FEDERAL REGISTER

Vol. 87 Monday

No. 175 September 12, 2022

Pages 55683–55900

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0774; Airspace Docket No. 22–AGL–26]

RIN 2120–AA66

Amendment of Class D and Class E Airspace and Revocation of Class E Airspace; La Crosse, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class D and Class E airspace and revokes Class E airspace at La Crosse, WI. This action due to an airspace review conducted as part of the decommissioning of the La Crosse very high frequency (VHF) omnidirectional range (VOR) as part of the VOR Minimal Operational Network (MON) Program.

DATES: Effective 0901 UTC, December 29, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface and removes the Class E airspace designated as an extension to Class D and Class E surface airspace at La Crosse Regional Airport, La Crosse, WI, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (87 FR 36421; June 17, 2022) for Docket No. FAA–2022–0774 to amend the Class D and Class E airspace and revoke Class E airspace at La Crosse, WI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and E airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

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 service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71:

Amends the Class D airspace at La Crosse Regional Airport, La Crosse, WI, by adding an extension 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport; adds an extension 1 mile each side of the 359° bearing from the airport extending from the 4.4-mile radius to 5.3 miles north of the airport; adds an extension 1 mile each side of the 036° bearing from the airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport; adds an extension 1 mile each side of the 119° bearing from the airport extending from the 4.4-mile radius of the airport to 5.7 miles southeast of the airport; adds an extension 1 mile each side of the 216° bearing from the airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport; and replaces the outdated term ''Notice to Airmen'' with ''Notice to Air Missions'';

Amends the Class E surface airspace at La Crosse Regional Airport by adding an extension 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport; adds an extension 1 mile each side of the 359° bearing from the airport extending from the 4.4-mile radius to 5.3 miles north of the airport; adds an extension 1 mile each side of the 036° bearing from the airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport; adds an extension 1 mile each side of the 119° bearing from the airport extending from the 4.4-mile radius of the airport to 5.7 miles southeast of the airport; adds an extension 1 mile each side of the 216° bearing from the airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport; removes the 3,200 feet MSL restriction as it is not required; and replaces the outdated term ''Notice to Airmen'' with ''Notice to Air Missions'';

Removes the Class E airspace designated as an extension to Class D and Class E surface areas at La Crosse Regional Airport as these extensions have been incorporated into the Class D

airspace and Class E surface airspace and this airspace is no longer required;

And amends the Class E airspace extending upward from 700 feet above the surface at La Crosse Regional Airport by adding an extension 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 6.9-mile radius of the airport to 7.2 miles north of the airport.

This action is due to an airspace review conducted as part of the decommissioning of the La Crosse VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR 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.

* * * * *

AGL WI D La Crosse, WI [Amended]

La Crosse Regional Airport, WI
(Lat. 43°52′45″ N, long. 91°15′24″ W)
La Crosse Regional: RWY 18–LOC
(Lat. 43°52′01″ N, long. 91°15′31″ W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.4-mile radius of La Crosse Regional Airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 4.4-mile radius of the La Crosse Regional Airport to 5.3 miles north of the airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport; and within 1 mile each side of the 036° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport; and within 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.7 miles southeast of the airport; and within 1 mile each side of the 216° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

AGL WI E2 La Crosse, WI [Amended]

La Crosse Regional Airport, WI
(Lat. 43°52′45″ N, long. 91°15′24″ W)
La Crosse Regional: RWY 18–LOC
(Lat. 43°52′01″ N, long. 91°15′31″ W)

That airspace extending upward from the surface within a 4.4-mile radius of La Crosse Regional Airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 4.4-mile radius of the La Crosse Regional Airport to 5.3 miles north of the airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.3 miles north of the airport; and within 1 mile each side of the 036° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 6.2 miles northeast of the airport; and within 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.7 miles southeast of the airport; and within 1 mile each side of the 216° bearing from the La Crosse Regional Airport extending from the 4.4-mile radius of the airport to 5.6 miles southwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AGL WI E4 La Crosse, WI [Remove]

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

* * * * *

AGL WI E5 La Crosse, WI [Amended]

La Crosse Regional Airport, WI
(Lat. 43°52′45″ N, long. 91°15′24″ W)
La Crosse Regional: RWY 18–LOC
(Lat. 43°52′01″ N, long. 91°15′31″ W)
Mayo Clinic Health System-Franciscan Healthcare, WI, Point In Space Coordinates
(Lat. 43°47′39″ N, long. 91°14′00″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of La Crosse Regional Airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional: RWY 18–LOC extending from the 6.9-mile radius of the La Crosse Regional Airport to 7.2 miles north of the airport; and within 1 mile each side of the 359° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 7.1 miles north of the airport; and within 2.9 miles each side of the 036° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 9.6 mile northeast of the airport; and within 1 mile each side of the 119° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 7.4 mile southeast of the airport; and within 2 miles each side of the 216° bearing from the La Crosse Regional Airport extending from the 6.9-mile radius of the airport to 11.3 miles southwest of the airport; and within a 6-mile radius of the point in space serving Mayo Clinic Health System-Franciscan Healthcare.

Issued in Fort Worth, Texas, on September 6, 2022.

Martin A. Skinner,

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

[FR Doc. 2022–19467 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 89

[Docket No. FAA–2019–1100]

Enforcement Policy Regarding Production Requirements for Standard Remote Identification Unmanned Aircraft

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

ACTION: Notification of enforcement policy.

SUMMARY: For noncompliance with the remote identification production requirements applicable to unmanned aircraft, which occurs on or before December 16, 2022, the FAA will consider all circumstances, in particular, the delay in the FAA's acceptance of a means of compliance, when exercising its discretion whether to take enforcement action.

DATES: This policy is effective September 8, 2022.

FOR FURTHER INFORMATION CONTACT: James D. Foltz, Strategic Policy Emerging Aircraft Section, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 901 Locust Street, Room 301, Kansas City, MO 64106; telephone 1–844–FLY–MY–UA (1–844–359–6981); email: *UAShelp@faa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of this document may be viewed online at *https://www.regulations.gov* using the docket number listed above. A copy of this document will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *https://www.federalregister.gov* and the Government Publishing Office's website at *https://www.govinfo.gov.*

Background

On January 15, 2021, the Remote Identification of Unmanned Aircraft final rule (RIN 2120–AL31) published in the **Federal Register** at 86 FR 4390. In accordance with the final rule, standard remote identification unmanned aircraft and remote identification broadcast modules must be designed and produced to meet the requirements of title 14 of the Code of Federal Regulations part 89 (14 CFR part 89). A person designing or producing a standard remote identification unmanned aircraft or remote identification broadcast module for operation in the United States must show that the unmanned aircraft or broadcast module meets the requirements of an FAA-accepted means of compliance. A means of compliance describes the methods by which the person complies with the performance-based requirements for remote identification.

Under part 89, a person seeking acceptance by the FAA of a means of compliance for standard remote identification unmanned aircraft or remote identification broadcast modules must submit the means of compliance to the FAA. The FAA reviews the means of compliance to determine if it meets the minimum performance requirements and includes appropriate testing and validation procedures in accordance with 14 CFR part 89. Specifically, the person must submit a detailed description of the means of compliance, an explanation for how the means of compliance meets the minimum performance requirements of 14 CFR part 89, and any substantiating material the person wishes the FAA to consider as part of the application.[1] Part 89 prohibits production of unmanned aircraft for operation in the United States unless the manufacturer meets the performance requirements of part 89 by following an FAA-accepted means of compliance for producing standard remote identification unmanned aircraft by the compliance date of September 16, 2022.[2] A means of compliance is not considered to be ''FAA-accepted'' until the means of compliance has been evaluated by the Administrator, the Administrator determines the person has demonstrated that the means of compliance meets the requirements of subparts D and E of part 89, and the FAA has notified the person who submitted the means of compliance that the Administrator has accepted it.[3]

On May 13, 2022, the American Society for Testing and Materials (ASTM) submitted ''Standard Practice for Remote ID Means of Compliance to Federal Aviation Administration Regulation 14 CFR part 89,'' ASTM Reference Number F3586–22, to the FAA for acceptance. On August 11, 2022, the FAA published a notice of availability announcing the acceptance of a means of compliance consisting of both ASTM Standard F3586–22 and the additions specified in that notice of availability.[4]

Accordingly, while the FAA expects that those involved in the development of ASTM F3586–22 require less time to design and develop standard remote identification unmanned aircraft using the FAA-accepted means of compliance (ASTM F3586–22 and additions provided in the notice of availability) than they would if the entire means of compliance had been unfamiliar, until a means of compliance was accepted by the FAA, persons producing unmanned aircraft were unable to meet the standard remote identification unmanned aircraft production requirements in part 89.

Statement of Policy

The FAA recognizes that it accepted the ASTM F3586–22 means of compliance slightly more than a month before the September 16, 2022, compliance date. The FAA has already received some declarations of compliance from manufacturers who are likely to meet the September 16, 2022, compliance date. However, the FAA acknowledges that other manufacturers may not have sufficient time to adequately design, develop, and test unmanned aircraft and file a declaration of compliance with the FAA on or before September 16, 2022, because of the delayed acceptance of the means of compliance. Accordingly, the FAA will exercise its discretion in determining how to handle any apparent noncompliance, including exercising discretion to not take enforcement action, if appropriate, for any noncompliance that occurs on or before December 16, 2022. The exercise of enforcement discretion herein creates no individual right of action and establishes no precedent for future determinations.

[1] 14 CFR 89.405.

[2] 14 CFR 89.510 and 89.515.

[3] 14 CFR 89.410.

[4] *Accepted Means of Compliance; Remote Identification of Unmanned Aircraft* notice of availability, 87 FR 49520, August 11, 2022. Docket no. FAA–2022–0859.

Issued in Washington, DC, on September 7, 2022.

Cynthia A. Dominik,

Assistant Chief Counsel for Enforcement, Federal Aviation Administration.

[FR Doc. 2022–19644 Filed 9–8–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9964]

RIN 1545–BI29

Disclosure of Information to State Officials Regarding Tax-Exempt Organizations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations; correction.

SUMMARY: This document contains corrections to a final regulation (TD 9964) that was published in the **Federal Register** on August 16, 2022. This document contains final regulations that define the guidance to states regarding the process by which they may obtain or inspect certain returns and return information (including information about final and proposed denials and revocations of tax-exempt status) for the purpose of administering State laws governing certain tax-exempt organizations and their activities.

DATES: These corrections are effective on September 12, 2022 and applicable on or after August 16, 2022.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Seth Groman, (202) 317–5640.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 6104(c) of the Internal Revenue Code.

Need for Correction

As published on August 16, 2022 (87 FR 50240) the final regulation (TD 9964) contains errors that need to be corrected.

Correction of Publication

Accordingly, the final regulations (TD 9964) that are the subject of FR Doc. 2022–17574, appearing on page 50240 in the **Federal Register** on August 16, 2022, are corrected to read as follows:

1. On page 50241, in the third column, in the first line from the top of the fourth full paragraph, the language ''Section.'' is corrected to read ''Sections''.

2. On page 50241, in the third column, in the second line from the top of the fourth full paragraph, the language ''provides'' is corrected to read ''provide''.

3. One page 50243, in the third column, in the twelfth line from the bottom of the first full paragraph, the language ''§ 301–6104(c)–1(g)(1)'' is corrected to read ''§ 301.6104(c)–1(g)(1)''.

4. On page 50244, in the third column, under the heading ''Drafting Information'', in the third and fourth line from the top, the language ''(Tax Exempt and Government Entities)'', is corrected to read ''(Employee Benefits, Exempt Organizations, and Employment Taxes)''.

Oluwafunmilayo A. Taylor,

Branch Chief, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2022–19568 Filed 9–9–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2022–0729]

Special Local Regulations; Clearwater Offshore Nationals/Race World Offshore, Gulf of Mexico, Clearwater, FL

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation on the waters of the Gulf of Mexico, in the vicinity of Clearwater, Florida, during the Clearwater Offshore Nationals/Race World Offshore. Approximately 50 powerboats traveling at speeds in excess of 100 miles per hour are expected to participate. Additionally, it is anticipated that 500 spectator vessels will be present along the race course. The special local regulation is necessary to protect the safety of race participants, participant vessels, spectators, and the general public on certain navigable waters of the Gulf of Mexico, Clearwater, Florida during the event. The special local regulation will establish an enforcement area where all persons and vessels, except those persons and vessels participating in the high-speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area without obtaining permission from the Captain of the Port St. Petersburg or a designated representative.

DATES: The regulations in 33 CFR 100.703 will be enforced from 11:30 a.m. until 4 p.m., on September 25, 2022, for the location identified in Item 6 in Table 1 to § 100.703.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Marine Science Technician Second Class Regina Cuevas, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email *Regina.L.Cuevas@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.703, Table 1 to § 100.703, Item No. 6, for the Clearwater Offshore Nationals/Race World Offshore regulated area from 11:30 a.m. until 4 p.m., on September 25, 2022. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for recurring marine events, Sector St. Petersburg, § 100.703, Table 1 to § 100.703, Item No. 6, specifies the location of the regulated area for the Clearwater Offshore Nationals/Race World Offshore which encompasses portions of the Gulf of Mexico near Clearwater, FL. During the enforcement periods, as reflected in § 100.703(c), if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any designated representative.

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

Dated: September 2, 2022.

Michael P. Kahle,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2022–19554 Filed 9–9–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2022–0756]

RIN 1625–AA08

Special Local Regulation; Tennessee River 255–257, Florence, AL

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for navigable waters on the Tennessee River. The special local regulation is needed to protect the participants of the Shoals Scholar Dollar Dragon Boat Festival. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley.

DATES: This rule is effective on October 8, 2022, from 7 a.m. through 5 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0756 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Third Class Joshua Rehl, Marine Safety Detachment Nashville, U.S. Coast Guard; telephone 615–736–5421, email *Joshua.m.rehl@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
MM Mile marker
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. We must establish this regulation by October 8, 2022, and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to ensure the safety of the participants and vessels during the Shoals Scholar Dollar Dragon Boat Festival. It is impracticable to publish an NPRM because we must establish this special local regulation by October 8, 2022.

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 Ohio Valley (COTP) has determined that potential hazards associated with Shoals Scholar Dollar Dragon Boat Festival on October 8, 2022, will be a safety concern from mile marker (MM) 255.0 to MM 257.0 of the Tennessee River for 8 hours. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the special local regulation while the event is taking place.

IV. Discussion of the Rule

This rule establishes a special local regulation from MM 255.0 to MM 257.0 on the Tennessee River. The special local regulation will be in effect on October 8, 2022, from 7 a.m. through 5 p.m.. The duration of the zone is intended to protect participants, and the marine environment in these navigable waters while the Shoals Scholar Dollar Dragon Boat Festival is taking place. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative.

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 size, location, duration, and the time-of-day of the special local regulation. Vessel traffic will be able to safely transit around the this special local regulation which would impact a small designated area of the Tennessee River before or after the time of the event. Moreover the Coast Guard will issue a Broadcast the Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter 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 special local regulation lasting only 8 hours that will prohibit entry within a 2 mile segment of the Tennessee River. It is categorically excluded from further review under paragraph L61 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 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T08–0756 to read as follows:

§ 100.T08–0756 Tennessee River MM 255 to MM 257, Florence, AL.

(a) *Regulated area.* The regulations in this section apply to the following area: all waters of the Tennessee River from mile marker (MM) 255.0 to 257.0.

(b) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by phone at 502–779–5422. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the designated representative.

(3) The COTP will provide notice of the regulated area through advanced notice via broadcast notice to mariners and by on-scene designated representatives.

(c) *Enforcement period.* This section will be enforced on October 8, 2022, from 7 a.m. through 5 p.m.

Dated: September 1, 2022.

H.R. Mattern,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2022–19545 Filed 9–9–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0463]

RIN 1625–AA00

Safety Zone; Tennessee River, Ohio River and Cumberland River; Paducah and Smithland; Kentucky

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of the Tennessee River, Ohio River, and Cumberland River. This action is necessary to provide for the safety of life on the navigable waters in between Paducah, Kentucky, and Smithland, KY, during the transit and installation of the new I–60 bridge crossing the Cumberland River near Smithland, KY. This rule prohibits persons and vessels from entering the safety zone unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

DATES: This rule is effective from 8:00 a.m. on September 12, 2022, through 8:00 a.m. on September 22, 2022. The temporary safety zone will be enforced from 8 a.m. on September 12, 2022, through 8 a.m. on September 22, 2022, unless canceled earlier by the Captain of the Port Sector Ohio Valley.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0463 in the search box and click ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Evan Dawson, U.S. Coast Guard Marine Safety Unit Paducah; telephone 270–442–1621 x 2113, email *MSUPaducah-WWM@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
TNR Tennessee River
OHR Ohio River
CUMB Cumberland River
MM Mile Marker

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 because it is impracticable. We must establish this safety zone by September 12, 2022, and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70051 and 33 CFR 6.04–6. The COTP has determined that potential hazards associated with the transit and installation of a 710 foot span of replacement bridge for the Lucy Jefferson Bridge Bridge from Paducah Riverport Authority, on the Tennessee River (TNR) at Mile Marker (MM) 1.5, transiting up the Ohio River (OHR) from MM 935 to MM 923, in Smithland, KY, continuing on to the Cumberland River (CUMB) to MM 2.8, the bridges final destination will be a safety concern for anyone within a half mile radius of bridge, vessels and machinery. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the bridge is in transit and being installed.

IV. Discussion of the Rule

The COTP is establishing a moving safety zone from 8 a.m. on September 12, 2022, through 8 a.m. on September 22, 2022, unless canceled earlier by the COTP. The safety zone would cover all navigable waters within one half-mile of the bridge during any point of its transit from Paducah, KY, to Smithland, KY and during the lifting evolution. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before and during the scheduled relocation and installation of the new bridge. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

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. The new bridge will be in transit on the TNR and the OHR for approximately 12–24 hours, causing minimal disruption to vessel traffic. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 22–A about the enforcement time of the zone, and the rule would allow vessels to seek permission to enter 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 involves a safety zone that would prohibit entry within one half-mile of the new bridge site while transiting on the TNR, OHR, and while transiting and being lifted into a permanent postion on the CUMB. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0463 to read as follows:

§ 165.T08–0463 Safety Zone; Tennessee River, Ohio River and Cumberland River; Paducah and Smithland; Kentucky.

(a) *Location.* The safety zone will cover all navigable waters of the Tennessee River, Ohio River, and Cumberland River within one half mile of the new bridge, near Smithland, KY, span during transiting and lifting.

(b) *Enforcement period.* This section will be subject to enforcement from 8 a.m. on September 12, 2022, and will continue through 8 a.m. on September 22, 2022, unless canceled earlier by the Captain of the Port Sector Ohio Valley (COTP). If there is inclement weather or other disruptions the U.S. Coast Guard (USCG) will inform mariners of the change in enforcement period via Broadcast Notice to Mariners on VHF–FM channel 16 and on-scene notice.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry of vessels or persons into the zone during transit operations is prohibited unless specifically authorized by the COTP or designated representative. A *designated representative* is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Ohio Valley.

(2) If permission is granted, all persons and vessels must comply with the instructions of the COTP or designated representative.

Dated: September 6, 2022.

H.R. Mattern,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2022–19544 Filed 9–9–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0595]

RIN 1625–AA00

Safety Zone; Ironman Michigan, Frankfort Harbor, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain waters of Betsie Lake in Frankfort, MI. This action is necessary to provide for the safety of life on these navigable waters during the swim portion of an Ironman event on September 11, 2022. This rulemaking would restrict usage by persons and vessels within the safety zone. At no time during the effective period may vessels transit the waters of Betsie Lake in the vicinity of a triangular shaped race course enclosed by the following three coordinates: 44°37.80′ N, −086°13.91′ W to 44°37.81′ N, −086°14.22′ W to 44°37.58′ N, −086°13.75′ W, then back to the starting point. The race course will be marked by buoys. These restrictions apply to all perons and vessels during the effective period unless authorized by the Captain of the Port Lake Michigan or a designated representative.

DATES: This rule is effective on September 11, 2022, from 6 a.m. through 12 p.m.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0595 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Chief Petty Officer Jeromy Sherrill, Sector Lake Michigan Waterways Management Division, U.S. Coast Guard; telephone 414–747–7148, email *Jeromy.N.Sherrill@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

On June 23, 2022, the Coast Guard was notified by the event sponsor of its intent to host Ironman Michigan in Frankfort, MI on September 11, 2022 from 8 a.m. to 10:15 a.m.. The swim will begin near Frankfort Municipal Marina in Betsie Lake. The race course will be triangular shaped area enclosed by the following coordinates: 44°37.80′ N, −086°13.91′ W to 44°37.81′ N, −086°14.22′ W to 44°37.58′ N, −086°13.75′ W, then back to the starting point. The race course will be marked by buoys. In response, on July 18, 2022, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Ironman Michigan, Frankfort Harbor, MI (87 FR 42985). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action. During the comment period that ended August 18, 2022, we received 0 comments.

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 potential safety hazards associated with the event.

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 Lake Michigan (COTP) has determined that potential hazards associated with the Michigan Ironman event would be a safety concern for anyone within the safety zone that is not participating in the event. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published July 18, 2022. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone from 6 a.m. through 12 a.m. on September 11, 2022. The safety zone will cover all waters of Betsie Lake in the vicinity of a triangular shaped race course near Frankfort Municipal Marina in Frankfort, MI. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the triathlon event. No vessels or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

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 characteristics of the safety zone. The safety zone created by this proposed rule will relatively small and is designed to minimize its impact on navigable waters. This proposed rule will prohibit entry into certain navigable waters of Betsie Lake in Frankfort, MI, and it is not anticipated to exceed 6 hours in duration. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Moreover, under certain conditions vessels may still transit through the safety zone when permitted by the COTP Lake Michigan.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received 00 comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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 6 hours that would prohibit entry within a relatively small portion of Betsie Lake. Normally such actions are 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.T09–0595 to read as follows:

§ 165.T09–0595 Safety Zone; Ironman Michigan, Frankfort, MI.

(a) *Location.* All waters of Betsie Lake in the vicinity of a triangular shaped race course enclosed by the following three coordinates: 44°37.80′ N, −086°13.91′ W to 44°37.81′ N, −086°14.22′ W to 44°37.58′ N, −086°13.75′ W, then back to the starting point.

(b) *Enforcement period.* The safety zone described in paragraph (a) would be effective on September 11, 2022 from 6 a.m. through 12 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in section § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan (COTP) or a designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) The ''designated representative'' of the COTP is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on his or her behalf.

(4) Persons and vessel operators desiring to enter or operate within the safety zone during the marine event must contact the COTP or an on-scene representative to obtain permission to do so. The COTP or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or an on-scene representative.

Dated: August 30, 2022.

Joseph B. Parker,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2022–19590 Filed 9–9–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2021–0631; FRL–9125–02–R2]

Air Plan Disapproval; New York and New Jersey; Interstate Transport Infrastructure SIP Requirements for the 2008 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is disapproving State Implementation Plan (SIP) submissions from New York and New Jersey addressing interstate transport for the 2008 8-hour ozone national ambient air quality standards (NAAQS). The ''good neighbor'' or ''interstate transport'' provision of the Clean Air Act (CAA) requires that each state's SIP contain adequate provisions to prohibit emissions from within the state from significantly contributing to nonattainment or interfering with maintenance of the NAAQS in other states. This requirement is part of the broader ''infrastructure'' requirements, which are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: This final rule is effective on October 12, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2021–0631. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Fradkin, Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007–1866, at (212) 637–3702, or by email at *fradkin.kenneth@epa.gov.*

SUPPLEMENTARY INFORMATION: The supplementary information section is arranged as follows:

Table of Contents

I. What is the background for this action?
II. What comments were received in response to the EPA's proposed action?
III. What action is the EPA taking?
IV. What are the consequences of a disapproved SIP?
V. Statutory and Executive Order Reviews

I. What is the background for this action?

On November 3, 2021, the EPA published a Notice of Proposed Rulemaking (NPRM) that proposed to disapprove State Implementation Plan (SIP) submissions from New York and New Jersey pertaining to the

requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS. 86 FR 60602.

Section 110(a) of the CAA imposes an obligation upon states to submit SIP submissions, also referred to as revisions or submittals, that provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within 3 years following the promulgation of that NAAQS. Section 110(a)(2) lists specific requirements that states must meet in these SIP submissions, as applicable. The EPA refers to this type of SIP as the ''infrastructure'' SIP because the SIP ensures that states can implement, maintain, and enforce the air standards. Within these requirements, CAA section 110(a)(2)(D)(i)(I) contains requirements to address interstate transport of NAAQS pollutants or their precursors. CAA section 110(a)(2)(D)(i)(I), which is also known as the ''good neighbor'' provision, requires SIPs to contain provisions prohibiting any source or other type of emissions activity within the State from emitting any air pollutant in amounts that will contribute significantly to nonattainment of the NAAQS in any other state (commonly referred to as prong 1) or interfere with maintenance of the NAAQS in any other state (prong 2). A SIP revision submitted under this provision is often referred to as an ''interstate transport SIP'' or a good neighbor SIP.

New York submitted its good neighbor SIP revision to the EPA for the 2008 ozone NAAQS on September 25, 2018.[1] New Jersey submitted a SIP revision, which also addressed the good neighbor provision for the 2008 ozone NAAQS, on May 13, 2019. For the reasons stated in the proposal for this action, the EPA is disapproving these SIP submissions from New York and New Jersey regarding the requirements of section 110(a)(2)(D)(i)(I) of the Clean Air Act (CAA) for the 2008 ozone NAAQS.

II. What comments were received in response to the EPA's proposed action?

The EPA received comments during the public comment period on our proposed action from the New Jersey Department of Environmental Protection (NJDEP), the State of Pennsylvania's Department of Environmental Protection (PADEP), and the Midwest Ozone Group (MOG). A synopsis of the comments and our responses are below. The complete comments may be viewed under Docket ID No. EPA–R02–OAR–2021–0631 on the *https://www.regulations.gov* website.

Comment 1: NJDEP stated that New Jersey's rules, such as its High Electric Demand Day (HEDD) rule, the 2017 New Jersey rule for stationary natural gas compressor engines and turbines, and other rules implemented for both Electric Generating Unit (EGU) sources and non-EGU sources, are more stringent than nearby and upwind states and were implemented well ahead of the 2021 Serious attainment date for the 2008 NAAQS. New Jersey asserts that it is being penalized for early action.

Response 1: Although New Jersey's existing control measures may be more stringent than nearby states' controls and were implemented prior to the 2021 Serious classification attainment date for the 2008 NAAQS, the EPA does not find that the existence of those rules alone satisfies New Jersey's 2008 ozone good neighbor obligations. New Jersey did not evaluate the availability of additional air quality controls to improve downwind air quality at nonattainment and maintenance receptors, even though New Jersey itself acknowledged it potentially significantly contributed above the 1 percent of the standard threshold to 14 receptors.

The EPA's updated modeling used for evaluating interstate transport with respect to the 2008 ozone NAAQS (2016v1 emissions platform based modeling) accounted for the emission reductions from the controls listed in the SIP—including New Jersey's HEDD, the 2017 New Jersey rule for stationary natural gas compressor engines and turbines, and other State rules—and nonetheless continued to project that New Jersey would contribute to downwind air quality problems above 1 percent of the 2008 ozone NAAQS. Under the 4-step framework, this triggered a need to assess additional emissions control opportunities at Step 3.

As explained in the EPA's November 3, 2021 NPRM, the EPA's modeling projects that New Jersey contributes well above the air quality threshold of 1 percent of the 2008 ozone NAAQS (0.75 parts per billion, ''ppb'') to several projected downwind nonattainment or maintenance receptors. The EPA's modeling projects that New Jersey contributes up to 8.62 ppb to downwind receptors, and 5.71 ppb to downwind maintenance receptors in Connecticut, both of which greatly exceed the threshold contribution level of 0.75 ppb.

The State is not being ''penalized'' for early action. Whether New Jersey's measures are more stringent, or implemented earlier, than neighboring states is not relevant to EPA's determination regarding the adequacy of New Jersey's good neighbor SIP submission. The EPA's role in reviewing infrastructure SIP submissions is to ensure that the state's plan complies with the statute. With respect to prongs 1 and 2 of CAA section 110(a)(2)(D)(i), the EPA has reviewed New Jersey's demonstration and determined, for the reasons stated in the NPRM, it does not adequately demonstrate that the State's good neighbor plan is sufficient to ensure that emissions from the State will not significantly contribute to nonattainment or interfere with maintenance.

Comment 2: NJDEP notes that the EPA's proposal states that a SIP revision could replace the Federal Implementation Plan (FIP) promulgated in the Revised CSAPR Update if the State's SIP could demonstrate enforceable emission control measures that achieve at least the same amount of emissions reductions achieved by the FIP. NJDEP states that its 2017 NO_X emissions inventory indicates that 79% of the state's annual NO_X emissions are from mobile sources, while EGUs make up 3%, and point sources up to 14%. The State concludes that this reflects the extensive control measures implemented in New Jersey, as well as that EGUs located in New Jersey are well controlled. NJDEP further states that the EPA should consider the many control measures implemented by New Jersey before requiring additional reductions from a source sector that is already well controlled, and a small portion of statewide NO_X emissions. New Jersey asserts that the EPA should rescind the disapproval and approve New Jersey's Good Neighbor SIP. New Jersey further states that the EPA should also implement federal mobile source measures, to address the major contributor in New Jersey.

Response 2: As noted in the EPA's NPRM, the EPA determined in the Revised CSAPR Update that additional NO_X emissions reductions, relative to the CSAPR Update, are available and necessary to eliminate New Jersey's significant contribution for the good neighbor provision under the 2008 ozone NAAQS. New Jersey's NO_X ozone season emissions budget for the State's EGUs as determined under the Revised CSAPR Update is 1,253 tons in 2021 and subsequent years. The EPA has determined that the emissions

[1] The New York State Department of Environmental Conservation indicated in their September 25, 2018, SIP submission that the submittal was to address the EPA's August 26, 2016, disapproval of a portion of New York's April 4, 2013 submittal addressing the good neighbor provision for the 2008 ozone NAAQS. See the NPRM for this action at 86 FR 60602 (November 3, 2021).

reductions achieved as a result of the Group 3 NO_X ozone season emissions budget are necessary to eliminate New Jersey's significant contribution to nonattainment or interference with maintenance of the 2008 ozone NAAQS in other states.

As noted in the November 3, 2021, NPRM, as well as the Revised CSAPR Update, a state can submit a SIP revision to replace the FIP, which implements the state's NO_X ozone season emissions budget, if the SIP is approved by the EPA and achieves the necessary emissions reductions even if it does not use the CSAPR NO_X Ozone Season Group 3 Trading Program. 86 FR 60610–60611; 86 FR 23147–23148.[2] The EPA would evaluate the transport SIP based on the particular control strategies selected and whether the strategies as a whole provide adequate and enforceable provisions ensuring that the necessary emissions reductions (*i.e.,* reductions equal to or greater than the Group 3 trading program) will be achieved. In order to best ensure its approvability, the SIP revision should include the following general elements: (1) a comprehensive baseline 2021 statewide NO_X emissions inventory (which includes existing control requirements), which should be consistent with the 2021 emission inventory that the EPA used to calculate the required state budget in the Revised CSPAR Update (unless the state can explain the discrepancy); (2) a list and description of control measures to satisfy the state emissions reduction obligation and a demonstration showing when each measure would be in place to meet the 2021 and successive control periods; (3) fully-adopted state rules providing for such NO_X controls during the ozone season; (4) for EGUs greater than 25 MWe (megawatt electrical), monitoring and reporting under 40 CFR part 75, and for other units, monitoring and reporting procedures sufficient to demonstrate that sources are complying with the SIP (see 40 CFR part 51 subpart K (''source surveillance'') requirements); and (5) a projected inventory demonstrating that state measures along with federal measures will achieve the necessary emissions reductions in time to meet the next compliance deadline.[3]

New Jersey has not submitted, nor has the EPA approved, a SIP revision that provides adequate and enforceable provisions ensuring that emission reductions equal to or greater than the Group 3 trading program will be achieved. Merely indicating the percentage of annual NO_X emissions from mobile, EGU, and point sources in the State of New Jersey does not demonstrate that necessary emission reductions have been sufficiently achieved as reflected by the state-level, seasonal emissions budget established for New Jersey in the Revised CSAPR Update.

Despite NJDEP's claim that the State's 2017 NO_X emission inventory demonstrates that EGUs are well controlled, the EPA's analysis performed for the Revised CSAPR Update did find that additional cost-effective controls were available for EGUs in New Jersey.

NJDEP has not adequately demonstrated that the State's plan is sufficient to ensure that New Jersey emissions will not significantly contribute to nonattainment or interfere with maintenance in other states. As such, the EPA must disapprove New Jersey's SIP submission for failing to satisfy the statutory requirements of CAA section 110(a)(2)(D)(i)(I).

In its comments to the EPA, NJDEP further states that the EPA should also implement federal mobile source measures. The EPA has been regulating mobile source emissions since it was established as a federal agency in 1970 and is committed to continuing the effective implementation and enforcement of current mobile source emissions standards. The EPA believes that the NO_X reductions from its federal programs are an important reason for the historical and long-running trend of improving air quality in the United States. The trend helps explain why the overall number of receptors and severity of ozone nonattainment problems under the 2008 ozone NAAQS have declined. As a result of this long history, NO_X emissions from on road and nonroad mobile sources have substantially decreased (78 percent and 62 percent since 2002, for on road and nonroad, respectively)[4] and are predicted to continue to decrease into the future as newer vehicles and engines that are subject to the most recent, stringent standards replace older vehicles and engines.[5]

On March 28, 2022, the EPA proposed new standards for emissions from heavy-duty vehicles for model years 2027 and beyond.[6] If finalized, the proposed standards would significantly reduce NO_X emissions from heavy-duty gasoline and diesel engines and set more stringent greenhouse gas (GHG) standards for certain commercial vehicle categories. This proposal is consistent with President Biden's Executive Order 14037, ''Strengthening American Leadership in Clean Cars and Trucks,''[7] and would ensure the heavy-duty vehicles and engines that drive American commerce are as clean as possible while charting a path to advance zero-emission vehicles in the heavy-duty fleet.

Comment 3: PADEP is supportive of the proposed disapproval of New York's and New Jersey's SIP submissions to address the requirements of 110(a)(2)(D)(i)(I). PADEP notes that New Jersey contributes at roughly twelve times the one percent significant contribution threshold for the 2008 ozone NAAQS, and New York contributes almost twenty times the significant contribution threshold for the 2008 ozone NAAQS, to downwind receptors in Connecticut.

PADEP states that because of New York and New Jersey's close proximity to Connecticut, their emissions generate more pollution contributions to Connecticut's monitors than other states. Additionally, PADEP asserts that New York and New Jersey could still make overall low-cost ozone reductions on a ''part per billion'' basis to address nonattainment at Connecticut monitors for the 2008 ozone NAAQS. PADEP notes that as part of EPA's analysis in the proposed disapproval, the EPA finds that New York and New Jersey fail to address the Revised CSAPR Update's benefits in their SIPs. Additionally, PADEP states that the EPA should consider cost effectiveness based upon the magnitude of the direct ozone reduction when reviewing New York's and New Jersey's Good Neighbor SIP obligations due to their large impact and proximity to Connecticut's nonattainment areas.

PADEP also notes the large contributions from New York and New Jersey for the 2015 ozone NAAQS to Pennsylvania.

Response 3: The EPA acknowledges the commenter's support of the EPA's proposed rule disapproving New York and New Jersey SIP submissions

[2] For further information on replacing a FIP with a SIP, see the discussion in the final CSAPR rulemaking (76 FR 48326).

[3] See 86 FR 23054, 23147–23148 (April 30, 2021) (describing expected elements needed to replace a Revised CSAPR Update FIP). In addition, should a state wish to adopt the Group 3 trading program itself into its SIP, EPA regulations address replacing the Revised CSAPR Update FIP with a Revised CSAPR Update SIP at 40 CFR 52.38(b)(12).

[4] US EPA. Our Nation's Air: Status and Trends Through 2021. *https://gispub.epa.gov/air/trendsreport/2022/#home.*

[5] National Emissions Inventory Collaborative (2019). 2016v1 Emissions Modeling Platform. Retrieved from *https://views.cira.colostate.edu/wiki/wiki/10202.*

[6] 87 FR 17414 (March 28, 2022).

[7] 86 FR 43583 (August 10, 2021).

pertaining to the requirements of 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS. The EPA's proposed action was limited to determining whether New York and New Jersey SIP submissions adequately address the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS. As evidenced by this disapproval action, EPA has concluded that the New York and New Jersey SIP submissions do not adequately address the requirements of CAA section 110(a)(2)(D)(i)(I). PADEP's comments characterizing the nature of interstate transport between New York, New Jersey, and Connecticut do not alter EPA's conclusion. Additionally, the Revised CSAPR Update was not opened for reconsideration in this action. Comments on the Revised CSAPR Update were previously responded to in the final notice and docket for that rulemaking. 86 FR 23054 (April 30, 2021).[8] Lastly, the EPA considers the portions of the PADEP comment regarding the 2015 ozone NAAQS to be outside the scope of this action, which is only related to the 2008 ozone NAAQS.

Comment 4: The Midwest Ozone Group (MOG) submitted comments that urge the EPA to require New York to impose emission controls for Simple Cycle Combustion Turbines (SCCTs) units by 2021, instead of the 2023–2025 period as specified in an EPA-approved New York regulation.

MOG states that the EPA's disapproval of New York's good neighbor SIP is based upon the recognition that New York did not demonstrate that it was adequately controlling its emissions, with New York conceding that its emissions were linked to Connecticut nonattainment areas. Furthermore, MOG states that the EPA indicates that New York's regulation for SCCTs will not be phased in until the 2023–2025 period, even though the applicable serious nonattainment deadline is July 20, 2021.

Accordingly, MOG asserts, the EPA ignored good neighbor caselaw by approving New York SCCT controls in a separate action (86 FR 43956 (August 11, 2021)) when those controls would not be required until the 2023–2025 period.

MOG alleged that the delay in NO_X emission reductions from New York's SCCTs are impacting nonattainment and downwind areas as well as affecting upwind states through what they allege to be inappropriate regulation under the Revised CSAPR Update. MOG's comment letter also included Exhibit A, MOG's December 14, 2020 comment letter to the EPA regarding the proposal of the Revised Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS. Exhibit A made similar comments regarding New York's SCCT rule, including MOG's assertion of the need for the EPA to address New York's failure to impose controls under that rule by 2021.

MOG requests that EPA exercise its authority, pursuant to CAA Section 110(k)(5), to require New York to revise its SIP to impose controls on SCCT units by the 2008 ozone attainment date of 2021. Additionally, MOG argues, the EPA must recognize and determine that New York's failure to impose SCCT controls by 2021 constitutes a failure by New York as both an upwind and downwind state to harmonize its attainment date obligations with respect to the 2008 ozone NAAQS.

Response 4: It is not readily apparent from the comment if MOG supports or opposes EPA's proposal to disapprove New York's 2008 ozone NAAQS good neighbor SIP submission. The EPA proposed to disapprove New York's good neighbor SIP submission based on the deficiencies as described in the November 3, 2021, NPRM. Outside of that rationale, the EPA noted for informational purposes that some controls identified in New York's 2008 ozone NAAQS good neighbor SIP submission as *in development* as of the date New York submitted the good neighbor submission in 2018 to EPA were later adopted by the State and approved by the EPA, including the SCCT controls, which are the focus of MOG's comment. However, New York's SCCT controls were not included by New York in the submission under EPA review in this action, nor was the prior approval of the SCCT controls (approved by the EPA as a SIP strengthening measure) reopened for consideration by the Agency in this action. The EPA previously responded to MOG's comments on the need for faster implementation of the SCCT controls in the notice for that separate final action. 86 FR 43956, 43957–43958 (August 11, 2021). Therefore, MOG's comments related to New York's SCCT controls are outside the scope of this action, which is determining only that New York's 2018 submission does not satisfy the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS.

MOG stated it ''incorporated'' its comments on the Revised CSAPR Update into its comments on this action. However, the Revised CSAPR Update was not reopened for consideration in this action. Certain MOG comments question whether the Revised CSAPR Update is a lawful and complete remedy to resolve certain states' interstate transport obligations for the 2008 ozone NAAQS. Those issues were appropriately addressed in the Revised CSAPR Update rulemaking, and there is no need to revisit those issues in order to find New York's transport submittal is not approvable in this action. The EPA previously responded to MOG's comments on the Revised CSAPR Update in the final notice and docket for that rulemaking. 86 FR 23054 (April 30, 2021).[9] MOG's legal challenge to the Revised CSAPR Update is currently pending in the U.S. Court of Appeals for the District of Columbia. *MOG* v. *EPA et al.,* No. 21–1146 (D.C. Cir.).

The EPA also finds MOG's suggestion to issue a SIP Call to New York to modify its infrastructure SIP under CAA section 110(k)(5) irrelevant to the final determination made in this action, which is that New York's 2008 ozone NAAQS good neighbor SIP submission does not satisfy the requirements of CAA section 110(a)(2)(D)(i)(I).

III. What action is the EPA taking?

The EPA is disapproving the portion of the New York and New Jersey SIP submittals pertaining to the requirements of CAA section 110(a)(2)(D)(i)(I) regarding interstate transport of air pollution (prongs 1 and 2) that will significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in other states.

IV. What are the consequences of a disapproved SIP?

Disapproval does not start a mandatory sanctions clock pursuant to CAA section 179 because this action does not pertain to either a part D plan for nonattainment areas required under CAA section 110(a)(2)(I), or a SIP call pursuant to CAA section 110(k)(5). The EPA has amended FIPs, in a separate action finalizing the Revised CSAPR Update for the 2008 ozone NAAQS, to reflect the additional emissions reductions necessary to address New York's and New Jersey's significant contribution to nonattainment and interference with maintenance. Therefore, this action does not trigger a duty for the EPA to promulgate FIPs for either New York or New Jersey.

[8] Docket No. EPA–HQ–OAR–2020–0272. Available at *https://www.regulations.gov.*

[9] Docket No. EPA–HQ–OAR–2020–0272. Available at *https://www.regulations.gov.*

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This final action is not a ''significant regulatory action'' under the terms of Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the E.O.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* because this proposed disapproval of SIP revisions under CAA section 110 will not create any new information collection burdens but simply proposes to disapprove certain State requirements for inclusion into the SIP.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant impact on a substantial number of small entities under the RFA. This proposed rule does not impose any requirements or create impacts on small entities. This proposed SIP disapproval under CAA section 110 will not create any new requirements but simply proposes to disapprove certain State requirements, for inclusion into the SIP.

D. Unfunded Mandates Reform Act (UMRA)

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

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP on which EPA is proposing action would not apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this proposed action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it simply disapproves certain state requirements for inclusion into the SIP.

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

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

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

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

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action merely disapproves certain state requirements for inclusion into the SIP.

K. Congressional Review Act (CRA)

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

L. Judicial Review

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

List of Subjects in 40 CFR Part 52

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

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

Lisa Garcia,

Regional Administrator, Region 2.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart FF—New Jersey

■ 2. Section 52.1586 is amended by revising paragraph (b)(2) to read as follows:

§ 52.1586 Section 110(a)(2) infrastructure requirements.

* * * * *

(b) * * *

(2) *Disapproval.* (i) Submittal from New Jersey dated October 17, 2014, to address the CAA infrastructure requirements of section 110(a)(2) for the 2008 Lead, 2008 8-hour ozone, 2010 NO_2, 2010 SO_2, 2012 $PM_{2.5}$, 2006 PM_{10} and 2011 CO NAAQS is disapproved for (D)(i)(II) prong 3 (PSD program only). These requirements are being addressed by § 52.1603 which has been delegated to New Jersey to implement.

(ii) New Jersey SIP revision submitted on May 13, 2019, to address requirements of section 110(a)(2)(D)(i)(I) (prongs 1 and 2) for the 2008 8-hour ozone NAAQS is disapproved. These requirements are being addressed by § 52.1584.

* * * * *

Subpart HH—New York

■ 3. Section 52.1683 is amended by adding paragraph (u) to read as follows:

§ 52.1683 Control strategy: Ozone.

* * * * *

(u) The SIP revision submitted on September 25, 2018, addressing Clean Air Act section 110(a)(2)(D)(i)(I) (prongs 1 and 2) for the 2008 ozone NAAQS is disapproved. These requirements are being addressed by § 52.1684.

[FR Doc. 2022–19645 Filed 9–9–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2021–0855; FRL–8941–02–R3]

Air Plan Approval; Virginia; Negative Declaration Certification for the 2015 Ozone National Ambient Air Quality Standard for the 2016 Oil and Natural Gas Control Techniques Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the Commonwealth of Virginia. The revision provides Virginia's determination for the 2015 Ozone national ambient air quality standards (NAAQS), via a negative declaration, that there are no sources within the Northern Virginia volatile organic compound (VOC) Emissions Control Area subject to EPA's 2016 Oil and Natural Gas control techniques guidelines (2016 Oil and Gas CTG). The negative declaration covers only the 2016 Oil and Gas CTG and asserts that there are no sources subject to this CTG located in the Northern Virginia VOC Emissions Control Area. EPA is approving these revisions to the Virginia SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on October 12, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2021–0855. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *// www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Om P. Devkota, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2172. Mr. Devkota can also be reached via electronic mail at *Devkota.om@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 27, 2022 (87 FR 38046), EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Virginia. In the NPRM, EPA proposed approval of a state implementation plan (SIP) revision submitted by the Commonwealth of Virginia. This revision provides Virginia's determination for the 2015 Ozone NAAQS, via a negative declaration, that there are no sources within the Northern Virginia VOC Emissions Control Area subject to EPA's 2016 Oil and Gas CTG. The 2016 Oil and Gas CTG provides information to state, local, and tribal air agencies to assist them in determining reasonably available control technology (RACT) for VOC emissions from select oil and natural gas industry emission sources. Section 182(b)(2)(A) of the CAA requires that for ozone nonattainment areas classified as Moderate or above, states must revise their SIPs to include provisions to implement RACT for each category of VOC sources covered by a CTG document issued between November 15, 1990, and the date of attainment. Section 184(b)(1)(B) of the CAA extends this requirement to states and areas in the Ozone Transport Region (OTR). The term ''negative declaration'' means that the State has explored whether any facilities meeting the applicability requirements of the CTG exist within the State and concluded that there are no such sources. The negative declaration covers only the 2016 Oil and Gas CTG and asserts that there are no sources subject to this CTG located in the Northern Virginia VOC Emissions Control Area. The formal SIP revision was submitted by Virginia on August 9, 2021. States with no applicable sources for a specific CTG may submit as a SIP revision a negative declaration stating that there are no applicable sources in the state.

II. Summary of SIP Revision and EPA Analysis

The Northern Virginia area consisting of Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City is in the OTR and is subject to this 2016 Oil and Natural Gas CTG. According to Virginia's August 9, 2021 submittal, VADEQ conducted a review of potential sources subject to the 2016 Oil and Gas CTG and found that there are no sources located in the Northern Virginia area subject to the terms of this CTG for purposes of the 2015 ozone NAAQS. Notwithstanding VADEQ's finding that there are no VOC sources in the Northern Virginia area subjected to RACT by the 2016 Oil and Gas CTG, VADEQ identified facilities in Northern Virginia defined by the 2016 Oil and Gas CTG as part of the oil and natural gas industry. Specifically, VADEQ identified certain natural gas compressor stations in the Northern Virginia area, but determined that these are ''downstream'' of the point of custody transfer to the natural gas transmission and storage segment. Compressor stations located in the transmission and storage segment of the oil and gas industry are not subject to any RACT requirements specified by the 2016 Oil and Gas CTG.

Other specific requirements of Virginia's negative declaration certification for the 2016 Oil and Natural Gas CTG for the 2015 Ozone NAAQS and the rationale for EPA's proposed action are explained in the NPRM, and will not be restated here. No public comments were received on the NPRM.

III. Final Action

EPA is approving the Negative Declaration Certification for the 2016 Oil and Natural Gas Control Techniques Guidelines for the 2015 Ozone NAAQS as a revision to the Virginia SIP.

IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to

certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land as defined in 18 U.S.C. 1151 or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 14, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action which is a negative declaration for the 2016 Oil and Gas CTG for the Commonwealth of Virginia may not be challenged later in

proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Diana Esher,

Acting Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (e)(1) is amended by adding the entry ''CTG Negative Declarations Certification for the 2015 Ozone National Ambient Air Quality Standard for the 2016 Oil and Gas CTG'' at the end of the table to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(e) * * *

(1) * * *

Name of non-regulatory SIP revision	Applicable geographical area	State submittal date	EPA approval date	Additional explanation
* *	*	*	*	*
CTG Negative Declaration Certification for the 2015 Ozone National Ambient Air Quality Standard for the 2016 Oil and Gas CTG.	Northern Virginia VOC emissions control area.	8/9/21	9/12/22, [Insert **Federal Register** citation].	Certifies negative declaration for the 2016 Oil and Gas CTG.

* * * * *

[FR Doc. 2022–19552 Filed 9–9–22; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300–3, 300–70, 301–2, 301–10, 301–11, 301–13, 301–53, 301–70, 301–71, Appendix C to Chapter 301, 304–3, and 304–5

[FTR Case 2020–300–1; Docket No. GSA–FTR–2022–0005, Sequence No. 2]

RIN 3090–AK40

Federal Travel Regulation; Common Carrier Transportation

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The U.S. General Services Administration (GSA) is amending the Federal Travel Regulation (FTR) by adding definitions to the Glossary of Terms; adopting recommendations from agencies and the Senior Travel Official Council to simplify the FTR; consolidating duplicative regulations pertaining to the use of common carrier transportation accommodations; introducing premium economy airline accommodations as a class of service and creating management controls related to the use thereof; removing an outdated exception to use of a Contract City Pair fare; sequencing common carrier regulations in a more logical order; and making miscellaneous editorial corrections.

DATES: Effective October 12, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Mueller, Director of Travel, Relocation, Mail, and Transportation Division, Office of Government-wide Policy, at 202–208–0247 or by email at *thomas.mueller@gsa.gov* or 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 FTR Case 2020–300–1.

SUPPLEMENTARY INFORMATION:

I. Background

GSA is amending the FTR by defining multiple terms, to include ''coach class'', ''other than coach class'' (which includes ''first class'', ''business class'', and ''premium economy class''), ''contract City Pair Program'', ''scheduled flight time'', and ''usually traveled route'', along with making other minor editorial changes in the Glossary of Terms. This final rule also relocates regulations that are informational and not directive in nature, such as ''What is an extra-fare train?'' (FTR § 301–10.163), and more appropriately places them in the ''Glossary of Terms''.

GSA amended the FTR on October 27, 2009 (74 FR 55145) to implement recommendations contained in the U.S. Government Accountability Office (GAO) report, ''Premium Class Travel: Internal Control Weaknesses Governmentwide Led to Improper and Abusive Use of Premium Class Travel'' (GAO–07–1268). The final rule replaced ''first-class'', ''business-class'', and ''premium-class'' with a broad term, ''other than coach-class.'' Since that time, changes in the airline industry, such as unbundling of services and the creation of classes of service between coach and business class, has created uncertainty on what accommodations must be reported as other than coach class. Consequently, GSA is defining the term ''other than coach class'' to include ''first class'', ''business class'', and ''premium economy class'', while also clearly stating that only first class and business class need to be reported as part of GSA's efforts to ensure against improper and abusive Government travel costs per GAO–07–1268.

Including ''premium economy class'' as its own class of service aligns with current commercial airline industry practice and acknowledges a potentially cost-saving alternative to business class accommodations for Federal travelers when an exception to using coach class accommodation applies.

From fiscal years 2011 through 2020, business class airline accommodations have accounted for about 97 percent of the cost of all reportable other than coach class transportation. Of the aforementioned 97 percent of business class air trips, 35 percent were authorized using the ''14-hour rule'' per FTR 301–10.125. As premium economy class airline tickets tend to be less expensive than business class, particularly for flights to destinations outside the continental United States (OCONUS), GSA is amending the FTR to authorize premium economy class

accommodations as an exception to the required use of coach class when scheduled flight time exceeds eight hours and travel is to, from, or between OCONUS locations (*i.e.,* foreign and non-foreign areas). This exception for using premium economy class is aimed at reducing the use of first class and business class transportation with the anticipation that agencies will authorize premium economy class where offered, instead of business or first class, when eligible. In the event a traveler is authorized to fly premium economy class under the new eight-hour rule, there is no eligibility for a rest period.

Some agencies have expressed the need for a rest period in excess of 24 hours when there is limited availability of scheduled departures, as travelers may encounter it when traveling to certain foreign or remote locations. Accordingly, GSA is adding a paragraph (c) to section 301–11.20 informing agencies they may authorize a rest period in excess of 24 hours under the circumstances described.

