMO) option and a Preferred Provider Organization (PPO) option while NBCU (Comcast's affiliate) employees are offered only a PPO dental option. Comcast states that because its primary goal is keeping the dollar amount of employee contributions consistent across the two companies, the Company contribution varies between 55% and 62%.

Comcast urged the Department to rely on the Independent Fiduciary's annual review to evaluate compliance with the exemption.

Department's Response: The Department is revising the exemption by removing the requirement that Comcast maintain a specific level of premium contribution to the dental component. However, the Department remains concerned that the value of the benefits provided to the Dental Component through the captive reinsurance arrangement could be lessened through offsetting reductions to other benefits provided to Comcast's employees.

The Department notes that it is the responsibility of the Independent Fiduciary to monitor, enforce, and ensure compliance with all the conditions of the exemption. This includes Section III(k) of the exemption, which provides that, ''Comcast will not evade the condition in Section III(a) by offsetting or reducing any benefits provided to Comcast employees to defray the costs, expenses, or obligations of complying with this exemption.''

To that end, Section III(g)(8) of the exemption has been revised to require the Independent Fiduciary to specifically confirm in its annual report whether Section III(k) has been met and to describe the steps it took in reaching this confirmation.

V. Commission

Section III(b) of the proposed exemption states that: ''No commissions are paid by the Plan with respect to the direct sale of such contracts or the reinsurance thereof . . .''

Comcast clarified in its comment letter ''that Prudential does pay a supplemental commission in connection with the sale of the direct life insurance coverage and will continue to pay this supplemental commission as reflected on the Plan's Form 5500. The cost of this supplemental commission is wholly borne by Prudential and the Plan itself does not pay any separate commission in connection with the purchase of the direct insurance and does not pay a commission in connection with the reinsurance coverage either.''

Department's Response: The Department notes Comcast's clarification. Comcast's Form 5500 lists the commission recipient as ''American Benefits & Compensation Systems, Inc.'' located in New York, NY. Prudential confirmed that ''this continues to be the entity to whom the commission is payable and that it believes Alliant owns the entity.''

VI. Status of One Belmont as a Comcast Affiliate

The Department noted in paragraph 1 of the Summary of Facts and Representations of the proposed exemption that ''Comcast wholly owns One Belmont Insurance Company. . . .'' In its comment letter, Comcast stated that it ''is more accurate to state that One Belmont is a wholly owned subsidiary of Comcast Corporation.''

The Department has made certain other minor changes to the wording of the exemption, including renumbering some of the exemption's sections, for clarity and consistency.

The complete application file (L–12021) is available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on September 20, 2021, at 86 FR 52217.

Accordingly, after considering the entire record developed in connection with the Applicant's exemption application and comment letter, the Department has determined to grant the exemption described below.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under ERISA Section 408(a) does not relieve a fiduciary or other party in interest from certain requirements of other ERISA provisions, including any prohibited transaction provisions to which the

exemption does not apply and the general fiduciary responsibility provisions of ERISA Section 404, which, among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with ERISA Section 404(a)(1)(B).

(2) As required by ERISA Section 408(a), the Department hereby finds that the exemption is: (a) administratively feasible; (b) in the interests of affected plans and of their participants and beneficiaries; and (c) protective of the rights of participants and beneficiaries of such plans.

(3) This exemption is supplemental to, and not in derogation of, any other ERISA provisions, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of determining whether the transaction is in fact a prohibited transaction.

(4) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describe all material terms of the transactions that are the subject of the exemption.

Accordingly, the following exemption is granted under the authority of ERISA Section 408(a), and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011):

Exemption

Section I. Definitions

(a) An ''affiliate'' of Comcast Corporation or One Belmont includes: (1) Any person or entity who controls Comcast or One Belmont or is controlled by or under common control with Comcast or One Belmont; (2) Any officer, director, employee, relative, or partner with respect to Comcast or One Belmont; and (3) Any corporation or partnership of which the person in (2) of this paragraph is an officer, director, partner, or employee;

(b) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual;

(c) The term ''Independent Fiduciary'' means a person who:

(1) Is not an affiliate of Comcast or One Belmont and does not hold an ownership interest in Comcast or One Belmont or their affiliates;

(2) Is not a fiduciary with respect to the Plan before its appointment to serve as the Independent Fiduciary;

(3) Has acknowledged in writing that it:

(i) is a fiduciary with respect to the Plan and has agreed not to participate in any decision regarding any transaction in which it has an interest that might affect its best judgment as a fiduciary; and

(ii) has appropriate technical training or experience to perform the services contemplated by the exemption;

(4) has not entered into any agreement or instrument that violates the prohibitions on exculpatory provisions in ERISA section 410 or the Department's regulations relating to indemnification of fiduciaries at 29 CFR 2509.75–4.

(5) For purposes of this definition, no organization or individual may serve as Independent Fiduciary for any fiscal year if the gross income received by such organization or individual from Comcast, One Belmont, or their affiliates for that fiscal year exceeds two percent (2%) of such organization's or individual's gross income from all sources for the prior fiscal year. This provision also applies to a partnership or corporation of which such organization or individual is an officer, director, or 10 percent (10%) or more partner or shareholder, and includes as gross income amounts received as compensation for services provided as an independent fiduciary under any prohibited transaction exemption granted by the Department; and

(6) No organization or individual that is an Independent Fiduciary and no partnership or corporation of which such organization or individual is an officer, director, or ten percent (10%) or more partner or shareholder may acquire any property from, sell any property to, or borrow any funds from Comcast, One Belmont, or their affiliates while serving as an Independent Fiduciary. This prohibition will continue for a period of six months after: (i) the party ceases to be an Independent Fiduciary; and/or (ii) the Independent Fiduciary negotiates any transaction on behalf of the Plan during the period that the organization or individual serves as an Independent Fiduciary.

Section II. Covered Transactions

The restrictions of ERISA Sections 406(a)(1)(D) and 406(b)(1) will not apply to: (1) the reinsurance of risks; and (2) the receipt of premiums therefrom by One Belmont in connection with insurance contracts sold by Prudential (or any successor Fronting Insurer meeting the requirements of this exemption) to provide group term life insurance benefits to Plan participants in the Life Insurance Component of the Plan. In order to receive such relief, the conditions in Section II must be met in conformance with the definitions set forth in Section I.

Section III. Conditions

(a) In the initial year and each subsequent year of the captive reinsurance arrangement, the participant's portion of the premium for the dental component of the Plan (the Dental Component) must be reduced by at least $375,000, with no offset or reduction to other benefits Comcast provides to its employees. The Independent Fiduciary must determine whether Comcast Corporation (including One Belmont and any affiliate or any person or entity related to Comcast Corporation (hereinafter, collectively, Comcast) earned a financial benefit in excess of $375,000 per year and must report its determination as part of the Independent Fiduciary's annual report. Financial benefits include, but are not limited to, increased earned income, increased savings, a tax reduction or a profit or any benefit arising from a further diversification of One Belmont's risks in connection with adding Plan-related insurance risks to One Belmont's other risks. If Comcast's benefit from the arrangement exceeds $375,000 per year in any year (the Excess Benefit), Comcast must further reduce the participants' portion of the dental component of the Plan's (the Dental Plan's) premium no later than two years after end of the year in which the Excess Benefit was earned, by an amount that is at least equal to the Excess Benefit, plus an additional interest payment on the Excess Benefit at the Internal Revenue Code's federal underpayment rate established in Code section 6621(b). The interest on the Excess Benefit must be calculated for the period from the end of the Plan year the Excess Benefit was earned through the start of the plan year in which the Excess Benefit is applied to participant dental premiums. The premium reduction must benefit all Dental Plan participants equally and must be verified by the Independent Fiduciary.

(b) No commissions are paid by the Plan with respect to the direct sale of such contracts or the reinsurance thereof;

(c) In the initial year and in subsequent years of coverage provided by a Fronting Insurer, the formulae used by the Fronting Insurer to calculate premiums must be similar to formulae used by other insurers providing comparable life insurance coverage under similar programs that are not

captive reinsured. Furthermore, the premium charges calculated in accordance with the formulae must be reasonable and must be comparable to the premiums charged by the Fronting Insurer and its competitors with the same or a better financial strength rating providing the same coverage under comparable programs that are not captive reinsured;

(d) Comcast is solely and fully responsible for funding One Belmont's reserves with respect to the reinsurance arrangement covered by this exemption;

(e) One Belmont:

(1) Is a party in interest with respect to the Plan by reason of a stock or partnership affiliation with Comcast that is described in ERISA section 3(14)(E) or (G); [3]

(2) Is licensed to sell insurance or conduct reinsurance operations in at least one State as such term is defined in ERISA section 3(10);

(3) Has obtained a Certificate of Authority from the state of Vermont, its domiciliary state, that has neither been revoked nor suspended;

(4) (A) Has undergone and shall continue to undergo an examination by an independent certified public accountant for its last completed taxable year immediately before the taxable year of the reinsurance transaction covered by this exemption; or

(B) Has undergone a financial examination (within the meaning of the law of Vermont) by the Commissioner of Banking, Insurance, Securities and Health Care Administration of the State of Vermont within five (5) years before the end of the year preceding the year in which the reinsurance transaction occurred; and

(5) Is licensed to conduct reinsurance transactions under Vermont law, which requires an actuarial review of reserves to be conducted annually by an independent firm of actuaries and reported to the appropriate regulatory authority;

(f) The Plan retained and will continue to retain an independent, qualified fiduciary or successor to such fiduciary, as defined in Section I(c), (the Independent Fiduciary) to analyze the transactions covered by this exemption, and render an opinion that all of the requirements of this exemption have been satisfied;

(g) The Independent Fiduciary must:

(1) In full accordance with its obligations of prudence and loyalty under ERISA sections 404(a)(1)(A) and (B), (i) review the terms of the exemption, (ii) engage in a prudent and loyal analysis of the covered transactions, and (iii) verify that based on its review of all relevant documents and evidence, it has concluded that all of the exemption's terms and conditions have been met (or can be reasonably be expected to be met consistent with the time requirements set forth in this exemption). This conclusion must be documented in a written report submitted to the Department's Office of Exemption Determinations at least 30 days before the Plan engages in a transaction covered by the exemption. The report must include copies of each document relied on by the Independent Fiduciary and discuss the basis for its conclusion;

(2) Monitor, enforce and ensure compliance with all conditions of this exemption, including all conditions and obligations imposed on any party dealing with the Plan, throughout the period during which One Belmont's assets are directly or indirectly used in connection with a transaction covered by this exemption;

(3) Report any instance of non-compliance immediately to the Department's Office of Exemption Determinations;

(4) Monitor the transactions described in the exemption on a continuing basis to ensure the transactions remain in the interest of the Plan;

(5) Take all appropriate actions to safeguard the interests of the Plan;

(6) Review all contracts pertaining to the Reinsurance Arrangement, and any renewals of such contracts, to determine whether the requirements of this exemption continue to be satisfied;

(7) Determine that the Reinsurance Arrangement is in no way detrimental to the Plan and its participants and beneficiaries;

(8) Confirm in its annual report (and describe the steps taken to confirm) that (i) the Plan's Dental Component has received all the financial benefits associated with the captive reinsurance arrangement that otherwise would have been retained by Comcast or a party related to Comcast, and (ii) Comcast has not reduced or offset any participant benefits in relation to its implementation and maintenance of the reinsurance arrangement as required by section III(k), including a reduction in premium contributions to the dental component or other benefits Comcast provides to it employees;

(9) Provide an annual report to the Department, certifying Under penalty of perjury that each term and condition of this exemption is satisfied and setting forth the bases for the certification. Each report must be completed and submitted to the Department within twelve months after the end of the twelve-month period to which it relates (the first twelve-month period begins on the first day of the implementation of the captive reinsurance arrangement covered by this exemption);

(h) Comcast and its related parties have not, and will not, indemnify the Independent Fiduciary, in whole or in part, for negligence and/or for any violations of state or federal law that may be attributable to the Independent Fiduciary in performing its duties under the captive reinsurance arrangement. In addition, no contract or instrument will purport to waive any liability under state or federal law for any such violations.

(i) Neither Comcast nor a related entity may use participant-related data or information generated by, or derived from, the Reinsurance Arrangement in a manner that benefits Comcast or a related entity;

(j) All the facts and representations set forth in the Summary of Facts and Representations are true and accurate;

(k) Comcast will not evade the condition in Section III(a) by offsetting or reducing any benefits provided to Comcast employees to defray the costs, expenses, or obligations of complying with this exemption;

(l) The Plan will only contract with a Fronting Insurer that is unrelated to Comcast, and that has a financial strength rating of ''A'' or better from A.M. Best. For purposes of this provision, the term ''unrelated'' means that the Fronting Insurer is not owned or controlled by Comcast in whole or in part;

(m) The Plan must pay no more than adequate consideration with respect to insurance that is part of the captive reinsurance arrangement covered by the exemption;

(n) In the event a successor Independent Fiduciary is appointed to represent the interests of the Plan with respect to the subject transaction, no time shall elapse between the resignation or termination of the former Independent Fiduciary and the appointment of the successor Independent Fiduciary; and

(o) All expenses associated with the exemption and the exemption application, including any payment to the Independent Fiduciary, must be paid by Comcast and not the Plan.

Effective Date: This exemption will be in effect on the date that this grant

[3] Under ERISA section 3(14)(G), a corporation is a ''party in interest'' with respect to an employee benefit plan if 50 percent or more of the combined voting power of all classes of the corporation's stock entitled to vote, or the total value of shares of all classes of stock of the corporation, is owned by an employer any of whose employees are covered by the employee benefit plan.

notice is published in the **Federal Register**.

Signed at Washington, DC.

George C. Cosby,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2022–19000 Filed 9–1–22; 8:45 am]

BILLING CODE 4510–29–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Request for Information; Equitable Data Engagement and Accountability

AGENCY: Office of Science and Technology Policy (OSTP).

ACTION: Notice of request for information (RFI).

SUMMARY: The White House Office of Science and Technology Policy (OSTP), on behalf of the Subcommittee on Equitable Data of the National Science and Technology Council, requests information on how Federal agencies can better support collaboration with other levels of government, civil society, and the research community around the production and use of equitable data. This RFI will support Federal equitable data efforts described in the Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 13985), including the *Vision for Equitable Data* issued to the President in April 2022.

DATES: Interested persons and organizations are invited to submit comments on or before 5 p.m. ET, October 3, 2022.

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

- *Email: equitabledata@ostp.eop.gov,* include *Engagement and Accountability RFI* in the subject line of the message. Email submissions should be machine-readable [PDF, Word] and should not be copy-protected.
- *Mail:* Attn: NSTC Subcommittee on Equitable Data, Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Ave. NW, Washington, DC 20504.

Instructions: Response to this RFI is voluntary. Respondents may answer as many or as few questions as they wish. Each individual or institution is requested to submit only one response. Electronic responses must be provided as attachments to an email rather than a link. Please identify your answers by responding to a specific question or topic if possible. Comments of seven pages or fewer (3,500 words) are requested; longer responses will not be considered. Responses should include the name of the person(s) or organization(s) filing the response. Responses containing references, studies, research, and other empirical data that are not widely published should include copies of or electronic links to the referenced materials. Responses containing profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

Any information obtained from this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development. OSTP will not respond to individual submissions. A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed. This RFI is not accepting applications for financial assistance or financial incentives.

Comments submitted in response to this notice are subject to the Freedom of Information Act (FOIA). No business proprietary information, copyrighted information, or personally identifiable information should be submitted in response to this RFI. Please be aware that comments submitted in response to this RFI, including the submitter's identification (as noted above), may be posted, without change, on OSTP's or another Federal website or otherwise released publicly.

FOR FURTHER INFORMATION CONTACT: Denice Ross, U.S. Chief Data Scientist, at *equitabledata@ostp.eop.gov* or 202–456–6121.

SUPPLEMENTARY INFORMATION: As part of the President's Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 13985), the Administration convened a Federal Equitable Data Working Group to study existing Federal data collection policies, programs, and infrastructure to identify inadequacies and provide recommendations that lay out a strategy for increasing data available for measuring equity and representing the diversity of the American people.

In its final report in April 2022—*Vision for Equitable Data*—the Equitable Data Working Group emphasized the need for the Federal government to use equitable data to (1) encourage diverse collaborations across levels of government, civil society, and the research community and (2) be accountable to the American public. By equitable data, we mean data that allow for rigorous assessment of the extent to which government programs and policies yield consistently fair, just, and impartial treatment of all individuals, including those who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Equitable data can illuminate opportunities for targeted actions that will result in demonstrably improved outcomes for underserved communities. One key characteristic of equitable data is that it is disaggregated by demographic information (*e.g.,* race, ethnicity, gender, language spoken, etc.), geographic information (*e.g.,* rural/urban), or other variables, enabling insights on disparities in access to, and outcomes from, government programs, policies, and services.

Durable, equitable data infrastructure requires fostering collaborations across all levels of government, as well as with a diverse community of external organizations to advance outcomes for underserved communities. Constructing such infrastructure will likely require new incentives and pathways, including to ensure greater data sharing and capacity building across different levels of government and to broaden the research community involved in producing and analyzing equitable data.

Furthermore, providing tools that allow civil society organizations and communities to use and visualize Federal data and chart government's progress toward equitable outcomes is crucial for strengthening accountability and credibility with the American public. Such tools can encourage community participation in government equity efforts, but these tools must be designed and administered in ways that meet community members where they are in terms of data analysis capacity and resources. These tools should ideally enable members of the public to easily find meaningful and actionable data about the well-being of their communities and the services provided to them.

In this notice, the White House OSTP is providing an opportunity for members of the public to provide perspectives on how to best to encourage collaborations between the Federal government and (a) state, local, territorial, and Tribal governments; (b) researchers and research institutions; and (c) local communities that facilitate producing, accessing, and using equitable data.

Responses to this Request for Information (RFI) will be used to inform the development of case studies, best practices, and new strategies for Federal agencies, including establishing:

(1) mutually beneficial collaborations between Federal agencies and other levels of government, civil society, and

the research community around the production and use of equitable data, and

(2) tools that allow civil society organizations and communities to use and visualize Federal data and chart government's progress toward equitable outcomes in order to strengthen accountability and credibility.

Responses to this RFI will also inform development of the United States' Open Government Partnership National Action Plan that furthers the principles of open government.

We invite members of the public to share perspectives on how the Federal government can better realize the objectives of collaboration between all levels of government, engagement of communities that access or participate in Federal programs in data collection and research, and create broader public access to equitable data. Responses may help inform the development of case studies, best practices, strategies, plans, and other tools for Federal agencies to pursue equitable data partnerships and collaboration, including Federal government plans around open government.

OSTP seeks responses to one, some, or all of the following questions:

1. What are *examples of successful collaborations* involving equitable data between the Federal government and (a) Tribal, territorial, local, and State governments, or (b) local communities?

2. Among examples of existing Federal collaborations with (a) Tribal, territorial, local, and State governments or (b) local communities involving equitable data, *what lessons or best practices have been learned from such collaborations*?

3. What resources, programs, training, or other tools *can facilitate increased data sharing between different levels of government (Tribal, territorial, local, State, or Federal) related to equitable data*?

4. What resources, programs, training, or other tools *can expand opportunities for historically underrepresented scholars and research institutions to access and use equitable data across levels of government*?

5. What resources, programs, training, or tools *can increase opportunities for community-based organizations to use equitable data to hold government accountable to the American public*?

6. What resources, programs, training, or tools *can make equitable data more accessible and useable* for members of the public?

7. In which agencies, programs, regions, or communities *are there unmet needs, broken processes, or problems related to participation and accountability* that could be remedied through stronger collaborations and transparency around equitable data?

Dated: August 30, 2022.

Stacy Murphy,

Operations Manager.

[FR Doc. 2022–19007 Filed 9–1–22; 8:45 am]

BILLING CODE 3270–F2–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–405, OMB Control No. 3235–0462]

Submission for OMB Review; Comment Request; Extension: Display of Customer Limit Orders (17 CFR 242.604)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 604 (17 CFR 242.604) under the Securities Exchange Act of 1934 (17 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 604 requires specialists and market makers to publish customer limit orders that are priced superior to the bids or offers being displayed by each such specialist or market maker.[1] Customer limit orders that match the bid or offer being displayed by a specialist or market maker must be published if the limit price also matches the national best bid or offer (''NBBO'') and the size of the customer limit order is more than de minimis (*i.e.,* more than 10% of the specialist's or market maker's displayed size).

The information collected pursuant to Rule 604 is necessary to facilitate the establishment of a national market system for securities. The publication of trading interests that improve specialists' and market makers' quotes presents investors with improved execution opportunities and improved access to the best available prices when they buy or sell securities.

The Commission estimates that approximately 318 respondents will respond to the collection of information requirements each time they receive a displayable customer limit order. The Commission further estimates that a respondent will receive a customer limit order, on average, 15,136.767 times per trading day with an estimate average time of 0.1 second per quote update. Accordingly, assuming 252 days in a trading year, an average 105.957 hours per year per respondent, the Commission estimates that the total annual burden for all respondents is 33,694 hours.

The collection of information in Rule 604 is mandatory for all respondents, but does not require the collection of confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: >*www.reginfo.gov*<. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent by October 3, 2022 to (i) >*MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* < and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 29, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18981 Filed 9–1–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95622; File No. SR–CboeBZX–2022–031]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade Shares of the ARK 21Shares Bitcoin ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

August 29, 2022.

On May 13, 2022, Cboe BZX Exchange, Inc. (''BZX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities

[1] *See* Securities Exchange Act Release No. 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996).

Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the ARK 21Shares Bitcoin ETF (''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 June 1, 2022.[3] The Commission has received no comments on the proposed rule change.

On July 12, 2022, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] This order institutes proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.

I. Summary of the Proposal

As described in more detail in the Notice,[7] the Exchange proposes to list and trade the Shares of the Trust under BZX Rule 14.11(e)(4), which governs the listing and trading of Commodity-Based Trust Shares on the Exchange.

The investment objective of the Trust is to seek to track the performance of bitcoin, as measured by the performance of the S&P Bitcoin Index (''Index''), adjusted for the Trust's expenses and other liabilities.[8] Each Share will represent a fractional undivided beneficial interest in the bitcoin held by the Trust. The Trust's assets will consist of bitcoin held by the Custodian on behalf of the Trust. The Trust generally does not intend to hold cash or cash equivalents. However, there may be situations where the Trust will unexpectedly hold cash on a temporary basis.[9]

In seeking to achieve its investment objective, the Trust will hold bitcoin and will value the Shares daily based on the Index. The Index is a U.S. dollar-denominated composite reference rate for the price of bitcoin. The Index price is currently sourced from the following platforms: Binance, Bitfinex, Bitflyer, Bittrex, Bitstamp, Coinbase Pro, Gemini, HitBTC, Huobi, Kraken, KuCoin, and Poloniex.[10] The Index methodology is intended to determine the fair market value for bitcoin by determining the principal market for bitcoin as of 4:00 p.m. E.T. daily.[11]

The Net Asset Value (''NAV'') of the Trust means the total assets of the Trust including, but not limited to, all bitcoin and cash, if any, less total liabilities of the Trust, each determined on the basis of generally accepted accounting principles. The NAV of the Trust is the aggregate value of the Trust's assets less its estimated accrued but unpaid liabilities (which include accrued expenses). In determining the Trust's NAV, the Administrator values the bitcoin held by the Trust based on the price set by the Index as of 4:00 p.m. E.T. The Administrator determines the NAV of the Trust on each day that the Exchange is open for regular trading, as promptly as practical after 4:00 p.m. E.T.[12]

The Trust will provide information regarding the Trust's bitcoin holdings, as well as an Intraday Indicative Value (''IIV'') per Share updated every 15 seconds, as calculated by the Exchange or a third-party financial data provider during the Exchange's Regular Trading Hours (9:30 a.m. E.T. to 4:00 p.m. E.T.). The IIV will be calculated by using the prior day's closing NAV per Share as a base and updating that value during Regular Trading Hours to reflect changes in the value of the Trust's bitcoin holdings during the trading day.[13]

When the Trust sells or redeems its Shares, it will do so in ''in-kind'' transactions in blocks of 5,000 Shares. Authorized participants will deliver, or facilitate the delivery of, bitcoin to the Trust's account with the Custodian in exchange for Shares when they purchase Shares, and the Trust, through the Custodian, will deliver bitcoin to such authorized participants when they redeem Shares with the Trust.[14]

II. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2022–031 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [15] to determine whether the proposed rule change should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[16] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices'' and ''to protect investors and the public interest.'' [17]

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 94982 (May 25, 2022), 87 FR 33250 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 95257, 87 FR 42530 (July 15, 2022). The Commission designated August 30, 2022, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Notice, *supra* note 3.

[8] *See id.* at 33269. 21Shares US LLC (''Sponsor'') is the sponsor of the Trust, Delaware Trust Company is the trustee, and The Bank of New York Mellon will be the administrator (''Administrator'') and transfer agent. Foreside Global Services, LLC will be the marketing agent in connection with the creation and redemption of Shares. ARK Investment Management LLC will provide assistance in the marketing of the Shares. Coinbase Custody Trust Company, LLC (''Custodian''), will be responsible for custody of the Trust's bitcoin. *See id.* at 33250, 33268.

[9] *See id.* at 33268–69.

[10] The underlying platforms are sourced by Lukka Inc. (''Data Provider''), an independent third-party digital asset data company engaged by the Sponsor, based on a combination of qualitative and quantitative metrics to analyze a comprehensive data set and evaluate factors including legal/regulation, Know-Your-Customer/transaction risk, data provision, security, team/exchange, asset quality/diversity, market quality, and negative events. As the digital ecosystem continues to evolve, the Data Provider can add or remove platforms based on the processes established by Lukka's Pricing Integrity Oversight Board. *See id.* at 33269 and n.72.

[11] The Index methodology uses a ranking approach that considers several characteristics of the trading platforms, including oversight and intra-day trading volume. Specifically, to rank the credibility and quality of each trading platform, the Data Provider dynamically assigns a Base Exchange Score (''BES'') to the key characteristics for each platform. The BES reflects the fundamentals of a platform and determines which platform should be designated as the principal market at a given point of time. This score is determined by computing a weighted average of the values assigned to four different trading platform characteristics: (i) oversight; (ii) microstructure efficiency; (iii) data transparency; and (iv) data integrity. The methodology then applies a five-step weighting process for identifying a principal trading platform and the last price on that platform. Following this weighting process, an executed trading platform price is assigned for bitcoin as of 4:00 p.m. E.T. *See id.* at 33269.

[12] *See id.* at 33271.

[13] *See id.* at 33270.

[14] *See id.* at 33269.

[15] 15 U.S.C. 78s(b)(2)(B).

[16] *Id.*

[17] 15 U.S.C. 78f(b)(5).

the proposal, which are set forth in the Notice,[18] in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the following questions and asks commenters to submit data where appropriate to support their views:

1. What are commenters' views on whether the proposed Trust and Shares would be susceptible to manipulation? What are commenters' views generally on whether the Exchange's proposal is designed to prevent fraudulent and manipulative acts and practices? What are commenters' views generally with respect to the liquidity and transparency of the bitcoin markets, the bitcoin markets' susceptibility to manipulation, and thus the suitability of bitcoin as an underlying asset for an exchange-traded product?

2. Based on data and analysis provided and the academic research cited by the Exchange,[19] do commenters agree with the Exchange that the Chicago Mercantile Exchange (''CME'') on which bitcoin futures contracts trade (''CME Bitcoin Futures'') represents a regulated market of significant size related to spot bitcoin? [20] What are commenters' views on whether there is a reasonable likelihood that a person attempting to manipulate the Shares would also have to trade on the CME to manipulate the Shares? Do commenters agree with the Exchange's assertion that the combination of (a) CME Bitcoin Futures leading price discovery; (b) the overall size of the bitcoin market; and (c) the ability for market participants to buy or sell large amounts of bitcoin without significant market impact, helps to prevent the Shares from becoming the predominant force on pricing in either the spot bitcoin or CME Bitcoin Futures markets? [21]

3. The Exchange states that bitcoin is resistant to price manipulation and that other means to prevent fraudulent and manipulative acts and practices exist to justify dispensing with the requirement to enter into a comprehensive surveillance-sharing agreement with a regulated market of significant size related to spot bitcoin.[22] In support of its assertion, the Exchange provides data and analysis [23] to indicate that the spot bitcoin market is ''increasingly efficient,'' with ''higher liquidity'' and a ''higher degree of consensus among investors regarding the price of [b]itcoin,'' making it ''less susceptible to manipulation.'' [24] Do commenters believe the Exchange has shown that the bitcoin market is resistant to price manipulation?

III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, and the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[25]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by September 23, 2022. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 7, 2022.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2022–031 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2022–031. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2022–031 and should be submitted by September 23, 2022. Rebuttal comments should be submitted by October 7, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18966 Filed 9–1–22; 8:45 am]

BILLING CODE 8011–01–P

[18] *See* Notice, *supra* note 3.

[19] *See id.* at 33256–61, 33261 n.59.

[20] *See id.* at 33262.

[21] *See id.*

[22] *See id.* at 33261 n.62.

[23] *See id.* at 33262–68.

[24] *See id.* at 33264–66.

[25] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[26] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–652, OMB Control No. 3235–0699]

Submission for OMB Review; Comment Request; Extension: Rule 18a–2

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the

Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 18a–2 (17 CFR 240.18a–2), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 18a–2 establishes capital requirements for nonbank major security-based swap participants that are also not registered as broker-dealers (''nonbank MSBSPs''). In particular, a nonbank MSBSP is required at all times to have and maintain positive tangible net worth.

Under Rule 18a–2, nonbank MSBSPs also need to comply with Exchange Act Rule 15c3–4 (17 CFR 240.15c3–4), which requires OTC derivatives dealers and other firms subject to its provisions to establish, document, and maintain a system of internal risk management controls to assist the firm in managing the risk associated with its business activities, including market, credit, leverage, liquidity, legal, and operational risks.

The staff previously estimated that 5 or fewer nonbank entities would register with the Commission as MSBSPs. The staff continues to estimate that 5 or fewer nonbank entities will register with the Commission as MSBSPs, although currently no such entities have registered. These nonbank MSBSPs will be required to establish, document, and regularly review and update risk management control systems with respect to market, credit, leverage, liquidity, legal and operational risks. Based on similar estimates for OTC derivatives dealers, the Commission staff believes that each nonbank MSBSP will spend approximately 2,000 hours to implement its risk management control system, resulting in a one-time industry-wide hour burden of approximately 10,000 recordkeeping hours, or approximately 3,333 hours per year when annualized over 3 years.[1]

Based on similar estimates for OTC derivatives dealers, the staff further estimates that each of these firms will spend approximately 250 hours per year reviewing and updating its risk management control systems, resulting in an ongoing annual industry-wide hour burden of approximately 1,250 recordkeeping hours per year.[2]

Taken together, the total industry-wide recordkeeping hour burden is approximately 4,583 hours per year.[3]

Because nonbank MSBSPs may not initially have the systems or expertise internally to meet the risk management requirements of Rule 18a–2, these firms will likely hire an outside risk management consultant to assist them in implementing their risk management systems. The staff estimates that each firm will hire an outside management consultant for approximately 200 hours at a cost of approximately $400 per hour, for a one-time external management consulting cost of approximately $80,000 per respondent, and a total one-time industry management consulting cost of approximately $400,000, or approximately $133,333 per year[4] when annualized over 3 years.

Nonbank MSBSPs may incur start-up costs to comply with Rule 18a–2, including information technology costs. The information technology systems of a nonbank MSBSP may be in varying stages of readiness to enable these firms to meet the requirements of Rule 18a–2, so the cost of modifying their information technology systems could vary significantly among firms. Based on estimates for similar collections of information,[5] the Commission staff expects that each nonbank MSBSP will spend an average of approximately $16,000 for one-time initial hardware and software external expenses, for a total one-time industry-wide external information technology cost of approximately $80,000, or approximately $26,667 per year[6] when annualized over 3 years. Based on the estimates for these similar collections of information, the average ongoing external cost to meet the information technology requirements of Rule 18a–2 will be approximately $20,500 per nonbank MSBSP. This will result in an ongoing annual industry-wide external information technology cost of approximately $102,500.[7] Taken together, the total industry-wide information technology related cost burden is approximately $129,167 per year.[8]

Therefore, the total industry-wide recordkeeping cost burden is approximately $262,500 per year ($133,333 + $129,167 = $262,500).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent by October 3, 2022 to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 29, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18982 Filed 9–1–22; 8:45 am]

BILLING CODE 8011–01–P

[1] 5 MSBSPs × 2,000 hours = 10,000 hours. This one-time burden annualized over a 3-year period is approximately 3,333 hours industry-wide (10,000 hours/3 = 3,333.33 rounded down to 3,333).

[2] 5 MSBSPs × 250 hours/year = 1,250 hours/year.

[3] 2,000 hours/3 years = 3,333.33 + 1,250 hours = 4,583.33 hours rounded down to 4,583.