Additionally, agencies are required to report annual travel data on certain types of travel per subpart B of FTR part 300–70. Premium class travel (formally known as ''other than coach class'' travel) is one such type of travel that requires annual reporting. Premium class travel reporting requirements are set forth in the FTR and do not have a statutorily mandated deadline for submission, which provides the Administrator of General Services latitude on setting reporting deadlines. Typically, several agencies request an extension to submit their premium class travel data. To provide agencies more time to review their data, GSA is setting the premium class travel reporting requirement as December 31 of each year (instead of the current 60 days after the end of each fiscal year).

GSA will now refer to the ''premium class'' or ''other than coach class'' travel report as the ''first class and business class'' travel report as reporting is limited to only first and business class accommodations. The renaming of this report will avoid confusion with the newly proposed definitions of ''other than coach class'' and ''premium economy class''. Agencies will not report premium economy class or coach class seating upgrades in the first class and business class report as costs for both are likely to be substantially lower than business and first class accommodations, and therefore, pose less risk for travel cost abuse. To further reduce agency reporting burden, GSA requires negative submissions only for CFO Act agencies and agencies that reported the use of first class or business class accommodations for the previous reporting cycle. All other agencies may provide a negative report but are not required to do so. These changes, along with clarifying that agencies only need to report first class and business class accommodations, will promote a common understanding of the reporting requirements across Government.

GSA is also making several changes to the FTR based on recommendations from the Travel and Expense Management Federal Integrated Business Framework working group, established by GSA in April 2017, in which GSA worked with other agencies to develop baseline travel and expense management standards. For example, the group proposed removing an outdated City Pair Program exception which allows travelers to use a non-contract fare if smoking is permitted on the contract air carrier and the nonsmoking section of the contract aircraft is not acceptable (FTR § 301–10.107(e)). In 2000, smoking was banned on all scheduled U.S. domestic and international airline flights between the U.S. and another country (65 FR 36772), which eventually led to smoke-free policies for airlines worldwide. Consequently, GSA is removing this outdated exception to Contract City Pair Program fare use.

This final rule also eliminates the duplicative language in the FTR on the classes of accommodations for each mode of common carrier transportation, *i.e.,* FTR §§ 301–10.121 (air), 301–10.160 (rail), and 301–10.182 (ship), the requirement to use coach class accommodations for each mode, *i.e.,* FTR §§ 301–10.122 (air), 301–10.161 (rail), and 301–10.183 (ship), and the duplicative regulations that prescribe when a traveler may be authorized use of other than coach class accommodations, *i.e.,* FTR §§ 301–10.123 (air), 301–10.162 (rail), and 301–10.183 (ship), into a single definition for ''coach class'', one regulation on the requirement to use coach class, and one regulation governing when other than coach class may be authorized, irrespective of the mode of common carrier transportation. Further, this rule eliminates examples of exceptional security circumstances that currently accompany the exception for use of other than coach class, as such circumstances are determined by the agency.

The final rule also clarifies circumstances under which agencies may authorize the use of sleeping cars on trains. Lastly, due in part to the consolidation and elimination of multiple regulations, this rule resequences the common carrier regulations found in FTR part 301–10. It also makes other miscellaneous editorial changes.

II. Discussion of the Final Rule

GSA published a proposed rule on March 3, 2022 (87 FR 12048), to amend the FTR sections pertaining to the use of common carrier transportation, *e.g.,* commercial airline and train. The proposed rule received one anonymous comment that recommended changing the term and definition of ''Flight Time'' under the 14-hour rule to ''Travel Time'', to account for the total travel time from point of origin to final destination.

In drafting the proposed rule, GSA considered total travel time, but agencies expressed concern that it may actually increase the use of business class. Consequently, GSA is maintaining scheduled flight time as a determining factor for eligibility, not entitlement, to use of business class airline accommodations.

Additionally, as total travel time may include train travel that offers business class seating, and often includes time spent traveling between a traveler's residence and airport or train station, time awaiting transportation, and time traveling using shuttle, taxi, or transportation network company services to the final destination, these factors further deterred GSA from proposing to use total travel time as a basis for business class eligibility.

III. Executive Orders 12866 and 13563

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

IV. Congressional Review Act

OIRA 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).

IV. 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. Therefore, a Final Regulatory Flexibility Analysis has not been performed.

V. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FTR 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 the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

List of Subjects

41 CFR Part 300–3

Government employees, Income Taxes, Travel and transportation expenses.

41 CFR Part 300–70

Government employees, Reporting and recordkeeping requirements, Travel and transportation expenses.

41 CFR Part 301–2

Government employees, Travel and transportation expenses.

41 CFR Part 301–10

Common carriers, Government employees, Government property, Travel and transportation expenses.

41 CFR Part 301–11

Government employees, Travel and transportation expenses.

41 CFR Part 301–13

Government employees, Individuals with disabilities, Travel and transportation expenses.

41 CFR Part 301–53

Government employees, Travel and transportation expenses.

41 CFR Part 301–70

Administrative practice and procedure, Government employees, Individuals with disabilities, Travel and transportation expenses.

41 CFR Part 301–71

Accounting, Government employees, Travel and transportation expenses.

41 CFR Part 304–3 and 304–5

Government employees, Travel and transportation expenses.

Robin Carnahan,

Administrator of General Services.

For the reasons set forth in the preamble, GSA amends 41 CFR parts 300–3, 300–70, 301–2, 301–10, 301–11, 301–13, 301–53, 301–70, 301–71, Appendix C to Chapter 301, 304–3, and 304–5 as set forth below:

PART 300–3–GLOSSARY OF TERMS

■ 1. The authority citation for part 300–3 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); 49 U.S.C. 40118; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; E.O 11609, as amended, 3 CFR, 1971–1975 Comp., p. 586, Office of Management and Budget Circular No. A–126, revised May 22, 1992.

■ 2. Amend § 300–3.1 by—
■ a. Adding in alphabetical order definitions for ''Coach class'' and ''Coach class seating upgrade programs'';
■ b. Revising the definition of ''Common carrier'';
■ c. Adding in alphabetical order definitions for ''Contract City Pair Program'', ''Extra-fare train'', and ''Other than coach class'';
■ d. Revising the definition of ''Privately owned automobile''; and
■ e. Adding in alphabetical order definitions for ''Scheduled flight time'' and ''Usually traveled route''.

The additions and revisions read as follows:

§ 300–3.1 What do the following terms mean?

* * * * *

Coach class—The class of accommodation that is normally the lowest class of fare offered by common carriers regardless of terminology used. For reference purposes only, coach class may also be referred to as tourist class, economy class, steerage, or standard class.

Coach class seating upgrade programs—Under commercial air transportation seating upgrade programs, a passenger may obtain a preferable seat choice or increased amenities or services within the coach class seating area. These upgraded choices are generally available for a fee, as a program membership benefit (such as frequent flyer) or at an airport kiosk or gate. Coach class seating upgrade options are not considered a new or higher class of accommodation from coach as the seat is lower than other than coach class accommodations in terms of cost and amenities (*e.g.,* seating girth and pitch, priority boarding, luggage allowance, expedited food/drink service).

* * * * *

Common carrier—Private sector supplier of air, rail, bus, ship, or other transit system.

* * * * *

Contract City Pair Program—A mandatory use (see § 301–10.110 for required users) Government program that provides commercially available scheduled air passenger transportation services to persons authorized to travel directly at the Government's expense. The City Pair Program offers negotiated firm-fixed-price fares on one-way routes between airports that apply in either direction of travel. Fares may be issued using one of the following fare types, or others that the contract City Pair Program may solicit:

(1) *Capacity-controlled coach class contract fare* (_CA)—A contract City Pair Program coach class fare that is less expensive than the unrestricted contract City Pair Program coach class fare (YCA), but has limited inventory availability, meaning, once the flight reaches a certain capacity, _CA fares may no longer be available for booking. Unlike YCA fares, _CA fares are restricted by the availability of seats. Accordingly, early booking may increase the likelihood of booking a _CA fare. The first character of the three-character fare basis code varies by airline.

(2) *Unrestricted coach class contract fare* (YCA)—A contract City Pair Program coach class fare that is more expensive than a _CA fare, but offers last seat (inventory) availability (unless a flight is already sold out), meaning, as long as coach class inventory is available to sell on the flight, the Government traveler can purchase it.

(3) *Contract business fare* (_CB)—Contract fare offered by carriers in some domestic and international line item markets for business class service. The first character of the three-character fare basis code varies by airline.

* * * * *

Extra-fare train—A train that operates at an increased fare due to the extra performance of the train, *i.e.,* faster speed or fewer stops, or both.

* * * * *

Other than coach class—Any class of accommodations above coach class.

(1) *First class.* The highest class of accommodation offered by a common carrier in terms of cost and amenities.

(2) *Business class.* A class of accommodation offered by a common carrier that is lower than first class but

higher than coach and premium economy, in cost and amenities.

(3) *Premium economy class.* A class of airline accommodation that is lower than both first class and business class, but higher than coach class in terms of cost and amenities. Airlines are constantly updating their offerings; however, for the purposes of this regulation, premium economy class is considered a separate, higher class of accommodation from coach class and is not considered a coach class seating upgrade.

* * * * *

Privately owned automobile—A car or light truck, including a van or a pickup truck, that is owned or leased for personal use by an individual, but not necessarily the traveler.

* * * * *

Scheduled flight time—The flight time between the originating departure point and the ultimate arrival point, as scheduled by the airline, including scheduled non-overnight time spent at airports during plane changes. Scheduled non-overnight time does not include time spent at the originating or ultimate arrival airports.

* * * * *

Usually traveled route—The most direct route between the employee's official station (or invitational traveler's home) and the temporary duty location, as defined by maps or consistent with established scheduled services of contract or common carriers.

PART 300–70–AGENCY REPORTING REQUIREMENTS

■ 3. The authority citation for 41 CFR part 300–70 continues to read as follows:

Authority: 5 U.S.C. 5707; 5 U.S.C. 5738; 5 U.S.C. 5741–5742; 20 U.S.C. 905(a); 31 U.S.C. 1353; 40 U.S.C. 121(c); 49 U.S.C. 40118; E.O. 11609, as amended, 3 CFR, 1971–1975 Comp., p. 586.

■ 4. The subpart B heading is revised to read as follows:

Subpart B—Requirement to Report Use of First Class and Business Class Transportation Accommodations

■ 5. Amend § 300–70.100 by revising the section heading to read as follows:

§ 300–70.100 Who must report the use of first class and business class transportation accommodations?

* * * * *

■ 6. Revise § 300–70.101 to read as follows:

§ 300–70.101 What information must we report on the use of first class and business class transportation accommodations?

GSA issues FTR bulletins that inform you of the required information and reporting format(s) for each trip where you paid for at least one segment of first class or business class transportation accommodations that were more expensive than coach class accommodations for the same itinerary. FTR bulletins are updated as necessary and available at *https://www.gsa.gov/ftrbulletins.*

■ 7. Revise § 300–70.102 to read as follows:

§ 300–70.102 When must we report on the use of first class and business class transportation accommodations?

You must report to the U.S. General Services Administration, Office of Government-wide Policy no later than December 31 of each year. The reporting period is October 1 through September 30. Negative submissions, *i.e.,* no data to report, are required for Chief Financial Officers (CFO) Act agencies and agencies that reported the use of first class or business class transportation accommodations for the previous reporting cycle. All other agencies may provide a negative report, as relevant.

■ 8. Amend § 300–70.103 by revising the section heading, introductory text, and paragraphs (a) and (b) to read as follows:

§ 300–70.103 Are there any exceptions to the first class and business class reporting requirement?

Yes. You must not report data that is protected from public disclosure by statute or Executive Order, such as classified data or data otherwise withheld from the public in response to written requests under the Freedom of Information Act (5 U.S.C. 552). In these cases, you are required to report the following aggregate information:

(a) Aggregate number of authorized first class and business class trips that are protected from disclosure;

(b) Total cost of actual first class and business class fares paid that exceeded the coach class fare; and

* * * * *

PART 301–2—GENERAL RULES

■ 9. The authority citation for 41 CFR part 301–2 continues to read as follows:

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353; 49 U.S.C. 40118.

■ 10. Revise § 301–2.1 to read as follows:

§ 301–2.1 Must I have authorization to travel?

Yes, generally you must have written or electronic authorization before incurring any travel expense. When it is not practicable or possible to obtain such authorization before travel begins, your agency may approve reimbursement for specific travel expenses after travel is completed. However, written or electronic advance authorization is required for items in § 301–2.5(c), (i), (n), and (o) of this part.

■ 11. Amend § 301–2.4 by adding a sentence to the end of the section to read as follows:

§ 301–2.4 For what travel expenses am I responsible?

* * * Failure to provide sufficient justification to your approving official for such accommodations or services will limit your reimbursement to the constructive cost of the amount authorized versus the amount claimed.

§ 301–2.5 [Amended]

■ 12. Amend § 301–2.5, in paragraph (b), by removing the words ''foreign air carrier'' and adding in their place ''foreign air carrier or foreign ship''.

PART 301–10—TRANSPORTATION EXPENSES

■ 13. The authority citation for part 301–10 continues to read as follows:

Authority: 5 U.S.C. 5707, 40 U.S.C. 121(c); 49 U.S.C. 40118; Office of Management and Budget Circular No. A–126, ''Improving the Management and Use of Government Aircraft.'' Revised May 22, 1992.

■ 14. Add §§ 301–10.101 through 301–10.104 to read as follows:

Sec.

* * * * *

301–10.101 What classes of common carrier accommodations are available?
301–10.102 What class of common carrier accommodations must I use?
301–10.103 When may I use other than coach class accommodations?
301–10.104 What must I do if I change or do not use a common carrier reservation?

* * * * *

§ 301–10.101 What classes of common carrier accommodations are available?

Common carriers frequently update their levels of service and use various terminologies to distinguish those levels of service. For the purposes of this regulation, the classes of common carrier transportation are categorized as coach class, premium economy class, business class, and first class.

Note 1 to § 301–10.101: If an airline flight has only two classes of accommodations available, *i.e.,* two distinctly different seating

types (such as girth and pitch) and the front of the aircraft is termed ''premium economy class'' or higher by the airline and the tickets are fare coded as premium economy class or higher, then the front of the aircraft is deemed to be other than coach class. Alternatively, if an airline flight has only two seating sections available but equips both with one type of seating, (*i.e.,* seating girth and pitch are the same in both sections of the aircraft), and the seats in the front of the aircraft are fare coded as full fare economy class, and only restricted economy fares are available in the back of the aircraft, then the entire aircraft is to be classified as coach class. In this second situation, qualifying for other than coach class travel is not required to purchase an unrestricted full fare economy seat in the front of the aircraft as the entire aircraft is considered ''coach class.''

§ 301–10.102 What class of common carrier accommodations must I use?

For all official travel you must use coach class accommodations, unless your agency authorizes or approves the use of other than coach class accommodations as provided under § 301–10.103.

§ 301–10.103 When may I use other than coach class accommodations?

You are required to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business when making official travel arrangements. Therefore, you are required to use the least expensive class of accommodations necessary to meet your needs and accomplish the agency's mission. You may use the lowest other than coach class accommodations only when your agency specifically authorizes or approves such use as specified in paragraph (a), (b), or (c) of this section.

(a) Your agency may authorize or approve premium economy class accommodations when:

(1) Required to accommodate a medical disability or other special need;

(i) A medical disability must be certified annually in a written statement by a competent medical authority. However, if the disability is a lifelong condition, then a one-time certification statement is required. Certification statements must include at a minimum:

(A) A written statement by a competent medical authority stating that special accommodation is necessary;

(B) An approximate duration of the special accommodation; and

(C) A recommendation as to the suitable class of transportation accommodations based on the medical disability.

(ii) A special need must be certified annually in writing according to your agency's procedures. However, if the special need is a lifelong condition, then a one-time certification statement is required;

(iii) If you are authorized under § 301–13.3(a) of this subchapter to have an attendant accompany you, your agency may also authorize the attendant to use premium economy class accommodations if you require the attendant's services en route;

(2) Exceptional security circumstances, as determined by your agency, require premium economy class accommodations;

(3) Coach class accommodations on an authorized foreign carrier do not provide adequate sanitation or health standards;

(4) Regularly scheduled service between origin and destination points, including connecting points, provide only other than coach class accommodations and you certify such on your voucher;

(5) Your common carrier costs are paid in full through agency acceptance of payment from a non-Federal source in accordance with chapter 304 of this title;

(6) Your origin and/or destination is/are OCONUS and your scheduled flight time, including stopovers and change of planes, is in excess of eight hours;

(7) The use results in an overall cost savings to the Government by avoiding additional subsistence costs, overtime, or lost productive time while awaiting coach class accommodations;

(8) No space is available in coach class accommodations that allows you to arrive in time to accomplish the mission, which is urgent and cannot be postponed; or

(9) Required because of agency mission, consistent with your agency's internal procedures pursuant to § 301–70.102(i).

(b) Your agency may authorize or approve business class accommodations under paragraphs (a)(1) through (5) and (7) through (9) of this section, or when:

(1) Your origin and/or destination are OCONUS;

(2) Your scheduled flight time, including stopovers and change of planes, is more than 14 hours;

(3) You are required to report to duty the following day or sooner; and

(4) Your agency has determined business class accommodations are more advantageous than authorizing a rest period en route or at your destination pursuant to § 301–11.20.

(c) Your agency may authorize or approve first class accommodations under paragraph (a)(1), (2), or (9) of this section, or when no coach class, premium economy class, or business class accommodations are reasonably available. ''Reasonably available'' means available on a common carrier that is scheduled to leave within 24 hours of your proposed departure time, or scheduled to arrive within 24 hours of your proposed arrival time.

Note 1 to § 301–10.103: Other than coach class accommodations may be obtained at a traveler's personal expense, including through redemption of program membership benefits such as frequent flyer programs.

Note 2 to § 301–10.103: Open authorization (*i.e.,* Unlimited Open or Limited Open) of other than coach class transportation accommodations is prohibited and shall be authorized on an individual trip-by-trip basis, unless the traveler has an up-to-date documented medical disability or special need.

§ 301–10.104 What must I do if I change or do not use a common carrier reservation?

If you know you will change or not use your reservation, you must take action to change or cancel it as prescribed by your agency. Also, you must report all changes of your reservation according to your agency's procedures in an effort to prevent losses to the Government. Failure to do so may subject you to liability for any resulting losses.

■ 15. Revise § 301–10.105 to read as follows:

§ 301–10.105 What must I do with unused Government Transportation Request(s) (GTR(s)), ticket(s), or refund application(s)?

You must submit any unused GTR(s), unused ticket coupons, unused e-tickets, unused e-vouchers, or refund applications to your agency in accordance with your agency's procedures.

■ 16. Remove the undesignated center heading ''Use of Contract City-Pair Fares'' that appears above § 301–10.106.

■ 17. Revise § 301–10.106 to read as follows:

§ 301–10.106 Am I authorized to receive or keep a refund or credit for unused transportation?

No. You are not authorized to receive or keep a refund, credit, or any other negotiable document from a transportation service provider for undelivered services (except as provided in § 301–10.123) or any portion of an unused ticket issued in exchange for a GTR or billed to an agency's centrally billed account. However, any charges billed directly to your individually billed Government charge card account should be credited to your account. You must immediately remit to the Government for any unused transportation expense(s) credited to

your individually billed Government charge card account.

§§ 301–10.107 through 301–10.109 [Removed and Reserved]

■ 18. Remove and reserve §§ 301–10.107 through 301–10.109.

■ 19. Add an undesignated center heading before § 301–10.110 and revise §§ 301–10.110 through 301–10.114 to read as follows:

Sec.

* * * * *

Use of Contract City Pair Program Fares

301–10.110 When must I use a contract City Pair Program fare?
301–10.111 Are there any exceptions to the use of a contract City Pair Program fare?
301–10.112 What requirements must be met to use a non-contract fare?
301–10.113 What is my liability for unauthorized use of a non-contract carrier when contract service is available and I do not meet one of the exceptions for required use?
301–10.114 May I use contract passenger transportation service for personal travel?

* * * * *

Use of Contract City Pair Program Fares

§ 301–10.110 When must I use a contract City Pair Program fare?

If you are an employee of an agency as defined in § 301–1.1 of this chapter, you must use a contract City Pair Program fare for scheduled air passenger transportation service unless one of the limited exceptions in § 301–10.111 exists.

Note 1 to § 301–10.110: When a contract City Pair Program carrier offers a lower cost capacity-controlled coach class contract fare (_CA) and an unrestricted coach class contract fare (YCA), you must use the lower cost capacity-controlled fare when it is advantageous and meets mission needs. A listing of contract City Pair Program fares is available at *https://www.gsa.gov/citypairs.*

Note 2 to § 301–10.110: Employees of the Government of the District of Columbia, with the exception of the District of Columbia Courts, are not eligible to use contract City Pair Program fares even though these employees otherwise may be covered by the FTR.

§ 301–10.111 Are there any exceptions to the use of a contract City Pair Program fare?

Yes, your agency may authorize use of a non-contract fare when:

(a) There are no accommodations available on any scheduled contract City Pair Program flight arriving to your destination in time to accomplish the purpose of your travel or use of contract service would require you to incur unnecessary overnight lodging costs which would increase the total cost of the trip;

(b) The contractor's flight schedule is inconsistent with explicit policies of your Federal department or agency with regard to scheduling travel during normal working hours;

(c) A non-contract carrier offers a lower fare to the general public that, if used, will result in a lower total trip cost to the Government (the combined costs of transportation, lodging, meals, and related expenses considered); or

Note 1 to paragraph (c): This exception does not apply if the contract carrier offers the same or lower fare and has seats available at that fare, or if the fare offered by the non-contract carrier is restricted to Government and military travelers performing official business and may be purchased only with a contractor-issued charge card, centrally billed account (*e.g.,* YDG, MDG, QDG, VDG, and similar fares) or GTR where the two previous options are not available.

(d) Cost effective rail transportation is available and is consistent with mission requirements.

Note 2 to § 301–10.111: A group of 10 or more passengers traveling together on the same day, on the same flight, for the same mission, requiring group integrity and identified as a group by the travel management service upon booking is not a mandatory user of the Government's contract City Pair Program fares. For group travel, agencies are expected to obtain air passenger transportation service that is practical and cost effective to the Government.

Note 3 to § 301–10.111: Contractors are not authorized to use contract City Pair Program fares to perform travel under their contracts.

Note 4 to § 301–10.111: Carrier preference is not a valid exception for using a non-contract City Pair Program fare.

§ 301–10.112 What requirements must be met to use a non-contract fare?

(a) Before purchasing a non-contract fare you must meet one of the exception requirements listed in § 301–10.111 and show approval on your travel authorization to use a non-contract fare; and

(b) If the non-contract fare is non-refundable, restricted, or has specific eligibility requirements, you must know or reasonably anticipate, based on your planned trip, that you will use the ticket; and

(c) Your agency must determine that the proposed non-contract transportation is practical and cost effective for the Government.

§ 301–10.113 What is my liability for unauthorized use of a non-contract carrier when contract service is available and I do not meet one of the exceptions for required use?

You are responsible for any additional costs or penalties incurred by you resulting from unauthorized use of non-contract service.

§ 301–10.114 May I use contract passenger transportation service for personal travel?

No, you may not use contract passenger transportation service for personal travel.

§§ 301–10.115 through 301–10.117 [Removed and Reserved]

■ 20. Remove and reserve §§ 301–10.115 through 301–10.117.

§§ 301–10.118 and 301–10.119 [Reserved]

■ 21. Add reserved §§ 301–10.118 and 301–10.119 after the undesignated center heading ''Airline Accommodations''.

■ 22. Add § 301–10.120 after the undesignated center heading ''Airline Accommodations'' to read as follows:

§ 301–10.120 What must I do when different airlines furnish the same service at different fares?

When there is no contract City Pair Program fare and other carriers furnish the same service at different fares between the same points for the same type of accommodations, you must use the lowest cost service unless your agency determines that the use of higher cost service is more advantageous to the Government.

■ 23. Revise §§ 301–10.121 through 301–10.124 to read as follows:

Sec.

* * * * *

301–10.121 When may I use coach class seating upgrade programs?
301–10.122 What must I do with compensation an airline gives me if it denies me a seat on a plane?
301–10.123 May I keep compensation an airline gives me for voluntarily vacating my seat on my scheduled airline flight when the airline asks for volunteers?
301–10.124 When may I use a reduced group or charter fare?

* * * * *

§ 301–10.121 When may I use coach class seating upgrade programs?

Use of upgraded coach class seating options is generally a traveler's personal choice and therefore is at the traveler's personal expense. However, your agency approving official may approve reimbursement of the additional seat choice fee according to part 301–13 of this chapter or internal agency policy (see § 301–70.102(k)).

§ 301–10.122 What must I do with compensation an airline gives me if it denies me a seat on a plane?

If you are performing official travel and a carrier denies you a confirmed reserved seat on a plane, you must give

your agency any payment you receive for liquidated damages. You must ensure the carrier shows the ''Treasurer of the United States'' as payee on the compensation check and then forward the payment to the appropriate agency official.

§ 301–10.123 May I keep compensation an airline gives me for voluntarily vacating my seat on my scheduled airline flight when the airline asks for volunteers?

(a) Yes, you may keep airline compensation if:

(1) Voluntarily vacating your seat will not interfere with performing your official duties; and

(2) Additional travel expenses, incurred as a result of vacating your seat, are borne by you and are not reimbursed by the Government.

(b) If volunteering delays your travel during duty hours, your agency will charge you with annual leave for the additional hours.

§ 301–10.124 When may I use a reduced group or charter fare?

You may use a reduced group or charter fare when your agency has determined, on an individual case basis before your travel begins, that use of such a fare is cost effective. Chartered aircraft are subject to the same rules as Government aircraft, and agencies in the executive branch of the Federal Government are subject to the requirements of Office of Management and Budget (OMB) Circular A–126 and 41 CFR part 102–33 in making such cost effectiveness determinations.

§ 301–10.125 [Removed and Reserved]

■ 24. Remove and reserve § 301–10.125.

§§ 301–10.126 through 301–10.129 [Reserved]

■ 25. Add reserved §§ 301–10.126 through 301–10.129 before the undesignated center heading ''Use of United States Flag Air Carriers''.

§ 301–10.130 [Reserved]

■ 26. Add reserved § 301–10.130 after the undesignated center heading ''Use of United States Flag Air Carriers''.

§§ 301–10.144 through 301–10.159 [Reserved]

■ 27. Add reserved §§ 301–10.144 through 301–10.159 before the undesignated center heading ''Train''.

■ 28. Revise §§ 301–10.160 and 301–10.161 to read as follows:

§ 301–10.160 When may I use extra-fare train service?

You may use extra-fare train service whenever your agency determines it is more advantageous to the Government or is required for security reasons. Use of extra-fare train service must be authorized or approved as other than coach class accommodations as provided in §§ 301–10.103(b) and 301–10.103(c).

§ 301–10.161 When may I use sleeping accommodations aboard train service?

You may use the lowest class of sleeping accommodations aboard a train that meets your mission needs when overnight travel is required, and your agency determines it is advantageous to the Government.

§§ 301–10.162 through 301–10.164 [Removed and Reserved]

■ 29. Remove and reserve §§ 301–10.162 through 301–10.164.

§§ 301–10.165 through 301–10.179 [Reserved]

■ 30. Add reserved §§ 301–10.165 through 301–10.179 before the undesignated center heading ''Ship''.

■ 31. Revise § 301–10.180 to read as follows:

§ 301–10.180 Must I travel by a U.S. flag ship?

Yes, when authorized to travel by ship you must use a U.S. flag ship when one is available unless the necessity of the mission requires the use of a foreign ship. (See 46 U.S.C. 55302).

§§ 301–10.182 and 183 [Removed and Reserved]

■ 32. Remove and reserve §§ 301–10.182 and 301–10.183.

§§ 301–10.184 through 301–10.189 [Reserved]

■ 33. Add reserved §§ 301–10.184 through 301–10.189 before the undesignated center heading ''Transit Systems''.

PART 301–11—PER DIEM EXPENSES

■ 34. The authority citation for 41 CFR part 301–11 continues to read as follows:

Authority: 5 U.S.C. 5707

■ 35. Amend § 301–11.20 by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 301–11.20 May my agency authorize a rest period for me while I am traveling?

(a) Your agency may authorize a rest period not in excess of 24 hours at either an intermediate point or at your destination when:

(1) Either your origin or destination is OCONUS;

(2) Your scheduled flight time, including stopovers, exceeds 14 hours;

(3) Travel is by a direct or usually traveled route; and

(4) Travel is by coach class or premium economy class.

* * * * *

(c) Your agency may authorize a rest period that exceeds 24 hours when no scheduled transportation service departs within 24 hours of your arrival at an intermediate point. To qualify for a rest period exceeding 24 hours, you must be scheduled to board the first available scheduled departure. Your agency will determine a reasonable additional length of time for any rest period exceeding 24 hours.

■ 36. Amend § 301–11.26 by revising the table to read as follows:

§ 301–11.26 How do I request a review of the per diem in a location?

* * * * *

TABLE 1 TO § 301–11.26

For CONUS locations	For non-foreign area locations	For foreign area locations
General Services Administration, Office of Government-wide Policy, 1800 F St. NW, Washington, DC 20405.	Defense Travel Management Office, Attn: Policy and Regulations Division, 4800 Mark Center Drive, Suite 04J25–01, Alexandria, VA 22350–9000.	Director, Office of Allowances, Department of State, Annex 1, Suite L–314, Washington, DC 20522–0103.

PART 301–13—TRAVEL OF AN EMPLOYEE WITH SPECIAL NEEDS

■ 37. The authority citation for 41 CFR part 301–13 continues to read as follows:

Authority: 5 U.S.C. 5707.

■ 38. Amend § 301–13.3 by revising the introductory text and paragraph (f) to read as follows:

§ 301–13.3 What additional travel expenses may my agency pay under this part?

Your agency approving official may pay for any expenses deemed necessary by your agency to accommodate your special need including, but not limited to, the following expenses:

* * * * *

(f) Other than coach class accommodations to accommodate your special need, under subpart B of part 301–10 of this subchapter; and

* * * * *

PART 301–53—USING PROMOTIONAL MATERIAL AND FREQUENT TRAVELER PROGRAMS

■ 39. The authority citation for part 301–53 continues to read as follows:

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353.

§ 301–53.4 [Amended]

■ 40. Amend § 301–53.4 by removing ''§§ 301–10.109 and 301–10.110'' and adding ''§§ 301–10.113 and 301–10.114'' in its place.

■ 41. Revise § 301–53.5 to read as follows:

§ 301–53.5 Are there exceptions to the mandatory use of contract City Pair Program fares and an agency's travel management service?

Yes, the exceptions are in accordance with §§ 301–10.111 and 301–10.112 of this chapter for the mandatory use of a contract City Pair Program fare, and § 301–73.103 of this chapter for the mandatory use of a travel management service.

§ 301–53.6 [Amended]

■ 42. Amend § 301–53.6 by removing ''§ 301–10.116'' and ''§ 301–10.117'' and adding ''§ 301–10.122'' and ''§ 301–10.123'' in their places, respectively.

PART 301–70—INTERNAL POLICY AND PROCEDURE REQUIREMENTS

■ 43. The authority citation for part 301–70 is revised to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); Sec. 2, Pub. L. 105–264, 112 Stat. 2350 (5 U.S.C. 5701, note); OMB Circular No. A–126, revised May 22, 1992; OMB Circular No. A–123, Appendix B, revised August 27, 2019.

■ 44. Amend § 301–70.102 by revising paragraphs (b)(1) and (3), (d), (i), and (k) to read as follows:

§ 301–70.102 What governing policies must we establish for authorization and payment of transportation expenses?

* * * * *

(b) * * *

(1) Use of other than coach class accommodations under § 301–10.103 of this chapter;

* * * * *

(3) Use of an extra-fare train service under § 301–10.160;

* * * * *

(d) When you consider the use of a POV advantageous to the Government, such as travel to and from common carrier terminals or to the TDY location. When determining whether the use of a POV to a TDY location is the most advantageous method of transportation, you must consider the total cost of using a POV as compared to the total cost of using a rental vehicle, including rental costs, fuel, taxes, parking (at a common carrier terminal—not to exceed the cost of taxi or transportation network company fare, etc.), and any other relevant costs;

* * * * *

(i) Develop and issue internal guidance on what specific mission criteria justify use of other than coach class under § 301–10.103(a)(9) and the use of other than the least expensive compact car available under § 301–10.450(c). The justification criteria shall be noted on the traveler's authorization.

* * * * *

(k) Develop and publish internal guidance regarding when coach class seating upgrade fees will be authorized as advantageous to the Government and reimbursed (see § 301–10.121).

■ 45. Amend § 301–70.401 by revising paragraph (a) to read as follows:

§ 301–70.401 What governing policies and procedures must we establish regarding travel of an employee with a disability or special need?

* * * * *

(a) Who will determine if an employee has a disability or special need which requires accommodation, including when documentation is necessary under §§ 301–10.103 and 301–10.121, and when a determination may be based on a clearly visible and discernible physical condition; and

* * * * *

PART 301–71—AGENCY TRAVEL ACCOUNTABILITY REQUIREMENTS

■ 46. The authority citation for 41 CFR part 301–71 continues to read as follows:

Authority: 5 U.S.C. 5707; 40 U.S.C. 121(c); Sec. 2, Pub. L. 105–264, 112 Stat. 2350 (5 U.S.C. 5701 note).

■ 47. Revise § 301–71.105 to read as follows:

§ 301–71.105 Must we issue a travel authorization in advance of travel?

Yes, except when advance authorization is not possible or practical and approval is in accordance with §§ 301–2.1, 301–2.5, or 304–3.13. However, the following always require advance authorization:

(a) Use of reduced fares for group or charter arrangements;

(b) Payment of a reduced rate per diem;

(c) Acceptance of payment from a non–Federal source for travel expenses (see chapter 304 of this title); and

(d) Travel expenses related to attendance at a conference.

■ 48. Amend appendix C to chapter 301 by

■ a. Revising the entry for ''Transportation Method Indicator'' in the table for ''Commercial Transportation Information''; and

■ b. Revising the entry for ''Transportation Method Cost'' in the table for ''Travel Expense Information''.

The revisions read as follows:

Appendix C to Chapter 301—Standard Data Elements for Federal Travel [Traveler Identification]

* * * * *

COMMERCIAL TRANSPORTATION INFORMATION

Group name	Data elements	Description
* *	* * *	* *
Transportation Method Indicator	Air (other than coach class) Air (coach class).	Common carrier used as transportation to TDY location.

COMMERCIAL TRANSPORTATION INFORMATION—Continued

Group name	Data elements	Description
	Non-contract Air, Train, Other.	
* *	* * *	* *

TRAVEL EXPENSE INFORMATION

Group name	Data elements	Description
* *	* * *	* *
Transportation Method Cost	Air (other than coach class)	The amount of money the transportation actually cost the traveler, entered according to method of transportation.
	Air (coach class).	
	Non-contract Air, Train.	
	Other	Bus or other form of transportation.
* *	* * *	* *

* * * * *

PART 304–3—EMPLOYEE RESPONSIBILITY

■ 49. The authority citation for part 304–3 continues to read as follows:

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353.

■ 50. Revise § 304–3.9 to read as follows:

§ 304–3.9 May I use other than coach class accommodations on common carriers when a non-Federal source pays in full for my common carrier transportation expenses to attend a meeting?

Yes, you may use other than coach class accommodations on common carriers if you meet one of the criteria contained in § 301–10.103 of this subtitle, and are authorized to do so by your agency in accordance with § 304–5.5 of this chapter.

PART 304–5—AGENCY RESPONSIBILITIES

■ 51. The authority citation for 41 CFR part 304–5 continues to read as follows:

Authority: 5 U.S.C. 5707; 31 U.S.C. 1353.

■ 52. Amend § 304–5.5 by revising the section heading, introductory text, and paragraph (c) to read as follows:

§ 304–5.5 May we authorize an employee to use other than coach class accommodations on common carriers if we accept payment in full from a non-Federal source for such transportation expenses?

Yes, you may authorize an employee to use other than coach class accommodations on common carriers as long as the:

* * * * *

(c) Travel meets at least one of the conditions in § 301–10.103 of this title.

[FR Doc. 2022–19484 Filed 9–9–22; 8:45 am]

BILLING CODE P

Proposed Rules

Federal Register
Vol. 87, No. 175
Monday, September 12, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

[NRC–2016–0179]

RIN 3150–AJ85

Harmonization of Transportation Safety Requirements With IAEA Standards

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule and guidance; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC), in consultation with the U.S. Department of Transportation, is proposing to amend its regulations for the packaging and transportation of radioactive material. The NRC has historically revised its transportation safety regulations to ensure harmonization with the International Atomic Energy Agency standards. These changes are necessary to maintain a consistent regulatory framework with the U.S. Department of Transportation for the domestic packaging and transportation of radioactive material and to ensure general accord with International Atomic Energy Agency standards. Concurrently, the NRC is issuing for public comment Draft Regulatory Guide DG–7011, which would become Revision 3 to Regulatory Guide 7.9, ''Standard Format and Content of Part 71 Applications for Approval of Packages for Radioactive Material.''

DATES: Submit comments by November 28, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

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

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2016–0179. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions contact the individual or individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: James Firth, 301–415–6628, email: *James.Firth@nrc.gov;* or Bernard White, 301–415–6577, email: *Bernard.White@nrc.gov.* Both are staff of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

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I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0179 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2016–0179.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC–2016–0179 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly

disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

On June 12, 2015, the NRC, in consultation with the U.S. Department of Transportation (DOT), published a final rule that amended the NRC's regulations for the packaging and transportation of radioactive material (80 FR 33988; June 12, 2015). These amendments made conforming changes to the NRC's regulations based on the standards of the International Atomic Energy Agency (IAEA). That final rule, in combination with a DOT final rule (79 FR 40589; July 11, 2014) amending title 49 of the *Code of Federal Regulations* (49 CFR), brought U.S. regulations into general accord with the 2009 Edition of the IAEA's ''Regulations for the Safe Transport of Radioactive Material'' (TS–R–1). The IAEA has since updated its standards for the transport of radioactive material in ''Regulations for the Safe Transport of Radioactive Material,'' Specific Safety Requirements No. 6 (SSR–6) (2012 and 2018 Editions).

The IAEA develops international safety standards for the safe transport of radioactive material. The IAEA safety standards are developed in consultation with the competent authorities of Member States, so they reflect an international consensus on what is needed to provide for a high level of safety. By providing a global framework for the consistent regulation of the transport of radioactive material, IAEA safety standards facilitate international commerce and contribute to the safe conduct of international trade involving radioactive material. By periodically revising its regulations to be compatible with IAEA standards and DOT regulations, the NRC can remove inconsistencies that could impede international commerce.

The roles of the DOT and the NRC in the coregulation of the transportation of radioactive materials are documented in a Memorandum of Understanding (44 FR 38690; July 2, 1979). Because of the coregulation of the transportation of radioactive materials in the United States, the NRC and the DOT have historically coordinated to harmonize their respective regulations with the IAEA revisions through the rulemaking process. In the NRC's previous 10 CFR part 71 harmonization rulemaking, published in the **Federal Register** on June 12, 2015, the Commission stated that the NRC will consider any necessary changes related to SSR–6 in a future rulemaking after consulting with DOT.

The NRC engaged with the DOT in the development of this proposed rule to identify and evaluate gaps between 10 CFR part 71 regulations and the updated IAEA standards in SSR–6, 2018 Edition. This proposed rule would close those gaps where warranted. Harmonizing NRC regulations with the 2018 Edition of SSR–6 includes changes made in the 2012 Edition of SSR–6 that have been carried forward to the 2018 Edition. The DOT is undertaking a similar initiative to harmonize its regulations in 49 CFR parts 107 and 171–180 with the 2018 Edition of SSR–6.

The NRC reviewed the 2018 Edition of SSR–6 and identified 10 regulatory issues for harmonization with the IAEA and another 4 NRC-initiated changes to 10 CFR part 71 to be evaluated during the rulemaking development process. Fourteen of these issues were documented in the ''Issues Paper on Potential Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements'' (issues paper). The issues paper, public meeting, and request for comment were published in the **Federal Register** (81 FR 83171; November 21, 2016). The NRC held a public meeting on December 5–6, 2016, to discuss the issues paper, and the DOT participated in that public meeting. A summary of the public meeting, including the attendance list, was issued on December 14, 2016. After the public meeting, the NRC received 49 comment submissions on the issues paper identified comments that are pertinent to this proposed rule, and considered these comments in the development of a draft regulatory basis. In addition to the 14 issues documented in the paper, the NRC identified other potential changes to the regulations, including clarifications to ensure compatibility with the DOT and changes to the compatibility categories for Agreement State regulations. These potential changes were grouped under a new issue that was designated as Issue 15 in the draft regulatory basis. All 15 issues are described in Section III of this document.

On April 12, 2019, the NRC published the draft regulatory basis for this proposed rule in the **Federal Register** and requested public comments (84 FR 14898; April 12, 2019). In the regulatory basis, the NRC evaluated four alternative actions for each issue. These were: Alternative 1—take no action and maintain the status quo; Alternative 2—issue generic communications and regulatory guidance; Alternative 3—issue license-specific conditions and exemptions; and Alternative 4–initiate a rulemaking action to revise 10 CFR part 71. The alternatives were evaluated based on their viability to resolve the regulatory issues of concern and estimates of their costs and potential benefits. The NRC determined that the rulemaking action, Alternative 4, for Issues 1 (in part), 2, and 4–15, in combination with the no-action alternative, Alternative 1, for Issue 3, was the NRC-recommended action because it represented the most effective and least-costly option. Alternatives 2 and 3 would not address all of the regulatory issues or would result in higher costs to the NRC and industry.

The NRC also held a public meeting on April 30, 2019, to discuss the draft regulatory basis and answer questions. The NRC received seven public comment submissions on the draft regulatory basis—three with general comments on the rulemaking and four with comments on specific issues—as well as comments that were considered outside the scope of this proposed rule. All three general comments were supportive of the harmonization effort with IAEA SSR–6. The NRC did not receive any comments on Issues 2, 6, and 14. The NRC received comments supportive of the proposal for Issues 4b, 11, 12, 13 and 15, along with comments supportive of other issues which also recommended modifications to the NRC's proposed changes. One comment on Issue 5 proposed the NRC add a definition of ''radiation level'' to 10 CFR part 71, which the NRC included in this proposed rule.

One comment on Issue 1 stated that the fissile exemption mass limits in 10 CFR part 71 should match those in SSR–6, paragraph 417, to avoid confusion for international shipments from the United States. The NRC has determined that its regulations for fissile exemption mass limits should differ from the IAEA's requirements to provide flexibility for shippers. Specifically, the NRC requirements in this proposed rule would adopt a 3.5-gram limit from SSR–6, paragraph 417(c), but without the associated consignment limit found in paragraph 570(c); they also would adopt a higher mass limit than SSR–6, paragraph 417(e). Several existing fissile exemptions under § 71.15 do not have corresponding exceptions under SSR–6, paragraph 417; if the NRC made 10 CFR part 71 fissile exemptions identical to the fissile exceptions in SSR–6, paragraph 417, fissile material licensees would lose the benefit of these exemptions. Also, the NRC is not pursuing the competent authority-approved exception in SSR–6,

paragraph 417(f). The NRC has determined that the current fissile exemptions under § 71.15 provide flexibility for shipping low masses or concentrations of fissile materials, and licensees can submit a specific exemption request under § 71.12 for fissile materials that do not meet the fissile exemption criteria in § 71.15.

The NRC received comments on Issues 4 and 8 which suggested that the NRC ''grandfather'' packages from having to meet the revised requirements. The NRC is proposing to ''grandfather'' older packages as discussed in Issue 10, ''Transitional Arrangements.''

Comments on Issue 4 on the proposed insolation requirements stated that these requirements would present challenges to certificate holders, including cost to certificate holders to evaluate the new conditions; changing the units without revising the corresponding values may result in decreasing margins or exceeding thermal limits; and the insolation values are referenced in other documents, which may have an impact to the thermal evaluations for storage systems certified under 10 CFR part 72. While the NRC agrees there will be costs with evaluating the new insolation requirements, the NRC estimates that the cost for existing certificates to show compliance with the revised insolation will be small, since the increased insolation load would be approximately 3 percent. In addition, harmonizing NRC requirements with those of IAEA will ensure that packages approved by the NRC would also be acceptable in other countries where they might be used for international transport. The NRC made no changes as a result of this comment. The NRC recognizes that all packages age over time and that aging effects should be considered for all packages, not just for dual-purpose packages.

The NRC received comments on Issue 9 opposing the addition of an aging management program to 10 CFR part 71. The commenters stated that, if such a program were added, the program should be limited to packages other than dual-purpose spent nuclear fuel packages/canisters. The NRC is not proposing to impose a requirement for an aging management plan. The proposed rule includes requirements that aging effects are evaluated in the application for approval and that the application for approval include a maintenance program. Another comment on Issue 9 supported evaluating aging effects but only for dual-purpose spent fuel packages, excluding packages that are not kept in long-term storage prior to transport.

One comment on Issue 10 supported phasing out older packages as proposed in transitional arrangements but suggested a phase-out period longer than 4 years. The NRC agreed and is proposing an 8-year phase out of older packages. As part of the NRC's 2004 amendment to 10 CFR part 71 (69 FR 3697; January 26, 2004), certain transportation packages, those compatible with the 1967 edition of Safety Series No. 6, became unauthorized for use under the 10 CFR part 71 general license after October 1, 2008. The NRC received requests to extend the phase-out date beyond the initial 4-year period to allow sufficient time to design, obtain approval for, and fabricate new packages. Given this experience, in this proposed rule, the NRC has selected a phase-out period of 8 years to give certificate holders sufficient time to conduct these activities, if needed. The NRC estimates that it could take 2 to 4 years for design of a new package and preparation of an application, 1 to 2 years for package approval, and 1 to 2 years for package fabrication, depending on the package's complexity. Another comment on Issue 10 on transitional arrangements stated that the NRC should not phase out packages with a ''–96'' in the package identification number and that the proposed phase out of packages did not consider the cost impact for designing new packages. The NRC is not proposing to phase out packages with a ''–96'' in the proposed rule, but rather proposing to phase out packages that do not have either a ''–85'' or a ''–96'' in the package identification number (*i.e.,* packages approved before April 1, 1996). The NRC included the cost of designing a new package in the regulatory analysis for the proposed rule.

The NRC received one comment on Issue 12 on the proposed quality assurance program (QAP) changes, stating that the proposed change would be duplicative with 10 CFR part 50 QAP requirements. The NRC disagrees with this comment because if a 10 CFR part 50 licensee uses its 10 CFR part 50 QAP for 10 CFR part 71 activities, the QAP reporting requirements in 10 CFR part 50 would be controlling and 10 CFR part 71 QAP reporting requirements would not apply. Also, the NRC notes that many users of 10 CFR part 71 do not have 10 CFR part 50 licenses, and the 10 CFR part 71 QAP change provisions would not be duplicative for them.

The NRC received a comment on Issue 15 on the advance notification requirements in § 71.97, stating that there is no actual provision requiring advance notification for spent fuel shipments. The requirements in § 71.97 currently contain reporting requirements that are duplicative with those in 10 CFR part 73, and the NRC is proposing to delete the duplicative language.

Because none of the comments would result in significant changes to the draft regulatory basis, the NRC considered these comments in preparing this proposed rule and did not issue a final regulatory basis.

III. Discussion

A. Action the NRC is Proposing To Take

The NRC is proposing to amend its regulations to harmonize them with the IAEA international transportation standard No. SSR–6 (2018 Edition). These revisions would be coordinated with DOT and its hazardous materials regulations to maintain a consistent framework for the domestic transportation and packaging of radioactive material.

This proposed rule also would revise 10 CFR part 71 to include administrative, editorial, or clarifying changes, including changes to certain Agreement State compatibility category designations that are further discussed in Section XV, ''Compatibility of Agreement State Regulations,'' of this document.

B. Applicability of the Proposed Action

This action would affect (1) NRC licensees authorized by a Commission-issued specific or general license to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, or transports the material outside of the site of usage as specified in the NRC license, or transports that material on public highways; (2) holders of, and applicants for, a certificate of compliance (CoC) under 10 CFR part 71; and (3) holders of a 10 CFR part 71 QAP approval. This action also would change requirements that are a matter of compatibility with the Agreement States. Therefore, the Agreement States would need to update their regulations, as appropriate, at which time those licensees in Agreement States would need to meet the compatible Agreement State regulations.

C. Discussion of Issues

The NRC is proposing to revise 10 CFR part 71 as described in the 15 issues listed in this document and summarized in the following table (note that the issue numbers described in Section III.C of this document are consistent with those described in the regulatory basis):

Issue	IAEA harmonization	DOT harmonization	Other changes	No action
1	X			
2				X
3				X
4.1	X			
4.2	X			
5	X			
6	X	X		
7	X	X		
8	X			
9	X			
10	X	X		
11	X	X		
12			X	
13			X	
14			X	
15.1			X	
15.2			X	
15.3	X	X		
15.4			X	
15.5			X	

Issue 1. Revision of Fissile Exemptions

The fissile material exemptions in § 71.15 and the fissile material general licenses in §§ 71.22 and 71.23 allow licensees to ship low-risk fissile material (*e.g.,* small quantities or low concentrations) without meeting the fissile material packaging requirements and criticality safety assessments, as specified in §§ 71.55 and 71.59, and without obtaining prior NRC approval. For these low-risk fissile material shipments, the fissile material exemptions and general licenses provide reasonable assurance that criticality safety is afforded under normal conditions of transport and hypothetical accident conditions. In 2012, IAEA modified the fissile exception provisions in SSR–6, paragraph 417, to include three new per-package mass limit options, with associated mass limits on the consignment and/or conveyance.

The NRC proposes to incorporate two additional fissile exemptions under § 71.15. This proposed rule would adopt the exception in SSR–6, paragraph 417(c), without the associated consignment limit of IAEA SSR–6, paragraph 570(c). This proposed rule would also adopt the exception in SSR–6, paragraph 417(e), with its associated exclusive use restriction in paragraph 570(e), but with a higher mass limit.

Since the amount of fissile material allowed by SSR–6, paragraph 417(c), is similar to the existing exemption in § 71.15(a), in terms of reactivity, the NRC determined that the consignment limit of IAEA SSR–6, paragraph 570(c), is not necessary. Consignment limits, as provided in 570(c), do not prevent the accumulation of packages on a transport conveyance, as there is no limit to the number of consignments that may be present on a single conveyance. Additionally, the number of these packages does not need to be limited by regulation because reaching the amount required to approach criticality on a single conveyance is not credible.

The NRC has determined that a mass value higher than that contained in IAEA SSR–6, paragraph 417(e), is justified, given the conservatism inherent in the exclusive use restriction of the SSR–6 provision, and in basing the mass limit on plutonium-239 (^{239}Pu), which would have to be shipped in a Type B package. The NRC proposes a limit of 140 grams of fissile material on a conveyance shipped under exclusive use, as another exemption under § 71.15. This limit is based on one fifth of a minimum critical mass of uranium-235 (^{235}U) (as defined in American National Standards Institute/American Nuclear Society [ANSI/ANS] 8.1–2014 (Reaffirmed 2018), ''Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors'') under optimum conditions. This mass represents a conservative limit for fissile material, since five times this amount would remain subcritical under any condition. Additionally, the limit provides safety equivalent to packages approved under 10 CFR part 71 and could provide more flexibility for shipping individual contaminated items or small quantities of fissile material. The NRC considers ^{235}U for this limit rather than ^{239}Pu, as any amount of ^{239}Pu over 0.435 grams is considered Type B, which would have to be packaged to withstand both normal and hypothetical accident conditions of transport. Although the NRC proposed value is different from the IAEA SSR–6, paragraph 417(e), value, the NRC determined that the higher value is technically justified and will be appropriate for NRC licensees who ship specific waste streams (*e.g.,* decommissioning waste), and that there will be little international shipment from the United States of this type of material. Licensees who ship material internationally must comply with DOT requirements for the use of international standards in title 49, ''Transportation,'' of the CFR.

Additionally, the NRC is not proposing to adopt the ''packaged or unpackaged'' language in the fissile exception provision of IAEA SSR–6, paragraph 417(e). The 140-gram limit, as with other fissile exemption provisions in § 71.15, only relieves the consignor from having to ship in a ''Fissile'' package, evaluated per the requirements of §§ 71.55 and 71.59. This material is still subject to all other radioactive materials transportation requirements in 10 CFR part 71 and in 49 CFR part 173 and should be packaged accordingly. The NRC is proposing to make a minor change to § 71.15(d) for clarity and to maintain consistent language throughout § 71.15.