[4] 5 MSBSPs × 200 hours × $400/hour = $400,000. Annualized over three years, this industry-wide burden is approximately $133,333 per year ($400,000/3 years = $133,333.33 rounded down to $133,333).

[5] *See Risk Management Controls for Broker or Dealers with Market Access,* Exchange Act Release No. 6321 (Nov. 3, 2010), 75 FR 69792, 69814 (Nov. 15, 2010).

[6] 5 MSBSPs × $16,000/3 years = $26,666.666, rounded up to $26,667.

[7] 5 MSBSP × $20,500 = $102,500.

[8] $80,000/3 years + $102,500 = $129,166.667 rounded up to $129,167.

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–42, OMB Control No. 3235–0047]

Submission for OMB Review; Comment Request; Extension: Rule 204–3

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Rule 204–3 (17 CFR 275.204–3) under the Investment Advisers Act of 1940.'' (15 U.S.C. 80b). Rule 204–3, the ''brochure rule,'' requires advisers to deliver their brochures and brochure supplements at the start of an advisory relationship and to deliver annually thereafter the full updated brochures or a summary of material changes to their brochures. The rule also requires that advisers deliver amended brochures or brochure

supplements (or just a statement describing the amendments) to clients only when disciplinary information in the brochures or supplements becomes materially inaccurate.

The brochure assists the client in determining whether to retain, or continue employing, the adviser. The information that rule 204–3 requires to be contained in the brochure is also used by the Commission and staff in its enforcement, regulatory, and examination programs. This collection of information is found at 17 CFR 275.204–3 and is mandatory.

The respondents to this information collection are certain investment advisers registered with the Commission. The Commission has estimated that compliance with rule 204–3 imposes a burden of approximately 3.9 hours annually based on advisers having a median of 92 clients each. Our latest data indicate that there were 14,777 advisers registered with the Commission as of March 31, 2022. Based on this figure, the Commission estimates a total annual burden of 57,589 hours for this collection of information.

Rule 204–3 does not require recordkeeping or record retention. The collection of information requirements under the rule are mandatory. The information collected pursuant to the rule is not filed with the Commission, but rather takes the form of disclosures to clients and prospective clients. Accordingly, these disclosures are not kept confidential. 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 control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by October 3, 2022 to (i) *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 29, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18978 Filed 9–1–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–176, OMB Control No. 3235–0311]

Submission for OMB Review; Comment Request; Extension: Rule 7d–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Section 7(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–7(d)) (the ''Act'' or ''Investment Company Act'') requires an investment company (''fund'') organized outside the United States (''foreign fund'') to obtain an order from the Commission allowing the fund to register under the Act before making a public offering of its securities through the United States mail or any means of interstate commerce. The Commission may issue an order only if it finds that it is both legally and practically feasible effectively to enforce the provisions of the Act against the foreign fund, and that the registration of the fund is consistent with the public interest and protection of investors.

Rule 7d–1 (17 CFR 270.7d–1) under the Act, which was adopted in 1954, specifies the conditions under which a Canadian management investment company (''Canadian fund'') may request an order from the Commission permitting it to register under the Act. Although rule 7d–1 by its terms applies only to Canadian funds, other foreign funds generally have agreed to comply with the requirements of rule 7d–1 as a prerequisite to receiving an order permitting the foreign fund's registration under the Act.

The rule requires a Canadian fund proposing to register under the Act to file an application with the Commission that contains various undertakings and agreements of the fund. The requirement for the Canadian fund to file an application is a collection of information under the Paperwork Reduction Act. Certain of the undertakings and agreements, in turn, impose the following additional information collection requirements:

(1) the fund must file with the Commission agreements between the fund and its directors, officers, and service providers requiring them to comply with the fund's charter and bylaws, the Act, and certain other obligations relating to the undertakings and agreements in the application;

(2) the fund and each of its directors, officers, and investment advisers that is not a U.S. resident, must file with the Commission an irrevocable designation of the fund's custodian in the United States as agent for service of process;

(3) the fund's charter and bylaws must provide that (a) the fund will comply with certain provisions of the Act applicable to all funds, (b) the fund will maintain originals or copies of its books and records in the United States, and (c) the fund's contracts with its custodian, investment adviser, and principal underwriter, will contain certain terms, including a requirement that the adviser maintain originals or copies of pertinent records in the United States;

(4) the fund's contracts with service providers will require that the provider perform the contract in accordance with the Act, the Securities Act of 1933 (15 U.S.C. 77a), and the Securities Exchange Act of 1934 (15 U.S.C. 78a), as applicable; and

(5) the fund must file, and periodically revise, a list of persons affiliated with the fund or its adviser or underwriter.

As noted above, under section 7(d) of the Act the Commission may issue an order permitting a foreign fund's registration only if the Commission finds that ''by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the (Act).'' The information collection requirements are necessary to ensure that the substantive provisions of the Act may be enforced as a matter of contract right in the United States or Canada by the fund's shareholders or by the Commission.

Rule 7d–1 also contains certain information collection requirements that are associated with other provisions of the Act. These requirements are applicable to all registered funds and are outside the scope of this request.

The Commission believes that one foreign fund is registered under rule 7d–1 and currently active. Apart from requirements under the Act applicable to all registered funds, rule 7d–1 imposes ongoing burdens to maintain records in the United States, and to update, as necessary, certain fund agreements, designations of the fund's custodian as service agent, and the fund's list of affiliated persons. The Commission staff estimates that each year under the rule, the active registrant and its directors, officers, and service providers engage in the following collections of information and associated burden hours:

• For the fund and its investment adviser to maintain records in the United States:[1]

0 hours: 0 minutes of compliance clerk time.

• For the fund to update its list of affiliated persons:

2 hours: 2 hours of support staff time.

• For new officers, directors, and service providers to enter into and file agreements requiring them to comply with the fund's charter and bylaws, the Act, and certain other obligations:

0.5 hours: 7.5 minutes of director time; 2.5 minutes of officer time; 20 minutes of support staff time.

• For new officers, directors, and investment advisers who are not residents of the United States to file irrevocable designation of the fund's custodian as agent for process of service:

0.25 hours: 5 minutes of director time; 10 minutes of support staff time.

Based on the estimates above, the Commission estimates that the total annual burden of the rule's paperwork requirements is 2.75 hours.[2] If a fund were to file an application under rule 7d–1 to register under the Act, the Commission estimates that the rule would impose initial information collection burdens (for filing an application, preparing the specified charter, bylaw, and contract provisions, designations of agents for service of process, and an initial list of affiliated persons, and establishing a means of keeping records in the United States) of approximately 90 hours for the fund and its associated persons. The Commission is not including these hours in its calculation of the annual burden because no fund has applied to register under the Act pursuant to rule 7d–1 in the last three years.

As noted above, after registration, a Canadian fund may file a supplemental application seeking special relief designed for the fund's particular circumstances. Rule 7d–1 does not mandate these applications. For purposes of this PRA we are assuming one registrant has filed a substantive supplemental application within the past three years. The Commission staff estimates that the rule would impose an additional information collection burden of 5 hours on a fund to comply with the Commission's application process. The staff understands that funds also obtain assistance from outside counsel to comply with the Commission's application process and the cost burden of using outside counsel is discussed below.

Therefore, the Commission staff estimates the aggregate annual burden hours of the collection of information associated with rule 7d–1 is 13.25 hours.[3] Amortized over three years we estimate an hourly annual burden of 4.42 hours.[4] These estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of Commission rules.

If a Canadian or other foreign fund in the future applied to register under the Act under rule 7d–1, the fund initially might have capital and start-up costs (not including hourly burdens) of an estimated $20,000 to comply with the rule's initial information collection requirements. These costs include legal and processing-related fees for preparing the required documentation (such as the application, charter, bylaw, and contract provisions, designations for service of process, and the list of affiliated persons). Other related costs would include fees for establishing arrangements with a custodian or other agent for maintaining records in the United States, copying and transportation costs for records, and the costs of purchasing or leasing computer equipment, software, or other record storage equipment for records maintained in electronic or photographic form.

The Commission expects that a foreign fund and its sponsors would incur these costs immediately, and that the annualized cost of the expenditures would be $20,000 in the first year. Some expenditures might involve capital improvements, such as computer equipment, having expected useful lives for which annualized figures beyond the first year would be meaningful. These annualized figures are not provided, however, because, in most cases, the expenses would be incurred immediately rather than on an annual basis. The Commission is not including these costs in its calculation of the annualized capital/start-up costs because no fund has applied under rule 7d–1 to register under the Act pursuant to rule 7d–1 in the last three years.

As indicated above, a Canadian fund may file a supplemental application seeking special relief designed for the fund's particular circumstances. Rule 7d–1 does not mandate these applications. The active registrant filed a substantive application in the past three years. The staff understands that funds generally use outside counsel to prepare the application. The staff estimates that outside counsel spends 10 hours preparing the application, including 8 hours by an associate and 2 hours by a partner. Outside counsel billing arrangements vary based on numerous factors, but the staff has estimated the average cost of outside counsel at $531 per hour, based on information received from funds, intermediaries and their counsel. The Commission therefore estimates that the fund would obtain assistance from outside counsel at a cost of $5,130.[5]

These estimates of average costs are made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by October 3, 2022 to (i) *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov* .

Dated: August 29, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18979 Filed 9–1–22; 8:45 am]

BILLING CODE 8011–01–P

[1] The rule requires an applicant and its investment adviser to maintain records in the United States (which, without the requirement, might be maintained in Canada or another foreign jurisdiction), which facilitates routine inspections and any special investigations of the fund by Commission staff. The registrant and its investment adviser, however, already maintain the registrant's records in the United States and in no other jurisdiction. Therefore, maintenance of the registrant's records in the United States does not impose an additional burden beyond that imposed by other provisions of the Act. Those provisions are applicable to all registered funds and the compliance burden of those provisions is outside the scope of this request.

[2] This estimate is based on the following calculation: (0 + 2 + 0.5 + 0.25) = 2.75 hours.

[3] This estimate is based on the following calculation: 2.75 hours year 1 + 5 hours year 1 + 2.75 hours year 2 + 2.75 hours year 3 = 13.25 hours

[4] The estimates are based on the following calculations: 4.42 hours = 13.25 cumulative burden hours/3 years.

[5] This estimate is based on the following calculation: 10 hours × $531 per hour = $5,130.

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–198, OMB Control No. 3235–0279]

Proposed Collection; Comment Request; Extension: Rule 17a–4

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 17a–4 (17 CFR 240.17a–4), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17a–4 requires exchange members, brokers, and dealers (''broker-dealers'') to preserve for prescribed periods of time certain records required to be made by Rule 17a–3. In addition, Rule 17a–4 requires the preservation of records required to be made by other Commission rules and other kinds of records which firms make or receive in the ordinary course of business. These include, but are not limited to, bank statements, cancelled checks, bills receivable and payable, originals of communications, and descriptions of various transactions. Rule 17a–4 also permits broker-dealers to employ, under certain conditions, electronic storage media to maintain records required to be maintained under Rules 17a–3 and 17a–4.

There are approximately 3,508 active, registered broker-dealers. The staff estimates that the average amount of time necessary to preserve the books and records as required by Rule 17a–4 is 254 hours per broker-dealer per year. Additionally, the Commission estimates that paragraph (b)(11) of Rule 17a–4 imposes an annual burden of 3 hours per year to maintain the requisite records. The Commission estimates that there are approximately 200 internal broker-dealer systems, resulting in an annual recordkeeping burden of 600 hours.

The Commission also estimates that there are approximately 2,578 broker-dealers with retail customers resulting in an annual initial burden of approximately 4,225,342 hours and an annual ongoing burden of approximately 4,182,947 to comply with Rule 17a–4(e)(5). Moreover the Commission estimates that these broker-dealers will incur 258 hours in annual burden to comply with Rule 17a–4(e)(10).

Therefore, the Commission estimates that compliance with Rule 17a–4 requires 9,300,179 hours each year ((3,508 broker-dealers × 254 hours) + (200 broker-dealers × 3 hours) + 4,225,342 hours + 4,182,947 hours + 258 hours)). These burdens are recordkeeping burdens. The total burden hour decrease of 678,217 hours is due to a decrease in the number of respondents from 3,764 to 3,508.

In addition, the Commission estimates that the telephonic recording retention provision of paragraph (b)(4) of Rule 17a–4 imposes an initial burden on broker-dealer SBSDs and broker-dealer MSBSPs of 13 hours per firm in the first year and an ongoing burden of 6 hours per year (including the first year). Therefore, the Commission estimates that there are 17 respondents, resulting in an estimated industry-wide initial burden of 221 hours in the first year and an ongoing burden of 102 hours per year (including the first year) bringing the total industry burden estimation to 527 hours over a three-year period.

The Commission estimates that the provisions of paragraphs (b)(1), and (b)(8)(v)–(viii) relating to security-based swap activities and paragraphs (b)(8)(xvi) and (b)(14) of Rule 17a–4 impose an initial burden of 65 hours per firm in the first year and an ongoing burden of 30 hours per year (including the first year). The Commission estimates that there are 42 respondents, resulting in an estimated industry-wide initial burden of 2,730 hours in the first year and an ongoing burden of 1,260 hours per year (including the first year) bringing the total industry burden estimation to 6,510 hours over a three-year period.

The Commission estimates that the provisions of paragraph (b)(1) applicable to broker-dealer SBSDs and broker-dealer MSBSPs and paragraphs (b)(15) and (b)(16) of Rule 17a–4 impose an initial burden of 65 hours per firm in the first year and an ongoing burden of 30 hours per year on broker-dealer SBSDs and broker-dealer MSBSPs (including the first year). The Commission estimates that there are 17 respondents, resulting in an estimated industry-wide initial burden of 1,105 hours in the first year and an ongoing burden of 510 hours per year (including the first year) bringing the total industry burden estimation to 2,635 hours over a three-year period.

The Commission estimates that provisions of paragraph (b)(1) of Rule 17a–4 that apply only to broker-dealer SBSDs impose an initial burden of 13 hours per firm in the first year and an ongoing burden of 6 hours per year (including the first year) on broker-dealer SBSDs. The Commission estimates that there are 16 broker-dealer SBSDs, resulting in an estimated industry-wide initial burden of 208 hours in the first year and an ongoing burden of 96 hours per year (including the first year) bringing the total industry burden estimation to 496 hours over a three-year period.

The staff believes that compliance personnel would be charged with ensuring compliance with Commission regulation, including Rule 17a–4. The staff estimates that the hourly salary of a Compliance Clerk is $78 per hour. Based upon these numbers, the total internal cost of compliance for 3,508 respondents is the dollar cost of approximately $749 million ((891,632 yearly hours × $78) + (600 hours × $78) + (4,225,342 hours × $78) + (4,489,218 hours × $78) + (258 hours × $78)).

Based on conversations with members of the securities industry and the Commission's experience in the area, the staff estimates that the average broker-dealer spends approximately $5,000 each year to store documents required to be retained under Rule 17a–4. Costs include the cost of physical space, computer hardware and software, etc., which vary widely depending on the size of the broker-dealer and the type of storage media employed. The Commission estimates that the annual reporting and recordkeeping cost burden is $17,540,000. This cost is calculated by the number of active, registered broker-dealers multiplied by the reporting and recordkeeping cost for each respondent (3,508 registered broker-dealers × $5,000).

The Commission estimates that each applicable firm incurs an ongoing annual cost of approximately $2,000 per firm for server, equipment, and systems development costs associated with the telephonic recording retention requirement, which applicable to broker-dealer SBSDs and broker-dealer MSBSPs. The Commission estimates that there are 17 respondents, resulting in an estimated industry-wide ongoing annual cost of $34,000 for compliance with the telephonic recording retention provision of Rule 17a–4(b)(4).

The Commission estimates that provisions of paragraphs (b)(1), (b)(8)(v)–(viii) relating to security-based swap activities and paragraphs (b)(8)(xvi) and (b)(14) of Rule 17a–4 impose an ongoing annual cost of approximately $600 per firm. The Commission estimates that there are 42

respondents, resulting in an estimated industry-wide ongoing annual cost of $25,200.

The Commission estimates that the provisions of paragraph (b)(1) applicable to broker-dealer SBSDs and broker-dealer MSBSPs and paragraphs (b)(15) and (b)(16) of Rule 17a–4 impose ongoing annual cost of approximately $600 per firm. The Commission estimates that there are 17 respondents, resulting in an estimated industry-wide ongoing annual cost of $10,200.