Issue 2. Revision of Reduced External Pressure Test for Normal Conditions of Transport

The regulation at § 71.71(c)(3) requires Type AF and Type B package designs to be able to withstand a reduction in external pressure to 25 kilopascals (kPa) (3.6 psia) under normal conditions of transport. For a Type A package (as defined in SSR–6, paragraphs 231 and 429; 10 CFR 71.4, ''Definitions''; or 49 CFR 173.403, ''Definitions''), IAEA SSR–6, paragraph

645, states that ''[t]he containment system shall retain its radioactive contents under a reduction of ambient pressure to 60 kPa.'' This requirement also applies to Type B(U) and Type B(M) packages, in accordance with SSR–6, paragraphs 652 and 667, respectively. Additionally, IAEA SSR–6, paragraph 621, indicates packages containing radioactive material to be transported by air shall be capable of withstanding, without loss or dispersal of the radioactive contents from the containment system, an internal pressure that produces a pressure differential of not less than maximum normal operating pressure plus 95 kPa (13.8 psi).

In a final rule published by the DOT (79 FR 40589; July 11, 2014), the DOT harmonized its regulations in 49 CFR chapter I to the 2009 Edition of IAEA TS–R–1. In that final rule, the DOT explained that a Type A package must be designed to ensure the package can retain its contents under the reduction of ambient pressure. That ambient pressure value, found at 49 CFR 173.412(f), was changed from 25 kPa (3.6 psia) to 60 kPa (8.7 psia).

The NRC considered whether it should change the reduced external pressure test requirement in § 71.71(c)(3) to harmonize with the IAEA transport standards and to be consistent with the DOT regulations for design requirements for Type A packages. The NRC assessed the potential impacts of the change in the external pressure value from 25 kPa (3.6 psia) to 60 kPa (8.7 psia) and the additional air transport requirements from SSR–6, paragraph 621. The current NRC reduced external pressure test requirement, 25 kPa (3.6 psia), equates to an altitude of about 35,000 feet (10,668 meters) above sea level, which is an appropriate altitude for air transport of packages. Since cargo planes use pressurized cargo holds during air transport, this external pressure value also represents the ambient pressure on a package should the cargo hold depressurize. Whereas the 60 kPa (8.7 psia) value equates to an altitude of about 14,040 feet (4,279 meters) above sea level. Thus, while the 60 kPa (8.7 psia) external pressure value equates well with the highest paved road in the United States (14,130 feet (4,307 meters)) and with the elevation of the highest operating freight railroad in the United States (La Veta Pass at 9,242 feet (2,817 meters)), it would not support air transport conditions, as cargo planes operate at higher altitudes. When comparing the current 25 kPa (3.6 psia) value with the proposed 60 kPa (8.7 psia) value, and the associated altitudes, the NRC determined that no change to § 71.71(c)(3) is needed, and the 25 kPa (3.6 psia) value should be retained.

The NRC also considered adding the air transport requirements from SSR–6, paragraph 621. However, other than specific air transport requirements at § 71.55(f), ''General requirements for fissile material packages'' and § 71.88, ''Air transport of plutonium,'' 10 CFR part 71 does not contain ''mode-specific'' regulations. Because the existing reduced external pressure test value covers air transport conditions as discussed above, and because of the robustness of Type AF and Type B packages, as compared to Type A packages, the NRC finds it unnecessary to add the mode-specific air transport requirements from SSR–6, paragraph 621, into 10 CFR part 71.

Based on the above considerations and assessments, the NRC has decided not to pursue any changes to § 71.71(c)(3). As a result, no further discussion or analysis is presented in this proposed rule on the reduced external pressure test for normal conditions of transport.

Issue 3. Inclusion of Type C Package Standards

In the 2004 final rule, the NRC did not adopt the regulations for Type C packages contained in IAEA TS–R–1. The NRC did not adopt them because 1) §§ 71.64 and 71.74 for plutonium air transportation contain more rigorous packaging standards, 2) the NRC perceived no need (current or anticipated) for such packages, and 3) if a need arose for import or export, it could be accomplished through the DOT regulations.

In the request for comment on the issues paper, the NRC asked stakeholders whether there was a need for domestic transport of Type C packages. No NRC licensees expressed a need for domestic transport of Type C packages. Therefore, the NRC has decided not to pursue further changes to Type C package standards as contemplated in the regulatory basis document. As a result, no further discussion or analysis is presented in this proposed rule on that issue.

Issue 4. Revision of Insolation Requirements for Package Evaluations

During transport, a package is subjected to heating by the sun, called insolation. The effect of insolation is an increase in the package temperature. The NRC is proposing to change the unit of measure for the values of insolation used for the heat test for normal conditions of transport in § 71.71(c)(1), and to add insolation to the initial conditions for the tests for hypothetical accident conditions in § 71.73(b).

Issue 4.1. Revision of Units for Insolation for Normal Conditions of Transport

The units for insolation in 10 CFR part 71 are gram calories per square centimeter (g cal/cm^2). When the IAEA published Safety Series No. 6, ''Regulations for the Safe Transport of Radioactive Material, 1985 Edition,'' it revised the units used for insolation for normal conditions of transport from a hybrid of English and metric units (g cal/cm^2) to metric units (watts per square meter (W/m^2)). When the IAEA changed the units, it chose to keep the same numerical values, thus increasing the evaluated solar heat load on a package by approximately 3 percent. The IAEA did not provide a technical rationale for this change; however, the NRC observes that retaining the existing numerical quantities maintains simple (round) values in the regulations that result in a small change in solar heat load.

The NRC previously harmonized its regulations with the 1985 Edition of Safety Series No. 6 (60 FR 50248; September 28, 1995). That final rule neither discussed nor proposed changing the units on the heat test for normal conditions of transport in § 71.71(c)(1). Consequently, the current units for insolation in 10 CFR part 71 are ''g cal/cm^2.'' This is inconsistent with IAEA standards in the 2018 Edition of SSR–6. As a result, NRC package approvals are evaluated for less insolation than that prescribed by IAEA standards and evaluated for approval by foreign competent authorities.

The NRC is proposing to revise the units of insolation for the heat test for normal conditions of transport in § 71.71(c)(1) to match the units used in the 2018 Edition of SSR–6 to ensure that NRC requirements for insolation are consistent with the IAEA standard. Consistent with Issue 10, ''Transitional Arrangements,'' the NRC would not expect a certificate holder to evaluate the higher solar heat load unless it requests a revision of its certificate to show compliance with the revised transportation regulations in 10 CFR part 71. Additionally, given the small increase in insolation due to the revised units, the NRC expects that certificate holders will be able to show compliance with the package approval standards in subpart E, ''Package Approval Standards,'' to 10 CFR part 71.

Issue 4.2. Inclusion of Insolation for Hypothetical Accident Conditions

In Safety Series No. 6, ''Regulations for the Safe Transport of Radioactive Material, 1985 Edition (As Amended 1990),'' paragraph 628 stated, ''With respect to the initial conditions for the thermal test, the demonstration of compliance shall be based upon the assumption that the package is in equilibrium at an ambient temperature of 38 °C. The effects of solar radiation may be neglected prior to and during the tests, but must be taken into account in the subsequent evaluation of the package response.''

The thermal test, previously in paragraph 628, was moved to paragraph 728 in the 1996 Edition of TS–R–1 and revised to state, ''The specimen shall be in thermal equilibrium under conditions of an ambient temperature of 38 °C, subject to the solar insolation conditions specified in Table XI and subject to the design maximum rate of internal heat generation within the package from the radioactive contents.''

When the NRC revised its regulations in 2004 to harmonize with the 1996 IAEA standards (69 FR 3697; January 26, 2004), the NRC did not revise the initial conditions of the fire test listed in § 71.73(b) to require evaluation of insolation as an initial condition.

Since a fire can occur on a hot, sunny day, and to be consistent with IAEA standards, the NRC is proposing to revise the initial conditions in § 71.73(b) to require insolation as an initial condition for all the tests for hypothetical accident conditions. Consistent with Issue 10, ''Transitional Arrangements,'' the NRC would expect a certificate holder to evaluate the revised initial conditions in § 71.73 if it wants to revise its certificate to show compliance with the revised transportation regulations in 10 CFR part 71.

Issue 5. Inclusion of Definition for Radiation Level

The term ''radiation level'' was first introduced in the IAEA transport standards in Safety Series No. 6, 1973 Edition, and it was defined in terms of ''dose-equivalent rate'' as ''the corresponding radiation dose-equivalent rate expressed in millirem per hour.'' External radiation standards were defined in terms of radiation levels in each subsequent edition of the IAEA's transport standards, including the 2012 Edition of SSR–6. In the 2018 Edition of SSR–6, the IAEA replaced the term ''radiation level'' with the term ''dose rate'' and defined the dose rate to be the dose-equivalent per unit time. Because the current regulations in 10 CFR part 71 use the term ''radiation level,'' the NRC is concerned that using a different term from the IAEA to define external radiation standards could create some confusion with respect to international shipments.

Additionally, NRC regulations in 10 CFR part 20, ''Standards for Protection Against Radiation,'' include a definition for ''dose equivalent'' in § 20.1003 that means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and sievert (Sv).

The NRC considered replacing the term ''radiation level'' used throughout 10 CFR part 71 with ''dose equivalent rate.'' However, this change would result in cost impacts to licensees to change documentation and training programs with no safety benefit. Therefore, in order to minimize the burden to licensees, the NRC is proposing to add a definition to § 71.4 that clarifies that ''radiation level'' means ''dose equivalent rate,'' which enables the NRC to continue using ''radiation level'' throughout 10 CFR part 71. The NRC is not expecting any licensee to change its documentation to account for this new definition.

Issue 6. Deletion of Low Specific Activity-III Leaching Test

The definition for ''Low Specific Activity (LSA) material'' in § 71.4 includes three categories of material: LSA–I, LSA–II, and LSA–III. Radioactive material, low specific activity category III (*i.e.,* LSA–III) includes solids, excluding powders, that meet the requirements in § 71.77, ''Qualification of LSA–III material'' and which have an estimated average specific activity limit that does not exceed 2×10^{-3} times the A_2 value per gram (A_2/g). The qualification tests in § 71.77 include a leaching test with immersion of the specimen material for 7 days. The IAEA eliminated the LSA–III leaching test in SSR–6, 2018 Edition, from paragraphs 409, 601, and 701. Consequently, the NRC is proposing corresponding revisions to §§ 71.4, 71.77, and 71.100, ''Criminal penalties,'' to remove the leaching test and its references.

In April 2015, an international working group meeting was conducted to discuss issues related to LSA–II and LSA–III material, with special attention on the need for the LSA–III leaching test. The need for the leaching test was questioned because the working group determined that the test has no bearing on the inhalation risk of exposure to material during transport. The inhalation risk is used to determine the average specific activity limits for both LSA–II and LSA–III material, which are $10^{-4}A_2$/g and $2 \times 10^{-3}A_2$/g, respectively. Related investigations dating back to 2003 revealed that the amount of released radioactive material leading to an inhalation dose under the mechanical tests for normal conditions of transport greatly depend on the physical form of the LSA material. The primary difference between LSA–II and LSA–III materials is that LSA–III is limited to solid material, excluding powders. Due to the solid nature of the LSA–III material, the amount of airborne radioactivity released during the mechanical tests for normal conditions of transport leading to an inhalation dose is at least a factor of 100 lower for LSA–III solids than for LSA–II solids in powder form. This much lower airborne release for LSA–III material due to its non-readily dispersible form outweighs the difference in average specific activity limit, which is 20 times greater for LSA–III compared to LSA–II material in powder form. Because of the non-dispersible form of the LSA–III material, the working group determined that there was no need to take credit from a leaching test to justify this allowable 20-fold increase in average specific activity between LSA–III and LSA–II material.

The NRC recognizes the working group's information, and is recommending harmonization with SSR–6, 2018 Edition, and removal of the leaching test from 10 CFR part 71. The NRC agrees that requiring the LSA–III leaching test does not increase the safety of the material during transport. Further, the test does not decrease the inhalation pathway exposure when compared to LSA–II material in powder form, and therefore should be removed from 10 CFR part 71. The NRC considered the information provided by the LSA–II and LSA–III working groups and comments received on this issue during the comment period on the NRC's issues paper. Additionally, the NRC considers that removal of the leaching test also would reduce regulatory burden for shippers, while still maintaining reasonable assurance of safety for transport of LSA–III material.

The NRC is proposing to remove the leaching test in § 71.77 and make conforming changes to §§ 71.4 and 71.100, which both reference § 71.77.

Issue 7. Inclusion of New Definition for Surface Contaminated Object

As more nuclear facilities begin decommissioning activities, there will be an increase in the number of shipments of radioactive materials from

these facilities. Decommissioning activities can include transporting large radioactive objects (*e.g.,* steam generators, coolant pumps, and pressurizers). Under current NRC regulations, shipment of such large, nonstandard packages that do not meet the existing definition of surface contaminated objects (*i.e.,* either SCO–I or SCO–II, as defined in § 71.4) could be addressed through a special package authorization under § 71.41(d). However, such an authorization may take significant time. The NRC proposes to add a regulatory definition for SCO–III to include these types of objects, allowing a shipper to more appropriately categorize the item it is planning to transport. The NRC anticipates an increase in efficiency for both the NRC and licensees when the SCO–III definition is included in 10 CFR part 71 when compared to the special package authorization review needed under § 71.41(d). Harmonization with SSR–6, 2018 Edition, would add the new SCO–III category and the associated definition.

In the 2004 final rule (69 FR 3697; January 26, 2004), the NRC determined that special package authorizations were necessary because there were no regulatory provisions in 10 CFR part 71 concerning large, nonstandard packages considered for transportation. Therefore, the NRC added paragraph (d) to § 71.41. Since that time, the NRC has gained experience with the safety aspects of shipping these types of large, non-standard packages. For example, in 2006, the LaCrosse reactor vessel was the first shipment in which a package was approved under § 71.41(d). In addition, a special package authorization was issued for the West Valley Melter Package from the West Valley Demonstration Project. In the future, a licensee shipping large radioactive objects that have been determined to meet the definition of SCO–III would not need NRC review and approval for a special package authorization.

Both the NRC and DOT intend to add a definition for SCO–III. The NRC is coordinating with the DOT to align its definition with the DOT's, since the DOT is the lead agency for review and evaluation of both LSA and SCO material.

Issue 8. Revision of Uranium Hexafluoride Package Requirements

In the 2004 final rule (69 FR 3697; January 26, 2004), the NRC harmonized its regulations with the 1996 Edition of IAEA TS–R–1. In that final rule, the NRC added a new provision, § 71.55(g), to provide a specific exception for certain uranium hexafluoride (UF_6) packages from the requirements of § 71.55(b). The exception allows UF_6 packages to be evaluated for criticality safety without considering inleakage of water into the containment system, provided certain conditions are met, including that the uranium is enriched to not more than 5 weight percent in ^{235}U. To use this exception, the applicant must demonstrate, among other things, that, following the tests for hypothetical accident conditions in § 71.73, there is no physical contact between the valve body and any other component of the packaging, other than at its original point of attachment, and the valve remains leak tight. ''Leaktight'' is defined in ANSI N14.5–2014, ''American National Standard for Radioactive Materials—Leakage Tests on Packages for Shipment,'' as ''[t]he degree of package containment that, in a practical sense, precludes any significant release of radioactive materials. This degree of containment is achieved by demonstration of a leakage rate less than or equal to 1×10^{-7} ref·cm^3/s, of air at an upstream pressure of 1 atmosphere (atm) absolute (abs), and a downstream pressure of 0.01 atm abs or less.''

The NRC provided the specific exception: (1) to be consistent with the worldwide practice and limits established in national and international standards (ANSI N14.1–2012, ''Nuclear Materials—Uranium Hexafluoride—Packagings for Transport,'' and International Organization for Standardization 7195, ''Packaging of Uranium Hexafluoride (UF_6) for Transport'') and DOT regulations (49 CFR 173.417(b)(5)); (2) because of the history of safe shipment; and (3) because of the essential need to transport the commodity. In that final rule, the NRC codified its long-standing practice to not consider water inleakage into UF_6 packages as long as the documentation of the results of the tests for hypothetical accident conditions tests at § 71.73 show that the cylinder valve was not affected.

In SSR–6, 2018 Edition, the IAEA added the same standard for the plug as was added in the 1996 Edition of TS–R–1 for the valve to ensure that the entire cylinder remains leak tight. The revised paragraph 680(b)(i), SSR–6, 2018 Edition, states: ''Packages where, following the tests prescribed in para. 685(b), there is no physical contact between the valve or the plug and any other component of the packaging other than at its original point of attachment and where, in addition, following the test prescribed in para. 728, the valve and the plug remain leaktight.''

The 30-inch UF_6 cylinder, the most commonly used cylinder to transport large quantities of enriched UF_6 for the fuel fabrication industry, has two penetrations: one for the valve at the top to fill the cylinder and one for the drain plug at the bottom used during maintenance. In order to ensure criticality safety, both the plug and the valve must remain leak tight after the tests for hypothetical accident conditions to prevent ingress of water into the cylinder. While this may be a new requirement in transportation regulations, during package approval, the NRC has always verified that the entire 30B cylinder remained leak tight after the tests for hypothetical accident conditions.

The NRC is proposing to revise § 71.55(g)(1) to require that there is no contact between the cylinder plug and any other part of the packaging, other than at its original attachment point and that the cylinder plug remains leak tight, as NRC requires for the cylinder valve.

Issue 9. Inclusion of Evaluation of Aging Mechanisms and a Maintenance Program

The NRC regulations do not explicitly require that a package application include an evaluation of aging mechanisms and a maintenance program. Rather, applicants include an evaluation of aging effects on package components to ensure there is no significant degradation in accordance with § 71.43(d). The NRC regulations at § 71.43(d) require that packages be made of materials and construction that assure that there will be no significant chemical, galvanic, or other reaction (including effects of irradiation from the package contents) among the packaging components, among package contents, or between the packaging components and the package contents, including possible reaction resulting from inleakage of water, to the maximum credible extent.

For those components where aging is detrimental to package performance, applicants provide a description of the maintenance program, including periodic testing to evaluate the components' efficacy and/or a replacement or repair schedule, to mitigate those detrimental effects. The NRC requires that licensees and CoC holders follow the maintenance program, which is provided in the application for approval, as a condition of approval in the CoC. Additionally, NRC regulations at § 71.87(b) require that, prior to each shipment, the licensee ensures that the package is in unimpaired physical condition except

for superficial defects such as marks or dents. Meeting this regulation, along with the scheduled periodic tests and replacement/repair in the maintenance program, should identify package deterioration prior to age-related degradation becoming a safety issue during transport.

In paragraph 613A, SSR–6, 2018 Edition, the IAEA added that package design evaluations must consider aging mechanisms. In paragraph 809, SSR–6, 2018 Edition, the IAEA added that the application for package approval must contain a maintenance program. Because an evaluation of aging effects and a description of the maintenance program are not specifically required by 10 CFR part 71, the NRC is proposing to revise § 71.43(d) to specifically include the evaluation of the effects of aging, and add a new provision to subpart D, ''Application for Package Approval,'' to include a description of the maintenance program in an application for package approval, to better align with these standards in SSR–6, 2018 Edition.

Issue 10. Revision of Transitional Arrangements

Historically, IAEA standards and DOT and NRC regulations have included transitional arrangements when the regulations have undergone revision. The purpose is to minimize the costs and impacts of implementing changes in the regulations, since package designs and special form sources that are compliant with the existing regulations do not become unsafe when the regulations are revised (unless a significant safety issue is corrected in the revision).

Typically, the transitional arrangements include provisions that allow for (1) continued use of existing package designs and packagings already fabricated; and completion of packagings in the process of being fabricated, although some restrictions on fabrication of packagings approved to earlier editions of the regulations may be imposed; (2) restriction on modifications to package designs without the need to demonstrate full compliance with the revised regulations; (3) changes in packaging identification numbers; and (4) changes to the fabrication and use of special form sources approved to earlier versions of the regulations.

The NRC CoCs include a package identification number which identifies the NRC regulations and the corresponding version of IAEA standards to which the package was approved. For example, packages with a ''–85'' in the package identification number were approved to NRC regulations compatible with the provisions of the 1985 or 1985 (as amended 1990) Editions of Safety Series No. 6. NRC packages with a ''–96'' in the package identification number were approved to NRC regulations compatible with the 1996 Edition of TS–R–1.

The IAEA updated its transitional arrangements in paragraphs 819–823, SSR–6, 2018 Edition, for packages that have a ''–85'' or ''–96'' in their package identification number. However, it does not include transitional arrangements for package designs approved under the IAEA's 1973 Edition of Safety Series No. 6, ''Regulations for the Safe Transport of Radioactive Materials.'' The NRC previously harmonized its requirements with the 1973 Edition; corresponding packages are those for which the CoC does not have a year designation in the package identification number. By not including transitional arrangements on these packages, the IAEA standards effectively phase out the use of these packages approved under the 1973 Edition of Safety Series No. 6.

The IAEA's SSR–6, 2018 Edition, also prohibits, after December 31, 2028, the fabrication of new packagings that have not been shown to meet SSR–6, 2018 Edition standards. This means that package designs approved to earlier versions of IAEA standards (*i.e.,* NRC-approved packages for which the CoC has a ''–96'' in its package identification number), could not be used unless fabrication is completed before January 1, 2029. Note that IAEA standards and NRC regulations already prohibit the use of packages that have ''–85'' in their package identification number on the CoC if their fabrication was not completed by December 31, 2006.

The IAEA's SSR–6, 2018 Edition, also phases out certain special form radioactive material. The NRC regulations contain a definition of, and the tests for, special form radioactive material. Special form radioactive material is either a non-dispersible solid or sealed in a capsule so that the dispersibility, and therefore the radiological hazard, of the radioactive material is diminished. In order to be designated as special form, the radioactive material must be evaluated using the tests and acceptance criteria in § 71.75.

Paragraph 823 of SSR–6, 2018 Edition, does not include provisions for use of special form radioactive material approved under 1973 Edition of Safety Series No. 6. In SSR–6, 2018 Edition, special form radioactive material that was shown to meet the provisions of the 1985 through 2012 Editions of IAEA standards may continue to be used, with some additional restrictions on approval and fabrication. The IAEA's SSR–6, 2018 Edition, prohibits fabrication of special form radioactive material that received unilateral approval under the 1985 Edition of Safety Series No. 6 or 1985 (as Amended 1990) Edition of Safety Series No. 6. Also, after December 31, 2025, IAEA standards prohibit new fabrication of special form radioactive material sources to a design that had received unilateral approval under the 1996 Edition; 1996 Edition (Revised); 1996 (as Amended 2003) Edition of TS–R–1; TS–R–1, 2005 Edition; TS–R–1, 2009 Edition; and SSR–6, 2012 Edition.

Finally, in paragraphs 832–833, SSR–6, 2018 Edition, the IAEA revised the package identification number in the CoC to delete the year designation (*i.e.,* ''–85'' or ''–96'') for those package designs that are approved to SSR–6, 2018 Edition.

In the 2004 final rule (69 FR 3698; January 26, 2004), the NRC adopted the following grandfathering provisions in § 71.19 for previously-approved packages:

- Packages approved under NRC regulations that were compatible with the provisions of the 1967 Edition of Safety Series No. 6 may be used for a 4-year period after adoption of the final rule, presuming fabrication was completed by August 31, 1986;
- Packages approved under NRC regulations that became effective on September 6, 1983 (see 48 FR 35600; August 5, 1983), which are compatible with the provisions of the 1973 or 1973 (as amended) Editions of Safety Series No. 6, may no longer be fabricated, but may still be used;
- Packages approved under NRC regulations that are compatible with the provisions of the 1985 or 1985 (as amended 1990) Editions of Safety Series No. 6, and designated as ''–85'' in the package identification number, may not be fabricated after December 31, 2006, but may still be used; and
- Package designs approved under any pre-1996 IAEA standards (*i.e.,* NRC packages with an ''–85'' or earlier package identification number) may be resubmitted to the NRC for review against the current NRC regulations. If the package design described in the resubmitted application meets the current NRC regulations, the NRC may issue a new CoC for that package design with a ''–96'' designation in the package identification number.

In that same 2004 rulemaking, the NRC did not revise its grandfathering provisions on special form radioactive material in § 71.4 because NRC

regulations were already consistent with the 1996 Edition of TS–R–1.

The NRC rulemaking in 2015 (80 FR 33988; June 12, 2015) made two minor changes to the transitional arrangements regulations. First, the grandfathering provision that was in § 71.19(a) for packages approved under NRC standards that were compatible with the provisions of the 1967 Edition of Safety Series No. 6 was deleted since that provision expired on October 1, 2008. Second, the definition of ''special form radioactive material'' was revised to allow special form radioactive material that was successfully tested using the current requirements of § 71.75(d) to continue to qualify as special form radioactive material, if the testing was completed before September 10, 2015.

Consistent with past practices, the NRC is proposing transitional arrangements to phase out older packages without a ''–85'' or ''–96'' in the package identification number, and limit use of packages with a ''–96'' to those whose fabrication has been completed by December 31, 2028, and consistent with DOT, limit fabrication of special form sources. The NRC determined that it is appropriate to begin a phased discontinuance of these older packages to further harmonize NRC's regulations with the IAEA standards in SSR–6, 2018 Edition. The DOT supports this discontinuation and coordinated with the IAEA on the update to its standards. While the NRC has not identified safety issues that necessitate the discontinuation of these older packages, they are no longer acceptable in jurisdictions that use the IAEA requirements. The NRC views that the advantages of consistent approvals across jurisdictions outweigh the value of retaining the authorization for these packages. The approach being taken is consistent with the NRC's 2004 rulemaking. Given this experience, the NRC does not expect that certificate holders will have challenges showing compliance with the regulations in effect at the time the application is submitted for revision.

The NRC is proposing to revise its transitional arrangements to be consistent with the IAEA, as follows:

1. Phase out the use of packages approved to NRC regulations that were harmonized with the IAEA's 1973 Edition and 1973 (as Amended) Edition of Safety Series No. 6, 8 years after the effective date of this rulemaking. These packages would be required to be recertified, removed from service, or used via exemption.

2. Prohibit the use of packages with a ''–96'' in the package identification number for which fabrication of the packaging was completed after December 31, 2028, and require multilateral approval (as defined in 49 CFR 173.403, ''Definitions'') for packages to be used for international shipment after December 31, 2025. Revise § 71.17(e) to state that packages with a ''–96'' in the package identification number would become previously approved packages and subject to the current § 71.19(c).

3. Coordinate with the DOT and make appropriate changes to § 71.4 to align with the definition of ''special form radioactive material'' that the DOT is proposing to adopt as part of their harmonization rulemaking, since DOT is the lead for certifying special form sources. The NRC is proposing to allow continued use of special form radioactive material that was approved to the regulations in effect from October 1, 2004 to the effective date of this rulemaking, provided they are fabricated on or before December 31, 2025.

4. Allow for package designs with a ''–96'' or earlier package identification number to be resubmitted to the NRC for review against the current standards. If the package design described in the resubmitted application meets the current standards, the NRC may issue a new CoC for that package design without a year designation.

The NRC notes that the IAEA eliminated the approval year in the package identification number for packages approved to SSR–6, 2018 Edition. Packages that were approved to NRC regulations harmonized with the 1973 Edition of Safety Series No. 6 do not have a year designation in the package identification number. To avoid confusion regarding these older packages, the NRC would revise all existing CoCs that do not have a ''–85'' or ''–96'' in their package identification number to add a provision that those CoCs cannot be renewed beyond the end date of the 8-year phase out period without being recertified to the revised version of 10 CFR part 71.

Issue 11. Inclusion of Head Space for Liquid Expansion

The NRC's regulation in § 71.87, ''Routine determinations,'' requires that before each shipment of licensed material, the licensee must ensure that the package, which includes its contents, satisfies the applicable requirements of part 71. One such requirement is that the licensee must determine in accordance with § 71.87(d) that any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid.

The NRC's requirement in § 71.87(d) is compatible with the DOT's regulations at 49 CFR 173.24(h)(1), ''General requirements for packagings and packages.'' That regulation requires: ''When filling packagings and receptacles for liquids, sufficient ullage (outage) must be left to ensure that neither leakage nor permanent distortion of the packaging or receptacle will occur as a result of an expansion of the liquid caused by temperatures likely to be encountered during transportation.''

The DOT's regulations in 49 CFR 173.412(k), ''Additional design requirements for Type A packages,'' contain a general design requirement for Type A packages designed to contain liquids to ensure that packages provide for ullage to accommodate variations in temperature of the contents. The term ''ullage'' refers to the unfilled space in a container, or the amount by which the contents of a container fall short of being full. Because DOT's regulations for Type AF, Type B, and Type BF packages refer to the NRC's regulations, DOT's regulations do not contain design requirements for Type AF, Type B, or Type BF packages. Type A, Type AF, Type B, and Type BF packages are defined in § 71.4, ''Packages.''

The IAEA standards in paragraph 649, SSR–6, 2018 Edition, require that ''The design of a package intended for liquid radioactive material shall make provision for ullage to accommodate variations in the temperature of the contents, dynamic effects and filling dynamics.''

The NRC regulations have an operational requirement in § 71.87(d) to ensure that for a system containing liquid, there is sufficient head space, or other specified provision to accommodate the expansion of liquid. The NRC does not, however, have a comparable design requirement for Type AF and Type B packages in 10 CFR part 71 to that in DOT's regulations. Even though the NRC's regulations do not include a comparable design requirement for ensuring sufficient space to allow for liquid expansion, any Type AF or Type B package design certified by the NRC must comply with § 71.87 and DOT regulations in 49 CFR 173.24(h) on ullage when being filled.

During review of applications for either a new CoC or an amendment to an existing CoC, the NRC reviews whether the requirements in § 71.87(d) are reflected in the operating procedures for packages with liquid contents. Each package approval issued by the NRC contains a condition to ensure that the package is prepared in accordance with the operating procedures in the

application. This ensures that all package users, whether NRC licensees or not, comply with the requirements listed in § 71.87, as appropriate for the package design.

Although the NRC regulations ensure that adequate ullage exists, the NRC has received on occasion an application that did not evaluate whether there was sufficient design space in a container with liquids. To clarify this requirement, the NRC is proposing to revise § 71.43, ''General standards for all packages,'' to add a design requirement for a package designed to contain liquids to ensure adequate ullage during evaluation of the tests and conditions for normal conditions of transport and hypothetical accident conditions.

Issue 12. Revision of Quality Assurance Program Biennial Reporting Requirements

On June 12, 2015, the NRC issued a final rule (80 FR 33988), updating the administrative procedures for the QAP requirements described in 10 CFR part 71, subpart H, ''Quality Assurance.'' Specifically, the NRC added § 71.106 to establish requirements for QAP changes and associated reporting requirements.

Previously, all changes made to QAP approvals had to be reviewed and approved by the NRC before they could be implemented. The provisions in § 71.106 allow changes to QAPs that do not reduce commitments, such as those that involve administrative improvements and clarifications, spelling corrections, and non-substantive changes, to be made and implemented without prior NRC approval. QAP changes that would reduce commitments require prior NRC approval.

In addition, § 71.106 requires that changes to QAPs that do not reduce commitments must be submitted to the NRC every 24 months. That final rule also specified, ''If a quality assurance program approval holder has not made any changes to its approved quality assurance program description during the preceding 24-month period, the approval holder will be required to report this to the NRC'' (80 FR 33994). In addition, the NRC's guidance document for 10 CFR part 71 QAPs, Regulatory Guide 7.10, Revision 3, was updated in conjunction with the 2015 final rule to state that if no changes were made to the QAP, a QAP approval holder would indicate to the NRC that no changes were made.

The requirement for a report, even if no changes were made during the preceding 24-month period, is necessary as the NRC inspection program for 10 CFR part 71 QAP approval holders relies on having current information about the QAP available to the NRC. The NRC considers the 24-month reporting requirement, including when no changes are made, as providing an appropriate balance between the burden placed on the QAP approval holders and the need to ensure that the NRC has current information for its oversight of these QAPs. Most QAP approval holders subject to periodic inspection are inspected every 5 years or on an as-needed basis. Another benefit to receiving a report even when no QAP changes have been made is that the QAP reporting requirements in 10 CFR part 71 would be consistent with those in §§ 50.54(a)(3) and 50.71(e)(2) for 10 CFR part 50 QAPs. Since the 2015 final rule became effective, the NRC has received questions and concerns from industry on this subject since the language in § 71.106 does not state that QAP approval holders must report even if there were no changes in the prior 24-month period.

The NRC is proposing to revise § 71.106(b) to clarify that a biennial report must be submitted to the NRC even if no changes are made to the QAP during the reporting period.

Issue 13. Deletion of Type A Package Limitations in Fissile Material General Licenses

The general license criteria in § 71.22 allow NRC licensees to ship small quantities of fissile material in packages that have been assigned a criticality safety index (CSI) to ensure accumulation control for packages on a conveyance. The provisions of § 71.22 require that (1) the fissile material is in a Type A package that meets the requirements of 49 CFR 173.417(a); (2) licensees have an NRC-approved QAP satisfying the provisions of 10 CFR part 71, subpart H; (3) there is no more than a Type A quantity of radioactive material; (4) there is less than 500 grams total of beryllium, graphite, or hydrogenous material enriched in deuterium; and (5) the package is labeled with a CSI that meets the limits in § 71.22(d). The regulation in § 71.22(e)(1) provides an equation to calculate package CSI:

$$\mathrm{CSI} = 10\left[\frac{\text{grams of } {}^{235}\mathrm{U}}{\mathrm{X}} + \frac{\text{grams of } {}^{233}\mathrm{U}}{\mathrm{Y}} + \frac{\text{grams of Pu}}{\mathrm{Z}}\right]$$

where X, Y, and Z are mass limits of ^{235}U, ^{233}U, and plutonium obtained from Table 71–1 (if ^{233}U or plutonium are present) or Table 71–2.

Similarly, the general license criteria in § 71.23 allow NRC licensees to ship small quantities of special form plutonium in packages that have been assigned a CSI to ensure accumulation control for packages on a conveyance. The provisions of § 71.23 require that (1) the fissile material is in a Type A package meeting the requirements of 49 CFR 173.417(a); (2) licensees have an NRC-approved quality assurance program satisfying the provisions of 10 CFR part 71, subpart H; (3) there is no more than a Type A quantity of radioactive material; (4) there is less than 1,000 grams of plutonium, provided that the total amount of ^{239}Pu and ^{241}Pu constitutes less than 240 grams of the plutonium in the package; and (5) the package is labeled with a CSI that meets the limits in § 71.23(d). The regulation in § 71.23(e)(1) provides an equation to calculate package CSI:

$$CSI = 10\left[\frac{grams\ of\ {}^{239}Pu + grams\ of\ {}^{241}Pu}{24}\right]$$

The calculations that support the mass limits in § 71.22 include conservative assumptions regarding neutron moderation and water reflection, *i.e.,* optimally moderated spheres of ^{235}U, ^{233}U, and ^{239}Pu with full water reflection. The mass limits in § 71.23 have a similar basis, but are higher for the two fissile plutonium isotopes, as the material is special form and will not redistribute significantly. In both cases, it is assumed that the

material will remain in the package under normal conditions of transport because of the Type A package requirement but can reconfigure outside of the package under hypothetical accident conditions. The limitation to a Type A quantity of radioactive material in a Type A package, however, is not consistent with the mass limits for some fissile nuclides in some cases (*e.g.,* the mass limits for ^{239}Pu in Table 71–1 are 37 grams or 24 grams, depending on the degree of moderation, while the A_2 value for ^{239}Pu is equivalent to 0.435 grams). In addition, the requirement in § 71.23 does not consistently refer to ''special form sealed sources'' in that paragraph (a) also refers to Pu-Be sealed sources. While all special form sources are sealed sources, not all sealed sources meet the definition of special form material in 10 CFR 71.4.

Removing the limitation to a Type A quantity of radioactive material in a Type A package would allow licensees to ship material under the general licenses in §§ 71.22 and 71.23 in a Type B package. When shipping material that meets the mass limits of the general licenses in §§ 71.22 and 71.23 in a Type B package, the criticality safety conclusions associated with these mass limits remain valid. In fact, the material would be less likely to present a criticality hazard, as Type B packages generally are more robust and have more mass, which would increase neutron absorption, limit releases under hypothetical accident conditions, and prevent material from multiple packages from redistributing together under optimum moderation conditions.

Revising the general licenses to authorize transport in a Type B package would also require conforming changes to § 71.0(d)(1). The regulations in § 71.0(d)(1) state that use of the general licenses in § 71.22 or § 71.23 does not require NRC approval. Package approval is not currently required by the NRC because the conditions of the general licenses require the contents to be in a Type A package. The regulations in § 71.14(b)(1) exempt the licensee from all requirements in 10 CFR part 71, except for §§ 71.5 and 71.88, when shipping a Type A quantity. Because the NRC is proposing to revise §§ 71.22 and 71.23 to authorize shipment of a Type B quantity of radioactive material, an NRC package approval would be required for shipment of the Type B quantity of radioactive material. The NRC package approval for the Type B quantity of radioactive material would not include evaluation of criticality safety because the criticality safety is assured for shipment of fissile material authorized under one of these general licenses.

While NRC is not proposing to revise §§ 71.22(b) and 71.23(b), which require that the licensee have an NRC-approved QAP. Applications for QAP approvals use a graded approach, based on the planned activities and shipments that a licensee plans to make. For example, if a licensee has a QAP that was approved for making only Type A shipments under § 71.22 or § 71.23, then the licensee would need to obtain additional NRC approval for a QAP that includes QA items necessary for making Type B shipments.

In addition, because the NRC is proposing to authorize shipments of Type B packages in §§ 71.22 and 71.23, the NRC is proposing to include three new paragraphs in §§ 71.22 and 71.23 that are similar to the requirements in § 71.17(c), (d), and (e). The NRC is proposing to add a new requirement in §§ 71.22(f) and 71.23(f) to ensure that, for shipments made using the respective general license, each licensee must comply with § 71.17(c), *i.e.,* the licensee must: (1) maintain a copy of the NRC approval, including all referenced documents; (2) comply with the terms and conditions of the NRC approval and the applicable requirements of subparts A, G, and H in 10 CFR part 71; and (3) prior to first use, register to use the package. A licensee is only required to register once to use a package, and therefore a licensee already registered to use the package via § 71.17 would not have to re-register to use the package under one of these two general licenses.

The NRC is proposing to add a new requirement in §§ 71.22(g) and 71.23(g) to state that, for a package to be used under the respective general license, the NRC package approval must state that the package can be used under the general license in either § 71.17 or the general license in § 71.22 or § 71.23. Authorizing use under the general license in § 71.17 would ensure that existing, approved Type B package designs could also be used to transport the material authorized by one of the two general licenses in § 71.22 or § 71.23.

Finally, the NRC is proposing to add a new requirement in §§ 71.22(h) and 71.23(h) to ensure that any Type B package used under the respective general license approved by the NRC before the effective date of the final rule is subject to the transitional arrangements in § 71.19. Issue 10 in Section III of this document describes the NRC's proposed changes to its transitional arrangements.

In summary, the NRC is proposing to remove the restriction in §§ 71.22 and 71.23 to ship Type A material in only a Type A package (*i.e.,* allowing shipment of material up to the mass limits in a Type B package); to add three new paragraphs in §§ 71.22 and 71.23; and to make conforming changes to § 71.0(d)(1). Additionally, the NRC is proposing to clarify that only special form sealed sources, not just sealed sources may be delivered to a carrier for transport using the general license in § 71.23.

Issue 14. Deletion of ^{233}U Restriction in Fissile General License

The general license criteria in § 71.22 allow NRC licensees to ship small quantities of fissile material in packages that have been assigned a CSI to ensure accumulation control for packages on a conveyance. General license users assign a CSI based on the equation in § 71.22(e)(1), and the fissile mass limits in either Table 71–1 or 71–2 to 10 CFR part 71. Table 71–2 contains mass limits for shipping uranium enriched to various weight percent levels in ^{235}U. However, § 71.22(e)(5) states in part that the lower mass values of Table 71–1 must be used if the enrichment level of uranium is unknown, if the amount of plutonium exceeds one percent of the mass of ^{235}U, or if ^{233}U is present in the package.

While ^{233}U is not present in natural uranium, it may be present in very low concentrations in some facilities that may have handled ^{233}U in the past. These contamination-level concentrations, while detectable with modern isotopic assay methods and physically ''present,'' are not important for criticality safety of ^{235}U transportation. The calculations used to support the enrichment limit for § 71.15(d), for up to 1.0 weight percent enriched uranium, demonstrate that this limit is safe provided the plutonium and ^{233}U are limited to less than one percent of the mass of ^{235}U. The same limitation could be applied to the use of Table 71–2 limits for shipping enriched uranium under § 71.22, without affecting criticality safety.

The NRC is therefore proposing to revise § 71.22 to limit the ^{233}U to less than one percent of the mass of ^{235}U, similar to the provision limiting plutonium in § 71.22(e)(5)(ii).

Issue 15. Other Recommended Changes to 10 CFR Part 71

As described in the draft regulatory basis, Issue 15 groups several topics identified by the NRC, some of which are not directly related to harmonizing NRC requirements with IAEA standards, and include clarifications to ensure compatibility with the DOT and

clarifications to Agreement State regulations.

Issue 15.1. Deletion of Duplicative Reporting Requirements

In the 2002 proposed rule (67 FR 21390, April 30, 2002), the NRC proposed changes to its reporting requirements in § 71.95, ''Reports.'' Those proposed changes would have: (1) required licensees to obtain certificate holder input before submitting an event report; (2) provided direction on the content of the written report; and (3) lengthened the reporting requirement date to 60 days, consistent with other reporting requirements in NRC regulations. The proposed rule recommended adding 71.95(a)(1) and (2) and 71.95(b), but not the current 71.95(a)(3).

In the final rule (69 FR 3697, January 26, 2004), the NRC stated that the proposed rule had inadvertently left out new paragraph (a)(3), mentioned in the proposed rule's regulatory analysis, that would retain the existing requirement for licensees to report instances of failure to follow the conditions of the CoC while a packaging was in use. Paragraph (a)(3) was thus added to the final rule. However, in adding that paragraph to the final rule, the NRC introduced duplicative language between it and paragraph (b).

The NRC is proposing to delete the duplicative text in paragraph (a)(3).

Issue 15.2. Revision of the Definition of Low Specific Activity

The NRC is proposing to modify the first sentence in the definition of ''Low Specific Activity (LSA) material'' in § 71.4 to change ''excepted under § 71.15'' to ''exempted under § 71.15.'' This change would make the definition of LSA in § 71.4 consistent with the title of § 71.15, ''Exemption from classification as fissile material'' and ensure that it is clear that LSA packages may contain fissile material up to the exemption limits in § 71.15.

Issue 15.3. Revision of Tables Containing A_1 and A_2 Values and Exempt Material Activity and Consignment Limits

The IAEA has made changes in SSR–6, 2018 Edition, related to the A_1 and A_2 activity values and the exempt material activity concentrations and exempt consignment activity limits. The DOT is the lead agency for information related to the A_1 and A_2 values and for the exempt material activity concentrations and exempt consignment activity limits, as provided in 49 CFR 173.435 and 173.436, respectively. The NRC has corresponding information in 10 CFR part 71, Appendix A, Tables A–1 and A–2.

To be considered radioactive material under DOT's regulations (*i.e.,* Class 7 (radioactive) material as defined in 49 CFR 173.403), the material must exceed both the nuclide specific exemption concentration limit and the consignment exemption activity limit. The A_1 and A_2 values are quantities of radioactivity that are used in the transportation regulations to determine the type of packaging necessary for a particular radioactive material shipment. Each radionuclide is assigned an A_1 and an A_2 value, where A_1 is the maximum activity of special form material that is permitted in a Type A package, and A_2 is the maximum activity of normal form radioactive material that is permitted in a Type A package as prescribed in 10 CFR 71.4 and 49 CFR 173.403. The NRC's and the DOT's transportation regulations include package activity limits based on fractions or multiples of the A_1 and A_2 values (*e.g.,* $10^{-3}A_2$ and $3{,}000A_2$, respectively).

In its concurrent harmonization rulemaking, the DOT is proposing to make changes to 49 CFR 173.435, ''Table of A_1 and A_2 values for radionuclides,'' and 173.436, ''Exempt material activity concentrations and exempt consignment activity limits for radionuclides,'' by adding seven radionuclides, including barium-135m, germanium-69, iridium-193m, nickel-57, strontium-83, terbium-149, and terbium-161. The NRC is proposing to make corresponding changes to Tables A–1 and A–2 to add these radionuclides. The NRC is proposing to revise the specific activity of natural rubidium (Rb(nat)) to correct an error that was introduced in the 1995 version of the rule. Table A–1 of Appendix A to 10 CFR part 71 gives the specific activity as 6.7×10^6 TBq/g, 1.8×10^8 Ci/g. However, the correct value for the specific activity of Rb(nat) is 670 Bq/g (6.7×10^{-10} TBq/g, 1.8×10^{-8} Ci/g). The A_1 and A_2 values were not impacted by this error and remain correct. The NRC is also proposing to revise footnote c at the end of Table A–2 to state that in the case of thorium-natural, the parent radionuclide is thorium-232, and in the case of uranium-natural, the parent radionuclide is uranium-238. Further, the NRC is proposing to editorially revise several other radionuclides to move the name of the element and its atomic number (shown in the second column of each table) to the first instance of that element alphabetically in the tables.

Issue 15.4. Revision to Agreement State Compatibility Categories

The NRC is proposing several changes to the compatibility category designations related to the QAP and reporting requirements. These changes would ensure that Agreement States have the appropriate authority to approve, inspect, and enforce QAPs for their licensees, as well as that the NRC and Agreement States receive important reports regarding issues with radioactive material shipments.

The NRC is proposing to revise the compatibility category designations for the regulations containing QAP requirements for those Agreement States that have licensees located within their States who use NRC-approved Type B packages, other than for industrial radiography, to ship Type B quantities of radioactive material; or have licensees that ship using the general license in § 71.21, ''General license: Use of foreign approved package''; § 71.22, ''General license: Fissile material''; or § 71.23, ''General license: Plutonium-beryllium special form material.'' The NRC is also proposing to revise the compatibility category designation for the reporting requirements in § 71.95.

In the 2004 final rule (69 FR 3697; January 26, 2004) that revised § 71.101, ''Quality assurance requirements,'' the NRC stated that § 71.101(b), and (c)(1) are designated as Compatibility Category C for those Agreement States that have licensees that use Type B packages, other than for industrial radiography. For Compatibility Category C, the essential objectives of the NRC program elements should be adopted by such Agreement States. The NRC is proposing to change the compatibility category designation for 71.101(b) and (c)(1) from C to B. This is consistent with Management Directive 5.9, ''Adequacy and Compatibility of Program Elements for Agreement State Programs,'' which states that program elements in Compatibility Category B are those that apply to activities that cross jurisdictional boundaries. Since the QAP activities in 71.101(b) and (c)(1) are used during domestic shipping of radioactive material and therefore cross jurisdictional boundaries, a B compatibility would align with Management Directive 5.9 criteria. Also, many of the regulations that contain QAP review criteria (*e.g.,* §§ 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125) were addressed in the 2004 rule, but were designated as Compatibility Category NRC, which relate to areas of regulation reserved to the NRC that cannot be adopted by the Agreement States. The

NRC is proposing to address these compatibility issues in this proposed rule so that, consistent with the intent of the 2004 rulemaking, Agreement States can adopt compatible QAP regulations that would require their licensees to follow these QAP criteria and allow Agreement States to approve, inspect and enforce their licensees' QAPs. Specifically, this rule proposes to correct the compatibility category designation to B for many of these regulations that are currently Compatibility Category NRC, C, or D. This change would require Agreement States to have essentially identical regulations and would give the Agreement States the authority to approve, inspect and enforce their licensees' QAPs. Only Agreement States with licensees that use Type B packages, other than for industrial radiography, or with licensees that ship using the general license in § 71.21, § 71.22, or § 71.23, which also requires an approved QAP, would be impacted.

Additionally, the regulations in § 71.95 require NRC licensees to submit a written report to the NRC of instances in which there is a significant reduction in the effectiveness of any NRC-approved package; details of defects with safety significance in any NRC-approved package, after first use; and instances in which the conditions of a CoC were not followed during shipment. In the 2004 final rule (69 FR 3697; January 26, 2004) that revised § 71.95, the NRC stated that the compatibility category for § 71.95 is Category D; therefore, it does not need to be adopted by the Agreement States to be compatible with the NRC's regulatory program. The reporting requirements in § 71.95(a) are to ensure that the NRC is alerted to instances in which a package may have a defect or has a significant reduction in effectiveness such that, as needed, other licensees authorized to use the package are made aware of the possible issues. Agreement State licensees also use NRC-approved packages, including industrial radiography devices, but are not subject to any of the requirements in § 71.95 and, therefore, are not required to submit a report to the NRC pursuant to § 71.95. The NRC is proposing to change the compatibility category for § 71.95(a) to Compatibility Category C in order to have Agreement State regulations require notification to the NRC of these instances. This will clarify that if a State licensee uses an NRC-approved package that has a defect or has a significant reduction in effectiveness the NRC is aware such that others using the package can be made aware of the situation. The NRC also is proposing to update the compatibility category for § 71.95(b) to Compatibility Category C to ensure that the Agreement State agency receives these reports from its licensees indicating instances when the CoC was not followed. As noted in the 1995 final rule (60 FR 50248, 50259), the purpose of this requirement is to provide feedback on QAP effectiveness. Consistent with the compatibility category corrections for other QAP related regulations, this proposed rule would also correct the compatibility category for § 71.95(b) so that Agreement States receive these QAP-related reports. The compatibility categories for § 71.95(c) and (d) would also be revised to Compatibility Category C so that these reports contain the required information.

In summary, the NRC is proposing to revise the compatibility category for (1) § 71.101(b) and (c)(1) from a Compatibility Category C to B to be in alignment with the criteria in Management Directive 5.9; (2) many of the QAP-related regulations (*e.g.,* §§ 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125) from a Compatibility Category NRC, C, or D to a B to allow the Agreement States the authority to approve, inspect and enforce these regulations; and (3) the reporting requirements in § 71.95(a) and (b) from a Compatibility Category D to C so that the NRC receives reports from Agreement State licensees on package defects pursuant to § 71.95(a), and that Agreement State regulators receive reports when their licensees do not use an NRC-approved package in accordance with the CoC pursuant to § 71.95(b), and to § 71.95(c) and (d) so that these reports contain the required information.

Issue 15.5. Deletion of Redundant Advance Notification Requirements for Shipment of Spent Nuclear Fuel

Section 71.97 is titled ''Advance notification of shipment of irradiated reactor fuel and nuclear waste.'' However, advance notification requirements for irradiated reactor fuel (and, equivalently, spent nuclear fuel) are separately included in the more general requirements of 10 CFR part 73, ''Physical protection of plants and materials.'' Specifically, as required in § 73.37(b)(2), licensees are required to provide advance notification of shipment to the Governor of a State and/or Tribal official for any shipment crossing the State or Tribal boundary when the shipment contains greater than 100 grams irradiated reactor fuel and the external radiation dose rate is greater than 1 Gy (100 rad) per hour at a distance of 1 meter (3.3 feet) from any accessible surface without intervening shielding. Licensees are also required to provide notification of such shipments to the NRC in accordance with § 73.72. Additionally, as required in § 73.35, ''Requirements for physical protection of irradiated reactor fuel (100 grams or less) in transit,'' licensees who transport 100 grams or less of irradiated reactor fuel, when the external radiation dose rate is greater than 1 Gy (100 rad) per hour at a distance of 1 meter (3.3 feet) from any accessible surface without intervening shielding, are required to provide advance notification of shipment in accordance with § 37.77. When 10 CFR part 37 was established in 2013, this requirement was introduced, but the ''irradiated reactor fuel'' aspect was not removed from § 71.97. Therefore, licensees may need to produce two reports for a single shipment to meet the advance notification requirements of §§ 71.97 and 73.37 or § 73.35. To address this potential inefficiency the NRC is proposing to modify § 71.97 to remove references to irradiated reactor fuel.