The Commission estimates that the provisions of paragraph (b)(1) of Rule 17a–4 that apply only to broker-dealer SBSDs imposes an additional ongoing annual cost of approximately $120 per firm to broker-dealer SBSDs. The Commission estimates that there are 16 broker-dealer SBSDs, resulting in an estimated industry-wide ongoing annual cost of $1,920.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing by November 1, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: August 29, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18983 Filed 9–1–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–561, OMB Control No. 3235–0747]

Submission for OMB Review; Comment Request; Extension: Rule 607

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Regulation E (17 CFR 230.601—230.610a) exempts from registration under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act'') securities issued by a small business investment company (''SBIC'') which is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') or a closed-end investment company that has elected to be regulated as a business development company (''BDC'') under the Investment Company Act, so long as the aggregate offering price of all securities of the issuer that may be sold within a 12-month period does not exceed $5,000,000 and certain other conditions are met. Rule 607 under Regulation E (17 CFR 230.607) entitled, ''Sales material to be filed,'' requires sales material used in connection with securities offerings under Regulation E to be filed with the Commission at least five days (excluding weekends and holidays) prior to its use.[1] Commission staff reviews sales material filed under rule 607 for materially misleading statements and omissions. The requirements of rule 607 are designed to protect investors from the use of false or misleading sales material in connection with Regulation E offerings.

Respondents to this collection of information include SBICs and BDCs making an offering of securities pursuant to Regulation E. No filings were submitted to the Commission under rule 607 in 2019, 2020 or 2021. Accordingly, we estimate no annual responses. Each respondent's reporting burden under rule 607 relates to the internal burden associated with filing its sales material electronically, which is negligible. For administrative purposes, we estimate an annual burden of one hour.

The requirements of this collection of information are mandatory. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by October 3, 2022 to (i) *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: August 29, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18980 Filed 9–1–22; 8:45 am]

BILLING CODE 8011–01–P

[1] Sales material includes advertisements, articles or other communications to be published in newspapers, magazines, or other periodicals; radio and television scripts; and letters, circulars or other written communications proposed to be sent given or otherwise communicated to more than ten persons.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34690; File No. 812–15286]

John Hancock Asset-Based Lending Fund, et al.

August 29, 2022.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and

with certain affiliated investment entities.

APPLICANTS: John Hancock Asset-Based Lending Fund, John Hancock Investment Management LLC, Marathon Asset Management LP, Marathon Secured Private Strategies Master Fund II A, L.P., Marathon Secured Private Strategies Master Fund II B, L.P., Marathon Secured Private Strategies REIT II, LLC, Marathon Health Care Finance Fund, L.P., Marathon Healthcare Finance (Europe) Investment Fund, Marathon Distressed Credit Master Fund, Marathon Distressed Credit Master (Cayman) Fund, LP, Marathon StepStone Master Fund LP, Marathon Securitized Credit Master Fund, Ltd, Marathon ECO IV SCA SICAV–RAIF, Marathon Centre Street Partnership, LP, TRS Credit Fund, LP, Marathon Blue Grass Credit Fund, LP, Marathon Currituck Fund, LP—Series A, Marathon Currituck Fund, LP—Series C, Marathon Currituck Fund, LP—Series D, Marathon Secured Private Strategies Master Fund III A, L.P., Marathon Secured Private Strategies Master Fund III B, L.P., Marathon Secured Private Strategies Master Fund III C, L.P., Marathon SPS IA Fund, L.P., Marathon Strategic Opportunities Program, LP.

FILING DATES: The application was filed on December 1, 2021, and amended on May 11, 2022 and August 8, 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 23, 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: *marathonlegal@marathonfund.com* and *aayanna@jhancock.com.*

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, or Trace W. Rakestraw, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' second amended and restated application, dated August 8, 2022, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at, *http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html.* You may also call the SEC's Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18968 Filed 9–1–22; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 11846]

U.S. Advisory Commission on Public Diplomacy Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy (ACPD) will hold an in-person public meeting with optional online viewing on Friday, September 23, 2022, from 12:00 p.m. until 1:15 p.m. During the meeting, a panel of policy and academic experts will discuss public diplomacy efforts to counter disinformation effects in sub-Saharan Africa.

This meeting is open to the public, including the media and members and staff of governmental and non-governmental organizations. The event will take place at the International Student House of Washington DC at 1825 R St. NW, Washington, DC. Please register for the in-person event here: *https://www.eventbrite.com/e/pd-approaches-to-countering-disinformation-in-sub-saharan-africa-tickets-400075385247.* Doors will open at 11:30 a.m. There will be an option to view the event virtually by accessing the Zoom link in the Eventbrite invitation.

To request reasonable accommodation, please email ACPD Program Assistant Kristy Zamary at *ZamaryKK@state.gov.* Please send any request for reasonable accommodation no later than September 12, 2022. Requests received after that date will be considered but might not be possible to fulfill.

Since 1948, the ACPD has been charged with appraising activities intended to understand, inform, and influence foreign publics and to increase the understanding of, and support for, these same activities. The ACPD conducts research that provides honest assessments of public diplomacy efforts, and disseminates findings through reports, white papers, and other publications. It also holds public symposiums that generate informed discussions on public diplomacy issues and events. The Commission reports to the President, Secretary of State, and Congress and is supported by the Office of the Under Secretary of State for Public Diplomacy and Public Affairs.

For more information on the U.S. Advisory Commission on Public Diplomacy, please visit *https://www.state.gov/bureaus-offices/under-secretary-for-public-diplomacy-and-public-affairs/united-states-advisory-commission-on-public-diplomacy/,* or contact Executive Director Vivian S. Walker at *WalkerVS@state.gov* or Senior Advisor Deneyse Kirkpatrick at *kirkpatrickda2@state.gov.*

Vivian S. Walker,

Executive Director, U.S. Advisory Commission on Public Diplomacy, Department of State.

[FR Doc. 2022–19083 Filed 9–1–22; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Funding Opportunity for the Consolidated Rail Infrastructure and Safety Improvements Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of funding opportunity (NOFO or notice).

SUMMARY: This notice details the application requirements and procedures to obtain grant funding for eligible projects under the Consolidated Rail Infrastructure and Safety Improvements Program for Fiscal Year 2022. This notice solicits applications for program funds made available by the Consolidated Appropriations Act, 2022 and the Infrastructure Investment and Jobs Act. This notice also solicits applications for projects under the Magnetic Levitation Technology Deployment Program, funded by the Consolidated Appropriations Act, 2021. The opportunity described in this notice

is made available under Assistance Listings Number 20.325, ''Consolidated Rail Infrastructure and Safety Improvements,'' and Assistance Listings Number 20.318, ''Maglev Project Selection—SAFETEA–LU.''

DATES: Applications for funding under this solicitation are due no later than 5 p.m. ET, December 1, 2022. Applications that are incomplete or received after 5 p.m. ET, on December 1, 2022 will not be considered for funding. See section D of this notice for additional information on the application process.

ADDRESSES: Applications must be submitted via *www.Grants.gov*. Only applicants who comply with all submission requirements described in this notice and submit applications through *www.Grants.gov* will be eligible for award. For any supporting application materials that an applicant is unable to submit via *www.Grants.gov* (such as oversized engineering drawings), an applicant may submit an original and two (2) copies to Mr. Douglas Gascon, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38–212, Washington, DC 20590. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are advised to use other means of conveyance (such as courier service) to assure timely receipt of materials before the application deadline.

FOR FURTHER INFORMATION CONTACT: For further information related to this notice, please contact Mr. Douglas Gascon, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38–212, Washington, DC 20590; email: *douglas.gascon@dot.gov*; phone: 202–493–0239; or Ms. Deborah Kobrin, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–311, Washington, DC 20590; email at *deborah.kobrin@dot.gov* or 202–420–1281.

SUPPLEMENTARY INFORMATION:

Notice to applicants: FRA recommends that applicants read this notice in its entirety prior to preparing application materials. Definitions of key terms used throughout the NOFO are provided in section A(2) below. These key terms are capitalized throughout the NOFO. There are several administrative and specific eligibility requirements described herein with which applicants must comply. Additionally, applicants should note that the required Project Narrative component of the application package may not exceed 25 pages in length.

Table of Contents

A. Program Description

1. Overview

The Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program is authorized under 49 U.S.C. 22907. The purpose of the CRISI Program is to invest in a wide range of projects within the United States to improve railroad safety, efficiency, and reliability; mitigate congestion at both intercity passenger and freight rail chokepoints to support more efficient travel and goods movement; enhance multi-modal connections; and lead to new or substantially improved Intercity Passenger Rail Transportation corridors. This program invests in railroad infrastructure projects that improve safety, support economic vitality (including through small businesses), create good-paying jobs with the free and fair choice to join a union, increase capacity and supply chain resilience, apply innovative technology, and explicitly address climate change, gender equity and racial equity. The purpose of this notice is to solicit applications for the competitive CRISI Program provided in Consolidated Appropriations Act, 2022, division L, title I, Public Law 117–103 (2022 Appropriation) and the advanced appropriation in the Infrastructure Investment and Jobs Act, division J, title II, Public Law 117–58 (2021).

This NOFO also includes funds for eligible projects under the Magnetic Levitation Technology Deployment Program (Maglev Grants Program) and solicits applications for grants for eligible project costs for the deployment of magnetic levitation transportation projects, authorized under and funded in the Consolidated Appropriations Act, 2021, division L, title I, Public Law 116–260 (2021 Appropriation), consistent with the language in section 1307(a) through (c) of Public Law 109–59 (SAFETEA–LU), as amended by section 102 of Public Law 110–244 (Technical Corrections Act) (23 U.S.C. 322 note). Applications for Maglev Grants Program Funding that also seek funding under the CRISI Program will be evaluated consistent with the selection criteria for the Maglev Grants Program.

Discretionary grant awards, funded through the CRISI and Maglev Grants Programs (collectively Programs), will support projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability, and transformation, consistent with the U.S. Department of Transportation's (DOT) strategic goals.[1]

The Programs will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, *Implementation of the Infrastructure Investments and Jobs Act* (86 FR 64355), which are to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

In addition to improving safety, FRA seeks to fund projects under the Programs that reduce greenhouse gas emissions and are designed with specific elements to address climate change impacts. Specifically, FRA is looking to award projects that align with the President's greenhouse gas reduction goals, promote energy efficiency, support fiscally responsible land use and efficient transportation design, increase climate resilience, support domestic manufacturing, and reduce pollution.

FRA also seeks to fund projects that address environmental justice, particularly for communities that disproportionally experience climate change-related consequences. Environmental justice, as defined by the Environmental Protection Agency, is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As part of the implementation of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), FRA seeks to fund projects that, to the extent possible, target at least 40 percent of benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or

[1] DOT Strategic Plan FY 2022–2026 (March 2022) at *https://www.transportation.gov/sites/dot.gov/files/2022-04/US_DOT_FY2022-26_Strategic_Plan.pdf*.

overburdened [2] communities. For more information, please consult DOT's disadvantaged communities mapping tool to determine if a proposed project impacts disadvantaged communities: Transportation Disadvantaged Census Tracts (*arcgis.com*) and at: *https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a*.

Additionally, FRA seeks to fund projects that proactively address racial equity and barriers to opportunity, including automobile dependence, as a form of barrier, or redress prior inequities and barriers to opportunity. Section E describes racial equity considerations that an applicant can undertake, and FRA will consider, during the review of applications.

In addition to prioritizing projects that address climate change, proactively address racial equity, and reduce barriers to opportunity, FRA will also prioritize projects that support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and worker training and placement programs, especially registered apprenticeships and local hire agreements, in development. Projects that incorporate such planning considerations are expected to support a strong economy and labor market. Section E describes job creation and labor considerations that an applicant can undertake, and that FRA will consider, during the review of applications.

Furthermore, consistent with the Department's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative, the Department seeks to award funding to rural projects that address deteriorating conditions and disproportionately high fatality rates and transportation costs in rural communities.

Section E of this NOFO, which outlines the grant selection criteria, describes the process for selecting projects that further these goals. Section F.3 describes progress and performance reporting requirements for selected projects.

2. Definitions of Key Terms

Terms defined in this section are capitalized throughout this notice.[3]

a. ''Benefit-Cost Analysis'' (''BCA'') is a systematic, data-driven, and transparent analysis comparing monetized project benefits and costs, using a no-build baseline and properly discounted present values, including concise documentation of the assumptions and methodology used to produce the analysis; a description of the baseline, data sources used to project outcomes, and values of key input parameters; basis of modeling including spreadsheets, technical memos, etc.; and presentation of the calculations in sufficient detail and transparency to allow the analysis to be reproduced and for sensitivity of results evaluated by FRA. Please refer to the Benefit-Cost Analysis Guidance for Discretionary Grant Programs prior to preparing a BCA at *https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance-discretionary-grant-programs-0*. In addition, please also refer to the BCA FAQs on FRA's website for rail specific examples of how to apply the BCA Guidance for Discretionary Grant Programs to CRISI applications.

b. ''Capital Project'' means a project for acquiring, constructing, improving, or inspecting rail equipment, track and track structures, or a rail facility, including expenses incidental to the acquisition or construction including pre-construction activities (such as designing, engineering, location surveying, mapping, acquiring rights-of-way) and related relocation costs, environmental studies, and all work necessary for FRA to consider the effects of the proposed project under the National Environmental Policy Act; highway-rail grade crossing improvements; communication and signalization improvements; and rehabilitating, remanufacturing or overhauling rail rolling stock and rail facilities.[4]

c. ''Construction'' means the Capital Project Lifecycle Stage when physical production of fixed works and structures, or substantial alterations to such structures or land, or production of vehicles and equipment are accomplished and placed into operational use. Construction includes associated project administration, testing of equipment as appropriate, systems integration testing, workforce training, system certification, procurement of insurance, pre-revenue service start-up testing, and other related costs.

d. ''Commuter Rail Passenger Transportation'' means short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple rides, and commuter tickets and morning and evening peak period operations, consistent with 49 U.S.C. 24102(3); the term does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

e. ''Deployment of Magnetic Levitation Transportation Projects'' means, for purposes of this NOFO, transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.[5]

f. ''Final Design (FD)'' means the Capital Project Lifecycle Stage when final design and engineering plans and specifications necessary for the Construction stage is completed, and at a minimum, includes completion of (1) the final design plans, consistent with the applicable environmental decision document, and detailed specifications, (2) an updated Project Management Plan, (3) an updated project schedule, cost estimate, and other necessary plans that may include a financial plan, sufficiently detailed to inform decision makers of the actions required to advance the project through Construction. FD may include early construction or relocations and procure equipment and materials during the final design stage, when such work is permissible under applicable law.

g. ''Improvement'' means repair or enhancement to existing rail infrastructure, or construction of new rail infrastructure, that results in efficiency of the rail system and the safety of those affected by the system.

h. ''Intercity Rail Passenger Transportation'' means rail passenger transportation, except commuter rail

[2] Overburdened Community: Minority, low-income, tribal, or indigenous populations or geographic locations in the United States that potentially experience disproportionate environmental harms and risks. This disproportionality can be as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic, or social conditions within these populations or places. The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.

[3] The definitions used in this Notice are consistent with FRA's Draft Guidance on Development and Implementation of Railroad Capital Projects, currently available at *https://www.regulations.gov* (docket number FRA–2022–0035). The Draft Guidance may be subject to change.

[4] For any project that includes purchasing Intercity Passenger Rail rolling stock, applicants are encouraged to use a standardized approach to the procurement of passenger rail equipment, such as the specifications developed by the Next Generation Corridor Equipment Pool Committee or a similar uniform process.

[5] This definition only applies to projects eligible under the Maglev Grants Program. These projects may also be eligible for funding under the CRISI program consistent with 49 U.S.C. 22907(c).

passenger transportation. See 49 U.S.C. 22901(3). In this notice, ''Intercity Passenger Rail Service'' and ''Intercity Passenger Rail Transportation'' are equivalent terms to ''Intercity Rail Passenger Transportation.''

i. ''Lifecycle Stage'' means each of the consecutive stages of a Capital Project as it is developed and implemented that include Systems Planning, project planning, Project Development, Final Design, Construction, and operation. Each sequential stage involves specific activities. FRA evaluates project readiness for a lifecycle stage when considering a project for funding.

j. ''National Environmental Policy Act (NEPA)'' is a Federal law that requires Federal agencies to analyze and document the environmental impacts of a proposed action in consultation with appropriate Federal, state, and local authorities, and with the public. NEPA classes of action include Environmental Impact Statement (EIS), Environmental Analysis (EA) or Categorical Exclusion (CE). The NEPA class of action depends on the nature of the proposed action, its complexity, and the potential impacts. For purposes of this NOFO, NEPA also includes all related Federal laws and regulations including the Clean Air Act, section 4(f) of the Department of Transportation Act, section 7 of the Endangered Species Act, and section 106 of the National Historic Preservation Act. Additional information regarding FRA's environmental processes and requirements are located at *https://www.fra.dot.gov/environment*.

k. ''Positive Train Control (PTC) system'' is defined by 49 CFR 270.5 to mean a system designed to prevent train-to-train collisions, overspeed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position, as described in 49 CFR part 236, subpart I.

l. ''Project Development'' means Capital Project Lifecyle Stage during which (1) the environmental review process required under NEPA and other related environmental laws is completed, and the permitting processes is advanced as appropriate; (2) preliminary engineering and other preliminary design is completed to support the environmental review and the preparation of estimates of risk, costs, benefits, and impacts; (3) a project management plan is completed that identifies procurement requirements and strategies; and (4) the detailed project schedule, cost estimate, and other necessary plans that may include a financial plan are completed.

m. ''Project Management Plan'' means a documented plan that describes how the Capital Project will be implemented, monitored, and controlled to help the applicant effectively, efficiently, and safely deliver the project on-time, within-budget, and at the highest appropriate quality.

n. ''Preliminary Engineering (PE)'' means engineering design to define a Capital Project, including identification of all environmental impacts, design of all critical project elements at a level sufficient to assure reliable cost estimates and schedules. The PE development process starts with specific project design alternatives that allow for the assessment of a range of rail improvements, specific alignments, and project designs.

o. ''Rural Area'' means any area that is not within an area designated as an urbanized area by the Bureau of the Census.

p. ''Rural Project'' means a project in which all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a Rural Area.

q. ''Significant Reduction in Emissions'' as used in this NOFO, results from rehabilitating, remanufacturing, procuring, or overhauling: (1) a Non-Tiered, Tier 0, or Tier 1 locomotive to at least the Tier 2 level; (2) a Tier 2 locomotive to at least a Tier 4 level; or (3) any locomotive to an all-electric, renewable diesel, battery-powered, or other renewable energy locomotive. Non-tiered, Tier 0 and Tier 1 locomotives must be retired if replaced. Emission standards for line-haul and switch locomotives are set by the U.S. Environmental Protection Agency, 40 CFR part 1033, subpart B.

r. ''Systems Planning'' means the first Lifecycle Stage when planning activities that support the development of a railroad capital plan, a state or regional rail plan, or a corridor service development plan that may identify a Capital Project, are completed. Project planning (*e.g.,* planning specific to a Capital Project such as a rail station or port improvement) is not eligible.

s. ''Relocation'' means moving a rail line vertically or laterally to a new location. Vertical Relocation refers to raising above the current ground level or sinking below the current ground level of a rail line. Lateral Relocation refers to moving a rail line horizontally to a new location.

B. Federal Award Information

1. Available Award Amount

The total funding available for awards under this NOFO is $1,427,462,902.[6] The total funding includes $2,000,000 in FY 2021 funding for the Maglev Grant Program, as detailed in this section. Should additional CRISI Program funds become available after the release of this NOFO, FRA may elect to award such additional funds to applications received under this NOFO.

Further, of this total, certain funding amounts are set-aside for the following purposes under this NOFO:

a. Rural Area Set-Aside—At least $376,035,000, or 25 percent of amounts appropriated, will be made available for projects in rural areas as required in 49 U.S.C. 22907(g). FRA will consider a project to be in a Rural Area if all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a Rural Area.

b. Intercity Passenger Rail Set-Aside—At least $150,000,000 will be made available for Capital Projects that support the development of new Intercity Passenger Rail Service routes including alignments for existing routes, as described in 49 U.S.C. 22907(c)(2) and as required in the 2022 Appropriation;

c. Trespassing Measures Set-Aside—At least $25,000,000 will be made available for the development and implementation of measures to prevent trespassing and reduce associated injuries and fatalities, as described in 49 U.S.C. 22907(c)(11)[7] and as required in the 2022 Appropriation; and

d. Magnetic Levitation Deployment Projects Set-Aside—$2,000,000 in 2021 Appropriation funding will be made available for the Deployment of Magnetic Levitation Transportation Projects. In addition, up to $5,000,000 will be made available from the 2022 Appropriation for preconstruction planning activities and capital costs related to the deployment of magnetic levitation transportation projects.

[6] Of the $1,625,000,000 in CRISI funding made available in the 2022 Appropriation and the advanced appropriation in division J of the Infrastructure Investment and Jobs Act, $46,177,098 will be separately made available for Special Transportation Circumstances grants, $120,860,000 will be set aside for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending in the table entitled ''Community Project Funding/Congressionally Directed Spending'' included in the joint explanatory statement, and $32,500,000 will be set aside for award and program oversight conducted by FRA.

[7] FRA will give preference to projects that are located in the top 25 counties with the most pedestrian trespasser casualties.

2. Award Size

There are no predetermined maximum dollar thresholds for individual awards. FRA anticipates making multiple awards with the available funding. FRA may not be able to award grants to all eligible applications even if they meet or exceed the stated evaluation criteria (see section E, Application Review Information). FRA strongly encourages applicants to seek funding for the appropriate Lifecycle Stage of a Capital Project, consistent with the application tracks in section C(3)(c) below. Where an application includes multiple Lifecycle Stages of a Capital Project, FRA may decide to only award funds for what it determines is the appropriate Lifecycle Stage. Projects may require more funding than is available. FRA encourages applicants to propose a project that has operational independence, or a component of such project, that can be completed and implemented with funding under this NOFO as a part of the total project cost together with other, non-Federal sources. (See section C(3)(c) for more information).

3. Award Type

FRA will make awards for projects selected under this notice through grant agreements and/or cooperative agreements. Grant agreements are used when FRA does not expect to have substantial Federal involvement in carrying out the funded activity. Cooperative agreements allow for substantial Federal involvement in carrying out the agreed upon investment, including technical assistance, review of interim work products, and increased program oversight. The term ''grant'' is used throughout this document and is intended to reference funding awarded through a grant agreement or a cooperative agreement. The funding provided under this NOFO will be made available to grantees on a reimbursable basis. Applicants must certify that their expenditures are allowable, allocable, reasonable, and necessary for the approved project before seeking reimbursement from FRA. Additionally, the grantees are expected to expend matching funds at the percentage required in the grant concurrent with Federal funds throughout the life of the project. See an example of standard terms and conditions for FRA grant awards at: *https://www.fra.dot.gov/eLib/Details/L19057*. This template is subject to revision.

4. Concurrent Applications

DOT and FRA may be concurrently soliciting applications for transportation infrastructure projects for several financial assistance programs. Applicants may submit applications requesting funding for a particular project to one or more of these programs. In the application for funding under this NOFO, applicants must indicate the other program(s) to which they submitted an application for funding the entire project or certain project components, as well as highlight new or revised information in the application responsive to this NOFO that differs from the previously submitted application(s).

C. Eligibility Information

This section of the notice explains applicant eligibility, cost sharing and matching requirements, project eligibility, and project component operational independence. Applications that do not meet the requirements in this section are ineligible for funding. Instructions for submitting eligibility information to FRA are detailed in section D of this NOFO.

1. Eligible Applicants

The following entities are eligible applicants under CRISI:

a. A State (including the District of Columbia).

b. A group of States.

c. An Interstate Compact.

d. A public agency or publicly chartered authority established by 1 or more States.

e. A political subdivision of a State.

f. Amtrak or another rail carrier that provides intercity rail passenger transportation (as rail carrier and intercity rail passenger transportation are defined in section 24102).

g. A Class II railroad or Class III railroad, including any holding company of a Class II railroad or Class III railroad (as those terms are defined in section 20102).

h. An association representing 1 or more railroads described in paragraph (g).

i. A federally recognized Indian Tribe.

j. Any rail carrier or rail equipment manufacturer in partnership with at least 1 of the entities described in paragraphs (a) through (e).

k. The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including cooperative research programs.

l. A University transportation center engaged in rail-related research.

m. A non-profit labor organization representing a class or craft of employees of rail carriers or rail carrier contractors.

Applicants eligible to receive Maglev Grant Program Funds must be a State, States, or an authority designated by one or more States.

Amounts awarded from the 2022 Appropriation for otherwise eligible projects that implement or sustain Positive Train Control Systems are not subject to the limitation in 49 U.S.C. 22905(f) and may therefore be awarded for commuter rail passenger transportation projects. FRA may transfer such projects to the appropriate agency to administer.

The applicant serves as the primary point of contact for the application, and if selected, as the grantee of the grant award. An application may identify entities that are not eligible applicants as project partners.

2. Cost Sharing or Matching

The Federal share of total costs for CRISI Program projects funded under this notice shall not exceed 80 percent. The estimated total cost of a project must be based on the best available information, including engineering studies, studies of economic feasibility, and environmental analyses. Additionally, in preparing estimates of total project costs, applicants may use FRA's cost estimate guidance, ''Capital Cost Estimating: Guidance for Project Sponsors,'' which is available at: *https://www.fra.dot.gov/Page/P0926*.

The minimum 20 percent non-Federal share may be comprised of public sector funding (*e.g.,* State or local) or private sector funding. FRA will not consider any Federal financial assistance [8] or any non-Federal funds already expended (or otherwise encumbered) toward the matching requirement, unless compliant with 2 CFR part 200. In-kind contributions, including the donation of services, materials, and equipment, may be credited as a project cost, in a uniform manner consistent with 2 CFR 200.306. In addition, applicants may count costs incurred for PE associated with highway-rail grade crossing improvement projects, eligible under and as described in 49 U.S.C. 22907(c)(5), and trespassing prevention projects, as described in 49 U.S.C. 22907(c)(11), as part of the total project costs. Such costs are eligible as non-Federal share or for reimbursement, even if they were incurred before project selection for award, consistent with 49 U.S.C. 22907(h)(4).[9] Such costs must

[8] See section D(2)(a)(iii) for supporting information required to demonstrate eligibility of Federal funds for use as match.

[9] FRA interprets the language in 49 U.S.C. 22907(h)(4) to permit FRA to reimburse grantees for

have been incurred no earlier than November 15, 2021, and must be otherwise compliant with 2 CFR part 200 and the requirements of this CRISI Program.

If Amtrak or another rail carrier is an applicant under this CRISI Program, Amtrak or the other rail carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

Funding under this NOFO may not be used for costs that are included in, or used to meet cost sharing or matching requirements of, any other Federally financed award or program. If the applicant is seeking additional funding for a project that has already received Federal financial assistance, costs associated with the scope of work for the existing Federal award are not eligible for funding under this NOFO. Only new scope (*e.g.,* new deliverables) is eligible for funding under this NOFO.

Before applying, applicants should carefully review the principles for cost sharing or matching in 2 CFR 200.306. See section D(2)(a)(iii) for required application information on non-Federal match and section E for further discussion of FRA's consideration of matching funds. FRA will approve pre-award costs consistent with 2 CFR 200.458, as applicable. See section D(6). Cost sharing or matching may be used only for eligible expenses under the Program and are subject to the requirements of the Federal award.

3. Other

a. Eligibility

The following are eligible for funding under this NOFO:

i. Deployment of railroad safety technology, including positive train control and rail integrity inspection systems. PTC examples include: Back office systems; wayside, communications and onboard hardware equipment; software; equipment installation; spectrum; any component, testing and training for the implementation of PTC systems; and interoperability. Maintenance and operating expenses incurred after a PTC system is placed in revenue service are ineligible. Railroad safety technology and rail integrity inspection system examples include: broken rail detection and warning systems; track intrusion systems; and hot box detectors, wheel impact load detectors, and other safety improvements.[10]

ii. A capital project as defined in section 22901(2), except that a project shall not be required to be in a State rail plan developed under chapter 227.

iii. A capital project identified by the Secretary as being necessary to address congestion or safety challenges affecting rail service.

iv. A capital project identified by the Secretary as being necessary to reduce congestion and facilitate ridership growth in intercity passenger rail transportation along heavily traveled rail corridors.

v. A highway-rail grade crossing improvement project, including installation, repair, or improvement of grade separations, railroad crossing signals, gates, and related technologies, highway traffic signalization, highway lighting and crossing approach signage, roadway improvements such as medians or other barriers, railroad crossing panels and surfaces, and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.

vi. A rail line relocation or improvement project.

vii. A capital project to improve short-line or regional railroad infrastructure.

viii. The preparation of regional rail and corridor service development plans and corresponding environmental analyses.[11]

ix. Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between intercity rail passenger transportation and intercity bus service or commercial air service.

x. The development and implementation of a safety program or institute designed to improve rail safety.

xi. The development and implementation of measures to prevent trespassing and reduce associated injuries and fatalities. Examples include: trespass-related Capital Projects (such as physical barriers, fencing, or equipment), trespassing enforcement activities, and outreach campaigns resulting in trespasser deterrence and prevention.

xii. Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

xiii. Workforce development and training activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, the Department of Labor, and the Department of Education.[12]

xiv. Research, development, and testing to advance and facilitate innovative rail projects, including projects using electromagnetic guideways in an enclosure in a very low-pressure environment.

xv. The preparation of emergency plans for communities through which hazardous materials are transported by rail.

xvi. Rehabilitating, remanufacturing, procuring, or overhauling locomotives, provided that such activities result in a significant reduction of emissions.

xvii. Deployment of Magnetic Levitation Transportation Projects.[13] Project eligibility is further provided in Track 5, as described in section C3(c)(v).

b. Component and Operational Independence

If an applicant requests funding for a component or set of components of a larger project, then the component(s) must be attainable with the award amount and must comply with all eligibility requirements described in section C.

In addition, the component(s) must enable independent analysis and decision making, as determined by FRA, under NEPA (*i.e.,* have independent utility, connect logical termini, and do not restrict the consideration of alternatives for other reasonably foreseeable rail projects).

c. Application Tracks

Applicants are not limited in the number of projects for which they seek funding. FRA expects that applications identify only one of the following tracks for an eligible activity: Track 1—Systems Planning; Track 2—Project Development; Track 3—FD/Construction; Track 4—Research, Safety Programs and Institutes; or Track 5–Deployment of Magnetic Levitation Transportation Projects. FRA strongly encourages applicants to seek funding for the appropriate Lifecycle Stage of a

Preliminary Engineering costs incurred before the date of project selection, if the costs would be permitted as part of total project costs if incurred after the date of project selection, and if they are consistent with 2 CFR part 200.

[10] Only costs for FD and Construction stages and forward are eligible within this eligibility category.

[11] These are planning activities normally performed during the Systems Planning Lifecycle Stage.

[12] Workforce development, training and related eligible activities are not limited to those coordinated with the existing local training programs supported by the Department of Transportation, the Department of Labor, and the Department of Education.

[13] This category covers projects that are eligible under the Maglev Grants Program. Projects under this category may also be eligible to receive CRISI Program funds, to the extent the application complies with all CRISI Program requirements. Applications for funding under both Programs will be evaluated consistent with the selection criteria for the Maglev Grants Program.