IV. Specific Request for Comment

The NRC is seeking comment and feedback from the public on this proposed rule. The NRC is particularly interested in comment and supporting rationale from the public on the following:

QUESTION 1: IAEA Changes in SSR–6 (2018 Edition) Not in the Scope of This Proposed Rule

Starting in 2016, while developing the regulatory basis for this proposed rule, the NRC considered the changes in SSR–6, 2012 Edition, and the proposed changes that were being considered for SSR–6, 2018 Edition, which were eventually issued in June 2018. The NRC contracted with Oak Ridge National Laboratory (ORNL) to develop ORNL/TM–2014/658, ''Comparison of the International and United States Domestic Radioactive Material Transport Regulations.'' In this document, ORNL compared both NRC and DOT regulations to SSR–6, 2012 Edition, and noted the differences. The NRC then compared the changes between SSR–6, 2018 Edition, and the 2012 Edition to determine which changes affect NRC regulations and whether those changes should be included in this proposed rule. Based on this review, the NRC did not include the following IAEA changes in the scope of this proposed rule:

1. Issue 1 consisted of four different sub-issues: Issue No. 1a: New Fissile

Exceptions in IAEA SSR–6, paragraph 417; Issue No. 1b: Competent Authority-Approved Fissile Exception, SSR–6, paragraph 417(f); Issue No. 1c: CSI-Controlled Fissile Material Packages, SSR–6, paragraph 674; and Issue No. 1d: Plutonium Shipments in Type A Packages, SSR–6, paragraph 675.

For issue 1a, the NRC considered whether to adopt the fissile exceptions in paragraphs 417(c), without consignment limits in paragraph 570(c); the consignment limit in paragraph 570(d) associated with the package mass limit in paragraph 417(d); and the exception in paragraph 417(e) and its associated exclusive use restriction in paragraph 570(e), but with a mass limit of 140 g instead of the IAEA mass limit of 45 grams of fissile material from SSR–6, 2018 Edition, into the NRC regulations. The NRC chose not to adopt the consignment limits in 570(c) and (d) for the fissile exceptions in 417(c) and 417(d), respectively because consignment limits do not prevent the accumulation of packages on a transport conveyance, as there is no limit to the number of consignments that may be present on a single conveyance. Additionally, the accumulation on a single conveyance of the number of these packages required to approach criticality is not credible.

After evaluation of Issue 1b, the NRC is not proposing to add the new ''competent authority-approved'' fissile exception in paragraph 417(f) into the NRC regulations. If an NRC licensee wished to ship a material that did not meet the fissile material exemption or general license criteria in 10 CFR part 71, and for which demonstration of subcriticality in a package per the requirements of §§ 71.55 and 71.59 is deemed too burdensome, the licensee could request a specific exemption under § 71.12. The NRC notes that if an NRC licensee submitted a ''competent authority-approved'' exception, the approval would include both NRC and DOT reviews and issuance of the exception and the NRC review and findings would be similar to those of either an exemption or NRC-issued CoC.

After evaluation of Issue 1c, the NRC is not proposing to add CSI-controlled fissile material packages that the IAEA incorporated into SSR–6, paragraph 674. The IAEA SSR–6, paragraph 674(a), contains fissile material mass limits (per Table 13 in SSR–6, paragraph 674) and a CSI determination for packages with a minimum external dimension of 10 centimeters, which are not required to withstand normal conditions of transport in SSR–6, paragraphs 719–724. The IAEA SSR–6, paragraph 674(b), contains similar fissile material mass limits, and a formula for determination of a lower CSI, for packages which withstand normal conditions of transport while maintaining a larger minimum external dimension of 30 centimeters. The IAEA SSR–6, paragraph 674(c), contains the same CSI calculation as paragraph 674(b), for packages that withstand normal conditions of transport while maintaining a minimum external dimension of 10 centimeters, with a limit of 15 grams fissile material per package.

The NRC does not propose to adopt the changes in IAEA SSR–6, paragraph 674, because the NRC has determined that the mass limits and other requirements in §§ 71.22 and 71.23 are appropriate for providing criticality safety equivalent to packages approved under the criticality safety requirements of §§ 71.55 and 71.59. Adopting the provisions of IAEA SSR–6 would result in more restrictive mass limits for the fissile material general licenses authorized under 10 CFR part 71.

The NRC evaluated issue 1d, SSR–6, paragraph 675, to add NRC requirements for shipment of plutonium in a nonfissile package, with accumulation control provided by the calculation of a CSI. This provision was included in SSR–6, 2012 Edition but without accumulation control. The NRC's fissile exemption in § 71.15(f) is similar in that it limits the package to 1000 g of plutonium, of which not more than 20 percent by mass may be plutonium-239, plutonium-241, or any combination of the two; however, the NRC regulation does not include accumulation control via a CSI calculation. The NRC has determined that the fissile exemption in § 71.15(f) is safe without accumulation control, and that there is no safety benefit to limiting accumulation through the use of a CSI, in order to be consistent with the IAEA standards. Therefore, the NRC is not proposing to harmonize with paragraph 675, SSR–6, 2018 Edition.

2. The NRC considered adopting the reduced external pressure value of 60 kPa from paragraph 645 and the air transport package requirements from paragraph 621. The NRC is not proposing to harmonize with paragraphs 621 and 645, SSR–6, 2018 Edition, as discussed for Issue 2 in Section III of this proposed rule, to avoid creating unnecessary mode-specific restrictions within 10 CFR part 71.

3. Inclusion of Type C Package Standards (paragraphs 669–672)—The NRC considered adding Type C package standards for domestic transport, but there was not an expressed need for domestic transport of packages approved to Type C standards. Therefore, the NRC is not proposing to add Type C package standards in this proposed rule.

4. Testing and reporting the integrity of the containment system and shielding, and assessing criticality safety (paragraph 716), and additional description of the impact of the tests on packages (paragraphs 718–737)—The NRC reviewed its regulations for an application for approval of a package design and considered its regulations sufficient to obtain the information needed to determine whether a package design meets the requirements in 10 CFR part 71.

5. Addition of LSA Fissile Shipments (paragraphs 518, 519, 520)—Since LSA packages are self-certified under DOT regulations, other than the fissile material exemptions (§ 71.15) and fissile material general licenses (§§ 71.22 and 71.23), there is no mechanism for adding fissile material to an LSA package without NRC approval. Under current NRC regulations, the package could be certified but would become a Type BF or Type AF package, depending on the quantity of radioactive material in the package, and therefore the NRC did not consider any revision necessary.

6. Safety Factors for Lifting Attachments (paragraph 608)—The NRC regulations in § 71.45 contain quantitative criteria for evaluating lifting attachments that are considered a structural part of the package. The IAEA standards state an ''appropriate'' safety factor must be used. In its review, the NRC determined that adopting the IAEA changes would not result in safety benefits beyond those in § 71.45.

7. Shipment after Storage and Gap Analysis (paragraphs 503(e) and 809(k))—The IAEA added regulations both for shipment after storage and a gap analysis for packages in storage prior to shipment. The regulations in SSR–6, paragraph 503(e), require that during storage, packages are maintained to ensure that all relevant transportation standards in SSR–6 and certificates of approval for those packages will be fulfilled. The NRC is not proposing to adopt paragraph 503(e) because, during its review of packages for which storage is expected prior to transport (*i.e.,* dual purpose casks or canisters), the NRC ensures that the evaluations, operating procedures, maintenance program and acceptance tests for transport take storage into consideration. In addition, for any package that is stored prior to transport, existing NRC requirements (§§ 71.17(c) and 71.87(b)) ensure that, prior to transport, the licensee must comply with the terms and conditions

of the NRC approval for the package design and ensure the package is in unimpaired physical condition. Following the operating procedure, maintenance program, and acceptance tests in the application is a condition of approval in all NRC-approved CoCs.

The NRC is not proposing to adopt paragraph 809(k), which requires ''periodic evaluation of changes of regulations, changes in technical knowledge and changes of the state of the package design during storage.'' The NRC's transitional arrangements authorize continued use of package designs approved to prior versions of the NRC regulations, with limitations on fabrication and restrictions on modifications to package designs without the need to demonstrate full compliance with the revised regulations. Package designs compliant with the existing regulations do not become ''unsafe'' when the regulations are revised (unless a significant safety issue is corrected in the revision). If a significant safety issue is corrected in a rulemaking, NRC certificate holders for that package design or type of package would be informed via generic communication (*e.g.,* regulatory information summary, bulletin, or generic letter), and as appropriate, required to take action, prior to a potential rule change. In addition, as stated previously, prior to transport the licensee must comply with the terms and conditions in the NRC approval and ensure the package is in unimpaired physical condition.

• Is there anything in SSR–6, 2018 Edition, that the NRC did not include in the scope of this proposed rule, but should have? In your comment, please explain why the NRC should consider adding the change to the final rule and the associated benefits.

QUESTION 2: Removing Tables A–1 Through A–4 in Appendix A to 10 CFR Part 71

The NRC transportation regulations in 10 CFR part 71 include appendix A to 10 CFR part 71, ''Determination of A_1 and A_2.'' The introductory material in paragraphs I–V to appendix A includes information related to determining A_1 and A_2 values. Appendix A includes four tables:

—Table A–1: ''A_1 and A_2 Values for Radionuclides''
—Table A–2: ''Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides''
—Table A–3: ''General Values for A_1 and A_2''
—Table A–4: ''Activity-Mass Relationships for Uranium''

The Secretary of Transportation has the authority to regulate the transportation of hazardous materials per the Hazardous Materials Transportation Act, as amended and codified in 49 U.S.C. 5101, *et seq.* The Secretary is authorized to issue regulations to implement the requirements of the statute. The DOT's Pipeline and Hazardous Materials Safety Administration has been delegated the responsibility for the hazardous materials regulations, which are contained in 49 CFR parts 100–185. These regulations include the requirements for Class 7 (radioactive) material.

The DOT maintains the same information in 49 CFR 173.433 through 49 CFR 173.436 as found in the NRC's appendix A to 10 CFR part 71. With the authority to regulate the transportation of hazardous materials, including Class 7 (radioactive) material, DOT is the lead agency for determining the basic radionuclide values (A_1 and A_2 values) and the exempt material activity concentrations and exempt consignment activity limits for radionuclides that are used in radioactive material transportation activities. The DOT regulations include:

—49 CFR 173.433, ''Requirements for determining basic radionuclide values, and for the listing of radionuclides on shipping papers and labels''
—49 CFR 173.433, Table 7, ''General Values for A_1 and A_2''
—49 CFR 173.433, Table 8, ''General Exemption Values''
—49 CFR 173.434, ''Activity-mass relationships for uranium and natural thorium''
—49 CFR 173.435, ''Table of A_1 and A_2 values for radionuclides''
—49 CFR 173.436, ''Exempt material activity concentrations and exempt consignment activity limits for radionuclides''

The NRC recognizes challenges associated with maintaining the accuracy and consistency of all the information in appendix A to 10 CFR part 71 with the parallel information in 49 CFR chapter I, considering, in part, the periodic updates the DOT makes to these regulations to harmonize with IAEA standards. Therefore, to minimize duplicative information within the domestic transportation regulations, and to recognize the DOT's authority to regulate Class 7 (radioactive) material, the NRC is considering removing the content of appendix A to 10 CFR part 71. Where it is necessary within the subparts of 10 CFR part 71, the NRC would remove all references in 10 CFR chapter I to information in appendix A to 10 CFR part 71 and replace those with references to the appropriate regulation in 49 CFR chapter I.

• Please comment on whether the NRC should consider removing Tables A–1 through A–4 in appendix A to 10 CFR part 71 and instead refer to the appropriate DOT tables in 49 CFR chapter I, rather than updating Tables A–1 through A–4 in appendix A to 10 CFR part 71 as currently shown in this proposed rule. If so, would there be a benefit to members of the public, including applicants and licensees? Please explain your rationale.

QUESTION 3: Merits of Requiring a Biennial Report for No Changes to a QAP

As described in Section III of this document, in Issue 12, the NRC is proposing to revise § 71.106 to achieve NRC's stated intent in the 2015 final rule. Specifically, the NRC is proposing to revise § 71.106(b) to clarify that a biennial report must be submitted to the NRC even if no changes are made to the QAP during the reporting period. This proposed requirement would benefit the NRC's regulatory oversight of QAP approval holders. The NRC inspection program for 10 CFR part 71 QAP approval holders relies on having current information about the QAP available to the NRC, including the reporting of no changes. The 24-month reporting period aims to provide an appropriate balance between the burden placed on the QAP approval holders and the need to ensure that the NRC has current information, especially when considering most QAP approval holders subject to periodic inspection are inspected every 5 years or on an as-needed basis. Another benefit is that the revised QAP reporting requirements in 10 CFR part 71 would be consistent with those in 10 CFR 50.54(a)(3) and 50.71(e)(2) for 10 CFR part 50 QAPs. The benefits and costs of the proposed requirement are described in the regulatory analysis and the NRC estimates that the cost of compliance is very small. The NRC is interested in the public's feedback as to the benefits and costs of requiring a no-change biennial report.

• Please comment on the benefits and costs of requiring a 10 CFR part 71 QAP approval holder to submit a biennial report to the NRC even if no changes are made to the QAP during the reporting period.

V. Section-by-Section Analysis

The following paragraphs describe the specific changes in this proposed rule.

Section 71.0 Purpose and Scope

This proposed rule would revise paragraph (d)(1) to clarify general license package approval requirements.

Section 71.4 Definitions

This proposed rule would revise the definitions for *Low Specific Activity material, Special form radioactive material,* and *Surface Contaminated Object,* delete the definition for *Low Specific Activity—III Leaching Test,* and add a new definition for *Radiation level.*

Section 71.15 Exemption From Classification as Fissile Material

This proposed rule would revise the introductory paragraph by replacing (f) with (g), paragraph (a) by adding new subparagraphs (1) and (2), paragraph (d) by replacing ''of up to'' with ''not exceeding, and add paragraph (g), which is a new provision for exclusive use of transportation packages.

Section 71.17 Exemption From Classification as Fissile Material

This proposed rule would revise paragraph (e) to change the design approval date for Type B or fissile material packages from April 1, 1996, to the effective date of the final rule.

Section 71.19 Previously Approved Package

This proposed rule would revise paragraph (a) to include existing CoCs that have a ''–96'' in their package identification number, redesignate paragraphs (c) and (d) as paragraphs (d) and (e), revise newly redesignated paragraph (e) to include those CoCs that have a suffix ''–96'' in their identification numbers, and add new paragraph (c), to add transitional arrangements on existing CoCs that have a ''–96'' in their package identification number.

Section 71.22 General License: Fissile Material

This proposed rule would revise paragraph (a) to replace ''subparts E and F of this part'' with ''§§ 71.55 and 71.59'' and to remove the limitation to a Type A quantity of radioactive material in a Type A package to allow shipment of material under the general licenses in §§ 71.22 and 71.23 in a Type B package, paragraph (c) to remove (c)(1) and redesignate paragraph (c)(2) as new paragraph (c), paragraphs (e)(3) through (5) to limit the ^{233}U to less than one percent of the mass of ^{235}U, similar to the provision limiting plutonium in § 71.22(e)(5)(ii), and add new paragraphs (f) through (h) to ensure that each licensee will comply with § 71.17(c) for shipments made using the respective general license and that any Type B package used under the respective general license approved by the NRC before the effective date of the final rule is subject to the transitional arrangements in § 71.19.

Section 71.23 General License: Plutonium-Beryllium Special Form Material

This proposed rule would revise paragraphs (a) and (c), and add paragraphs (f) through (h) to clarify that only special form sealed sources, not just sealed sources may be delivered to a carrier for transport using the general license in § 71.23.

Section 71.31 Contents of Application

This proposed rule would revise paragraph (a) to add a maintenance program description, as required by § 71.35 among the contents of application.

Section 71.35 Package Evaluation

This proposed rule would revise paragraph (b) to delete ''and'' paragraph (c) to add ''; and'' and add new paragraph (d) to specify maintenance program requirements.

Section 71.43 General Standards for All Packages

This proposed rule would revise paragraph (d) to specifically include the evaluation of the effects of aging, and to specify that degradation evaluations will be managed by the maintenance program in accordance with § 71.35(d), and add new paragraph (i) to specify that each system designed to contain liquids has adequate ullage during evaluation of the tests and conditions for normal conditions of transport and hypothetical accident conditions specified in §§ 71.71 and 71.73.

Section 71.55 General Requirements for Fissile Material Packages

This proposed rule would revise paragraph (g)(1) to require that there is no contact between the cylinder plug and any other part of the packaging, other than at its original attachment point and that the cylinder plug remains leak tight, as NRC requires for the cylinder valve.

Section 71.71 Normal Conditions of Transport

This proposed rule would change the unit of measure in the table in paragraph (c)(1) to change the unit of measure for the values of insolation used for the heat test for normal conditions of transport from ''(g cal/cm^2)'' to ''(W/m^2)''.

Section 71.73 Hypothetical Accident Conditions

This proposed rule would revise paragraph (b) to add insolation to the initial conditions for the tests for hypothetical accident conditions.

Section 71.77 Qualification of LSA—III Material

This proposed rule would remove and reserve § 71.77 and make conforming changes to §§ 71.4 and 71.100.

Section 71.95 Reports

This proposed rule would remove paragraph (a)(3) as it is duplicative to text in paragraph (b).

Section 71.97 Advance Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste

This proposed rule would revise the section title, the introductory text of paragraph (b), and paragraphs (d) and (f)(1) to remove references to irradiated reactor fuel to correct a duplicative advance notification reporting requirement in § 71.97 with those in §§ 73.35 and 73.37.

Section 71.100 Criminal Penalties

This proposed rule would revise paragraph (b) to remove the leaching test requirement as a conforming change to § 71.77.

Section 71.106 Changes to Quality Assurance Program

This proposed rule would revise the introductory text of paragraph (b) to clarify that a biennial report must be submitted to the NRC even if no changes are made to the QAP during the reporting period.

Appendix A to Part 71—Determination of A_1 and A_2

This proposed rule would revise Tables A–1 and A–2 in paragraph V.b. to add seven radionuclides and correct the specific activity of natural rubidium.

VI. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this proposed rule will not, if issued, have a significant economic impact on a substantial number of small entities. This proposed rule affects a number of ''small entities'' as defined by the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810). However, as indicated in the regulatory analysis, these amendments do not have a significant economic impact on the affected small entities.

VII. Regulatory Analysis

The NRC has prepared a regulatory analysis on this proposed rule. The analysis examines the costs and benefits of the alternatives considered by the NRC and includes consideration of the costs and benefits of updating guidance. The NRC requests public comment on the regulatory analysis. The regulatory analysis is available as indicated in the ''Availability of Documents'' section of this document. Comments on the regulatory analysis may be submitted to the NRC as indicated under the **ADDRESSES** section of this document.

VIII. Backfitting and Issue Finality

The NRC has determined that backfitting (§ 50.109, § 70.76, § 72.62, or § 76.76) and the issue finality provisions in 10 CFR part 52 do not apply to this proposed rule because it would not involve any provisions that would impose backfits as defined in 10 CFR chapter I or affect the issue finality of any approval issued under 10 CFR part 52. Some licensees that are within the scope of the backfit rule (*e.g.,* a power reactor or a fuel fabrication facility) transport radioactive material from their own facilities. Those backfitting and issue finality provisions apply to activities directly regulated under those parts, and do not apply to activities regulated under other parts that do not include backfitting or issue finality provisions. The exception to this general principle is where the activity regulated under other parts that do not include backfitting or issue finality provisions is an inextricable part of the regulated activity within the scope of backfitting or issue finality. Preparing packages for transport is not an inextricable part of the procedures or organization required to design, construct or operate a facility as licensed under 10 CFR part 50, 52, 70, 72, or 76; rather, it is a separate activity that these licensees may choose to undertake. The scope of this proposed rule does not include any changes to any of those facilities or plants' activities for which the backfit rule applies.

The NRC's determination on this matter is in accordance with Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests,'' and its associated guidance in NUREG–1409, ''Backfitting Guidelines.''

IX. Cumulative Effects of Regulation

The NRC seeks to minimize any potential negative consequences resulting from the cumulative effects of regulation (CER). The CER describes the challenges that licensees, or other impacted entities such as State partners, may face while implementing new regulatory positions, programs, or requirements (*e.g.,* rules, generic letters, backfits, inspections). The CER is an organizational effectiveness challenge that may result from a licensee or impacted entity implementing a number of complex regulatory actions, programs, or requirements within limited available resources.

To better understand the potential CER implications incurred due to this proposed rule, the NRC is requesting comment on the following questions. Responding to these questions is voluntary, and the NRC will respond to any comments received in the final rule.

1. In light of any current or projected CER challenges, does the proposed rule's effective date provide sufficient time to implement the new proposed requirements, including changes to programs and procedures?
2. If current or projected CER challenges exist, what should be done to address this situation? For example, if more time is required for implementation of the new requirements, what period of time is sufficient?
3. Do other regulatory actions (from the NRC or other agency) influence the implementation of the proposed rule's requirements?
4. Are there unintended consequences? Does the proposed rule create conditions that would be contrary to the proposed rule's purpose and objectives? If so, what are the unintended consequences, and how should they be addressed?
5. Please comment on the NRC's cost and benefit estimates in the regulatory analysis that supports this proposed rule.

X. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

XI. Environmental Assessment and Proposed Finding of No Significant Environmental Impact

The Commission has preliminarily determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment, and an environmental impact statement is not required. The basis of this determination is as follows: The amendments would change the requirements for packaging and transportation of radioactive material. The amendments would make changes to harmonize the NRC's regulations with the 2018 Edition of the IAEA's transport standards (SSR–6) and with that of the DOT's regulations under 49 CFR and include NRC-initiated changes. The environmental impacts arising from the changes have been evaluated and would not involve any significant environmental impact. This includes consideration of direct, indirect, and cumulative impacts. Other amendments are procedural in nature and would have no significant impact on the environment.

The preliminary determination of this environmental assessment is that there will be no significant effect on the quality of the human environment from this action. Public stakeholders should note, however, that comments on any aspect of this environmental assessment may be submitted to the NRC as indicated under the **ADDRESSES** caption. The environmental assessment is available as indicated under the ''Availability of Documents'' section of this document.

The NRC has sent a copy of the environmental assessment and this proposed rule to every State Liaison Officer and has requested comments.

XII. Paperwork Reduction Act

This proposed rule contains new or amended information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed rule has been submitted to the Office of Management and Budget (OMB) for review and approval of the information collection requirements.

Type of submission, new or revision: Revision.

The title of the information collection: Harmonization of Transportation Safety Requirements with IAEA Standards.

The form number if applicable: Not applicable.

How often the collection is required: Applications for changes reducing commitments to the NRC on quality assurance programs and for package approval are submitted on occasion. Quality assurance program reporting on changes determined not to reduce commitments, or reporting of no

changes made, is done every 24 months. Reporting packaging issues or instances in which the conditions in a CoC are not followed occur infrequently.

Who will be required or asked to report: General or specific licensees who use a package, certificate holders and applicants for a new or amended CoC.

An estimate of the number of annual responses: 7.5.

The estimated number of annual respondents: 6.5.

An estimate of the total number of hours needed annually to complete the requirement or request: 1,376.7 hours (an increase of 1,052.5 hours reporting + an increase of 322.7 third party disclosure hours and 1.5 hours recordkeeping).

Abstract: The NRC, in consultation with the DOT, is proposing to amend its regulations for the packaging and transportation of radioactive material. The Commission has historically been consistent in its support of harmonizing the NRC transportation regulations with the IAEA's standards. These amendments would make the NRC regulations conform to the recent revisions to the IAEA standards for the international transportation of radioactive material and maintain consistency with the DOT regulations. These changes are necessary to maintain a consistent regulatory framework for the packaging and transportation of radioactive material. The NRC is also proposing to amend these regulations to include administrative, editorial, or clarifying changes, including changes to certain Agreement State compatibility category designations.

The NRC is seeking public comment on the potential impact of the information collections contained in this proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?

2. Is the estimate of burden of the proposed information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the proposed information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the OMB clearance package is available in ADAMS under Accession No. ML20101F920. You may obtain information and comment submissions related to the OMB clearance package by searching on *https://www.regulations.gov* under Docket ID NRC–2016–0179.

You may submit comments on any aspect of these proposed information collection(s), including suggestions for reducing the burden and on the above issues, by the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2016–0179.
- *Mail comments to:* FOIA, Library, and Information Collections Branch T6–A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by email to *Infocollects.Resource@nrc.gov.*
- *Submit to OMB Directly:* Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this document to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently Under Review—Open for Public Comments'' or by using the search function.

Comments on the information collections will be publicly available in ADAMS and on *Reginfo.gov.* Submit comments by November 14, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

XIII. Criminal Penalties

For the purposes of Section 223 of the Atomic Energy Act of 1954, as amended (AEA), the NRC is issuing this proposed rule that would amend 10 CFR part 71 under one or more of Sections 161b, 161i, or 161o of the AEA. Willful violations of the rule would be subject to criminal enforcement. With the following exception, none of the proposed amendments would change the manner in which criminal penalties would be assessed or enforced.

Criminal penalties as they apply to regulations in 10 CFR part 71 are discussed in § 71.100. One of the actions within the scope of this rulemaking, Issue 6, Deletion of the Low Specific Activity—III Leaching Test, proposes to remove the content of § 71.77 and replace the section heading with ''RESERVED.'' This change would impact § 71.100(b), because § 71.77 would be removed from that paragraph as the leaching test would no longer be required.

XIV. Coordination With NRC Agreement States

The NRC has coordinated with the Agreement States throughout the development of this proposed rule. Agreement State representatives have served on the rulemaking working group that developed this proposed rule and on the Standing Committee on Compatibility for the rulemaking. The NRC also provided a preliminary draft of the proposed rule to the Agreement States for review.

XV. Compatibility of Agreement State Regulations

Under the ''Agreement State Program Policy Statement'' approved by the Commission on October 2, 2017 and published in the **Federal Register** on October 18, 2017 (82 FR 48535), NRC program elements (including regulations) are placed into compatibility categories A, B, C, D, NRC, or adequacy category Health and Safety (H&S). Compatibility Category A program elements are those program elements that are basic radiation protection standards and scientific terms and definitions that are necessary to understand radiation protection concepts. An Agreement State should adopt Category A program elements in an essentially identical manner in order to provide uniformity in the regulation of agreement material on a nationwide basis. Compatibility Category B program elements are those program elements that apply to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. Compatibility Category C program elements are those program elements that do not meet the criteria of Category A or B but do contain the essential objectives that an Agreement State should adopt to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a national basis. An Agreement State should adopt the essential objectives of the Category C program elements. Compatibility Category D program elements are those program elements that do not meet any of the criteria of Category A, B, or C and, therefore, do not need to be adopted by Agreement States for purposes of compatibility. Compatibility Category NRC program elements are those program elements that address areas of regulation that cannot be relinquished to the

Agreement States under the Atomic Energy Act of 1954, as amended, or provisions of title 10 of the *Code of Federal Regulations.* These program elements should not be adopted by the Agreement States. Adequacy category H&S program elements are program elements that are required because of a particular health and safety role in the regulation of agreement material within the State and should be adopted in a manner that embodies the essential objectives of the NRC program. A bracketed compatibility category (*e.g.,* [B]) means that the provision may have been adopted elsewhere in the Agreement State's regulations and does not need to be adopted again.

As discussed in Section III of this document, Issue 15.4, the regulations that contain QAP requirements (*e.g.,* §§ 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125) are currently designated as Compatibility Category NRC and cannot be adopted by the Agreement States. Since a proper QAP review cannot be completed without addressing many of these criteria, Agreement States would need to adopt compatible regulations to require licensees that use NRC-approved Type B packages for shipping, other than for industrial radiography, or that ship using the general license in § 71.21, § 71.22 or § 71.23, to follow these QAP criteria. Additionally, since only a few Agreement States have applicable licensees that perform shipments of Type B quantities of radioactive materials, other than for industrial radiography operations (which are covered under § 34.31), or that ship using the general license in § 71.21, § 71.22, or § 71.23, all QAP-related requirements, including those mentioned previously and others referenced below in the table, would be re-designated as a Compatibility Category B. This re-designation would require those Agreement States with applicable licensees to have essentially identical regulations. For those Agreement States that do not have applicable licensees, these regulations will remain designated as Compatibility Category D and, hence, do not have to be adopted for purposes of compatibility.

The changes in this proposed rule, discussed in Section III of this document, would be a matter of compatibility between the NRC and the Agreement States, thereby providing consistency among Agreement State and NRC requirements. Regulations that are a part of this rulemaking but remain the same compatibility category designation are included in the table for completeness. The compatibility categories are designated in the following table.

Section	Change	Subject	Compatibility	
			Existing	New
71.0(d)(1)	Revised	Purpose and Scope	D	D
71.4	New	Definition: Radiation Level		[A]
71.4	Revised	Definition: Low Specific Activity (LSA) material [Deletion of Low Specific Activity—III Leaching Test].	[B]	[B]
71.4	Revised	Definition: Special form radioactive material	[B]	[B]
71.4	Revised	Definition: Surface Contaminated Object (SCO)	[B]	[B]
71.15(a) and (d)	Revised	Exemption from classification as fissile material	[B]	[B]
71.15(g)	New	Exemption from classification as fissile material		[B]
71.17(e)	Revised	General license: NRC-approved package	B	B
71.19	Revised	Previously approved package	NRC	NRC
71.22(a), (c), and (e)(3) through (5)	Revised	General license: Fissile material	[B]	[B]
71.22(f) through (h)	New	General license: Fissile material		[B]
71.23(a) and (c)	Revised	General license: Plutonium-beryllium special form material.	[B]	[B]
71.23(f) through (h)	New	General license: Plutonium-beryllium special form material.		[B]
71.31(a)	Revised	Contents of application	NRC	NRC
71.35(b) and (c)	Revised	Package evaluation	NRC	NRC
71.35(d)	New	Package evaluation		NRC
71.43(d)	Revised	General standards for all packages	NRC	NRC
71.43(i)	New	General standards for all packages		NRC
71.55(g)	Revised	General requirements for fissile material packages	NRC	NRC
71.71(c)(1)	Revised	Normal conditions of transport	NRC	NRC
71.73(b)	Revised	Hypothetical accident conditions	NRC	NRC
71.77	Removed	Qualification of LSA—III Material	NRC	
71.95	Revised compatibility category.	Reports	D	** C
71.95(a)(3)	Removed	Reports	D	*
71.97	Revised	Advance notification of shipment of irradiated reactor fuel and nuclear waste.	B	B
71.100	Revised	Criminal penalties	D	D
71.101(b)	Revised compatibility category.	Quality assurance requirements	*** C	*** B
71.101(c)(1)	Revised compatibility category.	Quality assurance requirements	*** C	** B
71.103(a) and (b)	Revised compatibility category.	Quality assurance organization	*** C	** B
71.103(c), (d), (e) and (f)	Revised compatibility category.	Quality assurance organization	D	** B
71.105	Revised compatibility category.	Quality assurance program	C	** B
71.106	Revised compatibility category.	Changes to quality assurance program	C	** B
71.109	Revised compatibility category.	Procurement document control	NRC	** B

Section	Change	Subject	Compatibility	
			Existing	New
71.111	Revised compatibility category.	Instructions, procedures and drawings	NRC	** B
71.113	Revised compatibility category.	Document control	NRC	** B
71.115	Revised compatibility category.	Control of purchased material, equipment, and services.	NRC	** B
71.117	Revised compatibility category.	Identification and control of materials, parts and components.	NRC	** B
71.119	Revised compatibility category.	Control of special processes	NRC	** B
71.121	Revised compatibility category.	Internal inspection	NRC	** B
71.123	Revised compatibility category.	Test control	NRC	** B
71.125	Revised compatibility category.	Control of measuring and test equipment	NRC	** B
71.127	Revised compatibility category.	Handling, storage, and shipping control	[C]	** B
71.129	Revised compatibility category.	Inspection, test, and operating status	[C]	** B
71.131	Revised compatibility category.	Nonconforming materials, parts, or components	[C]	** B
71.133	Revised compatibility category.	Corrective action	C	** B
71.135	Revised compatibility category.	Quality assurance records	*** C	** C
71.137	Revised compatibility category.	Audits	C	** C
Table A–1 in Appendix A to 10 CFR Part 71.	Revised	A_1 and A_2 Values for Radionuclides	[B]	[B]
Table A–2 in Appendix A to 10 CFR Part 71.	Revised	Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides.	[B]	[B]

* Denotes regulations that are designated Compatibility Category D but which will be removed from the regulations as a result of these proposed amendments. Agreement States that have an equivalent regulation should remove these provisions from their regulations when the regulations become final.

** B/C (as designated)—for Agreement States that have licensees that use Type B approved packages for shipping, other than for industrial radiography, or have licensees that ship using the general license in § 71.21, § 71.22, or § 71.23, these regulations are required for compatibility purposes.

D—for States that do not have licensees that use Type B approved packages for shipping, other than for industrial radiography, these regulations are not required for compatibility purposes.

*** 10 CFR 71.101(g) indicates that QA programs for industrial radiography Type B package users are covered by § 34.31(b). It also indicated that this section satisfies § 71.17(b) and therefore will satisfy those sections referenced in this provision (§§ 71.101 through 71.137).

The NRC invites comment on the compatibility category designations in the proposed rule and suggests that commenters refer to Handbook 5.9 of Management Directive 5.9, ''Adequacy and Compatibility of Program Elements for Agreement State Programs,'' for more information. The NRC notes that, like the rule text, the compatibility category designations can change between the proposed rule and final rule on the basis of comments received and Commission decisions regarding the final rule. The NRC encourages anyone interested in commenting on the compatibility category designations to do so during the comment period.

XVI. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act (NTTAA) of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies, unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC would revise regulations associated with packaging and transportation of radioactive material in 10 CFR part 71 to conform NRC regulations to the recent revisions to the IAEA standards for the international transportation of radioactive material. While the rule harmonizes NRC requirements with IAEA Standard SSR–6, it does not endorse SSR–6, and SSR–6 does not meet the criteria for being a voluntary consensus standard under the NTTAA. The NRC is not aware of any voluntary consensus standard that could be used. The NRC will consider using a voluntary consensus standard if an appropriate standard is identified. If a voluntary consensus standard is identified for consideration, the submittal should explain how the voluntary consensus standard is comparable and why it should be used. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XVII. Availability of Guidance

The NRC is issuing for comment draft guidance, DG–7011, ''Standard Format and Content of Part 71 Applications for Approval of Packages for Radioactive Material,'' Revision 3 to Regulatory Guide 7.9, for the implementation of the requirements in this proposed rule. The draft guidance identifies the information to be provided in an application for package approval and establishes a uniform format for presenting that information. The draft guidance is available in ADAMS under Accession No. ML22223A085. You may obtain information and comment submissions related to the draft guidance by

searching on *https://www.regulations.gov* under Docket ID NRC–2016–0179. You may submit comments on the draft regulatory guidance by the methods outlined in the **ADDRESSES** section of this document.

The NRC considered whether a revision of NUREG–1608, ''Categorizing and Transporting Low Specific Activity Materials and Surface Contaminated Objects,'' was warranted in association with this proposed rule. NUREG–1608, published jointly by the NRC and the DOT in 1998, provides guidance to shippers of LSA material and SCO regarding significant changes to both 10 CFR part 71 and 49 CFR that became effective April 1, 1996. The NRC's judgement is that NUREG–1608 serves the purpose for which it was intended, which was to educate shippers about major changes to the regulations in 1996, and that the minor changes to the LSA and SCO requirements in this proposed rule do not warrant a revision to NUREG–1608.

The NRC also considered whether a revision of NUREG–1660, ''U.S.-Specific Schedules of Requirements for Transport of Specified Types of Radioactive Material Consignments,'' was warranted in association with this proposed rule. NUREG–1660, published jointly by the NRC and the DOT in 1999, provides summaries of NRC, DOT, and other regulations that shippers must meet, depending on the type of material being shipped. NUREG–1660 is currently under revision to incorporate requirements issued in both 10 CFR chapter I and 49 CFR chapter I since 1999. The NRC's judgement is that there are no changes being considered in this proposed rule that will affect the content of the revised NUREG–1660.

The NRC considered whether a revision to NUREG–1886, ''Joint Canada—United States Guide for Approval of Type B(U) and Fissile Material Transportation Packages,'' is warranted in association with this rulemaking. NUREG–1886, published jointly with the DOT and the Canadian Nuclear Safety Commission (CNSC) in 2009, provides a standard format and content of an application for approval of Type B(U) and fissile material packages to demonstrate the ability of the given package to meet both United States (NRC and DOT regulations) and Canadian regulations. The NRC, the DOT, and the CNSC recently started discussions to update NUREG–1886, which will be a multiyear effort. When NUREG–1886 is updated, the NRC will ensure that it is consistent with the final version of DG–7011 and its associated Regulatory Guide 7.9.

The NRC considered whether a revision to NUREG–2216, ''Standard Review Plan for Transportation Packages for Spent Fuel and Radioactive Material,'' is warranted in association with this proposed rule. NUREG–2216, which was recently issued, provides guidance to the NRC staff for reviewing an application for package approval issued under 10 CFR part 71. There are no changes being considered in this proposed rule that would significantly affect the content of NUREG–2216. The NRC will first obtain experience using NUREG–2216 to evaluate whether there are more significant changes needed before making the relatively minor changes associated with this proposed rule.

XVIII. Public Meeting

The NRC will conduct a public meeting on this proposed rule to describe it to the public and to facilitate the development of public comments. The NRC will publish a notice of the location, time, and agenda of the meeting on *Regulations.gov* and on the NRC's public meeting website at least 10 calendar days before the meeting. Stakeholders should monitor the NRC's public meeting website for information about the public meeting at: *https://www.nrc.gov/public-involve/public-meetings/index.cfm.*

XIX. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No./web link/ **Federal Register** citation
Rulemaking Documents and References	
SECY–20–0102 for this proposed rule	ML20101F921
Federal Register notice for this proposed rule	ML22209A035
Regulatory Analysis for this proposed rule	ML22209A039
Environmental Assessment for this proposed rule	ML22209A045
OMB supporting statement for this proposed rule	ML22209A052
Draft regulatory basis document for this rulemaking, dated March 2019	ML18262A185
Federal Register notification for draft regulatory basis, dated April 12, 2019	84 FR 14898
Draft regulatory basis comment submission #1	ML19106A347
Draft regulatory basis comment submission #2	ML19113A064
Draft regulatory basis comment submission #3	ML19143A311
Draft regulatory basis comment submission #4	ML19143A312
Draft regulatory basis comment submission #5	ML19148A147
Draft regulatory basis comment submission #6	ML19149A474
Draft regulatory basis comment submission #7	ML19150A140
NRC final rule amending packaging and transportation of radioactive material regulations, dated June 12, 2015.	80 FR 33988
DOT final rule amending packaging and transportation of radioactive material regulations, dated July 11, 2014.	79 FR 40589
NRC final rule harmonizing its regulations with the 1996 edition of IAEA Safety Series No. 6, dated January 26, 2004.	69 FR 3697
NRC proposed rule harmonizing its regulations with the 1996 edition of IAEA Safety Series No. 6, dated April 30, 2002.	67 FR 21390
NRC final rule harmonizing its regulations with the 1985 edition of IAEA Safety Series No. 6, dated September 28, 1995.	60 FR 50248
NRC/DOT Memorandum of Understanding, dated July 2, 1979	44 FR 38690
SECY–16–0093, ''Rulemaking Plan for Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements,'' dated July 28, 2016.	ML16158A164

Document	ADAMS accession No./web link/ **Federal Register** citation
Staff Requirements Memorandum SRM–SECY–16–0093, ''Staff Requirements—SECY–16–0093—Rulemaking Plan for Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements,'' dated August 19, 2016.	ML16235A182
Harmonization issues paper, ''Issues Paper on Potential Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements,'' dated November 15, 2016.	ML16299A298 paper, ML16299A291 package
Federal Register notification for harmonization issues paper, dated November 21, 2016	81 FR 83171
Issues paper public meeting summary, ''Summary of the December 5 and 6, 2016 Public Meeting on Issues Paper on Revisions to Transportation Safety Requirements and Harmonization with the International Atomic Energy Agency Transportation Requirements,'' dated December 14, 2016.	ML16343A661
Draft Regulatory Guidance Document	
Draft Regulatory Guide DG–7011, ''Standard Format and Content of Part 71 Applications for Approval of Packages for Radioactive Material,'' Revision 3 of Regulatory Guide 7.9.	ML22223A085
IAEA Transportation Safety Standards and Related References	
SSR–6, ''Regulations for the Safe Transport of Radioactive Material,'' 2018 Edition	*https://www.iaea.org/publications/12288/regulations-for-the-safe-transport-of-radioactive-material*
SSR–6, ''Regulations for the Safe Transport of Radioactive Material,'' 2012 Edition	*https://www.iaea.org/publications/8851/regulations-for-the-safe-transport-of-radioactive-material-2012-edition*
TS–R–1, ''Regulations for the Safe Transport of Radioactive Material,'' 2009 Edition	*https://www.iaea.org/publications/8005/regulations-for-the-safe-transport-of-radioactive-material-2009-edition*
TS–R–1, ''Regulations for the Safe Transport of Radioactive Material,'' 2005 Edition	*https://www.iaea.org/publications/7291/regulations-for-the-safe-transport-of-radioactive-material-2005-edition*
TS–R–1, ''Regulations for the Safe Transport of Radioactive Material,'' 1996 Edition	*https://www.iaea.org/publications/6056/regulations-for-the-safe-transport-of-radioactive-material-1996-edition-revised*
Safety Series No. 6, ''Regulations for the Safe Transport of Radioactive Material, 1985 Edition (As Amended in 1990)''.	*http://gnssn.iaea.org/Superseded%20Safety%20Standards/Safety_Series_006_1990.pdf*
Safety Series No. 6, ''Regulations for the Safe Transport of Radioactive Material,'' 1985 Edition	*https://gnssn.iaea.org/Superseded%20Safety%20Standards/Safety_Series_006_1985.pdf*
Safety Series No. 6, ''Regulations for the Safe Transport of Radioactive Material,'' 1973 Edition	*https://gnssn.iaea.org/Superseded%20Safety%20Standards/Safety_Series_006_1973.pdf*
Safety Series No. 6, ''Regulations for the Safe Transport of Radioactive Material,'' 1967 Edition	*https://gnssn.iaea.org/Superseded%20Safety%20Standards/Safety_Series_006_1967.pdf*
Other International Standards References	
ANSI N14.1–2012, ''Nuclear Materials—Uranium Hexafluoride—Packagings for Transport,'' dated December 3, 2012.	*https://webstore.ansi.org/standards/pcc/ansin142012*
ANSI N14.5–2014, ''American National Standard for Radioactive Materials—Leakage Tests on Packages for Shipment,'' dated June 19, 2014.	*https://webstore.ansi.org/standards/pcc/ansin142014*
International Organization for Standardization 7195:2005, ''Nuclear Energy—Packaging of Uranium Hexafluoride (UF_6) for Transport,'' dated September 2005.	*https://www.iso.org/standard/31251.html*
American National Standards Institute/American Nuclear Society 8.1–2014 (Reaffirmed 2018), ''Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors,'' American Nuclear Society, La Grange Park, IL.	*https://webstore.ansi.org/Standards/ANSI/ANSIANS2014R2018*
Miscellaneous References	
National Renewable Energy Laboratory Solar Radiation Data	*https://www.nrel.gov/gis/assets/images/solar-annual-ghi-2018-usa-scale-01.jpg*
NRC letter to Agreement States, ''Clarification of Title 10 of the *Code of Federal Regulations,* Part 71 Requirements Identified in Regulation Amendment Tracking System Identification Number RATS ID: 2015–3 (STC–17–060),'' dated August 15, 2017.	ML17213A844
Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998	63 FR 31885
Agreement State Program Policy Statement, dated October 18, 2017	82 FR 48535
NRC Management Directive 5.9, Handbook 5.9, ''Adequacy and Compatibility of Program Elements for Agreement State Programs,'' dated April 26, 2018.	ML18081A070
NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests,'' dated September 20, 2019.	ML18093B087

Document	ADAMS accession No./web link/ **Federal Register** citation
ORNL/TM–2014/658, ''Comparison of the International and United States Domestic Radioactive Material Transport Regulations,'' dated September 30, 2014.	*https://rampac.energy.gov/docs/default-source/doeinfo/ORNL-TM-2014-658.pdf*
NUREG–1409, ''Backfitting Guidelines,'' Revision 1, draft for public comment, dated March 2020.	ML18109A498
NUREG–1608, ''Categorizing and Transporting Low Specific Activity Materials and Surface Contaminated Objects,'' dated July 1998.	ML15336A927
NUREG–1660, ''U.S.-Specific Schedules of Requirements for Transport of Specified Types of Radioactive Material Consignments,'' dated January 1999.	*https://rampac.energy.gov/docs/default-source/nrcinfo/nureg_1660.pdf*
NUREG–1886, ''Joint Canada–United States Guide for Approval of Type B(U) and Fissile Material Transportation Packages,'' dated March 2009.	ML090930197
NUREG–2216, ''Standard Review Plan for Transportation Packages for Spent Fuel and Radioactive Material,'' dated August 2020.	ML20234A651

Throughout the development of this proposed rule, the NRC may post documents related to it, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2016–0179. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2016–0179); (2) click the ''Subscribe'' link; and 3) enter an email address and click on the ''Subscribe'' link.

List of Subjects in 10 CFR Part 71

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear materials, Packaging and containers, Penalties, Radioactive materials, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendments to 10 CFR part 71:

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

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

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 81, 161, 182, 183, 223, 234, 1701 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 180 (42 U.S.C. 10175); 44 U.S.C. 3504 note. Section 71.97 also issued under Sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

■ 2. In § 71.0, revise paragraph (d)(1) to read as follows:

§ 71.0 Purpose and scope.

* * * * *

(d)(1) Exemptions from the requirement for license in § 71.3 are specified in § 71.14. The general license in § 71.21 does not require NRC package approval. The general licenses in §§ 71.22 and 71.23 require NRC package approval if the quantities exceed a Type A quantity. The general license in § 71.17 requires that an NRC certificate of compliance or other package approval be issued for the package to be used under this general license.

* * * * *

■ 3. Amend § 71.4 by:

■ a. Revising the definitions for *Low Specific Activity material* and *Special form radioactive material;*

■ b. Revising the introductory text and add paragraph (3) for *Surface contaminated object;* and

■ c. Adding the definition *Radiation level* in alphabetical order.

The revisions and addition read as follows:

§ 71.4 Definitions.

* * * * *

Low Specific Activity (LSA) material means radioactive material with limited specific activity which is nonfissile or is exempt under § 71.15, and which satisfies the descriptions and limits set forth in the following section. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. The LSA material must be in one of three groups:

* * * * *

(3) LSA—III. Solids (*e.g.,* consolidated wastes, activated materials), excluding powders, in which:

(i) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.); and

(ii) [Reserved]

(iii) The estimated average specific activity of the solid, excluding any shielding material, does not exceed $2 \times 10^{-3} A_2/g$.

* * * * *

Radiation level means the radiation dose equivalent rate expressed in millisieverts per hour or mSv/h (millirems per hour or mrem/h).

* * * * *

Special form radioactive material means radioactive material that satisfies the following conditions:

(1) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(2) The piece or capsule has at least one dimension not less than 5 mm (0.2 in); and

(3) It satisfies the requirements of § 71.75. A special form encapsulation designed in accordance with the requirements of § 71.4 in effect from April 1, 1996, to September 30, 2004, may continue to be used, provided that fabrication of the special form encapsulation was successfully completed by [DATE ONE DAY PRIOR TO EFFECTIVE DATE OF FINAL RULE]. A special form encapsulation designed in accordance with the requirements of § 71.4 in effect from October 1, 2004, to [DATE ONE DAY PRIOR TO EFFECTIVE DATE OF FINAL RULE] may continue to be used, provided that fabrication of the special form encapsulation is successfully completed by December 31, 2025. Any other special form encapsulation must meet the specifications of this definition.

* * * * *

Surface contaminated object (SCO) means a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCO must be in one of three groups with surface activity not exceeding the following limits:

* * * * *

(3) SCO—III: A large solid object which, because of its size, cannot be

transported in a type of package described in 49 CFR 173.403 of the DOT regulations and for which:

(i) All openings are sealed to prevent release of radioactive material during conditions defined in 49 CFR 173.427(d);

(ii) The inside of the object is as dry as practicable;

(iii) The nonfixed contamination on the external surface does not exceed the contamination limits specified in the DOT regulations in 49 CFR 173.443; and

(iv) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm^2 does not exceed 8×10^5 Bq/cm^2 (20 microcuries/cm^2) for beta and gamma emitters and low toxicity alpha emitters, or 8×10^4 Bq/cm^2 (2 microcuries/cm^2) for all other alpha emitters.

* * * * *

■ 4. In § 71.15, revise the introductory text and paragraphs (a) and (d) and add paragraph (g) to read as follows:

§ 71.15 Exemption from classification as fissile material.

Fissile material meeting the requirements of at least one of the paragraphs (a) through (g) of this section are exempt from classification as fissile material and from the fissile material package standards of §§ 71.55 and 71.59 but are subject to all other requirements of this part, except as noted.

(a) Individual package containing:

(1) 2 grams or less fissile material, or

(2) 3.5 grams or less uranium-235, provided the uranium is enriched in uranium-235 to a maximum of 5 percent by weight, and the total plutonium and uranium-233 content does not exceed 1 percent of the mass of uranium-235.

* * * * *

(d) Uranium enriched in uranium-235 to a maximum of 1 percent by weight, and with total plutonium and uranium-233 content not exceeding 1 percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than 5 percent of the uranium mass, and that the fissile material is distributed homogeneously and does not form a lattice arrangement within the package.

* * * * *

(g) Packages transported under exclusive use on a conveyance containing a total of 140 grams or less fissile material.

■ 5. In § 71.17, revise paragraph (e) to read as follows:

§ 71.17 General license: NRC-approved package.

* * * * *

(e) For a Type B or fissile material package, the design of which was approved by NRC before [EFFECTIVE DATE OF FINAL RULE], the general license is subject to the additional restrictions of § 71.19.

■ 6. Amend § 71.19 by:

■ a. Revising paragraph (a);

■ b. Redesignating paragraphs (c) and (d) as paragraphs (d) and (e);

■ c. Adding new paragraph (c); and

■ d. Revising newly redesignated paragraph (e).

The revisions and addition read as follows:

§ 71.19 Previously approved package.

(a) A Type B(U) package, a Type B(M) package, or a fissile material package, previously approved by the NRC but without the designation ''–85'' or ''–96'' in the identification number of the NRC CoC, may be used under the general license of § 71.17 with the following additional conditions:

(1) Fabrication of the package is satisfactorily completed by April 1, 1999, as demonstrated by application of its model number in accordance with § 71.85(c);

(2) A serial number which uniquely identifies each packaging which conforms to the approved design is assigned to and legibly and durably marked on the outside of each packaging; and

(3) Paragraph (a) of this section expires [DATE 8 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE].

* * * * *

(c) A Type B(U) package, a Type B(M) package, or a fissile material package previously approved by the NRC with the designation ''–96'' in the identification number of the NRC CoC, may be used under the general license of § 71.17 with the following additional conditions:

(1) Fabrication of the package must be satisfactorily completed by January 1, 2029, as demonstrated by application of its model number in accordance with § 71.85(c); and

(2) A package used for a shipment to a location outside the United States, after December 31, 2025, is subject to multilateral approval, as defined in the DOT's regulations at 49 CFR 173.403.

* * * * *

(e) NRC will revise the package identification number to designate previously approved package designs that were designated as AF, B(U), B(M), B(U)F, B(M)F, B(U)–85, B(U)F–85, B(M)–85, B(M)F–85, AF–85, B(U)–96, B(U)F–96, B(M)–96, B(M)F–96, or AF–96 as appropriate, with the identification number suffix AF, B(U), B(M), B(U)F, B(M)F, after receipt of an application demonstrating that the design meets the requirements of this part.

■ 7. In § 71.22, revise paragraphs (a), (c), and (e)(3) through (5) and add paragraphs (f) through (h) to read as follows:

§ 71.22 General license: Fissile material.

(a) A general license is issued to any licensee of the Commission to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped in accordance with this section. The fissile material need not be contained in a package which meets the standards of §§ 71.55 and 71.59. However, the material must be contained in a Type A or Type B package, consistent with the quantity of radioactive material in the package.

* * * * *

(c) The general license applies only when a package's contents contain less than 500 total grams of beryllium, graphite, or hydrogenous material enriched in deuterium.

* * * * *

(e) * * *

(3) The values of X, Y, and Z used in the CSI equation must be taken from Table 71–1 or 71–2, as appropriate based on criteria from § 71.22(e)(4) and (5).

(4) If Table 71–2 is used to obtain the value of X, then:

(i) The total mass of plutonium and uranium-233 must not exceed 1 percent of the mass of uranium-235;

(ii) Values for the terms in the equation for uranium-233 and plutonium must be assumed to be zero; and

(iii) The value of the uranium enrichment must be known and be less than the enrichment value used from Table 71–2.