Capital Project, consistent with these application tracks. If an application seeks funding under more than one track, FRA may award funds for only one stage of a Capital Project.

i. Track 1—Systems Planning: Track 1 consists of projects for eligible rail planning. Examples include the technical analyses and associated environmental analyses that support the development of railroad capital plans, state rail plans, regional rail plans, and corridor service development plans, including: Identification of alternatives, rail network planning, market analysis, travel demand forecasting, revenue forecasting, railroad system design, railroad operations analysis and simulation, equipment fleet planning, station and access analysis, conceptual engineering and capital programming, operating and maintenance cost forecasting, capital replacement and renewal analysis, and economic analysis. Project-specific (*e.g.,* planning specific to a Capital Project such as a rail station or port improvements) planning is not an eligible Track 1 project.

ii. Track 2—Project Development: Track 2 consists of projects for eligible Project Development activities. PE examples include: PE drawings and specifications (scale drawings at the 30 percent design level, including track geometry as appropriate); design criteria, schematics and/or track charts that support the development of PE; and work that can be funded in conjunction with developing PE, such as operations modeling, surveying, project work/management plans, preliminary cost estimates, and preliminary project schedules. PE/NEPA projects funded under this NOFO must be sufficiently developed to support FD or Construction activities including with respect to equipment.

iii. Track 3—Final Design (FD)/Construction: Track 3 consists of projects for eligible FD and Construction, and project implementation and deployment activities, including with respect to equipment. Applicants must complete all necessary Planning, Project Development, PE and NEPA requirements for FD/Construction projects. FD funded under this track must resolve remaining uncertainties or risks associated with changes to the design and scope of the Capital Project; address procurement processes; and update and refine the schedule, cost estimate, and plans for financing the project or program to reflect accurately the expected year-of expenditure costs and cash flow projections. Prior to obligation, applicants selected for funding for FD/Construction must demonstrate the following to FRA's satisfaction: (A) PE is completed for the proposed project, resulting in project designs that are reasonably expected to conform to all regulatory, safety, security, and other design requirements, including those under the Americans with Disabilities Act (ADA); (B) NEPA is completed for the proposed project; (C) the applicant(s) has entered into the appropriate agreements with key project partners, including infrastructure-owning entities; and (D) a Project Management Plan is complete and up-to-date for managing the implementation of the proposed project, including the management and mitigation of project risks.

iv. Track 4—Research, Safety Programs and Institutes (Non-Railroad Infrastructure): Track 4 consists of projects not falling within Tracks 1–3, or 5 including workforce development activities, research, safety programs or institutes designed to improve rail safety that clearly demonstrate the expected positive impact on rail safety and research, development and testing to advance innovative rail projects. Sufficient detail must be provided on what the project will accomplish, over what duration as well as the applicant's capability to achieve the proposed outcomes. Funding under this track may be sought for projects extending over multiple fiscal years. Examples include initiatives for improving rail safety, training, preparation of hazardous materials emergency plans, trespass enforcement activities, and outreach campaigns resulting in trespasser deterrence and prevention.

v. Track 5—Deployment of Magnetic Levitation Transportation Projects: Track 5 consists of eligible projects that (1) Involve a segment or segments of a high-speed ground transportation corridor; (2) result in an operating transportation facility that provides a revenue producing service; (3) are approved by the Secretary based on an application submitted to the Secretary of Transportation by a State or authority designated by one or more States. Funding under this NOFO may not be used for costs that are included in, or used to meet cost sharing or matching requirements of, any other Federally financed award or program. If the applicant is seeking additional funding for a project that has already received Federal financial assistance, costs associated with the scope of work for the existing Federal award are not eligible for funding under this NOFO. Only new scope (*e.g.,* new deliverables) is eligible for funding under this NOFO. Eligible project costs are: (1) The capital cost of the fixed guideway infrastructure of a Maglev project including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities and (2) preconstruction planning activities. Eligible project costs exclude new stations and rolling stock, as well as costs incurred solely for land or right-of-way acquisition (even if such acquisition is to secure operational right-of-way). Applicants applying under Track 5, will be evaluated under the additional the Maglev Grants Program criteria, even if also applying for CRISI Program funding. Please see section E.1.b.ii for further details.

d. Rural Project

FRA will consider a project to be in a Rural Area if all or the majority of the project (determined by geographic location(s) where the majority of the project funds will be spent) is located in a Rural Area. However, in the event FRA elects to fund a component of the project, then FRA will reevaluate whether the project is in a Rural Area.

D. Application and Submission Information

1. Address To Request Application Package

Application materials may be accessed at *https://www.Grants.gov*. Applicants must submit all application materials in their entirety through *https://www.Grants.gov* no later than 5 p.m. ET, on December 1, 2022. Applicants are strongly encouraged to apply early to ensure that all materials are received before the application deadline. FRA reserves the right to modify this deadline. General information for submitting applications through *Grants.gov* can be found at: *https://www.fra.dot.gov/Page/P0270*. FRA is committed to ensuring that information is available in appropriate alternative formats to meet the requirements of persons who have a disability. If you require an alternative version of files provided, please contact Laura Mahoney, Office of the Chief Financial Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; email: *laura.mahoney@dot.gov*; phone: 202–578–9337.

2. Content and Form of Application Submission

FRA strongly advises applicants to read this section carefully. Applicants must submit all required information

and components of the application package to be considered for funding. Applications that are not submitted on time or do not contain all required documentation will not be considered for funding. To support the application, applicants may provide other relevant and available optional supporting documentation that may have been developed by the applicant, especially such documentation that evidences completion of appropriate Lifecycle Stage(s) of a Capital Project.

Required documents for an application package are outlined in the checklist below.

a. Project Narrative (see D.2.a).

b. Statement of Work (see D.2.b.i).

c. Benefit-Cost Analysis (See D.2.b.ii).

d. Environmental Compliance Documentation (see D.2.b.iii).

e. SF 424—Application for Federal Assistance.

f. SF 424A—Budget Information for Non-Construction or SF 424C—Budget Information for Construction.

g. SF 424B—Assurances for Non-Construction or SF 424D—Assurances for Construction.

h. FRA F 30—Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying.

i. FRA F 251—Applicant Financial Capability Questionnaire.

j. SF LLL—Disclosure of Lobbying Activities, if applicable.

a. Project Narrative

This section describes the minimum content required in the Project Narrative of grant applications. The Project Narrative must follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. Cover Page	See D.2.a.i.
II. Project Summary	See D.2.a.ii.
III. Project Funding	See D.2.a.iii.
IV. Applicant Eligibility	See D.2.a.iv.
V. Project Eligibility	See D.2.a.v.
VI. Detailed Project Description.	See D.2.a.vi.
VII. Project Location	See D.2.a.vii.
VIII. Evaluation and Selection Criteria.	See D.2.a.viii.
IX. Project Implementation and Management.	See D.2.a.ix.
X. Planning Readiness for Tracks 2 and 3 (Project Development and FD/Construction).	See D.2.a.x.
XI. Design Readiness for Track 3 (FD/Construction).	See D.2.a.xi.
XII. Environmental Readiness.	See D.2.a.xii.
XIII. Strategic Goals	See D.2.a.xiii.

The above content must be provided in a narrative statement submitted by the applicant. The Project Narrative may not exceed 25 pages in length (excluding cover pages, table of contents, and supporting documentation). If possible, applicants should submit supporting documents via website links rather than hard copies. If supporting documents are submitted, applicants must clearly identify the relevant portion of the supporting document with the page numbers of the cited information in the Project Narrative. The Project Narrative must adhere to the following outline.

i. *Cover Page:* Include a cover page that lists the following elements in either a table or formatted list:

Project Title	
Applicant	
Federal Funding Requested Under this NOFO	$:
Proposed Non-Federal Match	$: In-Kind:
Does some or all of the proposed Non-Federal Match for the total project cost consist of preliminary engineering costs associated with a Highway-rail Grade Crossing Improvement Project or a trespassing prevention project incurred before project selection?	If yes, how much?
Other Sources of Federal funding, if applicable	Source: $:
Total Project Cost	$
Was a Federal Grant Application Previously Submitted for this Project?	Yes/No. If yes, please specify the program, funding year and project title of the previous application.
City(-ies), State(s) Where the Project is Located.	
Congressional District(s) Where the Project is Located.	
Is this a project eligible under 49 U.S.C. 22907(c)(2) that supports the development of new intercity passenger rail service routes including alignments for existing routes?	Yes/No.
Is this a Rural Project? What percentage of the project cost is based in a Rural Area?	Percentage of total project cost:
Is this a project eligible under 49 U.S.C. 22907(c)(11) that supports the development and implementation of measures to prevent trespassing and reduce associated injuries and fatalities?	Yes/No.
If YES to the previous question, is this project located in a county with the most pedestrian trespasser casualties as identified in the Federal Railroad Administration's National Strategy to Prevent Trespassing on Railroad Property?	If possible, quantify.
Is the application seeking consideration for funding under the Maglev Grants Program?	Yes/No.
Is the project currently programmed in: State rail plan, State Freight Plan, TIP, STIP, MPO Long Range Transportation Plan, State Long Range Transportation Plan?	Yes/No. (If yes, please specify in which plans the project is currently programmed and how the plan may be accessed).

ii. *Project Summary:* Provide a brief 4–6 sentence summary of the proposed project and what the project will entail. Include challenges the proposed project aims to address and summarize the intended outcomes and anticipated benefits that will result from the proposed project.

iii. *Project Funding Summary:* Indicate in table format the amount of Federal funding requested, the proposed non-Federal match, and total project cost. Identify the source(s) of matching and other funds, and clearly and distinctly reflect these funds as part of the total project cost in the application budget. Specifically, identify the financial support, if any, from impacted rail carriers. Include funding commitment letters outlining funding agreements, as attachments or in an appendix. If Federal funding is proposed as match, demonstrate the applicant's determination of eligibility for such use, and the legal basis for that determination. Also, note if the

requested Federal funding under this NOFO or other programs must be obligated or spent by a certain date due to dependencies or relationships with other Federal or non-Federal funding sources, related projects, law, or other factors. If applicable, provide the type and estimated value of any proposed in-kind contributions, as well as substantiate how the contributions meet the requirements in 2 CFR 200.306. Finally, specify whether Federal funding for the project has previously been sought, and identify the Federal program and fiscal year of the funding request(s), as well as highlight new or revised information in the CRISI Program application that differs from the application(s) to other financial assistance programs. If costs incurred for Preliminary Engineering activities, consistent with section C.2 is proposed as match, describe the activities including the date(s) costs were incurred.

Example Project Funding Table:

Task #	Task name/project component	Cost	Percentage of total cost
1			
2			
Total Project Cost			
Federal Funds Received from Previous Grant			
Federal Funding Under this NOFO Request			
Non-Federal Funding/Match		Cash: In-Kind: Preliminary Engineering costs, consistent with section C.2:	
Portion of Non-Federal Funding from the Private Sector. Please list amounts per source.			
Portion of Total Project Costs Spent in a Rural Area			
Pending Federal Funding Requests			

iv. *Applicant Eligibility:* Explain how the applicant meets the applicant eligibility criteria outlined in section C of this notice. For public agencies and publicly chartered authorities established by one or more states, the explanation must include citations to the applicable enabling legislation. If the applicant is eligible under 49 U.S.C. 22907(b)(8) as a rail carrier or rail equipment manufacturer in partnership with at least one of the other eligible entities, the applicant should explain the partnership and each entity's contribution to the partnership. For a holding company of a Class II or Class III railroad, the applicant must demonstrate its status as a holding company and percentage of ownership of an operating Class II or III railroad with supporting documentation. For an association representing 1 or more Class II or III railroads, provide the documentation establishing the association and a current membership list.

v. *Project Eligibility:* Identify which project eligibility category in section C(3) the project is eligible under, and explain how the project meets the project eligibility criteria.

vi. *Detailed Project Description:* Include a detailed project description that expands upon the brief project summary. This detailed description should provide, at a minimum: additional background on the challenges the project aims to address; the expected outcomes; the expected users and beneficiaries of the project, including all railroad operators; the specific components and elements of the project; and any other information the applicant deems necessary to justify the proposed project. For all projects, applicants must provide information about proposed performance measures, as described in section F(3)(c) and required in 2 CFR 200.301. Further, applicants must provide their plan for taking affirmative steps to employ small businesses consistent with 2 CFR 200.321.

(A) Grade crossing information, if applicable: For any project that includes grade crossing components, provide specific DOT National Grade Crossing Inventory information, including the railroad that owns the infrastructure (or the crossing owner, if different from the railroad), the primary railroad operator, the DOT crossing inventory number, and the roadway at the crossing. Applicants can search for data to meet this requirement at the following link: *https://safetydata.fra.dot.gov/OfficeofSafety/default.aspx.* In addition, if applicable, applicants should provide the page number in the State Highway-Rail Grade Crossing Action Plan where the grade crossing is referenced. Applicants should specify whether the project will result in the elimination of one or more grade crossings through grade separation or otherwise.

(B) Heavily traveled rail corridor information, if applicable: For any project eligible under the eligibility category that reduces congestion and facilitates ridership growth in Intercity Passenger Rail Transportation, describe how the project is located on a heavily traveled rail corridor.

(C) PTC information, if applicable: For any project that includes deploying PTC systems, applicants must: (1.) Document submission of a Positive Train Control Implementation Plan (PTCIP) to FRA pursuant to either 49 U.S.C. 20157(a) or 49 CFR part 236, subpart I (FRA's PTC regulations); (2.) Document that it is a tenant on one or more host railroads that submitted a PTCIP to FRA; or (3.) Document how the proposed project will assist in the deployment (*i.e.,* installation and/or full implementation) of a PTC system, including whether the PTC technology is being implemented voluntarily or pursuant to the statutory mandate for certain main lines.

(D) Workforce development and training information, if applicable: For any project that includes workforce development, applicants must document to the extent practicable similar existing local training programs supported by the Department of Transportation, the Department of Labor, and/or the Department of

Education. The applicant must also (a) describe whether the workforce development project incorporates union representation, and (b) describe any involvement or partnership with existing in-house skills training programs, unions and worker organizations, community colleges and public school districts, community-based organizations, supportive services providers, pre-apprenticeships tied to Registered Apprenticeships, Registered Apprenticeship programs and other labor-management training programs, or other quality workforce training providers. We strongly encourage applicants to outline their plan to recruit, train, and retain a locally hired, diverse workforce.

(E) Trespassing injury and fatality prevention and reduction, if applicable: Provide documentation indicating whether the projects are located in counties with the most pedestrian trespasser casualties as identified in FRA's National Strategy to Prevent Trespassing on Railroad Property, whether the applicant has incorporated the Community Trespass Prevention Program [14] into project development, whether and how law enforcement agencies will undertake trespass enforcement activities as part of a larger strategy, whether the project would include funding for law enforcement wages to undertake trespass enforcement activities, and how and whether the project targets hot spots identified by geospatial data. If the project includes an outreach campaign to reduce suicide by railroad, applicants must provide a detailed description of the proposed outreach campaign, including (but not limited to) relevant data on rail-related suicides in the project location, the manner and extent to which trespass suicide is expected to be reduced, and examples of prior efforts to address rail-related suicide.

(F) Emissions reductions information, if applicable: For any projects involving rehabilitating, remanufacturing, procuring, or overhauling locomotives resulting in significant reduction of emissions, identify the number of locomotives that will be procured, replaced, or retired. Also, describe the anticipated emissions reductions earned and fuel saving estimates.

(G) Community Emergency Plans, if applicable: For projects involving the preparation of emergency plans for communities through which hazardous materials are transported by railroad, include commitments for coordination by stakeholders including representatives from the chemical manufacturing industry, distributors, shippers, railroads (and other transportation industry and supply chain representatives), emergency response providers (including firefighters, emergency medical technicians hazmat employees, and law enforcement) and federal, state and local governments. Based on information provided by the transporting railroads, identify the hazardous materials transported through the relevant community by hazard class as defined in 49 CFR 173.2. Proposed plans should address all such hazardous materials and may include rationale for focusing on certain hazardous materials if appropriate. Include the emergency types planned for and the approach for developing and communicating the plan. Include a description of proposed training, including frequency (funding may be sought for projects extending multiple years) and attendees and any required materials.