(5) Table 71–1 values for X, Y, and Z must be used to determine the CSI if:

(i) The total mass of plutonium and uranium-233 exceeds 1 percent of the mass of uranium-235;

(ii) The uranium is of unknown uranium-235 enrichment or greater than 24 weight percent enrichment; or

(iii) Substances having a moderating effectiveness (*i.e.,* an average hydrogen density greater than H_2O) (*e.g.,* certain hydrocarbon oils or plastics) are present in any form, except as polyethylene used for packing or wrapping. * * *

* * * * *

(f) Each licensee using the general license under paragraph (a) of this section to transport a Type B quantity of licensed material must use a package for

which a license, CoC, or other approval has been issued by the NRC, and must comply with the provisions in § 71.17(c).

(g) For shipment of a Type B quantity of licensed material, this general license applies only when the package approval authorizes use of the package under the general license in § 71.17 or this general license.

(h) For a Type B package, the design of which was approved by NRC before [EFFECTIVE DATE OF FINAL RULE], this general license is subject to the additional restrictions of § 71.19.

■ 8. In § 71.23, revise paragraph (a) and the introductory text of paragraph (c) and add paragraphs (f) through (h) to read as follows:

§ 71.23 General license: Plutonium-beryllium special form material.

(a) A general license is issued to any licensee of the Commission to transport fissile material in the form of plutonium-beryllium (Pu-Be) special form sources, or to deliver Pu-Be special form sources to a carrier for transport, if the material is shipped in accordance with this section. This material need not be contained in a package which meets the standards of §§ 71.55 and 71.59. However, the fissile material must be contained in a Type A or Type B package, consistent with the quantity of radioactive material in the package.

* * * * *

(c) The general license applies only when a package's contents contain less than 1000 grams of plutonium, provided that plutonium-239, plutonium-241, or any combination of these radionuclides, constitutes less than 240 grams of the total quantity of plutonium in the package.

* * * * *

(f) Each licensee using the general license under paragraph (a) of this section to transport a Type B quantity of licensed material must use a package for which a license, CoC, or other approval has been issued by the NRC, and must comply with the provisions in § 71.17(c).

(g) For shipment of a Type B quantity of licensed material, this general license applies only when the package approval authorizes use of the package under the general license in § 71.17 or this general license.

(h) For a Type B package, the design of which was approved by NRC before [EFFECTIVE DATE OF FINAL RULE], this general license is subject to the additional restrictions of § 71.19.

■ 9. In § 71.31, revise paragraph (a) to read as follows:

§ 71.31 Contents of application.

(a) An application for an approval under this part must include, for each proposed packaging design, the following information:

(1) A package description as required by § 71.33;

(2) A package evaluation as required by § 71.35;

(3) A maintenance program description, as required by § 71.35; and

(4) A quality assurance program description, as required by § 71.37, or a reference to a previously approved quality assurance program.

* * * * *

■ 10. In § 71.35, revise paragraphs (b) and (c) and add paragraph (d) to read as follows:

§ 71.35 Package evaluation.

* * * * *

(b) For a fissile material package, the allowable number of packages that may be transported in the same vehicle in accordance with § 71.59;

(c) For a fissile material shipment, any proposed special controls and precautions for transport, loading, unloading, and handling and any proposed special controls in case of an accident or delay; and

(d) A maintenance program to assure that the packaging will perform as intended throughout its time in service. The maintenance program must include periodic testing requirements, inspections, and replacement criteria and schedules for replacement and repairs of components on an as-needed basis.

■ 11. In § 71.43, revise paragraph (d) and add paragraph (i) to read as follows:

§ 71.43 General standards for all packages.

* * * * *

(d) A package must be made of materials and construction that assure that there will be no significant chemical, galvanic, or other reaction among the packaging components, among package contents, or between the packaging components and the package contents, including possible reaction resulting from inleakage of water, to the maximum credible extent. The effects of the aging mechanisms and the behavior of materials under irradiation must be evaluated on package components to show that their performance is not significantly degraded or that degradation will be managed by the maintenance program in accordance with § 71.35(d).

* * * * *

(i) Each system designed for holding liquids must be designed, constructed, and prepared for shipment so that under the tests specified in §§ 71.71 and 71.73, there would be adequate space to accommodate variations in temperature of the liquid, dynamic effects, and filling dynamics.

■ 12. In § 71.55, revise paragraph (g)(1) to read as follows:

§ 71.55 General requirements for fissile material packages.

* * * * *

(g) * * *

(1) Following the tests specified in § 71.73 (''Hypothetical accident conditions''), there is no physical contact between the valve body or the plug and any other component of the packaging, other than at its original point of attachment, and the valve and plug remain leak tight;

* * * * *

■ 13. In § 71.71, in the table in paragraph (c)(1), revise the heading of the second column to read as follows:

§ 71.71 Normal conditions of transport.

* * * * *

(c) * * *

(1) * * *

INSOLATION DATA

* * *	Total insolation for a 12-hour period (W/m^2)
* * * * *	

* * * * *

■ 14. In § 71.73, revise paragraph (b) to read as follows:

§ 71.73 Hypothetical accident conditions.

* * * * *

(b) Test conditions. Except for the water immersion test, the following conditions shall apply before and after the tests:

(1) The ambient air temperature shall remain constant at that value between −29 °C (−20 °F) and +38 °C (+100 °F) which is most unfavorable for the feature under consideration;

(2) The insolation shall be that value between 0 and the maximum value listed in the Insolation Data Table in § 71.71(c)(1), which is most unfavorable for the feature under consideration; and

(3) The initial internal pressure within the containment system must be the maximum normal operating pressure, unless a lower internal pressure, consistent with the ambient temperature assumed to precede and follow the tests, is more unfavorable.

* * * * *

§ 71.77 [Removed and Reserved]

■ 15. Remove and reserve § 71.77.

§ 71.95 [Amended]

■ 16. In § 71.95, remove paragraph (a)(3).

§ 71.97 [Amended]

■ 17. In § 71.97:

■ a. In the section heading, remove the phrase ''irradiated reactor fuel and'';

■ b. In paragraph (b) introductory text, remove the word ''also'';

■ c. In paragraph (d) introductory text and paragraphs (d)(1) and (2), remove the phrase ''irradiated reactor fuel or''; and

■ d. In paragraph (f)(1), remove the phrase ''an irradiated reactor fuel or'' and add in its place the word ''a''.

§ 71.100 [Amended]

■ 18. In § 71.100(b), remove the reference ''71.77,''.

■ 19. In § 71.106, revise the introductory text of paragraph (b) to read as follows:

§ 71.106 Changes to quality assurance program.

* * * * *

(b) Each quality assurance program approval holder may change a previously approved quality assurance program without prior NRC approval, if the change does not reduce the commitments in the quality assurance program previously approved by the NRC. Changes to the quality assurance program that do not reduce the commitments shall be submitted to the NRC every 24 months, in accordance with § 71.1(a). If no changes were made to the quality assurance program this information shall also be submitted to the NRC every 24 months, in accordance with § 71.1(a). In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, and non-substantive changes to punctuation or editorial items, the following changes are not considered reductions in commitment:

* * * * *

■ 20. In appendix A to part 71, in paragraph V.b.:

■ a. In Table A–1, add the entries for Ba-135m, Ge-69, Ir-193m, Ni-57, Sr-83, Tb-149, and Tb-161 in alphanumeric order and revise the entries for Ni-59, Rb(nat), and Tb-157; and

■ b. In Table A–2, add the entries for Ba-135m, Ge-69, Ir-193m, Ni-57, Sr-83, Tb-149, and Tb-161 in alphanumeric order and revise the entries for Ni-59, Tb-157, Th(nat), and U(nat).

The additions and revisions read as follows:

Appendix A to Part 71—Determination of A_1 and A_2

* * * * *

V.b. * * *

TABLE A–1—A_1 AND A_2 VALUES FOR RADIONUCLIDES

Symbol of radionuclide	Element and atomic number	A_1 (TBq)	A_1 (Ci)[b]	A_2 (TBq)	A_2 (Ci)[b]	Specific activity (TBq/g)	Specific activity (Ci/g)
*	*	*	*	*	*	*	*
Ba-135m		2.0×10^{1}	5.4×10^{2}	6.0×10^{-1}	1.6×10^{1}	3.0×10^{4}	8.1×10^{5}
*	*	*	*	*	*	*	*
Ge-69		1.0×10^{0}	2.7×10^{1}	1.0×10^{0}	2.7×10^{1}	4.3×10^{4}	1.2×10^{6}
*	*	*	*	*	*	*	*
Ir-193m		4.0×10^{1}	1.1×10^{3}	4.0×10^{0}	1.1×10^{2}	2.4×10^{3}	6.4×10^{4}
*	*	*	*	*	*	*	*
Ni-57	Nickel (28)	6.0×10^{-1}	1.6×10^{1}	5.0×10^{-1}	1.4×10^{1}	5.7×10^{4}	1.5×10^{6}
Ni-59		Unlimited	Unlimited	Unlimited	Unlimited	3.0×10^{-3}	8.0×10^{-2}
*	*	*	*	*	*	*	*
Rb(nat)		Unlimited	Unlimited	Unlimited	Unlimited	6.7×10^{-10}	1.8×10^{-8}
*	*	*	*	*	*	*	*
Sr-83		1.0×10^{0}	2.7×10^{1}	1.0×10^{0}	2.7×10^{1}	4.3×10^{4}	1.2×10^{6}
*	*	*	*	*	*	*	*
Tb-149	Terbium (65)	8.0×10^{-1}	2.2×10^{1}	8.0×10^{-1}	2.2×10^{1}	1.9×10^{5}	5.1×10^{6}
Tb-157		4.0×10^{1}	1.1×10^{3}	4.0×10^{1}	1.1×10^{3}	5.6×10^{-1}	1.5×10^{1}
*	*	*	*	*	*	*	*
Tb-161		3.0×10^{1}	8.1×10^{2}	7.0×10^{-1}	1.9×10^{1}	4.3×10^{3}	1.2×10^{5}
*	*	*	*	*	*	*	*

TABLE A–2—EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
*	*	*	*	*	*
Ba-135m		1.0×10^{2}	2.7×10^{-9}	1.0×10^{6}	2.7×10^{-5}
*	*	*	*	*	*
Ge-69		1.0×10^{1}	2.7×10^{-10}	1.0×10^{6}	2.7×10^{-5}
*	*	*	*	*	*
Ir-193m		1.0×10^{4}	2.7×10^{-7}	1.0×10^{7}	2.7×10^{-4}

TABLE A–2—EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES—Continued

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
*	*	*	*	*	*
Ni-57	Nickel (28)	1.0×10^{1}	2.7×10^{-10}	1.0×10^{6}	2.7×10^{-5}
Ni-59		1.0×10^{4}	2.7×10^{-7}	1.0×10^{8}	2.7×10^{-3}
*	*	*	*	*	*
Sr-83		1.0×10^{1}	2.7×10^{-10}	1.0×10^{6}	2.7×10^{-5}
*	*	*	*	*	*
Tb-149	Terbium (65)	1.0×10^{1}	2.7×10^{-10}	1.0×10^{6}	2.7×10^{-5}
Tb-157		1.0×10^{4}	2.7×10^{-7}	1.0×10^{7}	2.7×10^{-4}
*	*	*	*	*	*
Tb-161		3.0×10^{1}	8.1×10^{2}	7.0×10^{-1}	1.9×10^{1}
*	*	*	*	*	*
Th(nat) (b), (c)		1.0	2.7×10^{-11}	1.0×10^{3}	2.7×10^{-8}
*	*	*	*	*	*
U(nat) (b), (c)		1.0	2.7×10^{-11}	1.0×10^{3}	2.7×10^{-8}
*	*	*	*	*	

* * * * *

[b] Parent nuclides and their progeny included in secular equilibrium are listed as follows:

Sr-90	Y–90
Zr-93	Nb-93m
Zr-97	Nb-97
Ru-106	Rh-106
Ag-108m	Ag-108
Cs-137	Ba-137m
Ce-144	Pr-144
Ba-140	La-140
Bi-212	Tl-208 (0.36), Po-212 (0.64)
Pb-210	Bi-210, Po-210
Pb-212	Bi-212, Tl-208 (0.36), Po-212 (0.64)
Rn-222	Po-218, Pb-214, Bi-214, Po-214
Ra-223	Rn-219, Po-215, Pb-211, Bi-211, Tl-207
Ra-224	Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Ra-226	Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Ra-228	Ac-228
Th-228	Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212(0.64)
Th-229	Ra-225, Ac-225, Fr-221, At-217, Bi-213, Po-213, Pb-209
Th-nat	Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-234	Pa-234m
U-230	Th-226, Ra-222, Rn-218, Po-214
U-232	Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
U-235	Th-231
U-238	Th-234, Pa-234m
U-nat	Th-234, Pa-234m, U-234, Th-230, Ra-226, Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Np-237	Pa-233
Am-242m	Am-242
Am-243	Np-239

[c] In the case of Th(nat), the parent nuclide is Th-232; in the case of U(nat), the parent nuclide is U-238.

* * * * *

Dated August 22, 2022.

For the Nuclear Regulatory Commission.

Brooke P. Clark,

Secretary of the Commission.

[FR Doc. 2022–18520 Filed 9–9–22; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1154; Project Identifier MCAI–2022–00550–T]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2C11 (Regional Jet Series 550) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This proposed AD was prompted by a report that the pressure switch gauge assembly for the cargo bay fire extinguisher container has the potential to display an incorrect pressure under certain environmental conditions. This proposed AD would require replacing affected high rate of discharge (HRD) and low rate of discharge (LRD) pressure switch gauge assemblies for the cargo bay fire extinguisher container. 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 27, 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 NPRM, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833–990–7272 or direct-dial telephone 450–990–7272; fax 514–855–8501; email *thd.crj@mhirj.com;* internet *mhirj.com*. You may view this service information 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.

Examining the AD Docket

You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1154; 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, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Gabriel Kim, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@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–2022–1154; Project Identifier MCAI–2022–00550–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 the 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 Gabriel Kim, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2022–20, dated April 19, 2022 (TCCA AD CF–2022–20) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2C11 (Regional Jet Series 550) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. You may examine the MCAI in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1154.

This proposed AD was prompted by a report that the pressure switch gauge assembly for the cargo bay fire extinguisher container has the potential to display an incorrect pressure under certain environmental conditions. The supplier attributed the root cause of the container pressure display error to the use of a room temperature vulcanizing (RTV) silicone. Both the HRD and LRD cargo bay fire extinguisher containers are affected. The airplane is intended to be operated at temperatures as low as −53.8 °C (−65 °F). However, testing has shown that at temperatures below −49.4 °C (−57 °F), the RTV silicone goes through a glass transition that causes locking of the discharge indication microswitch in a closed state (showing normal pressure) on 50% of the assemblies tested. After returning to above −35.0 °C (−31.5 °F) for more

than 6 minutes, the pressure switch gauge assembly returns to normal operation. The FAA is proposing this AD to address instances where the fire extinguisher container capacity is reduced below the level required to appropriately suppress a cargo fire and the flightcrew does not receive an indication of low pressure, which, in the event of a fire in the cargo bay, could lead to an uncontrollable fire and loss of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

MHI RJ Aviation ULC has issued Service Bulletin 670BA–26–013, dated October 8, 2021. This service information describes procedures for replacing the HRD and LRD pressure switch gauge assemblies for the cargo bay fire extinguisher containers having part number (P/N) 473919–1, P/N 473920–1 and P/N 474901–1, manufactured prior to March 2020 as indicated on the identification plate, with a serviceable part number.

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

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 564 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$595	$935	$527,340

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2022–1154; Project Identifier MCAI–2022–00550–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 27, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2C11 (Regional Jet Series 550) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes; certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Unsafe Condition

This AD was prompted by a report that the pressure switch gauge assembly for the cargo bay fire extinguisher container has the potential to display an incorrect pressure under certain environmental conditions. The FAA is issuing this AD to address instances where the fire extinguisher container capacity is reduced below the level required to appropriately suppress a cargo fire and the

flightcrew does not receive an indication of low pressure, which, in the event of a fire in the cargo bay, could lead to an uncontrollable fire and loss of the airplane.

(f) Compliance

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

(g) Replacement

Within 10 years after the effective date of this AD: Replace the high rate of discharge and low rate of discharge pressure switch gauge assemblies for any cargo bay fire extinguisher container having part number (P/N) 473919–1, P/N 473920–1, and P/N 474901–1, manufactured prior to March 2020 as indicated on the identification plate, with a serviceable part number, in accordance with the Accomplishment Instructions of MHI RJ Aviation ULC Service Bulletin 670BA–26–013, dated October 8, 2021.

(h) Parts Installation Prohibition

As of 10 years after the effective date of this AD, or before further flight after the replacement has been done in paragraph (g) of this AD, whichever occurs first, no person may install, on any airplane, a cargo bay fire extinguisher container having P/N 473919–1, P/N 473920–1, or P/N 474901–1, manufactured prior to March 2020 as indicated on the identification plate, unless ''CW SB Fire Extinguisher-26–1'' is identified on the identification plate.

(i) No Return of Part Requirement

The Accomplishment Instructions of MHI RJ Aviation ULC Service Bulletin 670BA–26–013, dated October 8, 2021, specify to return the cargo fire extinguisher containers to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or MHI RJ Aviation ULC's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Transport Canada Civil Aviation AD CF–2022–20, dated April 19, 2022, for related information. This MCAI may be found in the AD docket on the internet at regulations.gov by searching for and locating Docket No. FAA–2022–1154.

(2) For more information about this AD, contact Gabriel Kim, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833–990–7272 or direct-dial telephone 450–990–7272; fax 514–855–8501; email *thd.crj@mhirj.com; internet mhirj.com.* You may view this service information 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.

Issued on September 2, 2022.

Christina Underwood,

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

[FR Doc. 2022–19448 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1155; Project Identifier MCAI–2022–00655–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A321–251N, A321–251NX, A321–252N, A321–252NX, A321–253N, and A321–253NX airplanes. This proposed AD was prompted by a stress analysis on the engine structure that indicated that the fail-safe lug may not be able to sustain, during one inspection interval as currently specified in an airworthiness limitations item, the loads deriving from the engagement of the secondary load path within that inspection interval for the aft engine mount system. This proposed AD would require repetitive detailed inspections of the aft engine mount and secondary load path clearance fail-safe pin and replacement of the engine if necessary, 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 27, 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 material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *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–2022–1155.

Examining the AD Docket

You may examine the AD docket at regulations.gov by searching for and locating Docket No. FAA–2022–1155; 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, International Validation Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone and fax 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–2022–1155; Project Identifier MCAI–2022–00655–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, International Validation Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0089, dated May 17, 2022 (EASA AD 2022–0089) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A321–251N, A321–251NX, A321–252N, A321–252NX, A321–253N, and A321–253NX airplanes.

This proposed AD was prompted by a weakness identified by the manufacturer in the design of the CFM LEAP–1A aft engine mount waiting fail-safe male lug on the engine side. During a stress analysis on the engine structure, CFM discovered that the fail-safe lug may not be able to sustain, during one inspection interval, as currently specified in airworthiness limitation item (ALI) task 712232–01–1, the loads deriving from the engagement of the secondary load path within that inspection interval for the aft engine mount system. Consequently, the inspection interval must be reduced accordingly in order to meet the predicted life of the fail-safe lug. The FAA is proposing this AD to address potential failure of the LEAP–1A aft engine mount waiting fail-safe male lug, which could lead to engine mount rupture, possibly resulting in engine loss during flight and loss of control of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0089 specifies procedures for repetitive detailed inspections (DET) for discrepancies of the aft engine mount and secondary load path clearance fail-safe pin for each engine, and replacement of any engine with discrepant findings on the secondary load path clearance check.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0089 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0089 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0089 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 2022–0089 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 2022–0089. Service information required by EASA AD 2022–0089 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2022–1155 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD would affect 156 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 4 work-hours × $85 per hour = $340	$0	Up to $340	Up to $53,040

The FAA estimates that it would take 64 work-hours (at $85 per work-hour) to replace an engine, if required based on the results of any required actions. The FAA has received no definitive data on which to base the estimate for the cost of a replacement engine or any necessary additional on-condition actions that would be required by this proposed AD. The FAA has no way of determining the number of aircraft that might need these on-condition actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2022–1155; Project Identifier MCAI–2022–00655–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 27, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A321–251N, A321–251NX, A321–252N, A321–252NX, A321–253N, and A321–253NX airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Unsafe Condition

This AD was prompted by a stress analysis on the engine structure that indicated that the fail-safe lug may not be able to sustain, during one inspection interval, as currently specified in airworthiness limitation item (ALI) task 712232–01–1, the loads deriving from the engagement of the secondary load path within that inspection interval for the aft engine mount system. The FAA is issuing this AD to address potential failure of the LEAP–1A aft engine mount waiting fail-safe male lug, which could lead to engine mount rupture, possibly resulting in engine loss during flight and loss of 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) AD 2022–0089, dated May 17, 2022 (EASA AD 2022–0089).

(h) Exceptions to EASA AD 2022–0089

(1) Where paragraph (3) of EASA AD 2022–0089 specifies corrective action if ''discrepancies are detected, as defined in the SB,'' for purposes of this AD, discrepancies include a fail safe pin that does not rotate freely, or has damage (dents, scratches, nicks, corrosion, or cracks).

(2) The ''Remarks'' section of EASA AD 2022–0089 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, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

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

(j) Related Information

(1) For EASA AD 2022–0089, 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 *atad.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–2022–1155.

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

Issued on September 2, 2022.

Christina Underwood,

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

[FR Doc. 2022–19442 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2022–0746; FRL–10184–01–R7]

Air Plan Approval; MO; Restriction of Visible Air Contaminant Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of revisions to the Missouri State Implementation Plan (SIP) received on November 29, 2016, and March 7, 2019. The revision was submitted by Missouri in response to a finding of substantial inadequacy and SIP call published on June 12, 2015, for a provision in the Missouri SIP related to excess emissions during startup, shutdown, and malfunction (SSM) events. In the submissions, Missouri requests to revise a regulation related to restriction of emissions of visible air contaminants. The revisions to the rule include: removing a statement from the compliance and performance testing provisions that does not meet Clean Air Act requirements, adding exemptions for emission units regulated by stricter federal and state regulations or that do not have the capability of exceeding the emission limits of the rule, adding an alternative test method and making other administrative changes. Approval of these revisions will ensure consistency between state and federally approved rules.

DATES: Comments must be received on or before October 12, 2022.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2022–0746 to *www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will be posted without change to *www.regulations.gov* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Ashley Keas, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7629; email address: *keas.ashley@epa.gov.*

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

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I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2022–0746, at *www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

II. Background

On February 22, 2013, the EPA issued a **Federal Register** notice of proposed rulemaking outlining EPA's policy at the time with respect to SIP provisions related to periods of startup, shutdown and malfunction (SSM). EPA analyzed specific SSM SIP provisions and explained how each one either did or did not comply with the Clean Air Act (CAA) with regard to excess emission events.[1] For each SIP provision that EPA determined to be inconsistent with the CAA, EPA proposed to find that the existing SIP provision was substantially inadequate to meet CAA requirements and thus proposed to issue a SIP call under CAA section 110(k)(5).

On June 12, 2015, pursuant to CAA section 110(k)(5), EPA finalized ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,'' (80 FR 33839, June 12, 2015), hereafter referred to as the ''2015 SSM SIP Action.'' The 2015 SSM SIP Action clarified, restated, and updated EPA's interpretation that SSM exemption and affirmative defense SIP provisions are inconsistent with CAA requirements. The 2015 SSM SIP Action found that certain SIP provisions in 36 states were substantially inadequate to meet CAA requirements and issued a SIP call to those states to submit SIP revisions to address the inadequacies. The 2015 SSM SIP Action identified specific provisions of this Missouri rule, 10 Code of State Regulation (CSR) 10–6.220, *Restriction of Emissions of Visible Air Contaminants* as being substantially inadequate to meet CAA requirements. EPA established an 18-month deadline by which the affected states had to submit such SIP revisions. States were required to submit corrective revisions to their SIPs in response to the SIP calls by November 22, 2016.

EPA issued a Memorandum in October 2020 (2020 Memorandum), which stated that certain provisions governing SSM periods in SIPs could be viewed as consistent with CAA requirements.[2] Importantly, the 2020 Memorandum stated that it ''did not alter in any way the determinations made in the 2015 SSM SIP Action that identified specific state SIP provisions that were substantially inadequate to meet the requirements of the Act.'' Accordingly, the 2020 Memorandum had no direct impact on the SIP call issued to Missouri in 2015. The 2020 Memorandum did, however, indicate EPA's intent at the time to review SIP calls that were issued in the 2015 SSM SIP Action to determine whether EPA should maintain, modify, or withdraw particular SIP calls through future agency actions.

On September 30, 2021, EPA's Deputy Administrator withdrew the 2020 Memorandum and announced EPA's return to the policy articulated in the 2015 SSM SIP Action (2021 Memorandum).[3] As articulated in the 2021 Memorandum, SIP provisions that contain exemptions or affirmative defense provisions are not consistent with CAA requirements and, therefore, generally are not approvable if contained in a SIP submission. This

[1] State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 78 FR 12460 (Feb. 22, 2013).

[2] October 9, 2020, memorandum ''Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans,'' from Andrew R. Wheeler, Administrator.

[3] September 30, 2021, memorandum ''Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy,'' from Janet McCabe, Deputy Administrator.

policy approach is intended to ensure that all communities and populations, including overburdened communities, receive the full health and environmental protections provided by the CAA.[4] The 2021 Memorandum also retracted the prior statement from the 2020 Memorandum of EPA's plans to review and potentially modify or withdraw particular SIP calls. That statement no longer reflects EPA's intent. EPA intends to implement the principles laid out in the 2015 SSM SIP Action as the agency takes action on SIP submissions, including this SIP submittal provided in response to the 2015 SIP call.

With regard to the Missouri SIP, in the 2015 SSM SIP Action, EPA determined that a provision of 10 Code of State Regulations (CSR) 10–6.220 *Restriction of Emissions of Visible Air Contaminants* was substantially inadequate to meet CAA requirements (80 FR 33840, 33969). Specifically, 10–6.220(3)(c) provided: ''Visible emissions over the limitations shown in subsection (3)(B) of this rule are in violation of this rule unless the director determines that the excess emissions do not warrant enforcement action based on data submitted under 10 CSR 10–6.050 Start-Up, Shutdown and Malfunction Conditions.'' The rationale underlying EPA's determination that the provision was substantially inadequate to meet CAA requirements, and therefore to issue a SIP call to Missouri to remedy the provision, is fully detailed in the 2015 SSM SIP Action and the accompanying proposals. Specifically, EPA agreed with petitioners on the basis that this provision could be read to allow for exemptions from the otherwise applicable SIP emission limitations through a state official's unilateral exercise of discretionary authority that is insufficiently bounded and includes no additional public process at the state or federal level. In summary, EPA agreed with petitioners that this provision would allow the state director to circumvent EPA authority and/or citizen suit authority to enforce the emissions limitations, which is inconsistent with the CAA and EPA's policy outlined in the 2015 SSM SIP Action.

Missouri submitted a SIP revision on November 29, 2016, in response to the SIP call issued in the 2015 SSM SIP Action. In its submission, Missouri requests that EPA revise the Missouri SIP by removing the provision 10–6.220(3)(c) from the SIP, thereby correcting the deficiency identified in the 2015 SSM SIP Action and addressing the SIP Call for Missouri.

III. What is being addressed in this document?

The EPA is proposing to approve Missouri's revisions to 10 CSR 10–6.220, *Restriction of Emissions of Visible Air Contaminants,* in the Missouri SIP. The EPA received two SIP revision submissions related to this state rule from the Missouri Department of Natural Resources (MoDNR) on November 29, 2016, and March 7, 2019. The full text of these changes as well as EPA's analysis of the changes can be found in the technical support document (TSD), which is included in the docket for this action.

In its November 29, 2016, submission, MoDNR requested to remove the provision that was identified by EPA as being substantially inadequate to meet CAA requirements in EPA's 2015 SSM SIP Action. EPA is proposing to determine that removal of this provision is consistent with EPA's policy outlined in the 2015 SSM SIP Action and sufficiently addresses the deficiencies identified by the 2015 SSM SIP Call.

In addition to the removal of the identified SSM deficiency, MoDNR, in both the 2016 and 2019 submissions, also requested revisions related to opacity monitoring requirements and exemptions from the opacity limits and recordkeeping and reporting requirements of 10 CSR 10–6.220 for certain source types. Specifically, MoDNR exempted specific, limited, emission units regulated by stricter federal and state regulations. MoDNR also provided an exemption for certain emission units that do not have the capability of exceeding the emission limits of the rule. One example of an added exemption is for units regulated under 40 CFR 63 subpart UUUUU—*Mercury and Air Toxics Standards,* that demonstrate compliance with a particulate matter continuous emission monitoring system (CEMS) as the limits in this federal rule are more stringent than the opacity limits contained in the state rule. The newly added exemptions for sources that already comply with more stringent state or federal requirements will remove the duplicative monitoring and reporting requirements associated with the less stringent requirements of the state opacity rule.

Missouri provided a demonstration pursuant to CAA section 110(l) to ensure the rule revisions, including the added exemptions, do not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act. EPA reviewed MoDNR's section 110(l) demonstration which explains the sources that will be newly exempt from the opacity limits of this state rule remain subject to more stringent federal or state regulations that apply on a continuous basis. For this reason, the emissions change associated with the rule revisions is expected to be relatively small if any. Additionally, the opacity limits contained in this rule, and more specifically for the units being exempted from the limits of this state rule, are not relied upon for attainment or maintenance purposes.

Opacity is often used as an indicator of the degree of particulate matter emissions. All $PM_{2.5}$ monitors in the state are measuring compliance with the annual and 24-hour $PM_{2.5}$ standards and all counties in Missouri are designated as unclassifiable/attainment for both the 2012 annual and 2006 24-hour $PM_{2.5}$ NAAQS. Further, the sources are not exempt from all opacity requirements and, in fact, are subject to the more stringent requirements found in the applicable federal rules. The expected change in emissions associated with these rule revisions is relatively small if any and therefore would not interfere with attainment or maintenance of the NAAQS.

Further, EPA is proposing to approve removal of the prior deficient exemption for excess emissions during periods of SSM from this rule. EPA believes that any emission limit or requirement relied upon as being more stringent to exempt a source from this rule must apply continuously, that is without any exemptions for periods of SSM, to be more stringent than the limits contained in this rule.

MoDNR also provided information to support the exemption for emission units burning certain fuels that are not capable of exceeding the opacity limits contained in the rule by estimating maximum emissions based on EPA emissions factors for each fuel type. EPA reviewed MoDNR's demonstration and proposes to agree that this added exemption would result in a relatively small emissions change if any and therefore would not interfere with attainment or maintenance of the NAAQS.

Based on EPA's review of Missouri's section 110(l) demonstration and our analysis of these changes as fully described in the TSD in the docket for this proposed rule, the expected change in emissions associated with these rule revisions is relatively small if any and therefore EPA proposes to find the revisions will not interfere with attainment or maintenance of the

[4] 80 FR 33985.

NAAQS or other CAA requirements consistent with CAA Section 110(l).

MoDNR also added an alternative test method and made other administrative wording changes such as adding rule specific definitions. EPA proposes to find these edits do not adversely impact the stringency of the SIP and are consistent with CAA requirements. Therefore, EPA proposes to approve these revisions as further detailed in the TSD.

IV. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on the November 29, 2016, SIP revision from June 1, 2016, to August 4, 2016, and held a public hearing on July 28, 2016. During the public comment period, the State received seven comments from five sources, consisting primarily of supportive or clarifying comments from industry groups. The State addresses the comments in its submittal included in the docket for this proposal. The State provided public notice on the March 7, 2019, SIP revision from August 1, 2018, to October 4, 2018, and held a public hearing on September 27, 2018. During the public comment period, the State received nine comments, seven of which were from EPA. The State addresses the comments in its submittal. Further discussion of the state responses to comments received is included in the TSD and the state submittal documents in the docket. In addition, as explained above and in the TSD, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

V. What action is the EPA proposing to take?

The EPA proposes to approve the revisions to 10 CSR 10–6.220 as requested by Missouri in submissions dated November 29, 2016 and March 7, 2019. We are soliciting comments on this proposed action. We are soliciting comments solely on the proposed revisions to the rule and not on the existing text that is approved into Missouri's SIP. Final rulemaking will occur after consideration of any comments.

VI. Environmental Justice Considerations

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.''

The state did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. While EPA did not perform an area-specific EJ analysis for purposes of this action, due to the nature of the action being taken here, *i.e.* to remove an exemption for excess emissions during periods of SSM and add exemptions for sources subject to equivalent or more stringent limits, as explained in this preamble and the technical support document in this docket, this action is expected to have a neutral to positive impact on air quality. Because consideration of EJ is not required as part of this action, there is no information in the record inconsistent with the stated goals of E.O 12898 of achieving environmental justice for people of color, low-income populations, and indigenous peoples.

This action approves revisions to a Missouri state rule concerning visible emissions. As explained in the preamble and technical support document, the emissions change associated with the revisions requested by Missouri is expected to be small if any. Therefore, we expect that this action will not interfere with attainment or maintenance of the NAAQS, reasonable further progress, or other CAA requirements. For these reasons, this action is not expected to have a disproportionately high or adverse human health or environmental effects on a particular group of people.

VII. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Missouri Regulations discussed in Section III of this preamble and as set forth below in the proposed amendments to 40 CFR part 52. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VIII. Statutory and Executive Order Reviews

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

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

rulemaking does not involve technical standards; and

• This action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The basis for this determination is contained in Section VI of this action, ''Environmental Justice Concerns.''

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: September 6, 2022.

Meghan A. McCollister,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry for ''10–6.220'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
* * * * * * *				
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
* * * * * * *				
10–6.220	Restriction of Emission of Visible Air Contaminants.	3/30/2019	[Date of publication of the final rule in the **Federal Register**], [Federal Register citation of the final rule].	Subsection (1)(I) referring to the open burning rule, 10 CSR 10–6.045, is not SIP approved.
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[FR Doc. 2022–19622 Filed 9–9–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, 174, 175, 176, and 177

[Docket No. PHMSA–2018–0081 (HM–250A)]

RIN 2137–AF42

Hazardous Materials: Compatibility With the Regulations of the International Atomic Energy Agency

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA, in coordination with the Nuclear Regulatory Commission, proposes to amend the Hazardous Materials Regulations to maintain alignment with international regulations and standards governing the transportation of Class 7 radioactive materials. Specifically, PHMSA proposes to adopt changes contained in the International Atomic Energy Agency standards. Additionally, PHMSA proposes regulatory amendments identified through internal regulatory review processes to update, clarify, correct, or streamline certain regulatory requirements applicable to the transportation of Class 7 (radioactive) materials.

DATES: Comments must be received by December 12, 2022. To the extent possible, PHMSA will consider late-filed comments as a final rule is developed.

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

• *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 1–202–493–2251.

• *Mail:* Docket Management System.

• U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

• *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: Include the agency name and docket number PHMSA–2018–0081 (HM–250A) or RIN 2137–AF42 for this rulemaking at the beginning of your

comment. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or the DOT Docket Operations Office (*see* **ADDRESSES**).

Confidential Business Information: 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'' for ''proprietary information.'' Submissions containing CBI should be sent to Alexander Wolcott, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary that PHMSA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Alexander Wolcott, Standards and Rulemaking Division, (202) 366–8553, or Rick Boyle, Engineering and Research Division, (202) 366–2993, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

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I. Executive Summary

PHMSA, in coordination with the Nuclear Regulatory Commission (NRC), proposes to amend certain provisions of the Hazardous Materials Regulations (HMR; 49 CFR parts 171 to 180) to maintain alignment with International Atomic Energy Agency (IAEA) regulations and standards. Additionally, PHMSA proposes regulatory amendments identified through internal regulatory review processes to update, clarify, correct, or streamline certain regulatory requirements applicable to the transportation of Class 7 radioactive materials.

PHMSA expects adoption of the regulatory amendments proposed in this NPRM will maintain the high safety standard currently achieved under the HMR. PHMSA also notes that—insofar as harmonization of the HMR with international consensus standards as proposed could reduce delays and interruptions of hazardous materials shipments during transportation—the proposed amendments may also lower greenhouse gas (GHG) emissions and safety risks to minority, low-income, underserved, and other disadvantaged populations, and communities in the vicinity of interim storage sites and transportation arteries and hubs.

The following list summarizes the more noteworthy proposals set forth in this NPRM:

- *Incorporation by Reference:* PHMSA proposes to incorporate by reference IAEA's 2018 Edition of Regulations for the Safe Transport of Radioactive Material, Safety Standards Series No. SSR–6 (Rev.1); American National Standard Institute's (ANSI) N14.1 Uranium Hexafluoride—Packaging for Transport, 2012 Edition; and ANSI's N14.1 Uranium Hexafluoride—Packaging for Transport, 2019 Edition.
- *Scope and Applicability of Subpart I (Radioactive Materials Packaging Requirements):* PHMSA proposes to except certain shipments from the requirements of subpart I of the HMR by amending § 173.401. First, PHMSA proposes to amend § 173.401(b)(4) to specify that § 173.401 does not apply to all natural material and ores containing naturally-occurring radionuclides regardless of the intended use, provided the activity concentration of the material does not exceed 10 times the exempt material activity concentration values specified in § 173.436, or as determined in accordance with the requirements of § 173.433. Currently, only natural materials and ores processed for purposes other than extraction of the radionuclides are excepted in § 173.401(b). As written, the HMR treats identical radioactive materials differently based on the intended use and not the hazard presented. Second, PHMSA proposes to revise § 173.401(b)(2) to provide an exception for a person being transported for medical treatment because of accidental or deliberate intake of radioactive material, or because of contamination. Currently, § 173.401 provides an exception from subpart I for radioactive materials implanted into people or animals for diagnosis or treatment, but not for radioactive material present in or on an individual due to contamination. The second proposed amendment would address these additional circumstances and facilitate the transportation of people and their effects—such as clothing or other items on their person—who have been contaminated and need to be transported for medical treatment.
- *Surface Contaminated Object—III (SCO–III):* PHMSA proposes to revise the definition for ''Surface Contaminated Object'' (SCO) in § 173.403 to include ''SCO–III.'' This new form of surface contaminated object is meant for large solid objects (*e.g.,* a steam generator, reactor coolant pump, pressurizer, or reactor head component, etc.) that cannot be transported in a package. The requirements for transporting SCO–III material are proposed in § 173.427. Currently, such shipments can only be transported using a DOT special permit.
- *Aging of Packages:* PHMSA proposes to amend § 173.410 to require package manufacturers to consider the effects of aging during the design process. The proposed language requires manufacturers to evaluate the potential degradation phenomena over time, such as corrosion, abrasion, fatigue, crack propagation, changes of material compositions or mechanical properties due to thermal loadings or radiation, generation of decomposition gas, as well as their impact on the functions important to safety. Package engineers already consider these factors when they design radioactive packages; however, there is no specific requirement related to the aging of packaging designs. The codification of

this best practice would help to ensure that radioactive packagings remain safe throughout their life cycle.

PHMSA expects that some of the proposed amendments represent improvements in safety—*e.g.,* transport index limits and packaging aging—while none would have significant negative impacts on public safety or the environment. Additionally, PHMSA anticipates safety benefits from improved compliance related to consistency between domestic and international regulations. PHMSA solicits comment on the amendments proposed in this NPRM, specifically the: (1) need for the proposals, including benefits and costs of those actions; (2) potential impacts on safety and the environment; impact on environmental justice and equity; and (3) any other relevant information. In addition, PHMSA solicits comment regarding approaches to reducing the costs of this rulemaking while maintaining or increasing safety benefits. In its preliminary regulatory impact analysis (PRIA), PHMSA concluded that the aggregate benefits of the amendments proposed in this NPRM justify their aggregate costs. Nonetheless, PHMSA solicits comment on specific changes (*e.g.,* greater flexibility for a particular proposal) that might improve the safe transportation of radioactive materials.

II. Background

The Federal Hazardous Materials Transportation Act (codified at 49 U.S.C. 5101 *et seq.*) directs PHMSA to participate in relevant international standard-setting bodies and encourages alignment of the HMR with international transport standards consistent with the promotion of safety and the public interest.[1] This statutory mandate reflects the importance of international standard-setting activity when considering the globalization of commercial transportation of hazardous materials. Harmonization of the HMR with international transport standards, as appropriate, can reduce the costs and other burdens of complying with multiple or inconsistent safety requirements. Consistency between the HMR and current international standards can also enhance safety by: (1) ensuring that the HMR is informed by the latest best practices and lessons learned; (2) improving understanding of and compliance with pertinent requirements; (3) facilitating the smooth flow of hazardous materials from their points of origin to their points of destination, thereby avoiding risks to the public and the environment from the release of hazardous materials due to delays or interruptions in the transportation of those materials; and (4) enabling consistent emergency response procedures in the event of a hazardous materials incident.

Under their respective statutory authorities, PHMSA and the NRC jointly regulate the transportation of radioactive materials to, from, and within the United States. In accordance with the 1979 Memorandum of Understanding (MOU) [2] between DOT and NRC:

- PHMSA regulates both shippers and carriers with respect to:
  - packaging requirements;
  - communication requirements for:
    - shipping paper contents;
    - package labeling and marking;
    - vehicle placarding; and
  - training and emergency response requirements.
- NRC requires its licensees to satisfy requirements to protect public health and safety, to assure the common defense and security, and:
  - certifies Type B and fissile material package designs and approves package quality assurance programs for its licensees;
  - provides technical support to PHMSA and works with PHMSA to ensure consistency with respect to the transportation of Class 7 (radioactive) materials; and
  - conducts inspections of licensees and an enforcement program within its jurisdiction to assure compliance with its requirements.

Historically, PHMSA and NRC—and their predecessor agencies—have, to the extent practicable, harmonized their respective regulations to maintain compatibility with the IAEA's regulations. The Safety Series No. 6, ''Regulations for the Safe Transport of Radioactive Material,'' was first published by IAEA in 1961 and revised in 1964, and again in 1967. On October 4, 1968, DOT adopted harmonizing amendments to the HMR.[3] Additional revisions were made by IAEA in 1973 and 1985, and DOT then codified these revisions in the HMR.[4] IAEA completed a major revision to the Safety Series No. 6—renamed ''Regulations for the Safe Transport of Radioactive Material, 1996 Edition, No. ST–1''—in 1996 and later republished it in 2000 to include minor editorial changes, at which time the previous designation was changed to ''Regulations for the Safe Transport of Radioactive Material, 1996 Edition, No. TS–R–1, (ST–1, Revised).'' On January 26, 2004, PHMSA adopted harmonizing amendments to the HMR.[5] Then, on July 11, 2014, PHMSA adopted the updates of the 2003, 2005 and 2009 editions in the HMR.[6] Finally, on January 8, 2015, PHMSA incorporated by reference the 2012 edition of the SSR,[7] but did not fully harmonize the HMR's requirements with the changes made in that edition.

In this NPRM, PHMSA proposes to amend the HMR to align with the sections of 2012 SSR–6 the HMR do not currently harmonize with and 2018 SSR–6, (Rev. 1), which includes changes made to the IAEA regulations since PHMSA's rulemaking in 2014.[8] Furthermore, PHMSA proposes to incorporate by reference 2018 SSR–6, (Rev. 1) and the 2012 and 2019 editions of ANSI N14.1: Uranium Hexafluoride—Packaging for Transport. Additionally, PHMSA proposes regulatory amendments identified through internal regulatory review processes to update, clarify, correct, or streamline certain regulatory requirements applicable to the transportation of Class 7 (radioactive) materials.

PHMSA is working closely with NRC in the development of this rulemaking and anticipates that NRC will publish a parallel rulemaking. PHMSA and NRC will coordinate the development and publication schedules for the final rules and, if necessary, PHMSA may issue a supplemental notice of proposed rulemaking to ensure that the DOT and NRC rules are compatible.

This NPRM addresses only the areas for which DOT has jurisdiction as defined in the MOU with NRC. Comments responding to any parallel NRC NPRM should be submitted in accordance with the public participation guidelines established by NRC in 10 CFR part 2 subpart H.

III. Incorporation by Reference Discussion Under 1 CFR Part 51

According to the Office of Management and Budget's (OMB) Circular A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities,'' government agencies must use voluntary consensus standards wherever practical in the development of regulations.

PHMSA currently incorporates by reference into the HMR all or the

[1] See 49 U.S.C. 5120.

[2] 44 FR 38690. A copy of the MOU has been placed in the docket for this rulemaking at *www.regulations.gov*.

[3] 33 FR 14918.

[4] 48 FR 10218 (Mar. 10, 1983) and 60 FR 50291 (Sep. 28, 1995).

[5] 69 FR 3632.

[6] 79 FR 40589.

[7] 80 FR 1075.

[8] 79 FR 40589.

relevant parts of several standards and specifications developed and published by standard development organizations (SDO). In general, SDOs update and revise their published standards every two to five years to reflect modern technology and best technical practices. The National Technology Transfer and Advancement Act of 1995 (NTTAA; Pub. L. 104–113) directs Federal agencies to use standards developed by voluntary consensus standards bodies in lieu of government-written standards unless to do so would be inconsistent with applicable law or otherwise impracticable. Voluntary consensus standards bodies develop, establish, or coordinate technical standards using agreed-upon procedures. OMB issued Circular A–119 to implement section 12(d) of the NTTAA relative to the utilization of consensus technical standards by Federal agencies. This circular provides guidance for agencies participating in voluntary consensus standards bodies and describes procedures for satisfying the reporting requirements in the NTTAA. Consistent with the requirements of the NTTAA and its statutory authorities, PHMSA is responsible for determining which standards should be updated, revised, removed, or added to the HMR. Revisions to materials incorporated by reference in the HMR are handled via the rulemaking process, which allows the public and regulated entities to provide input. During the rulemaking process, PHMSA must also obtain approval from the Office of the Federal Register to incorporate by reference any new materials. Regulations of the Office of the Federal Register require that agencies detail in the preamble of an NPRM the ways the materials it proposes to incorporate by reference are reasonably available to interested parties, or how the agency worked to make those materials reasonably available to interested parties. (*See* 1 CFR 51.5.)

PHMSA proposes to incorporate by reference ''Specific Safety Requirements Number SSR–6, Revision 1: Regulations for the Safe Transport of Radioactive Material 2018 Edition'' (2018 SSR–6, Rev. 1) and the 2012 and 2019 editions of ANSI N14.1: Uranium Hexafluoride—Packaging for Transport. A summary and discussion of these standards can be found in ''V. Section-by-Section Review'' under § 171.7. The IAEA regulations are free and easily accessible to the public on the internet, with access provided through the parent organization website at: *https://www.iaea.org/publications/12288/regulations-for-the-safe-transport-of-radioactive-material.* The 2012 and 2019 editions of ANSI N14.1 are available for purchase on the ANSI website at: *https://webstore.ansi.org/Standards/PCC/ANSIN142012* and *https://webstore.ansi.org/Standards/PCC/ANSIN142019* respectively.

IV. Overview of Proposed Amendments

PHMSA proposes amendments to the HMR based on updates to the 2012 and 2018 editions of the IAEA Safety Standards: 2012 SSR–6 and 2018 SSR–6, Rev. 1. As proposed, the amendments would continue to maintain compatibility between the HMR and the IAEA regulations. PHMSA does not intend to make the HMR identical to the IAEA regulations but, rather, to remove or avoid potential barriers to international commerce while adhering to domestic law, reflecting domestic practices, and maintaining public health and safety. Accordingly, PHMSA is not proposing to adopt all the recent updates into the HMR because the framework or structure of the HMR may make adoption unnecessary or impractical. In such cases, there is no added benefit to safety that might outweigh the impracticality of adoption.

A. Amendments To Harmonize With the 2012 SSR–6 and 2018 SSR–6, Rev. 1

In consideration of updates in 2012 SSR–6 and 2018 SSR–6, Rev. 1, PHMSA proposes to amend the HMR as follows:

- Revise paragraph § 171.7(s) to incorporate by reference the revised 2018 SSR–6, Rev. 1 into the HMR.
- Revise § 172.101 to add the new SCO–III, so that the proper shipping name of UN2913 reads ''Radioactive Material, surface contaminated objects (SCO–I, SCO–II, *or* SCO–III) in the Hazardous Materials Table (HMT).
- Add new language to § 172.203(d)(4) and (5) to allow for the label type and transport index of overpacks to be listed on shipping papers.
- Clarify § 172.310 to state that markings on a package that do not relate to the material in the package must be removed or covered before shipment.
- Add a provision to § 173.401(b)(2) to include persons contaminated by radioactive material transported for medical treatment.
- Add a new term ''dose rate'' in § 173.403.
- Revise the definition of *Low specific activity (LSA) material* in § 173.403 to remove the leaching prevention requirement for LSA–III material.
- Revise the definition of Special Form Class 7 (radioactive) in § 173.403 to adopt a newer standard for the design of these materials.
- Revise the definition of *Surface Contaminated Object (SCO)* in § 173.403 to add a new SCO–III material.
- Revise § 173.410(i)(3) to require that all Class 7 materials—not just liquids—be capable of withstanding an internal pressure that produces a pressure differential of not less than the maximum normal operating pressure plus 95 kPa.
- Add a new paragraph (j) to § 173.410 to require that aging be considered when designing packages for Class 7 materials.
- Amend § 173.417(a) to allow the import and export of fissile material packages that meet IAEA requirements for criticality safety index control without package certification by Competent Authorities.
- Add requirements to § 173.427 for the new SCO–III materials, including a new § 173.427(d) to require vehicles transporting the new SCO–III materials be properly surveyed for residual radioactivity after each shipment.
- Add a new paragraph (i) to § 173.433 to allow a stakeholder to apply for an approval to allow certain instruments or articles to have an alternative activity limit.
- Add seven new radionuclides to the Table of A_1 and A_2 values for radionuclides. in § 173.435.
- Add seven new radionuclides to the Table of Exempt material activity concentrations and exempt consignment activity limits for radionuclides in § 173.436.
- Add reference in § 173.443 to the new § 173.427(d) to require vehicles transporting the new SCO–III materials be properly surveyed for residual radioactivity after each shipment.
- Revise § 173.448 to require overpacks to be marked with the name and address of the consigner and consignee if this information cannot be seen on the packages.
- Amend § 173.453(d) to add another condition to the existing exception to require fissile material be distributed homogeneously and not form a lattice arrangement within the package.
- Add a new paragraph (g) to § 173.453 to allow a fissile material exception for packages containing up to 3.5 grams of uranium-235 where the uranium-235 is not more than 5 percent of the material.
- Add a new paragraph (h) to § 173.453 to allow an exception for up to 140 grams fissile nuclides when shipped under exclusive use.
- Add a new paragraph (j) to § 173.475 to require proper maintenance of shipments of Class 7 materials while in storage.

B. Other Proposed Amendments

In addition to the amendments proposed for harmonization with 2012 SSR–6 and 2018 SSR–6, Rev. 1, PHMSA proposes the following regulatory amendments identified through internal regulatory review processes to update, clarify, correct, or streamline certain regulatory requirements applicable to the transportation of Class 7 (radioactive) materials:

- Revise paragraph (d) of § 171.7 to remove reference to § 173.417 and add the 2012 and 2019 editions of ANSI N14.1: Uranium Hexafluoride—Packaging for Transport.
- Amend the § 172.101 HMT to remove the reference to § 173.427 from columns 8B and 8C for ''UN2978, Radioactive material, uranium hexafluoride.''
- Amend § 172.102(c)(1) to remove the reference to § 173.472, which is proposed to be deleted.
- Amend paragraph (d) of § 172.203 to require a list of the fissile nuclides contained in a package be included on a shipping paper.
- Add new language to § 173.415 to clarify documentation requirements.
- Add new language to § 173.417 to provide a provision for fissile material when offered for import or export.
- Add new language to § 173.420 to reference § 173.477 which is the relevant packaging section for the material.
- Add new language to § 173.420 to reference § 171.7 where American National Standard N14.1 is referenced.
- Revise § 173.424 to correct a referenced section and allow transport of packages that contain fissile material only if excepted by § 173.453.
- Revise § 173.431(b) to remove the reference to § 173.472, which is proposed to be deleted.
- Add a clarification to footnote ''b'' of § 173.436 to state that in the case of Th-natural, the parent nuclide is Th-232, and in the case of U-natural the parent nuclide is U–238.
- Add a new paragraph to § 173.447. Paragraph (b) will be redesignated as (c), and new paragraph (b) will be added, which will limit groups of Class 7 (radioactive) packages to a transport index of 50 and require a minimum distance of 6 meters (20ft) between groups of packages.
- Remove § 173.472 because Type B packages were previously removed from the HMR.
- Revise the leakage and contamination sections of the modal-specific requirements, specifically—§§ 174.750, 175.705, 176.715, and 177.843—to reference the existing § 173.443(e).

C. Amendments Not Being Considered for Proposal

PHMSA is not proposing to adopt all the updates made to the IAEA regulations since 2012 into the HMR. In many cases, amendments to the IAEA standards are not proposed for adoption because the framework or structure of the HMR makes adoption unnecessary or impractical. Below is a listing of significant amendments to the IAEA regulations made since PHMSA's 2014 rulemaking that are not being proposed for adoption at this time.

- PHMSA is not replacing the term ''radiation level'' with ''dose rate'' throughout the HMR because the term ''dose rate'' is already used in the HMR as a synonym for ''radiation level.'' Instead, PHMSA proposes to add a definition for ''dose rate'' that will duplicate the current HMR definition for ''radiation level.''
- PHMSA is not adopting all of the changes in the IAEA fissile material exceptions in SSR–6 paragraphs 417 and 674 for material shipped with beryllium, hydrogenous material enriched in deuterium, graphite, and other allotropic forms of carbon (except for international shipments), and paragraph 675, which exempted certain plutonium shipments from some packaging requirements. Instead, PHMSA proposes to adopt changes consistent with the changes that NRC has identified in the Regulatory Basis for NRC Docket 2016–0179.

V. Section-by-Section Review

A. Part 171

Section 171.7

Section 171.7 provides a listing of all voluntary consensus standards incorporated by reference into the HMR. PHMSA proposes to incorporate by reference ''Specific Safety Requirements Number SSR–6, Revision 1: Regulations for the Safe Transport of Radioactive Material 2018 Edition'' (2018 SSR–6, Rev. 1) and the 2012 and 2019 editions of ANSI N14.1: Uranium Hexafluoride—Packaging for Transport. IAEA's SSR–6 Rev.1 regulates the transportation of radioactive materials internationally. PHMSA evaluated the updated standards and determined that the revisions provide an enhanced level of safety without imposing significant compliance burdens. These standards have well-established and documented safety histories, and their adoption will maintain the high safety standard currently achieved under the HMR.

Therefore, PHMSA proposes to add or revise the following incorporation by reference materials:

- In paragraph (d), remove reference to § 173.417 and incorporate by reference the 2012 and 2019 editions of ANSI N14.1: Uranium Hexafluoride—Packaging for Transport in addition to the versions currently listed in § 171.7(d). PHMSA proposes to remove the reference to § 173.417 from this paragraph because § 173.417 does not reference the ANSI N14.1 standard. The language in § 173.417 pertains to shipments of less than 0.1 kg of uranium hexafluoride while ANSI N14.1 only pertains to shipments exceeding 0.1 kg and those requirements are found in the other listed section, see § 173.420. The new editions of ANSI N14.1 provide criteria for packaging uranium hexafluoride for transportation and cover design and fabrication of the packaging, service inspection requirements, cleanliness, maintenance requirements, and cylinder loading requirements. PHMSA has incorporated this standard in its regulations since 1971, and it remains the industry standard for shipping uranium hexafluoride. The changes from the 2001 version to the proposed 2019 version include requirements for the use of ''plugs'' that were not previously allowed and provisions for converting imperial units to metric, as well as harmonization with the 2018 SSR–6, Rev. 1 and additional best practices including incorporating standards from ASTM International. PHMSA believes that the 2019 edition adds an increased level of safety by bringing in updated safety requirements, while allowing more flexibility in packaging. While the 2019 edition of ANSI N14.1 will be the required standard for new uranium hexafluoride packages, older packages may remain in service provided that repairs, markings, and periodic tests and inspections comply with the 2019 edition. The changes to the inspection, testing, and repair requirements between the 2001 and 2019 editions are largely formatting changes, and PHMSA does not believe that the revisions will necessitate the removal of existing packaging from circulation. Further, by incorporating both the proposed editions, packages built to the 2012 edition will be permitted in accordance with § 173.420. However, new packages will still need to be manufactured to the 2019 standard. The ANSI N14.1: Uranium Hexafluoride—Packaging for Transport 2012 and 2019 editions are available for purchase at the following websites:
  - 2012 Edition: *https://webstore.ansi.org/standards/pcc/ansin142012*
  - 2019 Edition: *https://webstore.ansi.org/standards/pcc/ansin142019*

• In paragraph (s)(1), incorporate by reference the 2018 edition of the IAEA Regulations for the Safe Transport of Radioactive Material, Safety Standards Series No. SSR–6 (Rev.1), to replace the 2012 edition, which is currently referenced in §§ 171.22; 171.23; 171.26; 173.415; 173.416; 173.417; 173.435; and 173.473. The IAEA regulations establish standards of safety for control of the radiation, criticality, and thermal hazards to people, property, and the environment associated with the transport of radioactive materials. Notable changes from the previous edition include clarification of marking requirements, a new group of surface contaminated objects (SCO–III) for UN2913, and amendments to basic radionuclide values (activity of the radionuclide as listed in § 173.435) for seven specific radionuclides (Ba-135m, Ge-69, Ir-193m, Ni-57, Sr-83, Tb-149 and Tb-161). The Regulations for the Safe Transport of Radioactive Material are available for download and purchase in hard copy on the IAEA website at: *https://www.iaea.org/publications/12288/regulations-for-the-safe-transport-of-radioactive-material.*

B. Part 172

Section 172.101 HMT

The HMT provides the terms and conditions governing transportation of hazardous materials under the HMR. For each entry, the HMT identifies information such as the proper shipping name, UN identification number, and hazard class. The HMT specifies additional information or reference requirements in the HMR such as hazard communication, packaging, quantity limits aboard aircraft, and stowage of hazardous materials aboard vessels. PHMSA proposes to revise the entry for ''UN2978, Radioactive material, uranium hexafluoride'' to remove the reference to § 173.427, and revise the entry for ''UN2913, Radioactive material, surface contaminated objects (SCO–I *or* SCO–II)'' to add the new SCO–III material.

In the July 11, 2014, final rule,[9] PHMSA added paragraph (e) to § 173.420, which details additional shipping requirements for shipments of Uranium hexafluoride (UF_6) and requires the UN number and proper shipping name—''UN2978, Radioactive material, uranium hexafluoride''—to be used for packages containing 0.1 kg or more of non-fissile or fissile-excepted UF_6. Paragraph (e) was added to clarify that ''when there is more than one way to describe a UF_6 shipment, the proper shipping name and UN number for the uranium hexafluoride should take precedence over the shipping description for LSA material.'' However, PHMSA inadvertently failed to remove the reference to § 173.427 (regarding, in relevant part, transport requirements for LSA material) from the non-bulk and bulk packaging provisions in the 2014 final rule. The HMT entry for ''UN2978'' should reference only § 173.420 (regarding requirements for uranium hexafluoride). Compliance with the HMT as written could result in the use of an incorrect packaging provision, a safety concern that could lead to a dangerous situation. Therefore, PHMSA proposes to amend the entry for ''UN2978, Radioactive material, uranium hexafluoride'' to remove the reference to § 173.427 and ensure proper packaging is used and safety is maintained.

Additionally, PHMSA proposes to change the parenthetical text in the entry for ''UN2913, Radioactive material, surface contaminated objects (SCO–I *or* SCO–II)'' to read ''(SCO–I *or* SCO–II *or* SCO–III).'' This change is consistent with the addition of the new SCO–III material discussed in this NPRM. *See* SECTIONS 173.403 and 173.427 of the Section-by-Section Review for further details on this proposed change.

Section 172.102 Special Provisions

Section 172.102 lists special provisions applicable to the transportation of specific hazardous materials and contains various provisions including packaging requirements, prohibitions, and exceptions applicable to particular quantities or forms of such hazardous materials. PHMSA proposes to amend special provision 139 to remove the reference to § 173.472 because in this NPRM, PHMSA proposes to remove § 173.472 from the HMR. *See* Section 173.472 of the Section-by-Section Review for further details.

Section 172.203

Section 172.203 prescribes additional requirements for shipping descriptions on shipping papers. Paragraph (d) lists information that must be included in the description of a Class 7 (radioactive) material, such as the category of label applied to a package as referenced in paragraph (d)(4). PHMSA proposes to revise paragraphs (d)(4) and (5) by adding the words ''or overpack'' to those paragraphs. This proposed change would allow shippers to list the label and the sum of the transport indices of the overpack on the shipping paper, instead of the individual packages. PHMSA believes that this change would provide cost savings without compromising safety by reducing the time it takes for an offeror to fill out a shipping paper. This change would also harmonize with the IAEA standards and account for the common use of overpacks for shipping Class 7 (radioactive) materials.

Additionally, PHMSA proposes to revise paragraph (d)(6) to require shipping papers for shipments containing fissile Class 7 (radioactive) material to list the nuclides of the fissile material in the package. This proposed change would provide information on which fissile nuclides are present in the package—*e.g.,* plutonium-239, plutonium-241, uranium-233, or uranium-235—but would only affect shipments where the fissile nuclides are not listed on the shipping paper in accordance with the requirements of § 173.433(g), and the fissile materials are not excepted under § 173.453. As the HMR is currently written, it is possible that such a package could be assigned a criticality safety index (CSI), but have no fissile nuclides listed on the shipping paper as it does not meet the threshold set out in § 173.433. A CSI is assigned to fissile materials using a calculation in 10 CFR part 71 to provide control over the accumulation of packages, overpacks, or freight containers containing fissile material. As this may lead to confusion in transportation and possibly delay shipments, we have proposed this revision to paragraph (d)(6).

Section 172.310

Section 172.310 prescribes marking requirements for packages containing Class 7 (radioactive) materials. Specifically, paragraph (b) requires that each industrial, Type A, Type B(U), or Type B(M) package must be legibly and durably marked on the outside of the packaging. PHMSA proposes to make a revision to paragraph (b) which clarifies the existing requirement to remove markings that do not correspond with the package being shipped. For example, if an offeror's package meets the requirements for a Type A package and radioactive materials are then removed, any markings identifying the package as a Type A package must be removed or covered. Improperly labeled packages misrepresent the hazard present in the package, which could lead to potentially dangerous situations, especially if the label underrepresents the hazard present. This proposed clarification will increase compliance and decrease the likelihood of a dangerous situation occurring, thus

[9] 81 FR 40590.

improving the safe transportation of these packages.

Additionally, PHMSA proposes to revise paragraph (e) to remove reference to § 173.472 to reflect the proposal to remove § 173.472 from the HMR. *See* Section 173.472 of the Section-by-Section Review for further details.

C. Part 173

Section 173.401

Section 173.401 contains the scope of subpart I of Part 173 of the HMR, including situations that are excepted from the requirements of subpart I. Subparagraph 107(d) of the IAEA regulations contains an exception for radioactive material in—or on—a person who is to be transported for medical treatment because of accidental or deliberate radiation intake or contamination. Currently, § 173.401(b)(2) of the HMR provides an exception from subpart I of Part 173 for radioactive material implanted into people or animals for diagnosis or treatment, but not from contamination. Therefore, PHMSA proposes to add a new paragraph (b)(6) for a medical exception to § 173.401, which would facilitate the transportation of people and their effects—such as clothing or other items on their person—who have been contaminated and need to be transported for medical treatment.

Additionally, PHMSA proposes to revise § 173.401(b)(4) to specify that § 173.401 does not apply to all natural material and ores containing naturally occurring radionuclides, regardless of its intended use, provided the activity concentration of the material does not exceed 10 times the exempt material activity concentration values specified in § 173.436, or determined in accordance with the requirements of § 173.433. Currently, only natural material and ore containing naturally occurring radionuclides—which are either in their natural state or which have only been processed for purposes other than extraction of the radionuclides—are excepted from subpart I of Part 173 in § 173.401(b). Material intended to be processed for the use of the radionuclides may not utilize the exception. As written, the HMR treats identical radioactive material differently based on its intended use and not the hazard it presents. This change maintains the existing activity concentration limit of 10 times the exempt material activity concentration values specified in § 173.436 meaning the hazard level of the material exempted cannot exceed what is already permitted. Therefore, this proposed change would harmonize with the scope of the IAEA regulations and reflect that the hazards of naturally occurring radionuclides do not differ based on the reason for processing or their future intended use.

Section 173.403

Section 173.403 provides the definitions for subpart I of Part 173. PHMSA proposes to revise various definitions to better harmonize with 2018 SSR–6, Rev. 1. The proposed changes are as follows:

- Add ''dose rate'' as a new definition.
- Revise the definition of ''Special form Class 7 (radioactive) material'' to align with SSR–6, paragraph 823.
- Revise the definition of ''Low Specific Activity (LSA) material'' to remove the leaching prevention requirement for LSA–III materials.
- Revise the definition of ''Surface Contaminated Object (SCO)'' to include the SCO–III material introduced in this NPRM.

The details of these proposed changes are explained below.

Dose rate: A new definition of ''dose rate'' is being added to clarify the term as it is used in the HMR. In past alignment with the IAEA, ''dose rate'' has been used throughout the HMR as a term that was meant to be synonymous with ''radiation level''—and until recently, the two terms have been used interchangeably. However, the IAEA has decided to exclusively use the term ''dose rate'' specified in 2018 SSR–6, Rev. 1. PHMSA and NRC have decided not to harmonize with that change because it would not result in a change in practice or safety but recognize that the use of two terms interchangeably without defining ''dose rate'' can be confusing to some readers. Therefore, to avoid confusion and provide greater clarity, PHMSA proposes to add a definition for ''dose rate'' that will reference the definition of ''radiation level.''

Special form Class 7 (radioactive) material: PHMSA proposes to revise the definition of ''Special form Class 7 (radioactive) material'' to align with changes adopted by the IAEA. Specifically, paragraph 823 of the 2018 SSR–6, Rev. 1:

- Prohibits continued use of special form radioactive material approved under the 1973 IAEA regulations, incorporated into the HMR in 1983.
- Prohibits new manufacture of special form radioactive material that received approval under the 1985 IAEA regulations, incorporated into the HMR in 1996.
- After December 31, 2025, the 2018 SSR–6, Rev. 1 prohibits new manufacture of special form radioactive material sources to a design that had received approval under the 1996 edition of the IAEA regulations, incorporated into the HMR in 2004.

Under this proposal, manufacturers of designs that conform to the requirements of the HMR—that were effective between April 1, 1996, and the effective date of any final rule—may continue to use those designs provided they maintain a management system as required by SSR–6 (Rev. 1) paragraph 306. Manufacturers of older designs may be able to obtain new competent authority approvals for these designs because there have been no significant changes to the special form requirements since the IAEA 1985 regulations. For special forms approved under the pre-1985 IAEA requirements, no new manufacture has been authorized under the HMR since April 1, 1997, and those special form sources would all lack a quality assurance program that meets § 173.476(c)(4) requirements.

This proposed revision to the definition of ''Special form Class 7 (radioactive) material'' would phase out the oldest special form Class 7 (radioactive) material designs that do not meet current design requirements; however, it would continue to allow more recent designs to remain, provided a management system is maintained. This approach will increase safety by: (1) removing the oldest special form Class 7 (radioactive) materials from circulation that are at a minimum 24 years old; and (2) adding additional safety requirements to certain designs that remain in use. The following table provides a summary of these proposed changes:

Year of design (IAEA)	Year adopted by DOT	Can I continue to manufacture to this design year?	Can I continue to use this design?
1973	1983	No	No.
1985	1996	No	Yes.
1996	2004	Yes, through December 31, 2025	Yes.

Low Specific Activity (LSA) material: PHMSA proposes to amend the definition of LSA material by removing the leaching prevention requirement for LSA–III materials and removing the reference to § 173.468. LSA is material with limited specific activity that is not fissile material or excepted under § 173.453. Specifically, LSA–III is solid material—excluding powders—with an average specific activity that does not exceed 2×10^{-3} A_2/g, excluding any shielding material. Currently, LSA–III materials must also pass a leaching test, and the contamination must be uniformly distributed. When establishing the low average specific activity limits for LSA material in the transport regulations, IAEA based its analysis on the small likelihood that, under normal conditions of transportation, a sufficient mass of such material could be taken into the body and result in a significant radiation hazard. For the 2018 SSR–6, IAEA's working group evaluated [10] the need for the leaching test used to demonstrate that the leaching prevention requirement is met, as it had no apparent relevance to the inhalation risk of exposure to material during transportation and determined that the leaching test for LSA–III material did not contribute to IAEA's 50 mSv effective dose transport safety limit. PHMSA agrees with IAEA's findings that the leaching test does not enhance safety and proposes to harmonize with the 2018 SSR–6, Rev. 1 by removing the leaching prevention requirement from this section.

Surface Contaminated Object (SCO) III: PHMSA proposes to add a new section to the definition for ''Surface Contaminated Objects'' to create a type called ''Surface Contaminated Object—III.'' This new form of surface contaminated object is meant for large solid objects (*e.g.,* a steam generator, reactor coolant pump, pressurizer, or reactor head component, etc.) that cannot be transported in a package. Currently, such shipments require the application for—and granting of—a DOT special permit.[11] This proposed change would codify the requirements for the transportation of these shipments and remove the need for a special permit, replacing it with an approval which take less time and require less effort from the requestor due to the codified requirements. This approach allows for a more efficient transportation environment without any decrease in safety as PHMSA will retain the ability to reject applications that it deems unsafe.

Section 173.410

Section 173.410 prescribes general design requirements for packages used for the transportation of Class 7 (radioactive) materials. In this NPRM, PHMSA proposes two separate changes to this section.

Paragraph (i) prescribes requirements for air transport only. PHMSA proposes to revise paragraph (i)(3) to require that all packages for transport by air must be able to withstand an internal pressure that produces a pressure differential of not less than the maximum normal operating pressure plus 95 kPa (13.8 psi). Because the HMR currently limits the provision in paragraph (i)(3) to liquid materials, this change would expand the requirement to all radioactive materials. This proposed change would not only harmonize the HMR with both the International Civil Aviation Organization Technical Instructions (ICAO TI) and IAEA regulations, but it would also increase safety by ensuring that all packages containing radioactive material shipped by air are capable of withstanding the pressure changes inherent in air transport. This provision has been implemented by ICAO for all international air carriers, and therefore PHMSA believes it is widely adopted already. However, we request comment on this assumption.

PHMSA acknowledges that NRC has chosen not to harmonize with the 2018 SSR–6, Rev. 1, and the ICAO TI by omitting the requirements of § 173.410(i)(3) from its proposed rulemaking. NRC believes that the existing reduced external pressure test value—which requires packages to be tested to an external pressure of 25 kPa (3.5 LbF/in^2) [12] absolute—addresses air transport conditions and that Type AF and Type B packages are adequately robust compared to Type A packages. PHMSA requests comments on whether this disparity—between the PHMSA NPRM and the NRC NPRM—will have any negative effects on stakeholders.

Additionally, PHMSA proposes to add a new paragraph (j) that will require package manufacturers to take the effects of aging into consideration during the design process. The proposed new paragraph (j) will require the package designer to evaluate the potential degradation phenomena over time, such as corrosion, abrasion, fatigue, crack propagation, changes of material compositions or mechanical properties due to thermal loadings or radiation, generation of decomposition gas, and their impact on the functions important to safety. While PHMSA believes package engineers already take these factors into consideration when they design radioactive packages, there is no specific requirement related to the aging of packaging designs. The codification of this best practice would ensure that radioactive packaging designs remain safe into the future, while also harmonizing the HMR with the IAEA standards to facilitate uniform international packaging standards and, therefore, international commerce.

Section 173.415

Section 173.415 lists the Type A packages that are authorized for shipment, provided that the packages do not contain quantities exceeding the A_1 or A_2 values for radionuclides in § 173.435. Paragraph (a) specifies the DOT Specification 7A Type A recordkeeping requirements, and PHMSA proposes to revise three subparagraphs in paragraph (a) to better clarify them.

First, PHMSA proposes to revise § 173.415(a)(1) to better clarify ''a description of the package.'' PHMSA proposes to add language requiring that the report detail the radionuclide(s) tested for use in the package, the radionuclide(s) chemical state (*i.e.,* solid, liquid, or gas), and an indication as to whether the material is special form. This proposed change would increase safety by ensuring packages are tested for the materials they contain.

Second, PHMSA proposes to add language in § 173.415(a)(1)(i) to require test reports to describe how the test conditions met the requirements of § 173.461(a)(1). Section 173.461 describes the methods that can be used to demonstrate compliance with the tests required for Type A packages in § 173.465. Specifically, paragraph (a)(1) allows testing to be done with prototypes or samples of specimens representing LSA–III special form Class 7 (radioactive) material or packaging, in which case the contents of the packaging for the test must simulate as closely as practicable the expected range of physical properties of the radioactive contents or packaging to be tested. It also encourages testers to use non-radioactive materials when testing. Due to this flexibility, PHMSA proposes a requirement for testers to describe

[10] A summary of the working group's conclusions is included in the rulemaking docket.

[11] PHMSA worked with our Canadian partners to redo a 2007 proposal for the adoption of SCO–III material into the IAEA regulations. Further, PHMSA used the experience and information we gained from developing the special permits and—along with our Canadian partners—developed a new proposal for SCO–III materials. That proposal was submitted to the IAEA by Canada and ultimately accepted.

[12] LbF is a unit of measurement and means ''Pounds Force.''

specifically how the test was carried out so that it can easily be determined if the package in question is acceptable for its intended contents. This increased transparency in the testing process will have a positive effect on safety by allowing investigators to better understand the testing that took place and determine if it was performed correctly. Furthermore, PHMSA also proposes to add a reference to § 173.412(j) in § 173.415(a)(1)(i) to further clarify that the records maintained must show compliance with § 173.412(j). These proposed changes will provide greater clarity by removing the need for package manufacturers to interpret a ''detailed description.''

Third, PHMSA proposes to revise § 173.415(a)(2) to allow offerors who obtained packagings from a packaging manufacturer—and were provided with a certification for those packagings—the option to contact the packaging manufacturer and have the packaging manufacturer send the documents required in paragraph (a)(1) to DOT, rather than requiring the offeror to maintain the documents required by paragraph (a)(1) on file. This proposed change would conform to PHMSA's stated intent in the 2014 final rule.[13] Additionally, PHMSA proposes to revise the language in paragraph (a)(2) to require certification that the packaging meets all the requirements of §§ 173.403, 173.410, 173.412, 173.465, and, if applicable, § 173.466, instead of § 178.350. Section 178.350 requires packagings to meet the requirements of those listed sections. These proposed changes will clarify the specific requirements that PHMSA expects packaging manufacturers certify their packagings to.

Section 173.417

Section 173.417 provides a list of authorized fissile materials packages. PHMSA proposes to add a new subparagraph (a)(2)(ii) for the import and export of fissile material packages that meet the requirements of paragraph 674 of SSR–6, and to reorganize paragraph (a) to more clearly outline when the various packagings are allowed. Paragraph 674 provides criteria by which fissile material may be transported using a package design that does not require certification by a competent authority to contain fissile material. Rather, if the mass of fissile nuclides is limited to the quantities specified in paragraph 674 and the package meets the performance criteria noted in paragraph 674(a)–(c), then the package would be safe for transport subject to criticality safety index accumulation control. PHMSA proposes to add language to highlight and clarify the acceptable use of this IAEA exception by listing it in the authorized fissile material packages section. This change will align PHMSA with the IAEA standards and provide a way for packages that meet these criteria to be shipped to and from the US.

Section 173.420

Section 173.420 prescribes requirements for transportation of uranium hexafluoride (fissile, fissile-excepted, and non-fissile). PHMSA proposes to add a new paragraph (f) to direct offerors who are shipping more than 0.1 kg of non-fissile or fissile-excepted uranium hexafluoride to § 173.477. This proposed change would aid offerors in finding the specific requirements for their materials in the HMR, thus increasing compliance and safety. Separately, PHMSA proposes to provide an additional reader's aid by adding an incorporation by reference notation to ANSI N14.1 in this section. PHMSA has also proposed to update the ANSI N14.1 standards incorporated by reference in section 171.7. For further information see SECTION 171.7 above.

Section 173.424

Section 173.424 provides an exception from specification packaging, labeling, marking (except for the UN identification number marking requirement described in § 173.422(a)), and—if not a hazardous substance or hazardous waste—shipping papers, and the requirements of subpart I (Class 7 (Radioactive) Materials) provided all the conditions in the section are met. PHMSA proposes to revise paragraph (h) of this section to make it consistent with a change made to § 173.421 in a previous final rule.[14] This proposed change would revise the section reference from § 173.426 to § 173.453 and remove the exception for shipments of up to 15 grams of uranium-235. The revised paragraph would allow for any of the exceptions provided in § 173.453—including two new ones proposed in this NPRM—to be utilized when shipping fissile material as excepted packages. While these exceptions are more stringent than the flat limit of 15 grams of uranium-235, they allow for multiple volumes from 1 to 180 grams of fissile material—not only uranium-235—to utilize the excepted packages provisions in this section.

Section 173.427

Section 173.427 provides transport requirements for LSA and SCO materials. Currently, offerors must obtain a special permit to ship materials that meet the new definition of SCO–III. PHMSA proposes to revise this section to add the limits for the newly created SCO–III material. This proposed change would revise the HMR to clearly state the requirements for shipping SCO–III materials without the need for a company to obtain a special permit. Instead, a company will apply for a less burdensome approval. This process will still require PHMSA to review the requestor's transport plan to ensure it is safe and within the requirements of the HMR, thus maintaining the level of safety achieved by the current system. This proposed change would also align the HMR with IAEA requirements.

In order to revise the HMR as described above, PHMSA proposes to redesignate current paragraph (d) as paragraph (e), redesignate current paragraph (e) as paragraph (f), and create a new paragraph (d) that will list the requirements for the transport of SCO–III material. PHMSA also proposes to require approval by the Associate Administrator of Hazardous Materials Safety for SCO–III shipments; therefore, paragraph (d)(6) would prescribe the approval application requirements for SCO–III shipments. In addition, PHMSA proposes to amend paragraphs (a)(2) and (a)(6)(i) to provide exceptions for SCO–III material that cannot meet the transport requirements outlined in these provisions because of its large physical size, provided certain provisions are included in the shipment's transport plan.

Section 173.431

Section 173.431 contains the activity limits for Type A and Type B packages. In this NPRM, PHMSA proposes to revise paragraph (b) by removing references to §§ 173.416, 173.417, and 173.472. First, PHMSA proposes to remove § 173.472 in this NPRM as an editorial edit following deletion in the HM–250 final rule—therefore the reference to § 173.472 is no longer applicable.[15] *See* SECTION 173.472 of the Section-by-Section Review for further details. Second, PHMSA proposes to remove reference to §§ 173.416 and 173.417 as they are no longer relevant to the activity limits for Type B packages after the various DOT Type B packages were previously phased out. The phaseout began in 2004 with the publication of the HM–230

[13] 79 FR 40589 (July 11, 2014).

[14] 70 FR 56083 (Sept. 23, 2005).

[15] 79 FR 40589 (July 11, 2014).

final rule [16] and was completed by October 1, 2008.

Section 173.433

Section 173.433 prescribes requirements for determining basic radionuclide values and for listing radionuclides on shipping papers and labels. PHMSA proposes to add a new paragraph (i) that would allow stakeholders to request an approval to allow certain instruments or articles to have an alternative activity limit for what is considered an exempt material instead of those found in the table in § 173.436. Alternative exemption limits of material contained within instruments or articles may be justified when it is shown that the construction and design of the item itself provides containment and shielding of the radionuclide—in both routine and adverse conditions of transport—to minimize risks. An alternative activity limit would allow for Class 7 materials transported as component parts of an instrument or article to be shipped as an exempt material provided both PHMSA and—for international shipments—other competent authorities approve. Currently, this practice is permissible only via special permit. However, the 2018 SSR–6, Rev. 1 codified language to allow a shipper who transports Class 7 (radioactive) material internationally to request this exemption. The IAEA requires multilateral approval for an alternative activity limit shipment meaning an offeror must obtain a competent authority approval from the design or shipment origin country as well as any country the shipment will be transported through or into. PHMSA believes alignment of the HMR with the 2018 SSR–6, Rev. 1 would facilitate international trade and—in fact—U.S. companies may be at a domestic disadvantage if PHMSA were to not adopt this change into the HMR.

Section 173.435

Section 173.435 lists the A_1 and A_2 values for the most commonly transported radionuclides in the ''Table of A_1 and A_2 values for radionuclides.'' A_1 and A_2 values are used in the international and domestic transportation regulations to specify the amount of radioactive material that is permitted to be transported in a particular packaging.

PHMSA proposes to revise the table by adding seven new radionuclides—Ba-135m, Ge-69, Ir-193m, Ni-57, Sr-83, Tb-149, and Tb-161)—that the NRC has indicated there is an increased need to ship (*e.g.,* Ba-135m and Ge-69 for medical uses, etc.). Without provided values for these radionuclides, the general values given in tables 7 and 8 must be used, which could significantly impact the ability to transport these radionuclides by either necessitating decay prior to shipment, the use of multiple Type A Packages, or the use of Type B packages, as well as leading to possible miscommunication of the relative hazards. PHMSA has determined these new activity limits are safe for transportation in specification Type A packaging. This proposed change would provide a cost savings to offerors of these newly added radionuclides without a reduction in safety. Adding these seven new radionuclides will also provide increased clarity about the products shipped, which will increase safe transport and shipment of these radionuclides.

PHMSA also proposes to make an editorial change to the specific activity values for Rb(nat). Currently, the specific activity values of 6.7×10^{-10} TBq/g and 1.8×10^{-8} Ci/g incorrectly use an underscore to represent the negative sign. In this NPRM, we are proposing to revise the specific activity values to correctly show the appropriate negative sign.

Section 173.436

Section 173.436 specifies the nuclide-specific exemption concentrations and the nuclide-specific exemption-consignment activity limits for radionuclides. As noted above, in order to align with the 2018 SSR–6, Rev. 1, PHMSA proposes to add seven new radionuclides to this table (Ba-135m, Ge-69, Ir-193m, Ni-57, Sr-83, Tb-149, and Tb-161). Without provided values for these radionuclides, the general values given in table 8 must be used, which could significantly impact the ability to transport these radionuclides by either necessitating decay prior to shipment, the use of multiple Type A Packages, or the use of Type B packages.

Additionally, PHMSA proposes to clarify footnote ''b'' of § 173.436 per table 2 to state that in the case of Th-natural, the parent nuclide is Th-232; and in the case of U-natural, the parent nuclide is U-238. This information is not clearly communicated in the footnote as currently written and may cause frustration in the interpretation of the HMR.

Section 173.443

Section 173.443 specifies contamination control limits. PHMSA proposes to revise paragraph (c) to reference the new paragraph (d) proposed in § 173.427. This change would amend the requirement for each conveyance, overpack, freight container, tank, or intermediate bulk container—used for transporting Class 7 (radioactive) materials as an exclusive use shipment—to be surveyed with appropriate radiation detection instruments after each exclusive use transport to include the new SCO–III materials. By adding the reference to § 173.427(d), PHMSA is applying the existing contamination control requirements to the new SCO–III materials. This proposed change would ensure that any conveyance used to transport SCO–III material is properly surveyed and decontaminated before returning to general service, and would harmonize with the IAEA standards, thus ensuring conveyances may easily continue on in international service safely.

Section 173.447

Section 173.447 specifies the general requirements for temporary storage of Class 7 (radioactive) material during the course of transportation. In 2002—in the HM–230 NPRM [17]—the Research and Special Programs Administration (RSPA), PHMSA's precursor agency, proposed to move certain requirements in § 173.447 to § 173.441(d)(3). These requirements included a limit of 50 on the sum of transport indexes of groups of packages while in storage incidental to transportation, and distancing requirements of at least 6 meters or 20 feet. The paragraph enacting those changes was inadvertently omitted in the HM–230 final rule.[18] These values have been in place in the IAEA and other sections of the HMR for over 30 years. Therefore, PHMSA proposes to reinstate the limit on the sum of transport indexes of a group of packages and distancing requirements while in storage incidental to transport as paragraph (b) in § 173.447.

The proposed requirements are consistent with the various modal sections of the HMR. For example, parts 174 and 177 for railroad and highway transportation, respectively, both require that shippers keep any single group of Class 7 (radioactive) packages in any storage location limited to a total transport index number of 50. Similarly, the requirements for air transportation in § 175.700 and vessel transportation in § 176.704 limit the transportation index to 50 on passenger aircraft or in freight containers. Additionally, all modes of transportation require Class 7 (radioactive) materials to maintain a certain distance from animals, people,

[16] 69 FR 3631 (Jan. 26, 2004).

[17] 67 FR 21327 (Apr. 30, 2002).

[18] 69 FR 3631 (Jan. 26, 2004).

or other Class 7 (radioactive) materials. For example, part 177 requires the proposed distance requirements of 6 meters or 20 feet between groups of packages. These proposed requirements in § 173.447 for total transport index and distancing would help to ensure the safety of those who store and handle Class 7 (radioactive) materials.

Section 173.448

Section 173.448 contains general transportation requirements for Class 7 (radioactive) materials. PHMSA proposes to revise this section to require overpacks to have the consignor and/or consignee marked on the outside of the overpack if it cannot be seen on the packages. This proposed change would reduce confusion and increase safety by identifying the consignee and consignor marking requirements on the outside of the overpack if they cannot be seen on the individual packages in the overpack.

Section 173.453

Section 173.453 contains provisions that allow a material to be excepted from some requirements for fissile materials. PHMSA proposes to add a sentence to paragraph (d) that would require materials utilizing that exception to have fissile material that is distributed homogenously and that does not form a lattice arrangement. Uranium enriched to less than five percent (5%) by weight is most reactive when it is in a heterogeneous configuration. For uranium enriched to not more than one percent (1%), a large heterogeneous system or lattice arrangement would be required for a material utilizing this exception to approach criticality. This proposed change would align the HMR with the current NRC and IAEA requirements and ensure the safe transport of such fissile material.

Additionally, PHMSA proposes to add a new paragraph (g) that would provide a new exception for up to 3.5 grams of uranium-235 where the uranium-235 is not more than five percent (5%) of the material. This new exception is comparable to the 49 CFR 173.453(a) exemption limit of up to 2.0 grams of fissile material per package. The additional neutron absorption provided by uranium-238 in 5.0 weight percent enriched uranium compensates for the additional 1.5 grams of uranium-235 mass (*i.e.,* up to 3.5 grams uranium-235 per package), when compared to the 49 CFR 173.453(a) limit of 2.0 grams. This proposed change would align the HMR with the changes that NRC has identified in the Regulatory Basis for NRC Docket 2016–0179. It would also align the HMR with the IAEA standards—but without the consignment limit in SSR–6 paragraph 570(c)—and allow the increased transport of uranium-235 without any additional impacts on safety. PHMSA has decided not to adopt the consignment limit. The amount of fissile material allowed by this proposed provision would be similar to the existing exception in 49 CFR 173.453(a)in terms of reactivity. In addition, the consignment limit of SSR–6 paragraph 570(c) does not affect the accumulation of packages on a transport conveyance because there is no limit to the number of consignments that may be present on a single conveyance.

Finally, PHMSA proposes to add a new paragraph (h) that will provide an exception for up to 140 grams of fissile nuclides when shipped under exclusive use. This proposed change would align the HMR with the changes that NRC has identified in the Regulatory Basis for NRC Docket 2016–0179, by adopting a modified version of a 45-gram exception in SSR–6. In evaluating this new exception, NRC staff determined that the IAEA SSR–6 45-gram exception was unnecessarily conservative—45 grams represents about one eighth of the consensus minimum subcritical mass value for plutonium-239 moderated by water. NRC staff also determined that a mass value higher than that contained in IAEA SSR–6 paragraph 417(e) is justified, given the conservatism inherent in the exclusive use restriction of the SSR–6 provision, and because plutonium-239 would have to be shipped in a Type B package that withstands hypothetical accident conditions. Therefore, PHMSA and NRC propose a limit of 140 grams of fissile material. When determining the proposed limit, NRC considered uranium-235 rather than plutonium-239, as any amount of plutonium-239 over 0.435 grams is considered Type B, which would have to be packaged to withstand both normal and hypothetical accident conditions of transport. This limit is based on one-fifth of a consensus minimum critical mass of uranium-235 under optimum conditions. This mass represents a conservative limit for fissile material, because five times this amount would remain subcritical under any conditions. PHMSA and NRC anticipate that shipments utilizing this exception would be used primarily for domestic transportation (*e.g.,* decommissioning activities where contaminated items or small quantities of fissile material would be shipped for disposal), and only rarely for international shipments. In the rare instances where international shipments under this exemption provision are necessary, shippers would have to be aware of this difference and ship under the lower limit in IAEA SSR–6 paragraph 417(e).

Section 173.465

Section 173.465 contains the test requirements for Type A packaging. Specifically, paragraph (c) contains the free drop test requirements. In response to a request from the U.S. Department of Energy (DOE), PHMSA proposes to revise paragraph (c) to clarify that the free drop test required by paragraph (c)(2) is applicable only to fissile material rectangular packages not exceeding 50 kg and fissile material cylindrical packages not exceeding 100 kg. This proposed change would align the HMR with the similar NRC requirement in 10 CFR 71.71(c)(8), which was modified in a previous final rule.[19] NRC agreed with a comment to that rule that for a large and heavy package, it is considered highly implausible for a package to undergo a one-foot corner drop as a normal condition of transport, and that only a free drop with the package in its normal orientation should be specified as a normal condition of transport for large and heavy packages. NRC removed the corner drop test for fiberboard, wood, or fissile material rectangular packages weighing more than 50 kg (110 lbs.), and for fissile material cylindrical packages weighing more than 100 kg (220 lbs.). PHMSA agrees with NRC's determination and expects that the proposed change will provide cost savings to packaging manufacturers without reducing safety.

Section 173.468

Section 173.468 contains the requirements for the leaching test required for LSA–III materials in § 173.403. As stated in the Section-by-Section discussion for § 173.403, PHMSA proposes to remove the leaching test requirement. Therefore, PHMSA proposes to remove and reserve § 173.468 in its entirety as it would no longer be necessary.

Section 173.472

Section 173.472 provides the requirements for exporting DOT specification Type B packages. This section is no longer necessary because the HM–250 final rule[20] amended §§ 173.416 and 173.417 to remove the paragraphs that authorized use of DOT specification Type B and fissile material packages. Therefore, PHMSA proposes

[19] 60 FR 50248 (Sep. 28, 1995).

[20] 79 FR 40589 (Jul. 11, 2014).

to remove and reserve this section in its entirety.

Section 173.475

Section 173.475 contains the general quality control requirements for packages authorized to contain Class 7 (radioactive) materials. In this section, PHMSA proposes to add a new paragraph (j) that would require offerors and shippers to assure that packages or overpacks have been properly maintained while in storage before using those packages to transport Class 7 (radioactive) materials. This new paragraph would require that packages are maintained properly while in storage, thus increasing safety by reducing the likelihood that a package would fail while in transportation. PHMSA expects that there will be safety benefits to packages that are properly maintained in storage. This proposed change would align with the 2018 SSR–6, Rev. 1.

D. Part 174

Section 174.750

Section 174.750 contains the requirements for rail incidents that involve a hazardous materials leak. PHMSA proposes to revise paragraph (a) to reference § 173.443(e) when a leak of Class 7 (radioactive) materials occurs. Section 173.443(e) specifies the steps that must be taken when a leak of Class 7 (radioactive) materials occurs. These steps include limiting access to the package or conveyance, determining the resultant radiation level of the package or conveyance, and—if applicable—additional steps for the protection of persons, property, and the environment. This proposed change would provide clarification and ensure that the contamination control requirements for Class 7 materials are more easily accessible to rail carriers.

E. Part 175

Section 175.705

Section 175.705 contains the requirements for air carriers in the event of radioactive contamination. PHMSA proposes to revise paragraph (b) to reference § 173.443(e) when a leak occurs of Class 7 (radioactive) materials. Section 173.443(e) specifies the steps that must be taken when a leak of Class 7 (radioactive) materials occurs. These steps include limiting access to the package or conveyance, determining the resultant radiation level of the package or conveyance, and—if applicable—additional steps for the protection of persons, property, and the environment. This proposed change would provide clarification and ensure that the contamination control requirements for Class 7 materials are more easily accessible to air carriers.

F. Part 176

Section 176.715

Section 176.715 contains the requirements for contamination control aboard vessels. PHMSA proposes to revise § 176.715 to reference § 173.443(e) when a leak occurs of Class 7 (radioactive) materials. Section 173.443(e) specifies the steps that must be taken when a leak of Class 7 materials occurs. These steps include limiting access to the package or conveyance, determining the resultant radiation level of the package or conveyance, and—if applicable—additional steps for the protection of persons, property, and the environment. This proposed change would provide clarification and ensure that the contamination control requirements for Class 7 materials are more easily accessible to vessel carriers.

G. Part 177

Section 177.843

Section 177.843 contains requirements in the event of a motor vehicle becoming contaminated. PHMSA proposes to revise paragraph (c) to reference § 173.443(e) when a leak occurs of Class 7 (radioactive) materials. Section 173.443 (e) specifies the steps that must be taken when a leak of Class 7 materials occurs. These steps include limiting access to the package or conveyance, determining the resultant radiation level of the package or conveyance, and—if applicable—additional steps for the protection of persons, property, and the environment. This proposed change would provide clarification and ensure that the contamination control requirements for Class 7 materials are more easily accessible to motor vehicle carriers.

VI. Regulatory Analyses and Notices

A. Statutory/Legal Authority

This NPRM is published under the authority of Federal Hazardous Materials Transportation Act (HMTA; 49 U.S.C. 5101–5127). Section 5103(b) of the HMTA authorizes the Secretary of Transportation to prescribe regulations for the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce. The Secretary's section 5103(b) authority includes the authority to prescribe regulations to provide for security in such transportation. Additionally, 49 U.S.C. 5120 authorizes the Secretary to consult with interested international authorities to ensure that, to the extent practicable, regulations governing the transportation of hazardous materials in commerce are consistent with the standards adopted by international authorities. The Secretary has delegated the authority granted in the HMTA to the PHMSA Administrator pursuant to 49 CFR 1.97(b).

B. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866 (''Regulatory Planning and Review'') [21] requires agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' Similarly, DOT Order 2100.6A (''Policies and Procedures for Rulemakings'') requires that PHMSA rulemaking actions include ''an assessment of the potential benefits, costs, and other important impacts of the regulatory action,'' and (to the extent practicable) the benefits, costs, and any significant distributional impacts, including any environmental impacts.

Executive Order 12866 and DOT Order 2100.6A require that PHMSA submit ''significant regulatory actions'' to the Office of Management and Budget (OMB) for review. This rulemaking is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not formally reviewed by OMB. This rulemaking is also not considered a significant rule under DOT Order 2100.6A.

The following is a brief summary of costs, savings, and net benefits of some of the amendments proposed in this notice. PHMSA has developed a more detailed analysis of these costs and benefits in the preliminary regulatory impact analysis (PRIA), a copy of which has been placed in the docket.[22] PHMSA seeks public comment on its proposed revisions to the HMR and the preliminary cost and benefit analyses in the PRIA.

PHMSA proposes to amend the HMR to maintain alignment with international regulations and standards and to make regulatory amendments identified through internal regulatory review processes to update, clarify, correct, or streamline certain regulatory requirements applicable to the transportation of Class 7 (radioactive) materials. These amendments would maintain the continued high level of

[21] 58 FR 51735 (Oct. 4, 1993).

[22] The PRIA is available in the regulatory docket (Docket ID: PHMSA–2018–0081) at *www.regulations.gov.*

safety in the transportation of hazardous materials while producing a net cost savings.

PHMSA quantifies $57,000 [23] in net cost savings over a 10-year period from the incorporation of approximately 50 [24] existing special permits through the proposed amendments to add SCO–III material and to allow stakeholders to request an approval to allow certain instruments or articles to have an alternative activity limit for what is considered an exempt material. Under the proposal, these special permits would no longer be needed for shippers and transporters of radioactive materials to comply with the HMR, eliminating the burden of renewal. The following estimates do not include the non-monetized and qualitative cost/cost savings discussed in the PRIA. The following Table 6.1 from the PRIA presents a summary of monetized impacts that contribute to PHMSA's estimation of quantified net cost savings.

TABLE 6.1—PROPOSED SPECIAL PERMIT COST SAVINGS

[Total cost savings in 2021 dollars over 10 years at 3% and 7% discount rates]

Year	Undiscounted cost savings	Discounted cost saving (3%)	Discounted cost savings (7%)
2023	$6,886.1	$6,490.8	$6,014.6
2024	6,886.1	6,301.7	5,621.1
2025	6,886.1	6,118.2	5,253.3
2026	6,886.1	5,940.0	4,4909.7
2027	6,886.1	5,767.0	4,588.5
2028	6,886.1	5,599.0	4,288.3
2029	6,886.1	5,435.9	4,007.8
2030	6,886.1	5,277.6	3,745.6
2031	6,886.1	5,123.9	3,500.5
2032	6,886.1	4,974.6	3,271.5
Total	68,860.7	57,028.7	45,200.8
Annualized	.....	6,685.5	6,435.6

PHMSA describes additional provisions in the PRIA for which PHMSA was unable to monetize their cost savings impacts, but instead provides a qualitative discussion. Additional potential benefits identified in this NPRM include enhanced safety resulting from the consistency of domestic and international requirements for transportation of radioactive materials and streamlining regulatory compliance for shippers engaged in domestic and international commerce, including trans-border shipments within North America. In addition, the proposed changes should permit continued access to foreign markets by domestic shippers of radiopharmaceuticals and other radioactive materials. While information gaps prevent quantification of cost savings for these items, PHMSA believes that they streamline unnecessary requirements or provide additional flexibility, while maintaining the same high level of safety in the transportation of hazardous materials.

As noted in Table 6.1, PHMSA estimates annualized net cost savings of approximately $6,700 at a 3% discount rate. Please see the PRIA in the regulatory docket for additional detail and a description of PHMSA's methods and calculations. PHMSA encourages interested parties to provide information and quantitative data relevant to the proposals in this notice and the associated costs and benefits described in the preliminary regulatory evaluation for this rulemaking.

C. Executive Order 13132

PHMSA analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism'') [25] and its implementing Presidential Memorandum (''Preemption'').[26] Executive Order 13132 requires agencies to assure meaningful and timely input by state and local officials in the development of regulatory policies that may 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.''

The proposed rule would not have substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. The Federal hazardous materials transportation law contains an express preemption provision at 49 U.S.C. 5125(a) that preempts State, local, and Tribal requirements if: (1) compliance with such requirement makes compliance with the DOT regulations issued under the authority of the Federal hazardous materials transportation law not possible; or (2) compliance with such requirement is an obstacle to carrying out a regulation prescribed under the authority of the Federal hazardous materials transportation law. The Federal hazardous materials transportation law also contains an express preemption provision at 49 U.S.C. 5125(b) that preempts State, local, and Tribal requirements on certain covered subjects, unless the non-Federal requirements are ''substantively the same'' as the Federal requirements, including the following:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

[23] The total cost savings is calculated using 2016 dollars.

[24] This number is based on an estimation by subject matter experts from the Office of Hazardous Materials Safety.

[25] 64 FR 43255 (Aug. 4, 1999).

[26] 74 FR 24693 (May 22, 2009).

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items (1), (2), (3), and (5) and would preempt any State, local, and Tribal requirements not meeting the ''substantively the same'' standard. Any preemption results directly from operation of 49 U.S.C. 5125. In addition, in this instance, the preemptive effect of the proposed rule is limited to the minimum level necessary to achieve the objectives of the hazardous materials transportation law under which the final rule is promulgated. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

D. Executive Order 13175

PHMSA analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments'') [27] and DOT Order 5301.1 (''Department of Transportation Policies, Programs, and Procedures Affecting American Indians, Alaska Natives, and Tribes'').[28] Executive Order 13175 and DOT Order 5301.1 require DOT Operating Administrations to assure meaningful and timely input from Native American Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing ''substantial direct compliance costs'' or ''substantial direct effects'' on such communities or the relationship and distribution of power between the federal government and Native American Tribes.

PHMSA assessed the impact of the rulemaking and determined that it would not significantly or uniquely affect Tribal communities or Native American Tribal governments. The changes to the HMR proposed in this NPRM would have broad, national scope. PHMSA does not expect this rulemaking would significantly or uniquely affect Tribal communities, impose substantial compliance costs on Native American Tribal governments, or mandate Tribal action. And because PHMSA expects the rulemaking would not adversely affect the safe transportation of hazardous materials generally, PHMSA does not expect it would entail disproportionately high adverse risks for Tribal communities. For these reasons, the funding and consultation requirements of Executive Order 13175 and DOT Order 5301.1 to apply. However, PHMSA solicits comment from Native American Tribal governments and communities on potential impacts of the proposed rulemaking.

E. Regulatory Flexibility Act and Executive Order 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires agencies to review proposed regulations to assess their impact on small entities, unless the agency head certifies that a proposed rulemaking will not have a significant economic impact on a substantial number of small entities including small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000. The Regulatory Flexibility Act directs agencies to consider exceptions and differing compliance standards for small businesses, where possible to do so and still meet the objectives of applicable regulatory statutes. Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') [29] requires agencies to establish procedures and policies to promote compliance with the Regulatory Flexibility Act and to ''thoroughly review draft rules to assess and take appropriate account of the potential impact'' of the rules on small businesses, governmental jurisdictions, and small organizations. The DOT posts its implementing guidance on a dedicated web page.[30]

This proposed rulemaking has been developed in accordance with Executive Order 13272 and with DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered. This proposed rule facilitates the transportation of hazardous materials in international commerce by providing consistency with international standards. It applies to offerors and carriers of hazardous materials, some of whom are small entities, such as suppliers, packaging manufacturers, distributors, and training companies. As discussed in the PRIA, the amendments in this proposed rule would result in net cost savings and streamline regulatory compliance for shippers engaged in domestic and international commerce, including transborder shipments within North America. PHMSA has identified six provisions proposed in the NPRM that may incur costs however as explained in the PRIA it does not believe these costs will be significant. Additionally, the proposals in this notice would allow U.S. companies, including small entities competing in foreign markets, to comply, to the maximum extent possible, with a single system of regulations. The proposals would also maintain the high level of safety in the transport of hazardous materials. Therefore, PHMSA tentatively certifies that these amendments will not, if adopted, have a significant economic impact on a substantial number of small entities. However, PHMSA solicits comments on the anticipated economic impacts to small entities and which entities will be affected.

F. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), no person is required to respond to an information collection unless it has been approved by the Office of Management and Budget (OMB) and displays a valid OMB control number. Pursuant to 44 U.S.C. 3506(c)(2)(B) and 5 CFR 1320.8(d), PHMSA must provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests.

PHMSA has analyzed this NPRM in accordance with the Paperwork Reduction Act. PHMSA currently accounts for shipping paper burdens under OMB Control Number 2137–0034, ''Hazardous Materials Shipping Papers and Emergency Response Information.'' PHMSA proposes two amendments in this NPRM that may impact burden accounted for in OMB Control Number 2137–0034. The first is the proposed revision to § 172.203(d) to allow a shipper to list the label type and transport index of an overpack on the shipping paper, instead of for the individual packages contained in the overpack. The second is the proposed requirement for a shipper to list the nuclide names for fissile Class 7 (radioactive) material on the shipping paper even if it is not required for the package in accordance with § 172.203. PHMSA expects the proposed change regarding an overpack's transport index will result in an overall reduction in burden while the nuclides proposed change will result in a small increase in burden. PHMSA analyzed these proposals and expects the impact to the

[27] 65 FR 67249 (Nov. 9, 2000).

[28] Available at DOT Order 5301.1 American Indians/Alaska Natives/Tribes | US Department of Transportation.

[29] 67 FR 53461 (Aug. 16, 2002).

[30] DOT, ''Rulemaking Requirements Related to Small Entities,'' *https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities* (last accessed June 17, 2021).

overall annual burden will be negligible in relation to the total number of burden hours currently associated with this information collection because PHMSA anticipates that the proposed change which will increase burden will affect less than 10 shipments per year. PHMSA seeks comment on any expected cost of the proposed change requiring a shipper to list nuclide names.

PHMSA accounts for burden associated with Class 7 (radioactive) materials reporting and recordkeeping requirements under OMB Control Number 2137–0510 ''RAM Transportation Requirements.'' PHMSA proposes to revise § 173.448 to require that overpacks be marked with the consigner and consignee name and address when the mark is not visible. PHMSA expects that this proposed revision will increase burden under OMB Control Number 2137–0510. PHMSA estimates that there are 10 respondents offering radioactive materials in overpacks. Each of these respondents will be required to mark the consigner and consignee name and address on 50 overpacks per year, for a total of 500 annual responses (10 respondents × 50 overpacks per respondent). PHMSA estimates that it will take one (1) minute to mark each overpack with the consigner and consignee name and address, resulting in an increase of approximately eight (8) annual burden hours. The following summarizes the estimated increase in burden associated with OMB Control Number 2137–0510:

Annual Increase in Number of Respondents: 10.

Annual Increase in Number of Responses: 500.

Annual Increase in Burden Hours: Eight (8).