(H) Maglev Grants Program Magnetic Levitation Transportation Projects, if applicable. This detailed description should provide, at a minimum: additional background on the current transportation challenges the project aims to address, the expected users, beneficiaries, and outcomes of the project, and any other information the applicant deems necessary to justify the proposed project. Be specific regarding the relevance or relationship of the proposed project to other investments in the region along the corridor, as well as the operating changes that are anticipated to result from the introduction and integration of Maglev services within existing transportation corridors and assess the major risks (including safety risks and energy consumption) or obstacles to Maglev's successful deployment and operation. Provide information on the variety of operating conditions that would be expected for the project area, which may include a variety of at-grade, elevated and depressed guideway structures, extreme temperatures, and intermodal connections at terminals. Provide a detailed summary of all work completed to date, including any preliminary engineering work, the project's previous accomplishments and funding history including Federal financial assistance, and a chronology of key documents produced and funding events (*e.g.,* grants and financing). An applicant should specify whether it is seeking funding for a project that has already received Federal financial assistance, and if applicable, explain how the new scope proposed to be funded under this NOFO relates to the previous scope.

vii. *Project Location:* Include geospatial data for the project, as well as a map of the project's location. Geospatial data can be expressed in terms of decimal degrees for latitude and longitude of at least five decimal places of precision, or start and end mileposts designating railroad code and subdivision name. On the map, include the Congressional districts in which the project will take place.

viii. *Evaluation and Selection Criteria:* Include a thorough discussion of how the proposed project meets all of the evaluation and selection criteria, as outlined in section E of this notice. If an application does not sufficiently address the evaluation criteria and the selection criteria, it is unlikely to be a competitive application.

ix. *Project Implementation and Management:* Describe proposed project implementation and project management arrangements, including between the applicant, project partners and other stakeholders necessary for project implementation, if any. Describe progress made to date on a Project Management Plan. through the relevant community by hazard class as defined in 49 CFR 173.2. Proposed plans should address all such hazardous materials and may include rationale for focusing on certain

Include descriptions of the expected arrangements for project contracting, contract oversight and control, change-order management, risk management, and conformance to Federal requirements for project progress reporting (see *https://www.fra.dot.gov/Page/P0274*). Describe past experience in managing and overseeing similar projects.

x. *Planning Readiness for Tracks 2 and 3 (Project Development and FD/Construction):* Provide information about the Systems Planning and project planning processes that analyzed the investment needs and service objectives, and led to the clear definition of the Capital Project. If applicable, cite sources of this information from a service development plan, State or regional rail plan, or similar planning document where the project has been identified for solving a specific existing transportation problem, and makes the case for investing in the proposed solution.

xi. *Design Readiness for Track 3 (FD/Construction):* Provide information to demonstrate the maturity of project design including completion of PE and

[14] The Community Trespass Prevention Program is a problem-solving model designed to provide a step-by-step approach for dealing with trespassing issues in communities. For more information, see *https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/1265/USCommunityTrespassPreventionGuide_2010F%282-29%29.pdf.*

any other necessary preliminary design, including a website link or reference to submitted optional documentation.

xii. *Environmental Readiness for Track 3 (FD/Construction):* If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the documents demonstrating compliance with NEPA, which might include a final Categorical Exclusion, Finding of No Significant Impact, or Record of Decision. If the NEPA process is not yet underway, the application should state this. If the NEPA process is underway, but not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all NEPA-related milestones. If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and why NEPA documents have not been updated and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA requirements. Additional information regarding FRA's environmental processes and requirements are located at *https://www.fra.dot.gov/environment.*

xiii. *DOT Strategic Goals:* Applicants should describe efforts to consider climate change and sustainability impacts, as well as efforts to improve equity and reduce barriers to opportunity in project planning. In addition, applicants should describe how planning activities and project delivery actions advance good-paying, quality jobs and workforce programs and hiring policies that promote workforce inclusion. Additional information about strong labor standards that grant award recipients will be expected to meet are described below in Administrative and National Policy Requirements (section F.2).

b. Additional Application Elements

Applicants must submit the following documents and forms. Note, the Standard OMB Forms needed for theelectronic application process are at*www.Grants.gov.*

i. A Statement of Work (SOW) addressing the scope, schedule, budget, and performance measures for the proposed project if it were selected for award. The SOW must contain sufficient detail so FRA, and the applicant, can understand the expected outcomes of the proposed work to be performed and can monitor progress toward completing project tasks and deliverables during a prospective grant's period of performance. Applicants must use FRA's standard SOW, schedule, budget, and performance measures templates to be considered for award. The four required templates are labeled Example General Grants—Attachments 2–5 and are located at *https://www.fra.dot.gov/Page/P0325.* Applications that do not include all four of the grant package templates will be considered incomplete and will not be reviewed. When preparing the budget, the total cost of a project must be based on the best available information as indicated in cited references that include engineering studies, economic feasibility studies, environmental analyses, and information on the expected use of equipment or facilities.

ii. A Benefit-Cost Analysis (BCA), as an appendix to the Project Narrative for each project submitted by an applicant. The BCA must demonstrate in economic terms the merits of investing in the proposed project. The BCA for Track 2—Project Development projects should be for the underlying project, not the PE/NEPA work itself. The project narrative should summarize the project's benefits.

Benefits may apply to existing and new rail users, as well as users of other modes of transportation. In some cases, benefits may be applied to populations in the general vicinity of the project area. Improvements to multimodal connections and shared-use rail corridors may benefit all users involved. Benefits may be quantified for savings in safety costs, reduced costs from disruption of service, maintenance costs, reduced travel time, emissions reductions, and increases in capacity or ability to offer new types of freight or passenger services. Applicants may also describe other categories of benefits that are difficult to quantify such as noise reduction, environmental impact mitigation, improved quality of life, or reliability of travel times. All benefits claimed for the project must be clearly tied to the expected outcomes of the project. Please refer to the Benefit-Cost Analysis Guidance for Discretionary Grant Programs prior to preparing a BCA at *https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance.* In addition, please also refer to the BCA FAQs on FRA's website for some rail specific examples of how to apply the BCA Guidance for Discretionary Grant Programs to CRISI funding.

For Tracks 1 and 4—Applicants are required to document project benefits and costs. Estimates of benefits should be presented in monetary terms whenever possible; if a monetary estimate is not possible, the applicant should provide a quantitative estimate (in physical, non-monetary terms, such as crash or employee casualty rates, ridership estimates, emissions levels, energy efficiency improvements, etc.).

iii. Environmental compliance documentation, as applicable, if a website link is not cited in the Project Narrative.

iv. SF 424—Application for Federal Assistance.

v. SF 424A—Budget Information for Non-Construction or SF 424C—Budget Information for Construction.

vi. SF 424B—Assurances for Non-Construction or SF 424D—Assurances for Construction.

vii. FRAF 30—Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying, located at *https://railroads.dot.gov/elibrary/fra-f-30-certifications-regarding-debarment-suspension-and-other-responsibility-matters.*

viii. FRA F 251—Applicant Financial Capability Questionnaire, located at *https://railroads.dot.gov/elibrary/fra-f-251.*

ix. SF LLL—Disclosure of Lobbying Activities, if applicable.

c. Post-Selection Requirements

See section F(2) of this notice for post-selection requirements.

3. Unique Entity Identifier and System for Award Management (SAM)

To apply for funding through *Grants.gov*, applicants must be properly registered in SAM before submitting an application; provide a valid unique entity identifier in its application; and continue to maintain an active SAM registration as described in detail below. Complete instructions on how to register and submit an application can be found at *www.Grants.gov.* Registering with *Grants.gov* is a one-time process; however, it can take up to several weeks for first-time registrants to receive confirmation and a user password. FRA recommends that applicants start the registration process as early as possible to prevent delays that may preclude submitting an application package by the application deadline. Applications will not be accepted after the due date. Delayed registration is not an acceptable justification for an application extension.

FRA may not make a grant award to an applicant until the applicant has complied with all applicable SAM requirements. If an applicant has not fully complied with these requirements by the time the Federal awarding agency

is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant. Late applications that are the result of a failure to register or comply with *Grants.gov* applicant requirements in a timely manner will not be considered. If an applicant has not fully complied with the requirements by the submission deadline, the application will not be considered. To submit an application through *Grants.gov,* applicants must:

a. Register With SAM at *www.SAM.gov*

All applicants for Federal financial assistance must maintain current registrations in the SAM database. An applicant must be registered in SAM to successfully register in *Grants.gov*. The SAM database is the repository for standard information about Federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via *Grants.gov* are already registered with SAM, as it is a requirement for *Grants.gov* registration. Please note, however, that applicants must update or renew their SAM registration at least once per year to maintain an active status. Therefore, it is critical to check registration status well in advance of the application deadline. If an applicant is selected for an award, the applicant must maintain an active SAM registration with current information throughout the period of the award, including information on a recipient's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a federal contract or grant within the last three years, if applicable. Information about SAM registration procedures is available at *www.sam.gov.*

b. Obtain a Unique Entity Identifier

On April 4, 2022, the federal government discontinued using DUNS numbers. The DUNS Number was replaced by a new, non-proprietary identifier that is provided by the System for Award Management (*SAM.gov*). This new identifier is called the Unique Entity Identifier (UEI), or the Entity ID. To find or request a Unique Entity Identifier, please visit *www.sam.gov.*

c. Create a *Grants.gov* Username and Password

Applicants must complete an Authorized Organization Representative (AOR) profile on *www.Grants.gov* and create a username and password. Applicants must use the organization's UEI to complete this step. Additional information about the registration process is available at: *https://www.grants.gov/web/grants/applicants/organization-registration.html.*

d. Acquire Authorization for Your AOR From the E-Business Point of Contact (E-Biz POC)

The E-Biz POC at the applicant's organization must respond to the registration email from *Grants.gov* and login at *www.Grants.gov* to authorize the applicant as the AOR. Please note there can be more than one AOR for an organization.

e. Submit an Application Addressing All Requirements Outlined in This NOFO

If an applicant has trouble at any point during this process, please call the *Grants.gov* Customer Center Hotline at 1–800–518–4726, 24 hours a day, 7 days a week (closed on Federal holidays). For information and instructions on each of these processes, please see instructions at: *https://www.grants.gov/web/grants/applicants/apply-for-grants.html.*

4. Submission Dates and Times

Applicants must submit complete applications to *www.Grants.gov* no later than 5 p.m. ET, December 1, 2022. Applicants will receive a system-generated acknowledgement of receipt. FRA reviews *www.Grants.gov* information on dates/times of applications submitted to determine timeliness of submissions. Late applications will be neither reviewed nor considered. Delayed registration is not an acceptable reason for late submission. To apply for funding under this announcement, all applicants are expected to be registered as an organization with *Grants.gov*. Applicants are strongly encouraged to apply early to ensure all materials are received before this deadline.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the *Grants.gov* registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all the instructions in this NOFO; and (4) technical issues experienced with the applicant's computer or information technology environment.

5. Intergovernmental Review

Intergovernmental Review is required for this program. Applicants must contact their State Single Point of Contact to comply with their state's process under Executive Order 12372.

6. Funding Restrictions

Consistent with 2 CFR 200.458, as applicable, FRA will only approve pre-award costs if such costs are incurred pursuant to the negotiation and in anticipation of the grant agreement and if such costs are necessary for efficient and timely performance of the scope of work. Under 2 CFR 200.458, grantees must seek written approval from FRA for pre-award activities to be eligible for reimbursement under the grant. Activities initiated prior to the execution of a grant or without FRA's written approval may be ineligible for reimbursement or matching contribution. Cost sharing or matching may be used only for authorized Federal award purposes.

Applicants may count costs incurred for Preliminary Engineering associated with highway-rail grade crossing improvement projects, as described in 49 U.S.C. 22907(c)(5), and trespassing prevention projects, as described in 49 U.S.C. 22907(c)(11), as part of the total project costs. Such costs are eligible for reimbursement, even if they were incurred before project selection for award, consistent with 49 U.S.C. 22907(h)(4).[15] Such costs must have been incurred no earlier than November 15, 2021, and must be otherwise compliant with 2 CFR part 200 and the requirements of this CRISI Program.

7. Other Submission Requirements

For any supporting application materials that an applicant cannot submit via *Grants.gov,* such as oversized engineering drawings, an applicant may submit an original and two (2) copies to Douglas Gascon, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, FRA advises applicants to use other means of conveyance (such as courier service) to assure timely receipt of materials before the application deadline. Additionally, if documents can be obtained online, explaining to FRA how to access files on a referenced website may also be sufficient.

Note: Please use generally accepted formats such as .pdf, .doc, .docx, .xls, .xlsx and .ppt, when uploading

[15] FRA interprets the language in 49 U.S.C. 22907(h)(4) to permit FRA to reimburse grantees for Preliminary Engineering costs incurred before the date of project selection if the costs would be permitted as part of total project costs if incurred after the date of project selection and are consistent with 2 CFR part 200.

attachments. While applicants may embed picture files, such as .jpg, .gif, and .bmp in document files, applicants should not submit attachments in these formats. Additionally, the following formats will not be accepted: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip.

E. Application Review Information

1. Criteria

a. Eligibility, Completeness and Applicant Risk Review

FRA will first screen each application for applicant and project eligibility (eligibility requirements are outlined in section C of this notice), completeness (application documentation and submission requirements are outlined in section D of this notice), and the 20 percent minimum non-Federal match.

FRA will then consider applicant risk, including the applicant's past performance in developing and delivering similar projects.

b. Evaluation Criteria

FRA will evaluate all eligible and complete applications using the evaluation criteria outlined in this section to determine project benefits and technical merit. In applying the evaluation criteria, FRA will consider the Lifecycle Stage and application track of the project.

i. Project Benefits:

FRA will evaluate the Benefit-Cost Analysis and project benefits of the proposed project for the anticipated private and public benefits relative to the costs of the proposed project and the summary of benefits provided in response to subsection D(2)(b)(ii) including—

(A) Effects on system and service performance;

(B) Effects on safety, competitiveness, reliability, trip or transit time, and resilience;

(C) Efficiencies from improved integration with other modes; and

(D) Ability to meet existing or anticipated demand.

ii. Technical Merit:

FRA will evaluate application information for the degree to which—

(A) The tasks and subtasks outlined in the SOW are appropriate to achieve the expected outcomes of the proposed project.

(B) Applications indicate strong project readiness and meet requirements under the project track(s) designated by the applicant.

(C) The technical qualifications and experience of key personnel proposed to lead and perform the technical efforts, and the qualifications of the primary and supporting organizations to fully and successfully execute the proposed project within the proposed timeframe and budget are demonstrated.

(D) The proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project.

(E) The applicant has, or will have the legal, financial, and technical capacity to carry out the proposed project; satisfactory continuing control over the use of the equipment or facilities; and the capability and willingness to maintain the equipment or facilities.

(F) The degree to which the applicant and project deploy innovative technology, encourage innovative approaches to project delivery, and incentivize the use of innovative financing.

(G) The proposed project is consistent with planning guidance and documents set forth by DOT, including those required by law or State rail plans developed under title 49, United State Code, chapter 227.

For projects identified as Deployment of Magnetic Levitation Transportation Projects (Track 5), FRA will also evaluate application information for the degree to which—

(A) The project would feasibly integrate Maglev systems with conventional rail systems, such as establishing efficient connections and transfers.

(B) The funds awarded under this section would result in investments that are beneficial not only to the Maglev project, but also to other current or near-term transportation projects.

(C) The project demonstrates: (a) The potential for public-private partnerships and (b) that the project will stand alone as a complete, self-sustaining operation where fully allocated operating expenses of the Maglev service are projected to be offset by revenues attributable to the service.

(D) The financial commitment to the construction of the proposed project from both non-Federal public and private sources is demonstrated.

(E) The project demonstrates coordination and consistency with any applicable ongoing or completed environmental and planning studies for passenger rail on or connecting to the geographic route segment being proposed for Maglev investment.

(F) The project will successfully operate in the variety of Maglev operating conditions which are to be expected in the United States.

(G) The project may feasibly be capable of safe use by the public at a speed in excess of 240 miles per hour.

c. Selection Criteria

In addition to the eligibility and completeness review and the evaluation criteria outlined above, the FRA will apply the following selection criteria:

i. FRA will give preference to the following:

(A) A proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; [16]

(B) Projects for which the net benefits of the grant funds will be maximized considering the Benefit-Cost Analysis, including anticipated private and public benefits relative to the costs of the proposed project, and factoring in the other considerations in 49 U.S.C. 22907(e)(2); [17] and

(C) For projects eligible under 49 U.S.C. 22907(c)(11), projects for the development and implementation of measures to prevent trespassing and reduce associated injuries and fatalities that are located in the top 25 counties with the most pedestrian casualties.[18] In addition, FRA is strongly interested in applications that incorporate a comprehensive approach to project development such as is described in FRA's Community Trespass Prevention Program, and will prioritize selections for those applications that involve multiple project partners and include infrastructure improvements in combination with a safety program focused on enforcement and outreach.

ii. Strategic Goals:

After the eligibility and completeness review and the evaluation criteria outlined in this section, FRA will then consider the extent to which the projects address the following DOT Strategic Goals:

(A) Safety. FRA will assess the project's ability to foster a safe transportation system for the movement

[16] This preference applies to funds made available by IIJA, division J. However, 49 U.S.C. 22907(e)(1)(A) does not apply to projects funded by the 2022 Appropriation. Because the preference still applies to the IIJA funding, FRA encourages applicants to identify sufficient non-Federal contribution so that the Federal share does not exceed 50 percent.

[17] These benefits may include the effects on system and service performance, including measures such as improved safety, competitiveness, reliability, trip or transit time, resilience, efficiencies from improved integration with other modes, the ability to meet existing or anticipated demand, and any other benefits.

[18] FRA has identified these 25 counties through *https://railroads.dot.gov/safety-data,* which includes the following counties: California—Los Angeles, San Bernardino, Kern, San Joaquin, Alameda, Contra Costa, Fresno, Riverside, Sacramento, Santa Clara, Orange, Stanislaus, San Diego; Florida—Palm Beach, Broward; Illinois—Cook; Nevada—Clark; Oregon—Multnomah; Pennsylvania—Philadelphia; Tennessee—Davidson; Texas—Tarrant, Dallas, Bexar, Harris; and Washington—King.

of goods and people, consistent with the Department's strategic goal to reduce transportation-related fatalities and serious injuries across the transportation system. Such considerations will include, but are not limited to, the extent to which the project improves safety at highway-rail grade crossings, reduces incidences of rail-related trespassing, upgrades infrastructure to achieve a higher level of safety, and uses an appropriately trained workforce.

(B) Equitable Economic Strength and Improving Core Assets.

1. Infrastructure Investment and Job Creation. In support of Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829), and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335), FRA will assess the project's ability to contribute to economic progress stemming from infrastructure investment and associated job creation in the industry. Such considerations will include, but are not limited to, the extent to which the project results in long-term job creation by supporting good-paying construction and manufacturing jobs directly related to the project with free and fair choice to join a union, such as through the use of project labor agreements, pre-apprenticeships tied to Registered Apprenticeships, Registered Apprenticeships, community-benefit agreements, and local hiring provisions, or other targeted preferential hiring requirements, or other similar standards or protections; invests in vital infrastructure assets and provides opportunities for families to achieve economic security through rail industry employment.

2. Support Resilient Supply Chains & Economic Opportunity. Projects will also be assessed by their ability to promote the efficiency and resilience of supply chains by increasing freight rail capacity, reducing congestions, alleviating bottlenecks, and increasing multimodal connections. In addition, projects are encouraged to consider the ability of the project to provide greater access to economic opportunity to residents through greater connections to jobs, commerce, and educational opportunities.

(C) Equity and Barriers to Opportunity. In support of Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009) and Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), FRA will assess the project's ability to address equity and barriers to opportunity, to the extent possible within the program and consistent with law. Such considerations will include, but are not limited to, the applicant's plan for using small businesses to complete its project, the extent to which the project improves or expands transportation options for underserved communities, mitigates the safety risks and detrimental quality of life effects that rail lines can have on communities especially those communities that might have been historically disconnected due to the railroad infrastructure, and expands workforce development and career pathway opportunities to foster a more diverse rail industry. This will also include community engagement efforts already taken or planned, the extent to which engagement efforts are designed to reach impacted communities, whether engagement is accessible for persons with disabilities or limited English proficient persons within the impacted communities, and how community feedback is taken into account in decision-making.

(D) Climate Change and Sustainability. In support of E.O. 14008, ''Tackling the Climate Crisis at Home and Abroad,'' FRA will assess the project's ability to reduce the harmful effects of climate change and anticipate necessary improvements to prepare for extreme weather events. Such considerations will include, but are not limited to, the extent to which the project reduces emissions, promotes energy efficiency, increases resiliency, and recycles or redevelops existing infrastructure.

(E) Transformation. FRA will assess the project's ability to expand and improve the nation's rail network, which needs to balance new infrastructure for increased capacity with proper maintenance of aging assets. Such considerations will include, but are not limited to, the extent to which the project adds capacity to congested corridors, improve supply chain resilience, and ensures assets will be improved to a state of good repair.

1. Review and Selection Process

FRA will conduct a four-part application review process, as follows:

a. Screen applications for applicant and project eligibility, completeness, the minimum match, and applicant risk including past performance in developing and delivering similar projects;

b. Apply evaluation criteria to remaining applications (completed by technical panels);

c. Apply selection criteria and recommend initial selection of projects for the FRA Administrator's review (completed by a Senior Review Team, which includes senior leadership from the Office of the Secretary and FRA); and

d. Select recommended awards for the Secretary's or his designeedesignee's review and approval (completed by the FRA Administrator).

2. Reporting Matters Related to Integrity and Performance

Before making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold of $250,000 (see 2 CFR 200.88 Simplified Acquisition Threshold), FRA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). See 41 U.S.C. 2313.

An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.

FRA will consider any comments by the applicant, in addition to the other information, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.205.

F. Federal Award Administration Information

1. Federal Award Notice

FRA will announce applications selected for funding in a press release and on FRA's website after the application review period. This announcement is FRA's notification to successful and unsuccessful applicants alike. FRA will contact applicants with successful applications after announcement with information and instructions about the award process. This notification is not an authorization to begin proposed project activities. FRA requires satisfaction of applicable requirements by the applicant and a formal agreement signed by both the grantee and the FRA, including an approved scope, schedule, and budget, before obligating the grant. See an example of standard terms and conditions for FRA grant awards at *https://railroads.fra.dot.gov/elibrary/award-administration-and-grant-conditions.* This template is subject to revision.

2. Administrative and National Policy Requirements

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, grantees must comply with all applicable requirements of Federal law, including, without limitation: the Constitution of the United States; the relevant authorization and appropriations, the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget (OMB). In complying with these requirements, grantees, in particular, must ensure that no concession agreements are denied, or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If FRA determines that a grant recipient has failed to comply with applicable Federal requirements, FRA may terminate the award of funds and disallow previously incurred costs, requiring the grantee to reimburse any expended award funds. See an example of standard terms and conditions for FRA grant awards at *https://railroads.fra.dot.gov/elibrary/award-administration-and-grant-conditions.* This template is subject to revision.

Examples of administrative and national policy requirements include: 2 CFR part 200; procurement standards at 2 CFR part 200 subpart D—Procurement Standards; 2 CFR 1207.317 and 2 CFR 200.401; compliance with Federal civil rights laws and regulations; disadvantaged business enterprises requirements; debarment and suspension requirements; drug-free workplace requirements; FRA's and OMB's Assurances and Certifications; Americans with Disabilities Act; safety requirements; NEPA; environmental justice requirements; compliance with 49 U.S.C. 24905(c)(2) for the duration of NEC Projects; and 2 CFR 200.315, governing rights to intangible property. Projects assisted with funds provided through the Maglev Grants Program are subject to 49 U.S.C. 5333(a). Unless otherwise stated in statutory or legislative authority, or appropriations language, all financial assistance awards follow the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards at 2 CFR part 200 and 2 CFR part 1201.

Assistance under this NOFO is subject to the grant conditions in 49 U.S.C. 22905, including protective arrangements that are equivalent to the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants subject to 49 U.S.C. 22905, the provision deeming operators rail carriers and employers for certain purposes, and grantee agreements with railroad right-of-way owners for projects using railroad rights-of-way (see D.2.b.xi).[19]

Projects selected under this NOFO for commuter rail passenger transportation for positive train control projects may be transferred to the Federal Transit Administration for grant administration at the Secretary's discretion. If such a project is transferred to the Federal Transit Administration, applicants will be required to comply with chapter 53 of title 49 of the United States Code.

Projects that have not sufficiently considered climate change and sustainability in their planning, as determined by FRA, will be required to do so before receiving funds for construction, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). In the grant agreement, recipients will be expected to describe activities they have taken, or will take prior to obligation of construction funds that addresses climate change and environmental justice (EJ). Activities that address climate change include, but are not limited to, demonstrating: the project will result in significant greenhouse gas emissions reductions; the project supports emissions reductions goals in a Local/Regional/State plan; and the project primarily focuses on funding for state of good repair and clean transportation options, including public transportation, walking, biking, micro-mobility. Activities that address EJ include, but are not limited to: basing project design on the results of a proven EJ screening tool (developed by another Federal agency such as the EPA,[20] a state agency, etc.); conducting enhanced, targeted outreach to EJ communities; considering EJ in alternatives analysis and final project design; and supporting a modal shift in freight or passenger movement to reduce emissions or reduce induced travel demand.

Projects must consider and address equity and barriers to opportunity in their planning, as determined by FRA, and as a condition of receiving construction funds, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). The grant agreement should include the grantee's description of activities they have taken, or will take prior to obligation of construction funds that addresses equity and barriers to opportunity. These activities may include, but are not limited to: completing an equity impact analysis for the project; adopting an equity and inclusion program/plan; conducting meaningful public engagement to ensure underserved communities are provided an opportunity to be involved in the planning process and is conducted in a manner that is consistent with title VI requirements; including investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities; hiring from local communities; improving access to or providing economic growth opportunities for underserved, overburdened, or rural communities; or addressing historic or current inequitable air pollution or other environmental burdens and impacts. While not a selection criteria, to the extent the project includes or is part of an station area, the Department encourages project sponsors to consider how the submitted project could develop or facilitate economic development, including commercial and residential development that enhance the economic vitality and competitiveness of the surrounding neighborhood and region.

To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving funds for construction, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829), and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335). Specifically, the project planning activities and project delivery actions must support: (a) strong labor standards and the free and fair choice to join a union,[21] including project labor

[19] FRA has posted draft guidance to grantees on implementing protective arrangements at *https://www.govinfo.gov/content/pkg/FR-2022-03-04/pdf/2022-04530.pdf* to assist grantees implementing the protective arrangements; and answers to frequently asked questions intended to assist grantees subject to the requirements of 49 U.S.C. 22905(c)(1) at *https://railroads.dot.gov/elibrary/frequently-asked-questions-about-rail-improvement-grant-conditions-under-49-usc-ss-22905c1.*

[20] For more information regarding the EPA EJ screening tool see *https://www.epa.gov/ejscreen.*

[21] Federal funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

agreements, local hire agreements,[22] distribution of workplace rights notices, and use of an appropriately trained workforce; (b) support of high-quality workforce development programs, including registered apprenticeship, labor-management training programs, and supportive services to help train, place, and retain people in good-paying jobs and apprenticeships; and (c) comprehensive planning and policies to promote hiring and inclusion for all groups of workers, including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve these underrepresented groups, and proactive plans to prevent harassment.

Consistent with E.O. 11246, *Equal Employment Opportunity* (30 FR 12319, and as amended), all federally assisted contractors are required to make good faith efforts to meet the goals of 6.9% of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for work being performed by people of color. The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Through the program, OFCCP offers contractors and subcontractors extensive compliance assistance, conducts compliance evaluations, and helps to build partnerships between the project sponsor, prime contractor, subcontractors, and relevant stakeholders. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally assisted projects over which OFCCP has jurisdiction and that have a project cost above $35 million. DOT will require project sponsors with costs above $35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award. Under that partnership, OFCCP will ask these project sponsors to make clear to prime contractors in the pre-bid phase that project sponsor's award terms will require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under ''Scheduling'' on the Department of Labor website: *https://www.dol.gov/agencies/ofccp/faqs/construction-compliance.*

[22] IIJA division B 25019 provides authority to use geographical and economic hiring preferences, including local hire, for construction jobs, subject to any applicable State and local laws, policies, and procedures.

Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats, consistent with Presidential Policy Directive 21—Critical Infrastructure Security and Resilience. Each applicant selected for Federal funding under this notice must demonstrate, prior to signing of the grant agreement, efforts to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with the cybersecurity performance goals for critical infrastructure and control systems directed by the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems, found at *https://www.cisa.gov/cpgs.*

Domestic Preference Requirements

Assistance under this NOFO is subject to the Buy America requirements in 49 U.S.C. 22905(a) and the Build America, Buy America Act, Public Law 117–58, sections 70901–52. In addition, as expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. FRA expects all applicants to comply with that requirement without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

Civil Rights and Title VI

Recipients of Federal transportation funding will be required to comply fully with title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR 21), the Americans with Disabilities Act of 1990 (ADA), section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements. The Department's and FRA's Office of Civil Rights may provide resources and technical assistance to recipients to ensure full and sustainable compliance with Federal civil rights requirements.

3. Reporting

a. Progress Reporting on Grant Activity

Each applicant selected for a grant will be required to comply with all standard FRA reporting requirements, including quarterly progress reports, quarterly Federal financial reports, and interim and final performance reports, as well as all applicable auditing, monitoring and close out requirements. Reports must be submitted electronically. Pursuant to 2 CFR 170.210, non-Federal entities applying under this NOFO must have the necessary processes and systems in place to comply with the reporting requirements should they receive Federal funding.

b. Additional Reporting

Applicants selected for funding are required to comply with all reporting requirements in the standard terms and conditions for FRA grant awards including 2 CFR 180.335 and 2 CFR 180.350. If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110–417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

c. Performance and Program Evaluation

Recipients and subrecipients are also encouraged to incorporate program evaluation, including associated data collection activities from the outset of their program design and

implementation, to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Public Law 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means ''an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.'' 5 U.S.C. 311. Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A–11, part 6 section 290).

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR part 200).

d. Performance Reporting

Each applicant selected for funding must collect information and report on the project's performance using measures mutually agreed upon by FRA and the grantee to assess progress in achieving strategic goals and objectives. Examples of some rail performance measures for CRISI Funding are listed in the table below. The applicable measure(s) will depend upon the project activities. Applicants requesting funding for the acquisition of rolling stock must integrate at least one equipment/rolling stock performance measure, consistent with the application materials and program goals.

Rail measures	Unit measured	Measurement period	Measurement frequency	Primary strategic goal	Secondary strategic goal	Definition
Slow Order Miles ..	Miles	.....	Quarterly	State of Good Repair.	Safety	The number of miles per quarter within the project area that have temporary speed restrictions (''slow orders'') imposed due to track condition. This is an indicator of the overall condition of track. This measure can be used for projects to rehabilitate sections of a rail line since the rehabilitation should eliminate, or at least reduce the slow orders upon project completion.
Gross Ton	Gross Tons	.....	Quarterly	Economic Competitiveness.	State of Good Repair.	The annual gross tonnage of freight shipped in the project area. Gross tons include freight cargo minus tare weight of the rail cars. This measures the volume of freight a railroad ships in a year. This measure can be useful for projects that are anticipated to increase freight shipments.
Rail Track Grade Separation.	Count	Could be based on daily traffic counts (for 1–5 days) or otherwise estimated.	Quarterly	Economic Competitiveness.	Safety	The number of automobile crossings that are eliminated at an at-grade crossing as a result of a new grade separation.
Passenger Counts	Count	.....	Quarterly	Economic Competitiveness.	State of Good Repair.	Count of the passenger boardings and alightings at stations within the project area.
Travel Time	Time/Trip	.....	Quarterly	Economic Competitiveness.	Quality of Life	Point-to-point travel times between pre-determined station stops within the project area. This measure demonstrates how track improvements and other upgrades improve operations on a rail line. It also helps make sure the railroad is maintaining the line after project completion.
Track weight capacity.	Lbs	.....	Annual	State of Good Repair.	Economic Competitiveness.	If a project is upgrading a line to accommodate heavier rail cars (typically an increase from 263,000 lb. rail cars to 286,000 lb. rail cars.)
Track Miles	Miles	.....	Annual	State of Good Repair.	Economic Competitiveness.	The number of track miles that exist within the project area. This measure can be beneficial for projects building sidings or sections of additional main line track on a railroad.
Pedestrian Trespasser Incidents [23]	Count	Duration of the Project Performance Period and one year before and one year after.	Annual	Safety	.....	The number of trespasser casualties that are eliminated. This measure can be helpful to identify the success of the measures taken to prevent trespasser fatalities.
Equity in Contracting.	Count of small businesses contracted.	Duration of the Project Performance Period.	Annual	Economic Competitiveness.	.....	Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms (each a ''Small Business'') for the Project].

Rail measures	Unit measured	Measurement period	Measurement frequency	Primary strategic goal	Secondary strategic goal	Definition
Fuel Savings/Emissions.	Gallons		Annual	Environmental Sustainability.		The total gallons of fuel saved as a result of rehabilitating, remanufacturing, procuring, or overhauling locomotives.

G. Federal Awarding Agency Contacts

For further information related to this notice, please contact Douglas Gascon, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38–212, Washington, DC 20590; *douglas.gascon@dot.gov;* 202–493–0239; or Ms. Deborah Kobrin, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W33–311, Washington, DC 20590; email at *deborah.kobrin@dot.gov* or 202–420–1281.

H. Other Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI)''; (2) mark each affected page ''CBI''; and (3) highlight or otherwise denote the CBI portions.

The DOT regulations implementing the Freedom of Information Act (FOIA) are found at 49 CFR part 7 subpart C—Availability of Reasonably Described Records under the Freedom of Information Act and sets forth rules for FRA to make requested materials, information, and records publicly available under FOIA. Unless prohibited by law and to the extent permitted under the FOIA, contents of application and proposals submitted by successful applicants may be released in response to FOIA requests.

The Department may share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

Issued in Washington, DC.

Amitabha Bose,

Administrator.

[FR Doc. 2022–19004 Filed 9–1–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity Under OMB Review: Veterans Affairs Life Insurance (VALife) Policy Maintenance Application

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–NEW.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Veterans Affairs Life Insurance (VALife) Policy Maintenance Application, VA Form 29–10279.

OMB Control Number: 2900–NEW.

Type of Review: New Collection (Request for a New OMB Control Number).

Abstract: This form is used by the Department of Veterans Affairs to allow authorized agents (Guardian, POA, VA Fiduciary) to update information on a Veteran's VALife policy. The form is authorized by 38 U.S.C., Section 1922.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 87 FR 38834 on June 29, 2022, pages 38834 and 38835.

Affected Public: Individuals or Households.

Estimated Annual Burden: 417 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,500.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–18962 Filed 9–1–22; 8:45 am]

BILLING CODE 8320–01–P

[23] Trespasser incidents occur when a trespasser is injured, fatally or otherwise, on railroad rights-of-way regardless of whether such injury is train or rail equipment related.

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