PHMSA requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these proposed requirements. Address written comments to the DOT Docket Operations Office identified in the **ADDRESSES** section of this rulemaking. PHMSA must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this rulemaking. Requests for a copy of this information collection should be directed to Steven Andrews, *ohmspra@dot.gov,* Standards and Rulemaking Division (PHH–10), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. If these proposed amendments are adopted in a final rule, PHMSA will submit the revised information collection and recordkeeping requirements to OMB for approval.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA; 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of federal regulatory actions on state, local, and Tribal governments, and the private sector. For any NPRM or final rule that includes a federal mandate that may result in the expenditure by state, local, and Tribal governments, or by the private sector of $100 million or more in 1996 dollars in any given year, the agency must prepare, amongst other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the federal mandate.

As explained in the PRIA, available for review in the docket, this proposed rulemaking does not impose unfunded mandates under the UMRA. It does not result in costs of $100 million or more in 1996 dollars to either state, local, or Tribal governments, or to the private sector, in any one year. Therefore, the analytical requirements of UMRA do not apply.

H. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*), requires that federal agencies analyze proposed actions to determine whether the action would have a significant impact on the human environment. The Council on Environmental Quality implementing regulations (40 CFR parts 1500–1508) require Federal agencies to conduct an environmental review considering (1) the need for the action, (2) alternatives to the action, (3) probable environmental impacts of the action and alternatives, and (4) the agencies and persons consulted during the consideration process. DOT Order 5610.1C (''Procedures for Considering Environmental Impacts'') establishes departmental procedures for evaluation of environmental impacts under NEPA and its implementing regulations.

1. Purpose and Need

This NPRM would amend the HMR to maintain alignment with international consensus standards by incorporating into the HMR various amendments from the International Atomic Energy Agency (IAEA) publication, entitled ''Regulations for the Safe Transport of Radioactive Material, 2018 Edition, Specific Safety Requirements, No. SSR–6 (Rev. 1).'' PHMSA proposes additional amendments that are intended to update, clarify, correct, or streamline certain regulatory requirements. PHMSA notes that the amendments proposed in this NPRM are intended to result in cost savings and reduced regulatory burden for shippers engaged in domestic and international commerce, including transborder shipments within North America. Absent adoption of the amendments proposed in the NPRM, U.S. companies—including numerous small entities competing in foreign markets—may be at an economic disadvantage because of their need to comply with a dual system of regulations.

As explained at greater length above in the preamble of this NPRM and in the PRIA (each of which are incorporated by reference in this discussion of the environmental impacts of the Proposed Action Alternative), PHMSA expects the adoption of the regulatory amendments proposed in this NPRM would maintain the high safety standard currently achieved under the HMR. PHMSA has evaluated the safety each of the amendments proposed in this NPRM on its own merit, as well as the aggregate impact on transportation safety from adoption of those amendments.

2. Alternatives

In developing this proposed rule, PHMSA considered the following alternatives:

No Action Alternative

If PHMSA were to select the No Action Alternative, current regulations would remain in place and no provisions would be amended or added.

Proposed Action Alternative

This alternative is the current proposal as it appears in this NPRM, applying to transport of hazardous materials by various transport modes (highway, rail, vessel, and aircraft). The proposed amendments included in this alternative are more fully discussed in the preamble and regulatory text sections of this NPRM. This proposed action amends certain requirements related to the shipment of Class 7 (radioactive) materials including various provisions that will increase safety standards and improve enforceability such as:

- § 173.410—PHMSA is proposing a new paragraph which will require each packages used for the shipment of Class 7 (radioactive) materials to be designed so that the effect of aging mechanisms (*e.g.,* corrosion, abrasion, fatigue, crack propagation, changes of material compositions or mechanical properties due to thermal loadings or radiation,

generation of decomposition gas, etc.) and their impact on the functions important to safety is considered.

• § 173.453(d)—PHMSA is proposing to add an additional requirement to this exception requiring fissile material to be distributed homogeneously and to not form a lattice arrangement within the package.

Furthermore, this NPRM proposes to amend the following provisions, which PHMSA will explain in greater detail the following section analyzing environmental impacts.

• § 173.403—PHMSA is proposing to remove the requirement for compliance with § 173.468, which requires the material to be insoluble or be intrinsically contained in a way that prevents leaching when placed in water.

• § 173.427—PHMSA is proposing to add a new category of materials, SCO–III that were previously authorized for transport by special permit.

• §§ 173.435 and 173.436—PHMSA is proposing to add various radionuclides to the ''Table of A_1 and A_2 values for radionuclides'' and the ''Exempt material activity concentrations and exempt consignment activity limits for radionuclides.''

• § 173.453—PHMSA is proposing to add two entries, ''uranium with enrichment up to five percent'' and ''fissile material with no more than 140 grams fissile nuclides'' to the list of fissile materials excepted from the requirements of subpart I, Class 7 (Radioactive Materials).

• § 173.465—PHMSA is proposing to exempt certain packages ''not exceeding'' 50 kg (110 lbs.) and 100 kg (220 lbs.) from the requirement to perform a free drop test.

3. Analysis of Environmental Impacts

No Action Alternative

If PHMSA were to select the No Action Alternative the HMR would remain unchanged, and no provisions would be amended or added. Any economic benefits gained through harmonization of the HMR with updated international consensus standards governing shipping of hazardous materials would not be realized. Under this alternative, PHMSA would not exempt certain materials from regulatory requirements including certain package tests, storage requirements, and compliance with subpart I for certain specified fissile materials that PHMSA believes are not needed for safety.

Additionally, the No Action Alternative would not adopt enhanced and clarified regulatory requirements expected to maintain the high level of safety in transportation of hazardous materials provided by the HMR. As explained in the preamble to the NPRM, consistency between the HMR and current international standards can enhance safety by (1) ensuring that the HMR is informed by the latest best practices and lessons learned; (2) improving understanding of and compliance with pertinent requirements; (3) enabling consistent emergency response procedures in the event of a hazardous materials incident; and (4) facilitating the smooth flow of hazardous materials from their points of origin to their points of destination, thereby avoiding risks to the public and the environment from release of hazardous materials from delays or interruptions in the transportation of those materials. PHMSA would not capture those benefits if it declines to incorporate updated international standards into the HMR under the No Action Alternative.

PHMSA expects that the No Action Alternative could have a modest impact on GHG emissions. Because PHMSA expects the differences between the HMR and international standards for transportation of hazardous materials could result in transportation delays or interruptions, PHMSA anticipates that there could be modestly higher GHG emissions from some combination of (1) transfer of delayed hazardous materials to and from interim storage, (2) return of improperly shipped materials to their point of origin, and (3) reshipment of returned materials. PHMSA notes that it is unable to quantify such GHG emissions because of the difficulty in identifying the precise quantity or characteristics of such interim storage or returns/reshipments. PHMSA also submits that, to the extent that there are any delays arising from inconsistencies between the HMR and recently updated international standards, there could also be adverse impacts from the No Action Alternative for minority populations, low-income populations, or other underserved and other disadvantaged communities.

Proposed Action Alternative

As described above, PHMSA is proposing the following changes to the HMR in this NPRM. While the following provisions are intended to reduce economic and logistical burdens, PHMSA also believes that these changes are justified by various studies and will not have a significant impact on safety.

• § 173.403—PHMSA is proposing to remove the requirement for compliance with § 173.468, which requires the material to be insoluble or be intrinsically contained in a way that prevents leaching when placed in water. A paper submitted to IAEA which prompted this change showed that an inhalation dose under mechanical accident conditions of transport significantly depends on the physical form of the LSA material. The essential difference between LSA–II and LSA–III materials is that LSA–III is limited to solid material excluding powder. The results of the investigation conducted by the German authority who submitted the paper have shown that the amount of airborne material released following mechanical accident conditions of transport that could be inhaled is lower by at least a factor of 100 for LSA–III solids than for LSA–II solids in powder form. This much lower airborne release for LSA–III material due to its non-readily dispersible form compensates more than enough for its allowable 20-fold increase in average specific activity compared to LSA–II solid in powder form. Therefore, there is no need to take any credit from a leaching test to justify this allowable 20-fold increase in average specific activity between LSA–III and LSA–II, and the removal of this test will not lead to any decreases in safety or increases in radiation release or exposure.[31]

• 173.427—PHMSA is proposing to add a new category of materials, SCO–III that were previously authorized for transport by special permit. The proposed language requires that offerors of this material must provide an equivalent level of safety at least equivalent to that which would be provided if the SCO–III had been subjected to the test required in § 173.465(b), followed by the test required in § 173.465(e). The transport plan must also demonstrate that there would be no loss or dispersal of the radioactive contents and no more than a 20% increase in the maximum dose rate at any external surface of the object. The information confirming the equivalent level of safety must be compiled into a transport plan along with other info and be submitted to PHMSA for approval before every shipment of SCO–III. PHMSA can then determine if the shipment is safe enough to go forward. These measures will ensure that any SCO–III shipments do not impose undue risk to the public in transportation.

• §§ 173.435 and 173.436—Adds various radionuclides to the ''Table of A_1 and A_2 values for radionuclides'' and the ''Exempt material activity

[31] Büttner, Uwe, Frank Nitsche, Ingo Reiche, Bruno Desnoyers, and Florentint Lange. Working paper. *Review of LSA–II/LSA–III Concept—Deletion of the LSA–III Leaching Test.* Cologne, Germany, 2015.

concentrations and exempt consignment activity limits for radionuclides'' Table. This change allows for 7 new radionuclides to utilize their new unique A_1 and A_2 values instead of the generic values of tables 7 and 8 allowing for greater ease of shipment and removing the possible need for decay prior to shipment, the use of multiple Type A Packages, or the use of Type B packages, as well as leading to possible miscommunication of the relative hazards. While any increase in transportation of radioactive materials inherently increases the risk of release and exposure to radiation, the proposed limits in the tables of §§ 173.435 and 173.436 combined with the established HMR framework for transporting Class 7 (radioactive) maintain the existing level of safety and chance of exposure due to accidental release.

• § 173.453 Fissile materials—exceptions. PHMSA is proposing to add two entries, ''uranium with enrichment up to 5 percent'' and ''fissile material with no more than 140 grams fissile nuclides'' to the list of fissile materials excepted from the requirements of subpart I for fissile materials, including the requirements of §§ 173.457 and 173.459, but are subject to all other requirements of this subpart.

Fissile materials present two potential risks. The first is radiation like any other Class 7, radioactive material. The second is the risk of the material going critical, which is unique to fissile materials. The fissile exempt materials of § 173.453 are not given an exemption from all of subpart I, just the fissile material requirements. Typically, these materials must be placed in a type A package. However, quantity specified in (g) is so small that NRC does not see any issues with radiation provided it is packaged as required. As for criticality, as stated in the preamble, the additional neutron absorption provided by uranium-238 in 5.0 weight percent enriched uranium compensates for the additional 1.5 grams of uranium-235 mass (*i.e.,* up to 3.5 grams uranium-235 per package), when compared to the 49 CFR 173.453(a) limit of 2.0 grams.

As for paragraph (h), ''fissile material with no more than 140 grams fissile nuclides,'' this mass value, higher than that contained in IAEA SSR–6 (Rev. 1) paragraph 417(e) is justified, given the conservatism inherent in the exclusive use restriction of the SSR–6 (Rev. 1) provision and because plutonium-239 would have to be shipped in a Type B package that could withstand hypothetical accident conditions. Therefore, PHMSA and NRC propose a limit of 140 grams of fissile material. When determining the proposed limit, NRC considered uranium-235 rather than plutonium-239, as any amount of plutonium-239 over 0.435 grams is considered Type B, which would have to be packaged to withstand both normal and hypothetical accident conditions of transport. This limit is based on one fifth of a consensus minimum critical mass of uranium-235 under optimum conditions. This mass represents a conservative limit for fissile material, because five times this amount would remain subcritical under any conditions.

Because plutonium would not qualify for this exception, the NRC used uranium as the basis for their calculations. The packaging and exclusive use requirements make up for the exception, and there is no risk of criticality, as it would take about five times more material for that to be a concern. For these reasons, based on the expertise of NRC and PHMSA, these changes will not cause an undue increase in risk of exposure.

• § 173.465 Type A packaging tests—This proposed change exempts certain packages ''not exceeding'' 50 kg (110 lbs.) for rectangular packages and 100 kg (220 lbs.) for cylindrical packages from the requirement to perform one of two free drop tests. This limitation on the corner drop test already exists in the HMR for Type-A packagings to contain non-fissile materials and for all packagings subject to the ''normal conditions of transport'' tests in NRC's regulations in 10 CFR 71.71. PHMSA and NRC believe that it would be very unlikely for packages meeting those weight thresholds to undergo sustained corner or rim drops due to the weight of the package and how heavy packages are physically handled in the supply chain. Type A packagings below the given weight thresholds are still required to be capable of withstanding a drop from 1.2 meters (four feet) in a manner so as to suffer maximum damage to the safety features being tested.

As explained further in the discussion of the No Action Alternative, the preamble, and the PRIA, PHMSA anticipates the changes proposed under the Proposed Action Alternative will maintain the high safety standards currently achieved under the HMR. Harmonization of the HMR with updated international consensus standards is also expected to capture economic efficiencies gained from avoiding shipping delays and compliance costs associated with having to comply with divergent U.S. and international regulatory regimes for transportation of hazardous materials.

PHMSA expects that the Proposed Action Alternative could realize modest reductions in GHG emissions. Because PHMSA expects the differences between the HMR and international standards for transportation of hazardous materials could result in delays or interruptions, PHMSA anticipates that the No Action Alternative could result in modestly higher GHG emissions from some combination of (1) transfer of delayed hazardous materials to and from interim storage, (2) return of improperly shipped materials to their point of origin, or (3) reshipment of returned materials. The Proposed Action Alternative avoids those risks resulting from divergence of the HMR from updated international standards. PHMSA notes, however, that it is unable to quantify any GHG emissions benefits because of the difficulty in identifying the precise quantity or characteristics of such interim storage or returns/re-shipments. PHMSA also submits that the Proposed Action Alternative would avoid any delayed or interrupted shipments arising from the divergence of the HMR from updated international standards under the No Action Alternative that could result in adverse impacts for minority populations, low-income populations, or other underserved and other disadvantaged communities.

4. Agency Consultation

PHMSA has coordinated with NRC in the development of this proposed rule. PHMSA will consider the views expressed in response to this Notice submitted by members of the public, state and local governments, industry, and any other interested stakeholders.

5. Proposed Finding of No Significant Impact

PHMSA expects the adoption of the Proposed Action Alternative's regulatory amendments will maintain the HMR's current high level of safety for shipments of hazardous materials transported by highway, rail, aircraft, and vessel, and as such finds the HMR amendments in the NPRM would have no significant impact on the human environment. PHMSA expects that the Proposed Action Alternative will avoid adverse safety, environmental justice, and GHG emissions impacts of the No Action Alternative. Furthermore, based on PHMSA's analysis of these provisions described above, PHMSA tentatively finds that codification and implementation of this rule would not result in a significant impact to the human environment.

PHMSA welcomes any views, data, or information related to environmental

impacts that may result from NPRM's proposed requirements, the No Action Alternative, and other viable alternatives and their environmental impacts.

I. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform any amendments to the HMR considered in this rulemaking. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS). DOT's complete Privacy Act Statement is in the **Federal Register** published on April 11, 2000,[32] or on DOT's website at *http://www.dot.gov/privacy.*

J. Executive Order 13609 and International Trade Analysis

Executive Order 13609 (''Promoting International Regulatory Cooperation'') [33] requires that agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465) (as amended, the Trade Agreements Act), prohibits agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to the Trade Agreements Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards to protect the safety of the American public, and it has assessed the effects of the proposed rule to ensure that it does not cause unnecessary obstacles to foreign trade. In fact, the proposed rule is expected to facilitate international trade by harmonizing U.S. and international requirements for the transportation of hazardous materials. The rule is expected to reduce regulatory burdens and minimize delays arising from having to comply with divergent regulatory requirements. Accordingly, this rulemaking is consistent with Executive Order 13609 and PHMSA's obligations under the Trade Agreements Act.

K. Executive Order 12898 and Environmental Justice

Executive Orders 12898 (''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations''),[34] 13985 (''Advancing Racial Equity and Support for Underserved Communities Through the Federal Government''),[35] 13990 (''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis''),[36] 14008 (''Tackling the Climate Crisis at Home and Abroad''),[37] and DOT Order 5610.2C (''Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'') require DOT agencies to achieve environmental justice as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of their programs, policies, and activities on minority populations, low-income populations, and other underserved and disadvantaged communities.

PHMSA has evaluated this proposed rule under the above Executive Orders and DOT Order 5610.2C and expects it would not cause disproportionately high and adverse human health and environmental effects on minority, low-income, underserved, and other disadvantaged populations, and communities. The proposed action may even reduce GHG emissions by reducing delays in transportation arising from having to comply with divergent regulatory requirements. The rulemaking is facially neutral and national in scope; it is neither directed toward a particular population, region, or community, nor is it expected to adversely impact any particular population, region, or community. And insofar as PHMSA expects the rulemaking would not adversely affect the safe transportation of hazardous materials generally, PHMSA does not expect the proposed revisions would entail disproportionately high adverse risks for minority populations, low-income populations, or other underserved and disadvantaged communities.

L. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) directs Federal agencies to use voluntary consensus standards in their regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards—*e.g.,* specification of materials, test methods, or performance requirements—that are developed or adopted by voluntary consensus standard bodies. This rulemaking adopts the most current versions of multiple voluntary consensus standards which are discussed at length in the discussion in § 171.7. *See* Section 171.7 of the Section-by-Section Review for further details.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging, and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials,

[32] 65 FR 19477 (Apr. 11, 2000).

[33] 77 FR 26413 (May. 4, 2012).

[34] 59 FR 7629 (Feb. 16, 1994).

[35] 86 FR 7009 (Jan. 25, 2021).

[36] 86 FR 7037 (Jan. 25, 2021).

[37] 86 FR 7619 (Feb. 1, 2021).

Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

PHMSA proposes to amend 49 CFR Chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

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

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 2. In § 171.7 revise paragraphs (d) and (s)(1) to read as follows:

§ 171.7 Reference material.

* * * * *

(d) American National Standards Institute, Inc., 25 West 43rd Street, New York, NY 10036, 212–642–4980, *https://ansi.org*.

(1) ANSI/ASHRAE 15–94, Safety Code for Mechanical Refrigeration, 1944, into §§ 173.306; 173.307.

(2) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1971 Edition, into § 173.420.

(3) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1982 Edition, into § 173.420.

(4) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1987 Edition, into § 173.420.

(5) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1990 Edition, into § 173.420.

(6) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1995 Edition, into § 173.420.

(7) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 2001 Edition, into § 173.420.

(8) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 2012 Edition, into § 173.420.

(9) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 2019 Edition, into § 173.420.

* * * * *

(s) * * *

(1) IAEA Safety Standards for Protecting People and the Environment; Regulations for the Safe Transport of Radioactive Material; Specific Safety Requirements No. SSR–6 (Rev.1), (IAEA Regulations), 2018 Edition, into §§ 171.22; 171.23; 171.26; 173.403, 173.415; 173.416; 173.417; 173.435; 173.473.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 3. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 4. In § 172.101, revising in paragraph (l) the ''Hazardous Materials Table'' to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(l) * * *

§ 172.101 Hazardous Materials Table

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.***)			(9) Quantity limitations (see §§ 173.27 and 175.75)		(10) Vessel stowage	
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*		*	*			*		*	
	Radioactive material, surface contaminated objects (SCO–I *or* SCO–II *or* SCO–III) *non fissile or fissile-excepted.*	7	UN2913	.....	7	325, A56	421, 422, 428	427	427	.....	.....	A	95
	*	*		*		*	*			*		*	
	Radioactive material, uranium hexafluoride *non fissile or fissile-excepted.*	7	UN2978	.....	7, 6.1, 8		423	420	420	.....	.....	B	40, 74, 95, 132, 151, 153
	*	*		*		*	*			*		*	

■ 5. In § 172.102, in paragraph (c)(1) revise ''Special provision 139'' to read as follows:

§ 172.102 Special provisions.

* * * * *

Code/Special Provisions

* * * * *

139 Use of the ''special arrangement'' proper shipping names for international shipments must be made under an IAEA Certificate of Competent Authority issued by the Associate Administrator in accordance with the requirements in §§ 173.471 or 173.473 of this subchapter. Use of these proper shipping names for domestic shipments may be made only under a

DOT special permit, as defined in and in accordance with, the requirements of subpart B of part 107 of this subchapter.

* * * * *

■ 6. In § 172.203, revise paragraphs (d)(4) through (6) to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(d) * * *

(4) The category of label applied to each package or overpack in the shipment. For example: ''RADIOACTIVE WHITE–I,'' or ''WHITE–I.''

(5) The transport index assigned to each package or overpack in the shipment bearing RADIOACTIVE YELLOW–II or RADIOACTIVE YELLOW–III labels.

(6) For a package containing fissile Class 7 (radioactive) material:

(i) The words ''Fissile Excepted'' if the package is excepted pursuant to § 173.453 of this subchapter; or otherwise.

(ii) The criticality safety index for the package and a list of the fissile nuclides contained in the package.

* * * * *

■ 7. In § 172.310, revise paragraphs (b) and (e) to read as follows:

§ 172.310 Class 7 (radioactive) materials.

* * * * *

(b) Each industrial, Type A, Type B(U), or Type B(M) package must be legibly and durably marked on the outside of the packaging, in letters at least 12 mm (0.47 in) high, with the words ''TYPE IP–1,'' ''TYPE IP–2,'' ''TYPE IP–3,'' ''TYPE A,'' ''TYPE B(U),'' or ''TYPE B(M),'' as appropriate. A package which does not conform to Type IP–1, Type IP–2, Type IP–3, Type A, Type B(U), or Type B(M) requirements may not be so marked. Any marking relating to the package type that does not relate to the UN number and proper shipping name assigned to a consignment shall be removed or covered prior to shipment.

* * * * *

(e) Each Type B(U), Type B(M), or fissile material package destined for export shipment must also be marked ''USA'' in conjunction with the specification marking, or other package certificate identification. (See §§ 173.471 and 173.473 of this subchapter.)

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 8. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 9. In § 173.401, revise paragraph (b)(4) and add paragraph (6) to read as follows:

§ 173.401 Scope.

* * * * *

(b) * * *

(4) Natural material and ores containing naturally occurring radionuclides which may or may not have been processed, provided the activity concentration of the material does not exceed 10 times the exempt material activity concentration values specified in § 173.436, or determined in accordance with the requirements of § 173.433.

* * * * *

(6) Class 7 (radioactive) material in or on a person who is to be transported for medical treatment because the person has been subject to accidental or deliberate intake of radioactive material or contamination.

■ 10. Amend § 173.403 by:

■ a. Adding a definition for ''Dose rate'' in alphabetical order; and

■ b. Revising the definitions for ''Low Specific Activity (LSA) materials'', ''Special form Class 7 (radioactive) material'', and ''Surface Contaminated Object (SCO)''.

The additions and revisions read as follows:

§ 173.403 Definitions.

* * * * *

Dose rate See the definition of *Radiation level* in this section.

* * * * *

Low Specific Activity (LSA) material means Class 7 (radioactive) material with limited specific activity which is not fissile material or is excepted under § 173.453, and which satisfies the descriptions and limits set forth below. Shielding material surrounding the LSA material may not be considered in determining the estimated average specific activity of the LSA material. LSA material must be in one of three groups:

(1) LSA–I:

(i) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radionuclides which are intended to be processed for the use of these radionuclides; or

(ii) Natural uranium, depleted uranium, natural thorium or their compounds or mixtures, provided they are unirradiated and in solid or liquid form; or

(iii) Radioactive material for which the A_2 value is unlimited; or

(iv) Other radioactive material in which the activity is distributed throughout, and the estimated average specific activity does not exceed 30 times the values for activity concentration specified in § 173.436 or calculated in accordance with § 173.433, or 30 times the default values listed in Table 8 of § 173.433.

(2) LSA–II:

(i) Water with tritium concentration up to 0.8 TBq/L (20.0 Ci/L); or

(ii) Other radioactive material in which the activity is distributed throughout, and the average specific activity does not exceed 10^{-4} A_2/g for solids and gases, and 10^{-5} A_2/g for liquids.

(3) LSA–III. Solids (*e.g.,* consolidated wastes, activated materials, etc.), excluding powders, in which:

(i) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.); and

(ii) The estimated average specific activity of the solid, excluding any shielding material, does not exceed 2×10^{-3} A_2/g.

* * * * *

Special form Class 7 (radioactive) material means either an indispersible solid radioactive material or a sealed capsule containing radioactive material which satisfies the following conditions:

(1) It is either a single solid piece or a sealed capsule containing radioactive material that can be opened only by destroying the capsule;

(2) The piece or capsule has at least one dimension not less than 5 mm (0.2 in); and

(3) It satisfies the test requirements of § 173.469. Special form encapsulations designed in accordance with the requirements of § 173.403 in effect from April 1, 1996 to [date one-day prior to the effective date of the final rule] may continue to be used when in compliance with a management system as required by IAEA Regulations (incorporated by reference; see § 171.7 of this subchapter) paragraph 306. There shall be no new manufacture of special form radioactive material to a design allowed by the regulations in effect prior to October 1, 2004. No new manufacture of special form radioactive material to a design allowed by the regulations in effect from October 1, 2004 to [date one-day prior to the effective date of the final rule] shall be permitted to commence after December 31, 2025. Any other special form encapsulation must meet the requirements of this paragraph (3).

* * * * *

Surface Contaminated Object (SCO) means a solid object which is not itself radioactive, but which has radioactive material distributed on its surface. SCO shall be in one of three groups:

(1) SCO–I: A solid object on which:

(i) The non-fixed contamination on the accessible surface averaged over 300 cm^2 (or the area of the surface if less than 300 cm^2) does not exceed 4 Bq/cm^2 (10^{-4} microcurie/cm^2) for beta and gamma and low toxicity alpha emitters, or 0.4 Bq/cm^2 (10^{-5} microcurie/cm^2) for all other alpha emitters;

(ii) The fixed contamination on the accessible surface averaged over 300 cm^2 (or the area of the surface if less than 300 cm^2) does not exceed 4×10^4 Bq/cm^2 (1.0 microcurie/cm^2) for beta and gamma and low toxicity alpha emitters, or 4×10^3 Bq/cm^2 (0.1 microcurie/cm^2) for all other alpha emitters; and

(iii) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm^2 (or the area of the surface if less than 300 cm^2) does not exceed 4×10^4 Bq/cm^2 (1 microcurie/cm^2) for beta and gamma and low toxicity alpha emitters, or 4×10^3 Bq/cm^2 (0.1 microcurie/cm^2) for all other alpha emitters.

(2) SCO–II: A solid object on which the limits for SCO–I are exceeded and on which:

(i) The non-fixed contamination on the accessible surface averaged over 300 cm^2 (or the area of the surface if less than 300 cm^2) does not exceed 400 Bq/cm^2 (10^{-2} microcurie/cm^2) for beta and gamma and low toxicity alpha emitters, or 40 Bq/cm^2 (10^{-3} microcurie/cm^2) for all other alpha emitters;

(ii) The fixed contamination on the accessible surface averaged over 300 cm^2 (or the area of the surface if less than 300 cm^2) does not exceed 8×10^5 Bq/cm^2 (20 microcurie/cm^2) for beta and gamma and low toxicity alpha emitters, or 8×10^4 Bq/cm^2 (2 microcuries/cm^2) for all other alpha emitters; and

(iii) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm^2 (or the area of the surface if less than 300 cm^2) does not exceed 8×10^5 Bq/cm^2 (20 microcuries/cm^2) for beta and gamma and low toxicity alpha emitters, or 8×10^4 Bq/cm^2 (2 microcuries/cm^2) for all other alpha emitters.

(3) SCO–III: A large solid object which, because of its size, cannot be transported in a type of package and for which:

(i) All openings are sealed to prevent release of radioactive material during conditions defined in § 173.427(d) of this subchapter;

(ii) The inside of the object is as dry as practicable;

(iii) The non-fixed contamination on the external surfaces do not exceed the limits specified in § 173.443 of this subchapter; and

(iv) The non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm^2 does not exceed 8×10^5 Bq/cm^2 (21 microcurie/cm^2) for beta and gamma emitters and low toxicity alpha emitters, or 8×10^4 Bq/cm^2 (2 microcurie/cm^2) for all other alpha emitters.

* * * * *

■ 11. In § 173.410, revise paragraph (i)(3) and add paragraph (j) to read as follows:

§ 173.410 General design requirements.

* * * * *

(i) * * *

(3) A package containing radioactive material must be capable of withstanding, without loss or dispersal of radioactive contents from the containment system, an internal pressure that produces a pressure differential of not less than the maximum normal operating pressure plus 95 kPa (13.8 psi).

(j) The effect of aging mechanisms (*e.g.,* corrosion, abrasion, fatigue, crack propagation, changes of material compositions or mechanical properties due to thermal loadings or radiation, generation of decomposition gas, etc.) and their impact on the functions important to safety is considered.

■ 12. In § 173.415, revise paragraphs (a)(1) and (2) to read as follows:

§ 173.415 Authorized Type A packages.

* * * * *

(a) * * *

(1) A description of the package showing materials of construction, dimensions, weight, closure, closure materials (including gaskets, tape, etc.) of each item of the containment system, shielding, and packing materials used in normal transportation; a description of the authorized contents (including radionuclide(s), the radionuclide(s) activity limits, the radionuclide(s) physical and chemical state, and an indication if the content must be special form); and at least one of the following:

(i) If the packaging is subjected to the physical tests of § 173.465—and if applicable, § 173.466—documentation of testing including: date; place of test; signature of testers; a description of each test performed, including equipment used, and the damage to each item of the containment system resulting from the tests; a description of how the tested contents meet the requirements of § 173.461(a)(1); and an analysis of how the test results demonstrate compliance with § 173.412(j) for the contents being shipped, or

(ii) For any other demonstration of compliance with tests authorized in § 173.461, a detailed analysis which shows that, for the contents being shipped, the package meets the pertinent design and performance requirements for a DOT Specification 7A Type A package.

(2) If the offeror has obtained the packaging from another person who meets the definition of ''packaging manufacturer'' in § 178.350(c) of this subchapter, a description of the authorized contents (including radionuclide(s), the radionuclide(s) activity limits, the radionuclide(s) physical and chemical state, and an indication of whether the content must be special form) and a certification from the packaging manufacturer that the package meets all of the requirements of §§ 173.403, 173.410, 173.412, 173.465, and, if applicable, § 173.466, for the radioactive contents presented for transport. If requested by DOT, the offeror shall contact the packaging manufacturer and have the packaging manufacturer provide DOT a copy of documents maintained by the packaging manufacturer that meet the requirements of paragraph (a)(1) of this section.

* * * * *

■ 13. In § 173.417, revise paragraph (a) to read as follows:

§ 173.417 Authorized fissile materials packages.

(a) Except as provided in § 173.453, fissile materials containing not more than A_1 or A_2 as appropriate, must be packaged in one of the following packagings:

(1) For domestic shipments—

(i) Any packaging listed in § 173.415, limited to the Class 7 (radioactive) materials specified in 10 CFR part 71, subpart C; or

(ii) Any Type AF, Type B(U)F, or Type B(M)F packaging that meets the applicable standards for fissile material packages in 10 CFR part 71.

(2) For import or export shipments—

(i) Any Type AF, Type B(U)F, or Type B(M)F packaging that meets the applicable requirements for fissile material packages in Section VI of the International Atomic Energy Agency ''Regulations for the Safe Transport of Radioactive Material, IAEA Regulations (incorporated by reference, see § 171.7 of this subchapter),'' and for which the foreign Competent Authority certificate

has been revalidated by the U.S. Competent Authority, in accordance with § 173.473; or

(ii) Packaging that meets the applicable standards for fissile material packages in paragraph 674 of IAEA Regulations (incorporated by reference, see § 171.7 of this subchapter).

(3) A residual ''heel'' of enriched solid uranium hexafluoride may be transported without a protective overpack in any metal cylinder that meets both the requirements of §§ 173.415 and 178.350 of this subchapter for Specification 7A Type A packaging, and the requirements of § 173.420 for packagings containing greater than 0.1 kg of uranium hexafluoride. Any such shipment must be made in accordance with Table 2, as follows:

TABLE 2—ALLOWABLE CONTENT OF URANIUM HEXAFLUORIDE (UF_6 ''HEEL'' IN A SPECIFICATION 7A CYLINDER)

Maximum cylinder diameter		Cylinder volume		Maximum Uranium 235-enrichment (weight) percent	Maximum ''Heel'' weight per cylinder			
					UF_6		Uranium-235	
Centimeters	Inches	Liters	Cubic feet		kg	lb	kg	lb
12.7	5	8.8	0.311	100.0	0.045	0.1	0.031	0.07
20.3	8	39.0	1.359	12.5	0.227	0.5	0.019	0.04
30.5	12	68.0	2.410	5.0	0.454	1.0	0.015	0.03
76.0	30	725.0	25.64	5.0	11.3	25.0	0.383	0.84
122.0	48	3084.0	[1] 108.9	4.5	22.7	50.0	0.690	1.52
122.0	48	4041.0	[2] 142.7	4.5	22.7	50.0	0.690	1.52

[1] 10 ton.
[2] 14 ton.

* * * * *

■ 14. In § 173.420, revise paragraph (a)(2)(i) and add paragraph (f) to read as follows:

§ 173.420 Uranium hexafluoride (fissile, fissile excepted, and non-fissile).

(a) * * *

(2) * * *

(i) American National Standards Institute (ANSI) N14.1 (incorporated by reference, see § 171.7 of this subchapter) in effect at the time the packaging was manufactured; or

* * * * *

(f) Packagings containing 0.1 kg or more of non-fissile or fissile-excepted uranium hexafluoride must meet the requirements of § 173.477.

■ 15. In § 173.424, revise paragraph (h) to read as follows:

§ 173.424 Excepted packages for radioactive instruments and articles.

* * * * *

(h) The package does not contain fissile material unless excepted by § 173.453; and

* * * * *

■ 16. Amend § 173.427 by:

■ a. Revising paragraphs (a)(2) and (a)(6)(i);

■ b. Redesignating paragraphs (d) and (e) as paragraphs (e) and (f); and

■ c. Adding paragraph (d).

The additions and revisions read as follows:

§ 173.427 Transport requirements for low specific activity (LSA) Class 7 (radioactive) material and surface contaminated objects (SCO).

(a) * * *

(2) The quantity of LSA material and SCO–I and II transported in any single conveyance may not exceed the limits specified in Table 5. For SCO–III, the limits in Table 5 may be exceeded only if the SCO–III is subject to a transport plan that contains precautions to be employed during transport to obtain an overall level of safety at least equivalent to that which would be provided if the limits had been applied.

* * * * *

(6) * * *

(i) Except for SCO–III transported according to a transport plan, shipments must be loaded by the consignor and unloaded by the consignee from the conveyance or freight container in which originally loaded;

* * * * *

(d) For SCO–III—

(1) Transport shall be under exclusive use by road, rail, inland waterway, or sea.

(2) Stacking shall not be permitted.

(3) All activities associated with the shipment, including radiation protection, emergency response, and any special precautions or special administrative or operational controls that are to be employed during transport, shall be described in the transport plan. The transport plan shall demonstrate that the overall level of safety in transport is at least equivalent to that which would be provided if the SCO–III had been subjected to the test required in § 173.465(b), followed by the test required in § 173.465(e). The transport plan must also demonstrate that there would be no loss or dispersal of the radioactive contents and no more than a 20% increase in the maximum dose rate at any external surface of the object.

(4) The requirements of § 173.411(b)(2) for a Type IP–2 package shall be satisfied, except that the maximum damage referred to in § 173.465(c) may be determined based on provisions in the transport plan and the requirements of § 173.465(d) are not applicable.

(5) The object and any shielding are secured to the conveyance in accordance with § 173.410(a).

(6) The shipment shall be subject to approval by the Associate Administrator, and each request for SCO–III shipment approval must be submitted in writing to the Associate Administrator. An application for approval of SCO–III shipments shall include:

(i) A statement of the respects in which, and of the reasons why, the consignment is considered SCO–III.

(ii) Justification for choosing SCO–III by demonstrating that:

(A) No suitable packaging currently exists.

(B) Designing and/or constructing a packaging or segmenting the object is not practically, technically, or economically feasible.

(C) No other viable alternative exists.

(iii) A detailed description of the proposed radioactive contents with reference to their physical and chemical states and the nature of the radiation emitted.

(iv) A detailed statement of the design of the SCO–III, including complete engineering drawings and schedules of materials and methods of manufacture.

(v) All information necessary to demonstrate that the requirements of § 173.427(d)(1)–(5) and the requirements

of § 173.427(a)(2), if applicable, are satisfied.

(vi) The transport plan.

(vii) A specification of the applicable quality assurance program.

* * * * *

■ 17. In § 173.431, revise paragraph (b) to read as follows:

§ 173.431 Activity limits for Type A and Type B packages.

* * * * *

(b) The limits on activity contained in a Type B(U) or Type B(M) package are those prescribed in the applicable approval certificate under §§ 173.471 or 173.473.

■ 18. In § 173.433, add paragraph (i) to read as follows:

§ 173.433 Requirements for determining basic radionuclide values, and for the listing of radionuclides on shipping papers and labels.

* * * * *

(i) For instruments or articles in which the radioactive material is enclosed in or included as a component part of the instrument or article and which meets paragraph (e) of § 173.424 of the subchapter, alternative values to those in the table in 173.436 for the activity limit for an exempt consignment may be used provided they are first approved by the Associate Administrator, or, for international transport, multilateral approval is obtained from the pertinent Competent Authorities.

■ 19. Amend § 173.435, in the table by:

■ a. Adding entries for ''Ba-135m'', ''Ge-69'', ''Ir-193m'', ''Ni-57'', ''Sr-83'', ''Tb-149'' and ''Tb-161'' in alphanumeric order; and

■ b. Revising the entry for ''Rb(nat)''.

The additions and revisions read as follows:

§ 173.435 Table of A_1 and A_2 values for radionuclides.

The table of A_1 and A_2 values for radionuclides is as follows:

Symbol of radionuclide	Element and atomic number	A_1 (TBq)	A_1 (Ci) [b]	A_2 (TBq)	A_2 (Ci) [b]	Specific activity (TBq/g)	Specific activity (Ci/g)
ADD							
*	*	*	*	*	*	*	*
Ba-135m		2.0×10^{1}	5.4×10^{2}	6.0×10^{-1}	1.6×10^{1}	3.0×10^{4}	8.1×10^{5}
*	*	*	*	*	*	*	*
Ge-69		1.0×10^{0}	2.7×10^{1}	1.0×10^{0}	2.7×10^{1}	4.3×10^{4}	1.2×10^{6}
*	*	*	*	*	*	*	*
Ir-193m		4.0×10^{1}	1.1×10^{3}	4.0×10^{0}	1.1×10^{2}	2.4×10^{3}	6.4×10^{4}
*	*	*	*	*	*	*	*
Ni-57	Nickel (28)	6.0×10^{-1}	1.6×10^{1}	5.0×10^{-1}	1.4×10^{1}	5.7×10^{4}	1.5×10^{6}
*	*	*	*	*	*	*	*
Sr-83		1.0×10^{0}	2.7×10^{1}	1.0×10^{0}	2.7×10^{1}	4.3×10^{4}	1.2×10^{6}
*	*	*	*	*	*	*	*
Tb-149	Terbium (65)	8.0×10^{-1}	2.2×10^{1}	8.0×10^{-1}	2.2×10^{1}	1.9×10^{5}	5.1×10^{6}
*	*	*	*	*	*	*	*
Tb-161		3.0×10^{1}	8.1×10^{2}	7.0×10^{-1}	1.9×10^{1}	4.3×10^{3}	1.2×10^{5}
*	*	*	*	*	*	*	*
REVISE							
*	*	*	*	*	*	*	*
Rb(nat)		Unlimited	Unlimited	Unlimited	Unlimited	6.7×10^{-10}	1.8×10^{-8}
*	*	*	*	*	*	*	*

* * * * *

■ 20. Amend § 173.436, in the table by:

■ a. Adding entries for ''Ba-135m'','' Ge-69'', ''Ir-193m'', ''Ni-57'', ''Sr-83'', ''Tb-149'' and ''Tb-161'' in alphanumeric order; and

■ b. Revising the notes section after the table.

The additions and revisions read as follows:

§ 173.436 Exempt material activity concentrations and exempt consignment activity limits for radionuclides.

The Table of Exempt material activity concentrations and exempt consignment activity limits for radionuclides is as follows:

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
ADD					
*	*	*	*	*	*
Ba-135m		1.0×10^{2}	2.7×10^{-9}	1.0×10^{6}	2.7×10^{-5}

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
* * *	*	*		*	*
Ge-69		1.0×10^{1}	2.7×10^{-10}	1.0×10^{6}	2.7×10^{-5}
* * *	*	*		*	*
Ir-193m		1.0×10^{4}	2.7×10^{-7}	1.0×10^{7}	2.7×10^{-4}
* * *	*	*		*	*
Ni-57	Nickel (28)	1.0×10^{1}	2.7×10^{-10}	1.0×10^{6}	2.7×10^{-5}
* * *	*	*		*	*
Sr-83		1.0×10^{1}	2.7×10^{-10}	1.0×10^{6}	2.7×10^{-5}
* * *	*	*		*	*
Tb-149	Terbium (65)	1.0×10^{1}	2.7×10^{-10}	1.0×10^{6}	2.7×10^{-5}
* * *	*	*		*	*
Tb-161		1.0×10^{3}	2.7×10^{-8}	1.0×10^{6}	2.7×10^{-5}
* * *	*	*		*	*

[a] [Reserved]
[b] Parent nuclides and their progeny included in secular equilibrium are listed as follows:
Sr-90: Y-90
Zr-93: Nb-93m
Zr-97: Nb-97
Ru-106: Rh-106
Ag-108m: Ag-108
Cs-137: Ba-137m
Ce-144: Pr-144
Ba-140: La-140
Bi-212: Tl-208 (0.36), Po-212 (0.64)
Pb-210: Bi-210, Po-210
Pb-212: Bi-212, Tl-208 (0.36), Po-212 (0.64)
Rn-222: Po-218, Pb-214, Bi-214, Po-214
Ra-223: Rn-219, Po-215, Pb-211, Bi-211, Tl-207
Ra-224: Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64),
Ra-226: Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Ra-228: Ac-228
Th-228: Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-229: Ra-225, Ac-225, Fr-221, At-217, Bi-213, Po-213, Pb-209
Th-nat*: Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-234: Pa-234m
U-230: Th-226, Ra-222, Rn-218, Po-214
U-232: Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
U-235: Th-231
U-238: Th-234, Pa-234m
U-nat*: Th-234, Pa-234m, U-234, Th-230, Ra-226, Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Np-237: Pa-233
Am-242m: Am-242
Am-243: Np-239
* in the case of Th-natural, the parent nuclide is Th-232, in the case of U-natural the parent nuclide is U–238.
[c] [Reserved]
[d] These values apply only to compounds of uranium that take the chemical form of UF_6, UO_2F_2 and $UO_2(NO_3)_2$ in both normal and accident conditions of transport.
[e] These values apply only to compounds of uranium that take the chemical form of UO_3, UF_4, UCl_4 and hexavalent compounds in both normal and accident conditions of transport.
[f] These values apply to all compounds of uranium other than those specified in notes (d) and (e) of this table.
[g] These values apply to unirradiated uranium only.

■ 21. In § 173.443, revise paragraph (c) to read as follows:

§ 173.443 Contamination control.

* * * * *

(c) Except as provided in paragraphs (a) and (d) of this section, each conveyance, overpack, freight container, tank, or intermediate bulk container used for transporting Class 7 (radioactive) materials as an exclusive use shipment that utilizes the provisions of paragraph (b) of this section, § 173.427(b)(4), § 173.427(c), or § 173.427(d) must be surveyed with appropriate radiation detection instruments after each exclusive use transport. Except as provided in paragraphs (a) and (d) of this section, these items may not be returned to Class 7 (radioactive) materials exclusive use transport service, and then only for a subsequent exclusive use shipment utilizing one of the above cited provisions, unless the radiation dose rate at each accessible surface is 0.005 mSv per hour (0.5 mrem per hour) or less, and there is no significant non-fixed surface contamination as specified in paragraph (a) of this section. The requirements of this paragraph do not address return to service of items outside of the above cited provisions.

* * * * *

■ 22. In § 173.447, redesignate paragraph (b) as paragraph (c) and add paragraph (b) to read as follows:

§ 173.447 Storage incident to transportation—general requirements.

* * * * *

(b) The number of packages, overpacks, and freight containers containing Class 7 (radioactive) material being stored in transit in any one storage area must be so limited that the total sum of the transport indexes in any group of packages, overpacks, or freight containers does not exceed 50. Groups of packages must be situated so as to maintain a spacing of at least 6 m (20 ft) between the closest surfaces of packages, overpacks, or freight containers from any two groups.

* * * * *

■ 23. In § 173.448, revise paragraph (g)(2) to read as follows:

§ 173.448 General transportation requirements.

* * * * *

(g) * * *

(2) The overpack must be marked as prescribed in subpart D of part 172 of this subchapter and § 173.25(a). Overpacks must be marked with the consignor or consignee's name and address, unless the name and address of the consignor or consignee of each package contained in the overpack are visible; and

* * * * *

■ 24. In § 173.453, revise the introductory text and paragraph (d), and add paragraphs (g) and (h) to read as follows:

§ 173.453 Fissile materials—exceptions.

Fissile materials meeting the requirements of at least one of the paragraphs (a) through (h) of this section are excepted from the requirements of this subpart for fissile materials, including the requirements of §§ 173.457 and 173.459, but are subject to all other requirements of this subpart, except as noted.

* * * * *

(d) Uranium enriched in uranium-235 to a maximum of 1 percent by weight, and with total plutonium and uranium-233 content of up to 1 percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than 5 percent of the uranium mass, and that the fissile material is distributed homogeneously and does not form a lattice arrangement within the package.

* * * * *

(g) Uranium with enrichment up to 5 percent by weight uranium-235, up to 3.5 g uranium-235 per package.

(h) Fissile material with no more than 140 grams fissile nuclides shipped under exclusive use.

■ 25. In § 173.465, revise paragraph (c)(2) to read as follows:

§ 173.465 Type A packaging tests.

* * * * *

(c) * * *

(2) For packages containing fissile material, the free drop test specified in paragraph (c)(1) of this section must be preceded by a free drop from a height of 0.3 m (1 foot) on each corner, or in the case of cylindrical packages, onto each of the quarters of each rim. This free drop test applies only to fissile material rectangular packages not exceeding 50 kg (110 lbs.) and fissile material cylindrical packages not exceeding 100 kg (220 lbs.).

* * * * *

§ 173.468 [Removed and Reserved]

■ 26. Remove and reserve § 173.468.

§ 173.472 [Removed and Reserved]

■ 27. Remove and reserve § 173.472.

■ 28. In § 173.475, add paragraph (j) to read as follows:

§ 173.475 Quality control requirements prior to each shipment of Class 7 (radioactive) materials.

* * * * *

(j) For packages to be shipped after storage, all packaging components and radioactive contents have been maintained during storage in a manner such that all the requirements specified in the relevant provisions of this subchapter and in the applicable certificates of approval have been fulfilled.

PART 174—CARRIAGE BY RAIL

■ 29. The authority citation for Part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 33 U.S.C. 1321; 49 CFR 1.81 and 1.97.

■ 30. In § 174.750, revise paragraph (a) to read as follow:

§ 174.750 Incidents involving leakage.

(a) In addition to the incident reporting requirements of §§ 171.15 and 171.16 of this subchapter, the carrier shall also notify the offeror at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving Class 7 (radioactive) materials shipments. Transport vehicles, buildings, areas, or equipment in which Class 7 (radioactive) materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at every accessible surface is less than 0.005 mSv per hour (0.5 mrem per hour) and there is no significant removable radioactive surface contamination (see § 173.443 of this subchapter). If it is evident that a package of radioactive material or conveyance carrying unpackaged radioactive material is leaking, or if it is suspected that a package of radioactive material or conveyance carrying unpackaged radioactive material may have leaked, the actions required by § 173.443(e) of this subchapter must be taken.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

■ 31. The authority citation for Part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81 and 1.97.

■ 32. In § 175.705, revise paragraph (b) to read as follows:

§ 175.705 Radioactive contamination.

* * * * *

(b) When contamination is present or suspected, the package containing a Class 7 material, any loose Class 7 material, associated packaging material, and any other materials that have been contaminated must be segregated as far as practicable from personnel contact until radiological advice or assistance is obtained from the U.S. Department of Energy or appropriate State or local radiological authorities. If it is evident that a package of radioactive material or conveyance carrying unpackaged radioactive material, is leaking, or if it is suspected that a package of radioactive material or conveyance carrying unpackaged radioactive material, may have leaked, the actions required by § 173.443(e) of this subchapter must be taken.

* * * * *

PART 176—CARRIAGE BY VESSEL

■ 33. The authority citation for Part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 34. Revise § 176.715 to read as follows:

§ 176.715 Contamination control.

Each hold, compartment, or deck area used for the transportation of low specific activity or surface contaminated object Class 7 (radioactive) materials under exclusive use conditions in accordance with § 173.427(b)(4) or (c) must be surveyed with appropriate radiation detection instruments after each use. Such holds, compartments, and deck areas may not be used again for Class 7 (radioactive) materials exclusive use transport service, and then only for a subsequent exclusive use

shipment utilizing the provisions of § 173.427(b)(4) or (c) until the radiation dose rate at every accessible surface is less than 0.005 mSv/h (0.5 mrem/h), and the non-fixed contamination is not greater than the limits prescribed in § 173.443(a) of this subchapter. If it is evident that a package of radioactive material or conveyance carrying unpackaged radioactive material, is leaking, or if it is suspected that a package of radioactive material or conveyance carrying unpackaged radioactive material, may have leaked, the actions required by § 173.443(e) of this subchapter must be taken.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

■ 35. The authority citation for Part 177 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; sec. 112 of Pub. L. 103–311, 108 Stat. 1673, 1676 (1994); sec. 32509 of Pub. L. 112–141, 126 Stat. 405, 805 (2012); 49 CFR 1.81 and 1.97.

■ 36. In § 177.843, revise paragraph (c) to read as follows:

§ 177.843 Contamination of vehicles.

* * * * *

(c) In case of fire, accident, breakage, or unusual delay involving shipments of Class 7 (radioactive) material, see §§ 171.15, 171.16, and 177.854 of this subchapter. If it is evident that a package of radioactive material or conveyance carrying unpackaged radioactive material, is leaking, or if it is suspected that a package of radioactive material or conveyance carrying unpackaged radioactive material, may have leaked, the actions required by § 173.443(e) of this subchapter must be taken.

* * * * *

Issued in Washington, DC, on August 24, 2022, under authority delegated in 49 CFR 1.97.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2022–18605 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 220831–0179]

RIN 0648–BL25

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions in Purse Seine Fisheries and 2022 Longline Bigeye Tuna Catch Limit

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would modify existing limits on fishing effort by U.S. purse seine vessels in the U.S. exclusive economic zone (EEZ) and on the high seas between the latitudes of 20° N and 20° S, in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). In addition, this proposed rule would adjust the 2022 bigeye tuna catch limit in the area of application of the Convention (Convention Area) for U.S. longline commercial fishing vessels to 3,358 metric tons (mt), due to an overage of the 2021 catch limit. The proposed rule would clarify that adjustments to the purse seine fishing effort limits or longline bigeye tuna catch limits could occur each year, due to any overage of the prior year's limit. This proposed rule would also modify the following: the process for closing the fishery once NMFS expects the effort limits will be reached; the process for obtaining daily purse seine fishing effort reports; and the process for adjusting established annual catch and effort limits in the Convention Area. This action is necessary for the United States to implement provisions of a conservation and management measure adopted by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission) and to satisfy the obligations of the United States under the Convention, to which it is a Contracting Party. NMFS is seeking comments on this proposed rule and will respond to those comments in a subsequent final rule.

DATES: Comments on the proposed rule must be submitted in writing by October 3, 2022.

ADDRESSES: You may submit comments on the proposed rule and the regulatory impact review (RIR) prepared for the proposed rule, identified by NOAA–NMFS–2022–0082 by any of the following methods:

- *Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2022–0082 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Sarah Malloy, Acting Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.
- *Fax:* (808) 725–5215; Attn: Sarah Malloy.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name and address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the RIR and the 2015 programmatic environmental assessment (PEA), 2021 supplemental environmental assessment, and 2022 Supplemental Information Report prepared for National Environmental Policy Act (NEPA) purposes are available at *www.regulations.gov* or may be obtained from Sarah Malloy, Acting Regional Administrator, NMFS PIRO (see address above).

FOR FURTHER INFORMATION CONTACT: Rini Ghosh, NMFS PIRO, 808–725–5033.

SUPPLEMENTARY INFORMATION:

Background on the Convention

The Convention is concerned with the conservation and management of highly migratory species (HMS) and the management of fisheries for HMS. The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of HMS in the western and central Pacific Ocean (WCPO). To accomplish this objective, the Convention

established the Commission, which includes Members, Cooperating Non-members, and Participating Territories (collectively referred to here as ''members''). The United States of America is a Member. American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands are Participating Territories.

As a Contracting Party to the Convention and a Member of the Commission, the United States implements, as appropriate, conservation and management measures adopted by the Commission and other decisions of the Commission. The Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA; 16 U.S.C. 6901 *et seq.*), authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard is operating (the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including the decisions of the Commission. The WCPFC Implementation Act further provides that the Secretary of Commerce shall ensure consistency, to the extent practicable, of fishery management programs administered under the WCPFC Implementation Act and the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1801 *et seq.*), as well as other specific laws (see 16 U.S.C. 6905(b)). The Secretary of Commerce has delegated the authority to promulgate regulations under the WCPFC Implementation Act to NMFS. A map showing the boundaries of the area of application of the Convention (Convention Area), which comprises the majority of the WCPO, can be found on the WCPFC website at: *www.wcpfc.int/doc/convention-area-map.*

Background on WCPFC Decisions on Tropical Tunas and NMFS Rules

At its Fourteenth Regular Session, in December 2017, the Commission adopted Conservation and Management Measure (CMM) 2017–01, ''Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean.'' CMM 2017–01 included provisions for purse seine fishing effort limits, restrictions on the use of fish aggregating devices (FAD) for purse seine fishing vessels, specific catch retention provisions for purse seine fishing vessels, and longline bigeye tuna catch limits, among others. At its Fifteenth Regular Session, in December 2018, the Commission adopted Conservation and Management Measure (CMM) 2018–01, ''Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean,'' which replaced CMM 2017–01 but included similar provisions. CMM 2018–01 went into effect on February 13, 2019, and remained in effect until February 10, 2021. At its Seventeenth Regular Session, in December 2020, the Commission adopted CMM 2020–01, ''Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean,'' which are identical to those of 2018–01, and were in effect until February 15, 2022. At its Eighteenth Regular Session, in December 2021, the Commission adopted CMM 2021–01, ''Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean,'' which is effective until February 15, 2024. These and other CMMs are available at: *www.wcpfc.int/conservation-and-management-measures.* NMFS has implemented through other rulemakings the other relevant provisions of CMM 2021–01.[1] The previous rules pertinent to the measure's purse seine fishing effort limits and longline bigeye tuna catch limits are described below.

Purse Seine Fishing Effort Limits

By interim final rule published in the **Federal Register** on July 31, 2019, NMFS implemented CMM 2018–01's provisions regarding the limits on fishing effort by U.S. purse seine vessels in the U.S. EEZ and on the high seas between the latitudes of 20° N and 20° S in the Convention Area (see 84 FR 37145; hereafter 2019 interim final rule). In that rule, NMFS established a combined limit on fishing effort by U.S. purse seine vessels in the Effort Limit Area for Purse Seine (or ELAPS, which comprises the areas of the high seas and U.S. EEZ between 20° N latitude and 20° S latitude in the Convention Area) of 1,828 fishing days[2] per year for 2020 and subsequent years. These regulations are in effect until they are amended, replaced, or repealed (see 50 CFR 300.223(a)).

CMM 2021–01 and its predecessor CMMs include language that requires any overage of an annual purse seine fishing effort limit to be deducted from the limit for the following year. As stated in the 2019 interim final rule, NMFS combined the purse seine fishing effort limits for the U.S. EEZ and the high seas, consistent with previous rulemakings. For 2019, the interim final rule established a limit of 1,616 fishing days (558 fishing days from the U.S. EEZ limit plus 1,270 days from the high seas limit less the 212 fishing day overage of the 2018 high seas limit) for the ELAPS. For 2020 and subsequent years, the 2019 interim final rule established a limit of 1,828 fishing days per calendar year for the ELAPS.

In 2020, the U.S. purse seine fleet used 126 fishing days in the U.S. EEZ and 1,659 fishing days in the high seas, and in 2021, the fleet used 118 fishing days in the U.S. EEZ and 733 fishing days in the high seas. Thus, the fleet did not exceed the ELAPS limit established by NMFS or the WCPFC-specified U.S. EEZ limit in either 2020 or 2021. However, in 2020, the fleet did exceed the WCPFC-specified high seas fishing day limit by 329 fishing days. Thus, the WCPFC-specified fishing day limit for U.S. purse seine vessels on the high seas in 2021 was 1,270 fishing days minus the 329 fishing day overage, or 881 fishing days. As stated, the U.S. purse seine fleet used 773 fishing days on the high seas in 2021—fewer fishing days than 881 fishing days.

NMFS is issuing this proposed rule to amend the existing regulations to establish separate purse seine fishing effort limits for the U.S. EEZ and for the high seas. The limit for the U.S. EEZ established by the Commission in CMM 2021–01 is 558 fishing days per year. The limit for the high seas established by the Commission in CMM 2021–01 is 1,270 fishing days per year. NMFS has established combined limits for the ELAPS in previous years to provide increased operational flexibility to the U.S. purse seine fleet fishing in the WCPO. In the past, NMFS combined the limits because it provided for operational flexibility while having the same overall impact on the stock. However, other WCPFC members have vigorously objected to the U.S. approach, and NMFS acknowledges that the plain text of the CMM establishes separate U.S. EEZ and high seas limits. NMFS also notes that there are significantly fewer licensed U.S. vessels operating under these limits, reducing

[1] NMFS has undertaken a rulemaking to implement the provisions on non-entangling fish aggregating devices (FADs) included in CMM 2018–01 (see 86 FR 55790; published October 7, 2021). NMFS plans to undertake a separate rulemaking to implement the new non-entangling FAD provisions included in CMM 2021–01.

[2] Fishing day means, for fishing vessels equipped with purse seine gear, any day in which a fishing vessel searches for fish, deploys a FAD, services a FAD, or sets a purse seine, with the exception of setting a purse seine solely for the purpose of testing or cleaning the gear and resulting in no catch (50 CFR 300.211).

the risk that separate limits will be exceeded. Without necessarily conceding that the CMM prohibits a member's discretion to enforce a combined limit provided that the total amount harvested does not exceed the sum of the EEZ and high seas limits, NMFS declines to depart from the plain language of the CMM. Accordingly, NMFS proposes to establish separate U.S. EEZ and high seas limits. NMFS would implement the limits in this proposed rule to remain effective until they are replaced or amended.

NMFS is also implementing the overage provision in CMM 2021–01 by including specific regulatory language indicating that NMFS would adjust the annual U.S. EEZ and high seas purse seine fishing effort limits each year to account for any overage of the limits in the previous year.

Longline Bigeye Tuna Catch Limits

By final rule published in the **Federal Register** on July 18, 2018 (83 FR 33851), NMFS implemented the longline bigeye tuna catch limit specified in CMM 2017–01 for U.S. commercial fishing vessels fishing in the Convention Area. The limit is 3,554 mt of bigeye tuna per year for longline fishing vessels of the United States (see 50 CFR 300.224(a)). The limit has remained the same in the more recent WCPFC decisions on tropical tunas, and is the same under the tropical tunas decision currently in effect—CMM 2021–01. Under WCPFC decisions on tropical tunas, if the limit is exceeded in a given year, the following year's limit must account for that overage (see CMM 2021–01 at Paragraph 37). The 2021 U.S. longline bigeye tuna catch in the Convention Area was 3,750 mt or 196 mt over the catch limit. Thus, under this proposed rule, the 2022 U.S longline bigeye tuna catch limit in the Convention Area would be adjusted to 3,358 mt. The limit for 2023 and future years would be maintained at 3,554 mt. However, NMFS is also implementing the overage provision in CMM 2021–01 by including specific regulatory language indicating that NMFS would adjust the annual limit in each year to account for any overage of the previous year's limit.

Background on Other Elements of This Rule

Process for Announcing Purse Seine Fishery Closure

Currently, NMFS estimates the number of fishing days spent on the high seas and in the U.S. EEZ by the U.S. purse seine fleet in each calendar year using logbooks and other available information. If NMFS determines that the fishing day limit is going to be reached in any given year, NMFS will issue a closure notice and U.S. purse seine vessels will be prohibited from fishing in those areas for the remainder of the calendar year. Existing regulations under 50 CFR 300.223(a) establish that NMFS will publish the closure notice in the **Federal Register** at least seven calendar days in advance of the closure date. This proposed rule would modify the existing regulations.

This proposed rule would amend the existing regulations to remove the requirement for NMFS to publish the fishery closure notice in the **Federal Register** seven days in advance of a closure. Instead, NMFS would publish the annual limits and estimates of the fishing effort on a NMFS web page on a periodic basis, and use the web page as well as direct email communication with vessel owners to provide notification of a fishery closure. NMFS would publish a notification of the fishery closure in the **Federal Register** as soon as possible. The details of this element of the proposed rule are included in the description of the proposed action section below. By reducing the administrative time necessary to publish in the **Federal Register** 7 days in advance of a closure and the specific time needed for advance notice to industry, NMFS would be able to more closely align the closure date to the date the limit is actually reached, thereby reducing the magnitude of overages (in the case of exceeding the limit upon the closure date) and underages (in the case of not reaching the limit upon the closure date).

As stated in existing regulations at 50 CFR 300.223(a)(4), starting on the announced closure date, and for the remainder of calendar year, it would be prohibited for U.S. purse seine vessels to fish in the U.S. EEZ or the high seas, except that such vessels would not be prohibited from bunkering during the closure. This proposed rule would not affect the prohibitions in place once the U.S. EEZ or high seas is closed.

Daily Purse Seine Fishing Effort Reports

The regulations at 50 CFR 300.218(g) states as follows: if directed by NMFS, the owner or operator of any fishing vessel of the United States equipped with purse seine gear must report to NMFS, in a specified format and manner, the activity of the vessel in the Convention Area [3] (*e.g.,* setting, transiting, searching), location and type of set, if a set was made during that day. NMFS has been directing vessel owners or operators to provide these daily purse seine fishing effort reports for a number of years in order to collect data to better track purse seine fishing effort limits. Because NMFS believes that these reports provide valuable information on purse seine fishing effort, NMFS is proposing to require vessel owners/operators to provide daily fishing effort reports (instead of only when directed by NMFS). However, the current directive to provide these reports requires vessel owners and operators to provide these reports continually, so in practice, this element of the rule would not affect what vessel owners and operators are currently doing.

Use of Framework Process To Adjust Catch and Effort Limits

As discussed above, NMFS is implementing the overage provisions of CMM 2021–01 for the purse seine fishing effort limits and the longline bigeye tuna catch limits in the regulations at 50 CFR 300.223(a) and 50 CFR 300.224(a), respectively. NMFS would adjust these limits downward in a given year to account for overages of the prior year's limits. The regulations at 50 CFR 300.227 set forth a framework process through which NMFS may specify particular WCPFC catch and effort limits on an annual basis. Under the process, NMFS may publish a notice of the catch or effort limit in the **Federal Register** for public comment instead of modifying existing codified regulations or issuing new regulations, which allows NMFS to implement such limits more quickly. Limits established under that process must remain in effect for less than one year. Under this proposed rule, NMFS would modify the regulations at 50 CFR 300.227 so that adjustments to codified catch or fishing effort limits in the Convention Area on an annual basis would be made through the framework process specified in those regulations. NMFS would also clarify that limits established through that framework process must remain in effect for less than one year. This modification would allow NMFS to adjust existing catch and effort limits on an annual basis to account for overages of such limits in prior years.

The Action

This proposed rule includes the following elements: (1) modification of purse seine fishing effort limits; (2) adjustment to the 2022 longline bigeye tuna catch limits; (3) modification of the process for closing the purse seine fishery once an effort limit is reached; (4) modification of the purse seine daily

[3] This requirement does not apply to the area of overlapping jurisdiction between the WCPFC and the Inter-American Tropical Tuna Commission.

fishing effort reporting requirements, and (5) modification of the regulations at 50 CFR 300.227 to include annual adjustments to existing catch and effort limits.

Purse Seine Fishing Effort Limits

This proposed rule would establish a limit of 558 fishing days for the U.S. EEZ and 1,270 fishing days for the high seas for 2022 and subsequent years. These limits are subject to adjustment under the procedures in 300.227(f) for any overage of a previous year's limits.

2022 Longline Bigeye Tuna Catch Limit

This proposed rule would adjust the longline bigeye tuna catch limits for 2022 to 3,358 mt. The limit for 2023 and future years would remain at 3,554 mt. That limit is subject to adjustment under the procedures in 200.227(f) for any overage of a previous year's limit.

Purse Seine Fishery Closure Procedure

This proposed rule would amend the existing regulations at 50 CFR 300.223(a)(3) to remove the requirement for NMFS to publish the fishery closure notice in the **Federal Register** 7 days in advance of a closure. NMFS intends to publish the annual limits and estimates of the fishing effort expended on a NMFS website and provide updates on a periodic basis. Under this proposed rule, once NMFS determines that a limit is expected to be reached, NMFS would post the notice on a NMFS web page [4] announcing the fishery closure date and would also email notice of the closure date to affected vessel owners reducing the processing time for announcing the closure. NMFS also would publish the closure notice in the **Federal Register**, as soon as practicable. The closure would be effective upon the earlier of either (1) receipt by email of such notice, or (2) publication in the **Federal Register**.

As stated in existing regulations at 50 CFR 300.223(a)(4), starting on the announced closure date, and for the remainder of calendar year, it would be prohibited for U.S. purse seine vessels to fish in the U.S. EEZ or the high seas, except that such vessels would not be prohibited from bunkering during the closure. This proposed rule would not affect the prohibitions in place once the U.S. EEZ or high seas is closed.

Changes to Daily Purse Seine Fishing Effort Reporting Requirements

As described above, under this proposed rule, NMFS proposes to modify the language in 50 CFR 300.218(g) so that the daily purse seine fishing effort reporting would be required. However, the current directive to provide these reports requires vessel owners and operators to provide these reports continually, so in practice, this element of the rule would not affect what vessel owners and operators are currently doing.

Changes to the Regulations at 50 CFR 300.227

Under this proposed rule, NMFS would modify the regulations at 50 CFR 300.227 so that the framework process to issue catch and effort limits would be used to adjust codified catch and effort limits that implement WCPFC decisions, as appropriate. Under the process, NMFS would publish a notice of the adjusted catch or effort limit in the **Federal Register** for public comment instead of modifying existing codified regulations or issuing new regulations. NMFS would also modify the regulations at 50 CFR 300.227 to clarify that any limits established under the framework process must remain in effect for less than one year.

Classification

The Administrator, Pacific Islands Region, NMFS, has determined that this proposed rule is consistent with the WCPFC Implementation Act and other applicable laws, subject to further consideration after public comment.

Coastal Zone Management Act (CZMA)

NMFS determined that implementation of the purse seine fishing effort limits, modifications to the process for closing the fishery once an effort limit is reached, and modifications to the process related to collecting daily purse seine fishing effort reports are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the State of Hawaii. Determinations to Hawaii, American Samoa, CNMI and Guam were submitted on March 23, 2022, for review by the responsible state and territorial agencies under section 307 of the CZMA.

The state of Hawaii responded by letter dated March 28, 2022, that for this particular proposal, because the U.S. WCPO purse seine fishery operates outside of the jurisdiction of Hawaii CZM Program enforceable policies, it would not be responding to the consistency determination. In addition, the state of Hawaii agreed to an alternative Federal consistency notification schedule that ended on the date of the March 28, 2022, letter. CNMI provided concurrence with the consistency determination on April 28, 2022.

NMFS determined that the U.S. longline bigeye tuna catch limit of 3,554 mt was consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of American Samoa, CNMI, Guam, and the State of Hawaii in 2018 when it established this limit (83 FR 33851; July 18, 2018). NMFS received no objections from the state/territorial agencies on this determination. Because the adjustment to the limit under this proposed rule would not lead to any new effects on coastal areas or resources than what were evaluated in the 2018 consistency determinations, no new determinations have been prepared for this element of the proposed rule.

Modifications to the framework process in the regulations at 50 CFR 300.227 would be administrative in nature and not expected to cause any effects on coastal areas or resources.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act (RFA)

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the RFA. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained in the **SUMMARY** section of the preamble. The analysis follows:

Estimated Number of Small Entities Affected

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 114111) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide.

The proposed rule would apply to owners and operators of U.S. commercial fishing vessels used to fish for HMS in the Convention Area, including longline vessels (except those operating as part of the longline

[4] See *https://www.fisheries.noaa.gov/pacific-islands/commercial-fishing/fishing-effort-limits-purse-seine-western-and-central-pacific-ocean.*

fisheries of American Samoa, CNMI, or Guam) and purse seine vessels. The estimated number of affected fishing vessels is 151 longline and 15 purse seine vessels, and is based on the number of vessels with those vessel types that hold WCPFC Area Endorsements, which are required to fish on the high seas of the Convention Area, as of May 2, 2022.

Based on (limited) financial information about the affected fishing fleet, and using individual vessels as proxies for individual businesses, NMFS believes that all of the affected longline vessels and 80 percent of the vessels in the purse seine fleet, are small entities as defined by the RFA; that is, they are independently owned and operated and not dominant in their fields of operation, and have annual receipts of no more than $11.0 million. Within the purse seine fleet, analysis of average revenue, by vessel, for 2019–2021 reveals that average annual revenue among vessels in the fleet was about $8 million (NMFS unpublished data combined with price data from *https://www.ffa.int/node/425* and *https://investor.thaiunion.com/raw_material.html* accessed on March 23, 2022), and 12 participating vessels qualified as small entities, with estimated vessel revenue of less than $11 million (based on the average revenue across the most recent three years for which data is available).

Recordkeeping, Reporting, and Other Compliance Requirements

The elements of this proposed rule are described earlier in the preamble. The classes of small entities subject to the requirements and the types of professional skills necessary to fulfill the requirements are listed below for each element:

(1) Purse Seine Fishing Effort Limits

There would be annual limits of 1,270 and 558 fishing days on the high seas and in the U.S. EEZ, respectively, in the Convention Area.

Fulfillment of this element's requirements is not expected to necessitate any professional skills that the vessel owners and operators do not already possess. The costs of complying with the requirements are described below to the extent possible.

Regarding the fishing effort limits, if and when the fishery on the high seas or in the U.S. EEZ is closed as a result of a limit being reached in any year, owners and operators of U.S. purse seine vessels would have to cease fishing in that area for the remainder of the calendar year. Closure of the fishery in either of those areas could thereby result in foregone fishing opportunities and associated economic losses if the area contains preferred fishing grounds during such a closure. Historical fishing rates in the two areas give a rough indication of the likelihood of the limits being reached.

From 2009 through 2021, no more than 41 percent of the proposed limit of 558 fishing days was ever used in the U.S. EEZ. This history suggests a relatively low likelihood of the proposed EEZ limit being reached in a given year. Furthermore, in 2018, when separate limits were established for the EEZ and high seas, fishing day usage in the U.S. EEZ declined, but did not differ significantly from previous years. Approximately 60 percent of the fleet is authorized to fish in the U.S. EEZ. Six of the 13 vessels currently licensed under the South Pacific Tuna Treaty (SPTT) [5] have fishery endorsements on their U.S. Coast Guard Certificates of Documentation, which are required to fish in the U.S. EEZ, and both of the other two purse seine vessels that hold WCPFC Area Endorsements but do not have South Pacific Tuna Treaty licenses have fishery endorsements. With a separate limit for the U.S. EEZ, these eight vessels of the fleet could take advantage of fishing in the U.S. EEZ more than they have in the past if the high seas are closed to fishing in a given year.

Regarding effort in the high seas from 2009 through 2021, between 33 and 145 percent of the proposed limit of 1,270 fishing days was used, and at least 100 percent was used in seven of the thirteen years. In 3 years, 2015, 2016, and 2019 the high seas and U.S EEZ was closed for part of the year (from June 15 to December 31 in 2015, from September 2 to December 31 in 2016, and from October 9–November 28 and from December 9 to December 31 in 2019) and in 2018, the high seas was closed for part of the year (from September 18 to December 31), so more fishing effort might have occurred in those 4 years were there no limits. In the years that both the high seas and U.S. EEZ were closed, it is possible that some or all of any additional fishing effort might have occurred in the U.S. EEZ rather than on the high seas. Given that the fleet generally uses far fewer fishing days in the U.S. EEZ, it is more likely that most or all of any additional effort would have occurred on the high seas instead of in the U.S. EEZ. This history suggests a substantial likelihood of the proposed high seas limit being reached in a given year. However, the fleet has undergone a steep reduction in size in recent years, and is currently at 15 vessels, a level that is less than half its 2019 size of 33 vessels. NMFS believes the vessels that were previously in the fleet reflagged to other nations for business reasons. This reduction in fleet size increases the number of fishing days available on the high seas for the remaining vessels, and could reduce the likelihood of the proposed high seas limit being reached in any a given year. In 2021, 18 purse seine vessels fished in the Convention Area, and fishing effort in the high seas was 773 fishing days, well below the proposed separate high seas limit of 1,270 fishing days, suggesting a lower likelihood of the proposed limit being reached in any a given year. However, the separate limits that would be implemented under this proposed rule would remove the operational flexibility provided under the combined limits currently in place and increase the possibility of a limit being reached or reached earlier in the year.

Two factors could have a substantial influence on the amount of fishing effort in the U.S. EEZ and on the high seas in a given year: First, the number of fishing days available in foreign waters (the fleet's main fishing grounds) pursuant to the SPTT will influence the incentive to fish outside those waters, including the U.S. EEZ and high seas. Second, El Niño—Southern Oscillation (ENSO) conditions will influence where the best fishing grounds are.

Regarding fishing opportunities in foreign waters, in December 2016, the United States and PIPs agreed upon a revised SPTT, and under this agreement U.S. purse seine fishing businesses can purchase fishing days in the EEZs of the PIPs. There are limits on the number of such ''upfront'' fishing days that may be purchased. These limits can influence the amount of fishing in other areas, such as the U.S. EEZ and the high seas, as well as the eastern Pacific Ocean (EPO). For example, if the number of available upfront fishing days is relatively small, fishing effort in the U.S. EEZ and/or high seas might be relatively great. In fact, the number of upfront days available for the Kiribati EEZ, which has traditionally constituted important fishing grounds for the U.S. fleet, is notably small—only 300 fishing days per year. However, the SPTT provides for U.S. purse seine fishing businesses to purchase ''additional'' fishing days through direct bilateral agreements with the PIPs. NMFS cannot project how many additional days will be purchased in any given year, so

[5] The majority of U.S. purse seine fishing activity in the Convention Area takes place in the waters of Pacific Island Parties to the SPTT (PIPs), pursuant to the terms of the SPTT.

cannot gauge how the limits on upfront days might influence fishing effort in the U.S. EEZ or on the high seas. Limits on upfront days are therefore not considered here any further.

Regarding ENSO conditions, the eastern areas of the WCPO tend to be comparatively more attractive to the U.S. purse seine fleet during El Niño events, when warm surface water spreads from the western Pacific to the eastern Pacific and large, valuable yellowfin tuna become more vulnerable to purse seine fishing and trade winds lessen in intensity. Consequently, the U.S. EEZ and high seas, much of which is situated in the eastern range of the fleet's fishing grounds, is likely to be more important fishing grounds to the fleet during El Niño events (as compared to neutral or La Niña events). This is supported by there being a statistically significant correlation between annual average per-vessel fishing effort in the ELAPS and the Oceanic Niño Index, a common measure of ENSO conditions, from 2001–2021.

El Niño conditions were present in 2015 and in the first half of 2016, and might have contributed to the relatively high rates of fishing in the U.S. EEZ and high seas in those years. As of March 10, 2022, La Niña conditions were present, and the National Weather Service forecasts that La Nina will continue with about a 50 percent probability during June—August 2022, with a 40–50% chance of La Nina or ENSO-neutral conditions thereafter. Thus ENSO conditions might have a negative influence on fishing in the U.S. EEZ and the high seas in 2022. The influence of ENSO conditions on fishing effort in future years cannot be predicted with any certainty.

Another potentially important factor is that the U.S. EEZ and high seas limits would be competitive limits, so their establishment could cause a ''race to fish'' in the two areas. That is, vessel operators might seek to take advantage of the limited number of fishing days available in the areas before the limits are reached, and fish harder in the high seas or the U.S. EEZ than they would if there were no limits or if there were a combined U.S. EEZ and high seas limit. On the one hand, any such race-to-fish effect might be reflected in the history of fishing in the high seas and U.S. EEZ, described above. On the other hand, anecdotal information from the fishing industry suggests that the limits might have been internally allocated by the fleet, which might have tempered any race to fish. It is not known whether the industry intends to internally allocate the proposed limits.

In summary, although difficult to predict, either the U.S. EEZ or high seas limits could be reached in any given year, especially the high seas limits. If either limit is reached in a given year, the fleet would be prohibited from fishing in that area for the remainder of the calendar year.

The closure of any fishing grounds for any amount of time can be expected to bring adverse impacts to affected entities (*e.g.,* because the open area might, during the closed period, be less productive than the closed area, and vessels might use more fuel and spend more time having to travel to open areas). The severity of the impacts of a closure would depend greatly on the length of the closure and where the most favored fishing grounds are during the closure. A study by NMFS (Chan, V. and D. Squires. 2016. Analyzing the economic impacts of the 2015 ELAPS closure. NMFS Internal Report) estimated that the overall losses to the combined sectors of the vessels, canneries and vessel support companies from the 2015 ELAPS closure ranged from $11 million and $110 million depending on the counterfactual period considered. These results suggest that there were impacts from the ELAPS closure on the American Samoa economy through impacts to the canneries and vessel support companies and a connection between U.S. purse seine vessels and the broader American Samoa economy. If there was a closure of the U.S. EEZ or high seas in the WCPO, it is likely there would be impacts to the American Samoa economy though the magnitude would depend on the length of the closure, and whether both or just one of the areas was closed to fishing.

If either the U.S. EEZ or high seas is closed, possible next-best opportunities for U.S. purse seine vessels fishing in the WCPO include fishing in the other of the two areas, fishing in foreign EEZs inside the Convention Area, fishing outside the Convention Area in EPO, and not fishing.

With respect to fishing in the U.S. EEZ or on the high seas: If the U.S. EEZ were closed, the high seas would be available to the fleet until its limit is reached. If the high seas were closed, the U.S. EEZ would be available until its limit is reached, but only for the vessels with fishery endorsements on their Certificates of Documentation (currently 8, including 6 vessels with SPTT licenses and two additional vessels without).

With respect to fishing in the Convention Area in foreign EEZs: As described above, under the SPTT the fleet might have substantial fishing days available in the PIP EEZs that dominate the WCPO, but it is not possible to predict how many fishing days will be available to the fleet as a whole or to individual fishing businesses.

With respect to fishing in the EPO: The fleet has generally increased its fishing operations in the EPO since 2014, and as of 2021, there were 13 purse seine vessels in the WCPO fleet that are also listed on the Inter-American Tropical Tuna Commission (IATTC) Vessel Register. In order to fish in the EPO, a vessel must be on the IATTC's Regional Vessel Register and categorized as active (50 CFR 300.22(b)), which involves fees of about $14.95 per cubic meter of well space per year (*e.g.,* a vessel with 1,200 m^3 of well space would be subject to annual fees of $17,940). (As an exception to this rule, an SPTT-licensed vessel is allowed to make one fishing trip in the EPO each year without being categorized as active on the IATTC Regional Vessel Register. The trip must not exceed 90 days in length, and there is an annual limit of 32 such trips for the entire SPTT-licensed fleet (50 CFR 300.22(b)(1)).) The number of U.S. purse seine vessels in the WCPO fleet that have opted to be categorized as active on the IATTC Regional Vessel Register has increased in the last few years from zero to 17, probably largely a result of constraints on fishing days in the WCPO and/or uncertainty in future access arrangements under the SPTT. This suggests an increasing attractiveness of fishing in the EPO, in spite of the costs associated with doing so. However, vessels probably will not have the opportunity to fish in the EPO year-round. To implement a recent decision of the IATTC, NMFS has published a final rule (87 FR 40731, July 8, 2022) that requires purse seine vessels to choose between two 72-day EPO fishing prohibition periods each year: July 29-October 8 or November 9-January 19. Thus, the opportunity to fish in the EPO might be constrained, depending on when the U.S. EEZ and/or high seas in the WCPFC Area is closed, and which EPO closure period a given vessel operator chooses.

Not fishing at all during a closure of the U.S. EEZ or high seas would mean a loss of any revenues from fishing. However, many of the vessels' variable operating costs would be avoided in that case, and it is possible that for some vessels a portion of the time might be used for productive activities like vessel and equipment maintenance.

The opportunity costs of engaging in next-best opportunities in the event of a closure are not known, so the potential impacts cannot be quantified. However,

to give an indication of the magnitude of possible economic impacts to the fleet and an upper bound of those impacts, information on revenue per day is provided here.

The most recent 3 years for which catch estimates for the U.S. WCPO purse seine fleet are available are 2019–2021. Those estimates, adjusted to an indicative fleet size of 15 vessels, equate to annual average catches of skipjack tuna, yellowfin tuna, and bigeye tuna of 68,818 mt, 8,737 mt, and 6,087 mt, respectively, or 83,641 mt in total. Applying the 2020 Bangkok cannery price of $1,359 per mt for skipjack tuna and bigeye tuna and a 2019 Bangkok cannery price of $1,682 mt for yellowfin tuna (FFA 2020), the value of annual fleet-wide catches at 2019–2021 average levels would be about $116 million. It should be noted that cannery prices are fairly volatile; for example, cannery prices in 2017 were substantially higher than prices during the previous three years.

In addition to the effects described above, the proposed limits could affect the temporal distribution of fishing effort in the U.S. purse seine fishery. Since the limits would apply fleet-wide—that is, they would not be allocated to individual vessels—vessel operators might have an incentive to fish harder in the affected areas earlier in each calendar year than they otherwise would. To the extent such temporal shifts occur, they could affect the seasonal timing of fish catches and deliveries to canneries. The timing of cannery deliveries by the U.S. fleet alone (as it might be affected by a race to fish in the EEZ or high seas) is unlikely to have an appreciable impact on prices because many canneries in the Asia-Pacific region and elsewhere buy from the fleets of multiple nations. A race to fish could bring costs to affected entities if it causes vessel operators to forego vessel maintenance in favor of fishing or to fish in weather or ocean conditions that they otherwise would not. This could bring costs in terms of the health and safety of the crew as well as the economic performance of the vessel.

(2) Longline Bigeye Tuna Catch Limits

This element of the proposed rulewould not establish any new reporting or recordkeeping requirements. The new proposed compliance requirement would be for affected vessel owners and operators to cease retaining, landing, and transshipping bigeye tuna caught with longline gear in the Convention Area if and when the bigeye tuna catch limit of 3,358 mt (3,554 mt reduced by the 196 mt overage from 2021) is reached in 2022, for the remainder of the calendar year, subject to the exceptions specified at 50 CFR 300.224. These exceptions include the following: bigeye tuna landed in Guam, American Samoa, or CNMI; bigeye tuna caught by vessels with American Samoa Longline Limited Access Permits; and bigeye tuna caught by vessels in specified fishing agreements under 50 CFR 665.801.

Fulfillment of this requirement is not expected to require any professional skills that the vessel owners and operators do not already possess. The costs of complying with this requirement are described below to the extent possible.

Complying with this element of the proposed rule could cause foregone fishing opportunities and result in associated economic losses in the event that the bigeye tuna catch limit is reached in 2022 and the restrictions on retaining, landing, and transshipping bigeye tuna are imposed for a portion of that year. These costs cannot be projected quantitatively with any certainty. The proposed annual limit of 3,358 mt can be compared to catches in 2005–2008, before limits were in place. The average annual catch in that period was 4,709 mt. Based on that history, as well as fishing patterns in 2009–2021, when limits were in place, there appears to be a relatively high likelihood of the proposed limits being reached in 2022. In 2019, for example, which saw exceptionally high catches of bigeye tuna, the limit of 3,554 mt was estimated to have been reached by, and the fishery was closed on, July 27 (see temporary rule published July 24, 2019; 84 FR 35568). In 2020, the limit of 3,554 mt was estimated to have been reached by September 1, 2020, and in 2021, the limit of 3,554 mt was estimated to have been reached by September 6, 2021. Thus, if bigeye tuna catch patterns in 2022 are like those in 2005–2008, the limit would be reached in the fourth quarter of the year, and if they are like those in 2019, 2020, or 2021, the limit would be reached in the third quarter of the year.

If the bigeye tuna limit is reached before the end of 2022 and the Convention Area longline bigeye tuna fishery is consequently closed for the remainder of the calendar year, it can be expected that affected vessels would shift to the next most profitable fishing opportunity (which might be not fishing at all). Revenues from that next best alternative activity reflect the opportunity costs associated with longline fishing for bigeye tuna in the Convention Area. The economic cost of the proposed rule would not be the direct losses in revenues that would result from not being able to fish for bigeye tuna in the Convention Area, but rather the difference in benefits derived from that activity and those derived from the next best activity. The economic cost of the proposed rule on affected entities is examined here by first estimating the direct losses in revenues that would result from not being able to fish for bigeye tuna in the Convention Area as a result of the catch limit being reached. Those losses represent the upper bound of the economic cost of the proposed rule on affected entities. Potential next-best alternative activities that affected entities could undertake are then identified in order to provide a (mostly qualitative) description of the degree to which actual costs would be lower than that upper bound.

Upper bounds on potential economic costs can be estimated by examining the projected value of longline landings from the Convention Area that would not be made as a result of reaching the limit. For this purpose, it is assumed that, absent this proposed rule, bigeye tuna catches in the Convention Area in 2022 would be 3,554 mt, the bigeye tuna limit currently in place. Under this scenario, imposition of a limit of 3,358 mt would result in 6 percent less bigeye tuna being caught in 2022 than under no action. In the deep-set fishery, catches of marketable species other than bigeye tuna would likely be affected in a similar way if vessels do not shift to alternative activities. Assuming for the moment that ex-vessel prices would not be affected by a fishery closure, under the proposed rule, revenues in 2022 to entities that participate exclusively in the deep-set fishery would be approximately 6 percent less than under no action. Average annual ex-vessel revenues (from all species) per mt of bigeye tuna caught during 2018–2020 were about $13,740/mt (in 2020 dollars, derived from the latest available annual report on the pelagic fisheries of the western Pacific Region (Western Pacific Regional Fishery Management Council, 2021, Annual Stock Assessment and Fishery Evaluation Report: 2020. Honolulu, Western Pacific Fishery Management Council; *https://www.wpcouncildata.org/pelagicsafereport/*). Applying the average ex-vessel revenues (from all species) of $13,740 per mt of bigeye tuna caught, the estimated reductions in ex-vessel revenue from a 196 mt decrease in the bigeye catch limit would be approximately $14,000 for 2022 or on average a reduction of $95 per vessel.

In the shallow-set fishery, affected entities would bear limited costs in the

event of the limit being reached (but most affected entities also participate in the deep-set fishery and might bear costs in that fishery, as described below). The cost would be about equal to the revenues lost from not being able to retain or land bigeye tuna captured while shallow-setting in the Convention Area, or the cost of shifting to shallow-setting in the EPO, which is to the east of 150 degrees W. longitude, whichever is less. In the fourth calendar quarters of 2019–2021, almost all shallow-setting effort took place in the EPO, and 91 percent of bigeye tuna catches were made there, so the cost of a bigeye tuna fishery closure to shallow-setting vessels would appear to be very limited. During 2019–2021, the shallow-set fishery caught an average of 15 mt of bigeye tuna per year from the Convention Area. If the proposed bigeye tuna catch limit is reached even as early as July 31 in 2022, the Convention Area shallow-set fishery would have caught at that point, based on 2019–2022 data, on average, 94 percent of its average annual bigeye tuna catches. Imposition of the landings restriction at that point in 2022 would result in the loss of revenues from approximately 0.9 mt (6 percent of 15 mt) of bigeye tuna, which, based on recent ex-vessel prices, would be worth no more than $5,700. Thus, expecting about 13 vessels to engage in the shallow-set fishery (the annual average in 2019–2021), the average of those potentially lost annual revenues would be no more than $436 per vessel. The remainder of this analysis focuses on the potential costs of compliance in the deep-set fishery.

It should be noted that the impacts on affected entities' profits would be less than impacts on revenues when considering the costs of operating vessels, because costs would be lower if a vessel ceases fishing after the catch limit is reached. Variable costs can be expected to be affected roughly in proportion to revenues, as both variable costs and revenues would stop accruing once a vessel stops fishing. But affected entities' costs also include fixed costs, which are borne regardless of whether a vessel is used to fish—*e.g.,* if it is tied up at the dock during a fishery closure. Thus, profits would likely be adversely impacted proportionately more than revenues.

As stated previously, actual compliance costs for a given entity might be less than the upper bounds described above, because ceasing fishing would not necessarily be the most profitable alternative opportunity when the catch limit is reached. Two alternative opportunities that are expected to be attractive to affected entities include: (1) deep-set longline fishing for bigeye tuna in the Convention Area in a manner such that the vessel is considered part of the longline fishery of American Samoa, Guam, or the CNMI; and (2) deep-set longline fishing for bigeye tuna and other species in the EPO. These two opportunities are discussed in detail below. Four additional opportunities are: (3) shallow-set longline fishing for swordfish (for deep-setting vessels that would not otherwise do so), (4) deep-set longline fishing in the Convention Area for species other than bigeye tuna, (5) working in cooperation with vessels operating as part of the longline fisheries of the Participating Territories—specifically, receiving transshipments at sea from them and delivering the fish to the Hawaii market, and (6) vessel repair and maintenance. A study by NMFS of the effects of the WCPO bigeye tuna longline fishery closure in 2010 (Richmond, L., D. Kotowicz, J. Hospital and S. Allen, 2015, Monitoring socioeconomic impacts of Hawai'i's 2010 bigeye tuna closure: Complexities of local management in a global fishery, Ocean & Coastal Management 106:87–96) did not identify the occurrence of any alternative activities that vessels engaged in during the closure, other than deep-setting for bigeye tuna in the EPO, vessel maintenance and repairs, and granting lengthy vacations to employees. Based on those findings, NMFS expects that alternative opportunities (3), (4), and (5) are probably unattractive relative to the first two alternatives, and are not discussed here in any further detail. NMFS recognizes that vessel maintenance and repairs and granting lengthy vacations to employees are two alternative activities that might be taken advantage of if the fishery is closed, but no further analysis of their mitigating effects is provided here, because costs would likely be similar or greater of those anticipated if the vessel chose to cease fishing.

Before examining in detail the two potential alternative fishing opportunities that would appear to be the most attractive to affected entities, it is important to note that under the proposed rule, once the limit is reached and the WCPO bigeye tuna fishery is closed, fishing with deep-set longline gear both inside and outside the Convention Area during the same trip would be prohibited (except in the case of a fishing trip that is in progress when the limit is reached and the restrictions go into effect). For example, after the restrictions go into effect, during a given fishing trip, a vessel could be used for longline fishing for bigeye tuna in the EPO or for longline fishing for species other than bigeye tuna in the Convention Area, but not for both. This reduced operational flexibility would bring costs, since it would constrain the potential profits from alternative opportunities. Those costs cannot be quantified.

A vessel could take advantage of the first alternative opportunity (deep-setting for bigeye tuna in a manner such that the vessel is considered part of the longline fishery of one of the three U.S. Participating Territories), by three possible methods: a) landing the bigeye tuna in one of the three Participating Territories, b) holding an American Samoa Longline Limited Access Permit, or c) being considered part of a Participating Territory's longline fishery, by agreement with one or more of the three Participating Territories under the regulations implementing Amendment 7 to the Pelagics FEP (50 CFR 665.819). In the first two circumstances, the vessel would be considered part of the longline fishery of the Participating Territory only if the bigeye tuna were not caught in the portion of the U.S. EEZ around the Hawaiian Islands and were landed by a U.S. vessel operating in compliance with a permit issued under the regulations implementing the Pelagics FEP or the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species.

With respect to the first method of engaging in alternative opportunity 1 (1.a.) (landing the bigeye tuna in one of the Participating Territories), there are three potentially important constraints. First, whether the fish are landed by the vessel that caught the fish or by a vessel to which the fish were transshipped, the costs of a vessel transiting from the traditional fishing grounds in the vicinity of the Hawaiian Archipelago to one of the Participating Territories would be substantial. Second, none of these three locales has large local consumer markets to absorb substantial additional landings of fresh sashimi-grade bigeye tuna. Third, transporting the bigeye tuna from these locales to larger markets, such as markets in Hawaii, the U.S. west coast, or Japan, would bring substantial additional costs and risks. These cost constraints suggest that this alternative opportunity has limited potential to mitigate the economic impacts of the proposed rule on affected small entities.

The second method of engaging in the first alternative opportunity (1.b.) (having an American Samoa Longline Limited Access Permit), would be

available only to the subset of the Hawaii longline fleet that has both Hawaii and American Samoa longline permits (dual permit vessels). Vessels that do not have both permits could obtain them if they meet the eligibility requirements and pay the required costs. For example, the number of dual permit vessels increased from 12 in 2009, when the first WCPO bigeye tuna catch limit was established, to 27 from 2018–2020, and was 25 in 2021. The previously cited NMFS study of the 2010 fishery closure (Richmond *et al.* 2015) found that bigeye tuna landings of dual permit vessels increased substantially after the start of the closure on November 22, 2010, indicating that this was an attractive opportunity for dual permit vessels, and suggesting that those entities might have benefitted from the catch limit and the closure.

The third method of engaging in the first alternative opportunity (1.c.) (entering into an Amendment 7 agreement), was also available in 2011–2021 (in 2011–2013, under section 113(a) of Pub. L. 112–55, 125 Stat. 552 *et seq.,* the Consolidated and Further Continuing Appropriations Act, 2012, continued by Pub. L. 113–6, 125 Stat. 603, section 110, the Department of Commerce Appropriations Act, 2013; hereafter, ''section 113(a)''). As a result of agreements that were in place in 2011–2014, the WCPO bigeye tuna fishery was not closed in any of those years. In 2015–2019 the fishery was closed but then reopened when agreements went into effect. Agreements were also in place in 2020 and 2021. The fishery did not close in 2020, but the bigeye catch limit was exceeded in 2021. Participation in an Amendment 7 agreement would likely not come without costs to fishing businesses. As an indication of the possible cost, the terms of the agreement between American Samoa and the members of the Hawaii Longline Association (HLA) in effect in 2011 and 2012 included payments totaling $250,000 from the HLA to the Western Pacific Sustainable Fisheries Fund, equal to $2,000 per vessel. It is not known how the total cost was allocated among the members of the HLA, so it is possible that the owners of particular vessels paid substantially more than or less than $2,000.

The second alternative opportunity (2) (deep-set fishing for bigeye tuna in the EPO), would be an option for affected entities only if it is allowed under regulations implementing the decisions of the IATTC. NMFS has issued a final rule to implement the IATTC's most recent resolution on the management of tropical tuna stocks (87 FR 40731, July 8, 2022). The proposed rule would establish an annual limit of 750 mt on the catch of bigeye tuna in the EPO by vessels at least 24m in length per calendar year. Annual longline bigeye tuna catch limits have been in place for the EPO in most years since 2004. Since 2009, when the limit was 500 mt, it was reached in 2013 (November 11), 2014 (October 31), and 2015 (August 12). In 2016 NMFS forecasted that the limit would be reached July 25 and subsequently closed the fishery, but later determined that the catch limit had not been reached and re-opened the fishery on October 4, 2016 (81 FR 69717). In 2017, NMFS forecasted that the limit would be reached by September 8 and subsequently closed the fishery (82 FR 41562). The limit was not reached in 2018–2021.

The highly seasonal nature of bigeye tuna catches in the EPO and the relatively high inter-annual variation in catches prevents NMFS from making a useful prediction of whether and when the EPO limit in 2022 is likely to be reached. If it is reached, this alternative opportunity would not be available for large longline vessels, which constitute about a quarter of the fleet.

Historical fishing patterns can provide an indication of the likelihood of affected entities making use of the opportunity of deep-setting in the EPO in the event of a closure in the WCPO. The proportion of the U.S. fishery's annual bigeye tuna catches that were captured in the EPO from 2005 through 2008 ranged from 2 percent to 22 percent, and averaged 11 percent. In 2005–2007, that proportion ranged from 2 percent to 11 percent, and may have been constrained by the IATTC-adopted bigeye tuna catch limits established by NMFS (no limit was in place for 2008). Prior to 2009, most of the U.S. annual bigeye tuna catch by longline vessels in the EPO typically was made in the second and third quarters of the year; in 2005–2008 the percentages caught in the first, second, third, and fourth quarters were 14, 33, 50, and 3 percent, respectively. These data demonstrate two historical patterns—that relatively little of the bigeye tuna catch in the longline fishery was typically taken in the EPO (11 percent in 2005–2008, on average), and that most EPO bigeye tuna catches were made in the second and third quarters, with relatively few catches in the fourth quarter when the proposed catch limit would most likely be reached. These two patterns suggest that there could be substantial costs for at least some affected entities that shift to deep-set fishing in the EPO in the event of a closure in the WCPO. On the other hand, fishing patterns since 2008 suggest that a substantial shift in deep-set fishing effort to the EPO could occur. In 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021 the proportions of the fishery's annual bigeye tuna catches that were captured in the EPO were about 16, 27, 22, 18, 35, 35, 46, 36, 48, 42, 33, 29 and 28 percent, respectively, and most bigeye tuna catches in the EPO were made in the latter half of the calendar years.

The NMFS study of the 2010 closure (Richmond *et al.* 2015) found that some businesses—particularly those with smaller vessels—were less inclined than others to fish in the EPO during the closure because of the relatively long distances that would need to be travelled in the relatively rough winter ocean conditions. The study identified a number of factors that likely made fishing in the EPO less lucrative than fishing in the WCPO during that part of the year, including fuel costs and the need to limit trip length in order to maintain fish quality and because of limited fuel storage capacity.

In addition to affecting the volume of landings of bigeye tuna and other species, the proposed catch limits could affect fish prices, particularly during a fishery closure. Both increases and decreases appear possible. After a limit is reached and landings from the WCPO are prohibited, ex-vessel prices of bigeye tuna (*e.g.,* that are caught in the EPO or by vessels in the longline fisheries of the three U.S. Participating Territories), as well as of other species landed by the fleet, could increase as a result of the constricted supply. This would mitigate economic losses for vessels that are able to continue fishing and landing bigeye tuna during the closure. For example, the NMFS study of the 2010 closure (Richmond *et al.* 2015) found that ex-vessel prices during the closure in December were 50 percent greater than the average during the previous five Decembers. (It is emphasized that because it was an observational study, neither this nor other observations of what occurred during the closure can be affirmatively linked as effects of the fishery closure.)

Conversely, a WCPO bigeye tuna fishery closure could cause a decrease in ex-vessel prices of bigeye tuna and other products landed by affected entities if the interruption in the local supply prompts the Hawaii market to shift to alternative (*e.g.,* imported) sources of bigeye tuna. Such a shift could be temporary—that is, limited to 2022—or it could lead to a more permanent change in the market (*e.g.,* as

a result of wholesale and retail buyers wanting to mitigate the uncertainty in the continuity of supply from the Hawaii longline fisheries). In the latter case, if locally caught bigeye tuna fetches lower prices because of stiffer competition with imported bigeye tuna, then ex-vessel prices of local product could be depressed indefinitely. The NMFS study of the 2010 closure (Richmond *et al.* 2015) found that a common concern in the Hawaii fishing community prior to the closure in November 2010 was retailers having to rely more heavily on imported tuna, causing imports to gain a greater market share in local markets. The study found this not to have been borne out, at least not in 2010, when the evidence gathered in the study suggested that few buyers adapted to the closure by increasing their reliance on imports, and no reports or indications were found of a dramatic increase in the use of imported bigeye tuna during the closure. The study concluded, however, that the 2010 closure caused buyers to give increased consideration to imports as part of their business model, and it was predicted that tuna imports could increase during any future closure. To the extent that ex-vessel prices would be reduced by this action, revenues earned by affected entities would be affected accordingly, and these impacts could occur both before and after the limit is reached, and as described above, possibly after 2022.

The potential economic effects identified above would vary among individual business entities, but it is not possible to predict the range of variation. Furthermore, the impacts on a particular entity would depend on both that entity's response to the proposed rule and the behavior of other vessels in the fleet, both before and after the catch limit is reached. For example, the greater the number of vessels that take advantage—before the limit is reached—of the first alternative opportunity (1), fishing as part of one of the Participating Territory's fisheries, the lower the likelihood that the limit would be reached. The fleet's behavior in 2011 and 2012 is illustrative. In both those years, most vessels in the Hawaii fleet were included in a section 113(a) arrangement with the government of American Samoa, and as a consequence, the U.S. longline catch limit was not reached in either year. Thus, none of the vessels in the fleet, including those not included in the section 113(a) arrangements, were prohibited from fishing for bigeye tuna in the Convention Area at any time during those two years. The fleet's experience in 2010 (before opportunities under section 113(a) or Amendment 7 to the Pelagics FEP were available) provides another example of how economic impacts could be distributed among different entities. In 2010 the limit was reached and the WCPO bigeye tuna fishery was closed on November 22. As described above, dual permit vessels were able to continue fishing outside the U.S. EEZ around the Hawaiian Archipelago and benefit from the relatively high ex-vessel prices that bigeye tuna fetched during the closure.

In summary, based on potential reductions in ex-vessel revenues, NMFS has estimated that the upper bound of potential economic impacts of the proposed rule on affected longline fishing entities could be roughly $531 per vessel per year, on average. The actual impacts to most entities are likely to be substantially less than those upper bounds, and for some entities the impacts could be neutral or positive (*e.g.,* if one or more Amendment 7 agreements are in place in 2022 and the terms of the agreements are such that the U.S. longline fleet is effectively unconstrained by the catch limits).

(3) Daily Purse Seine Fishing Effort Reports

This element of the proposed rule would require submission of the existing ''Daily purse seine fishing effort reports.'' Fulfillment of this element's proposed requirements is not expected to necessitate any professional skills that the vessel owners and operators do not already possess. NMFS has intermittently directed vessel owners and operators to provide this information since September 6, 2018. This modification is not expected to change costs of compliance that have been previously analyzed (see 83 FR 33851; July 18, 2018). The estimated cost and burden of this reporting requirement is discussed further in the Paperwork Reduction Act (PRA) section below.

(4) Purse Seine Fishery Closure Notification

This element of the proposed rule would not establish any new reporting or recordkeeping requirements nor is it expected to change the costs of compliance.

(5) Changes to the Regulations at 50 CFR 300.227

This element of the proposed rule would not establish any new reporting or recordkeeping requirements nor is it expected to change the costs of compliance.

Disproportionate Impacts

There would be no disproportionate economic impacts between small and large entities operating vessels resulting from this rule. Furthermore, there would be no disproportionate economic impacts based on vessel size, gear or homeport.

Duplicating, Overlapping, and Conflicting Federal Regulations

NMFS has not identified any Federal regulations that duplicate, overlap with, or conflict with the proposed regulations.

Alternatives to the Proposed Rule

NMFS has sought to identify alternatives that would minimize the proposed rule's economic impacts on small entities (''significant alternatives''). Taking no action, where no action is defined as no purse seine effort limits or bigeye tuna catch limits in place could result in lesser adverse economic impacts than the proposed action for affected entities, but NMFS does not prefer the no-action alternative, because it would be inconsistent with the United States' obligations under the Convention. Taking no action, where no action is defined as leaving the combined purse seine fishing effort limits in place and not adjusting the 2022 longline bigeye tuna catch limit to account for the overage of the limit in 2021, could also result in lesser adverse economic impacts than the proposed action for affected entities, but NMFS believes the modifications are necessary to better fulfill the Unites States' obligations under the Convention. Alternatives to the proposed rule are discussed below.

1. Purse Seine Fishing Effort Limits

NMFS has established combined limits for the ELAPS in previous years to provide increased operational flexibility to the U.S. purse seine fleet fishing in the WCPO. Although NMFS has proposed to establish separate U.S. EEZ and high seas limits, as discussed throughout this document, NMFS has analyzed the environmental and economic impacts of implementation of the combined limit in the supporting documents issued in conjunction with this proposed rule. NMFS invites the public to submit comments on the economic impact of its proposal to separate the limits.

2. Longline Bigeye Tuna Catch Limits

NMFS has not identified any significant alternatives for this element of the proposed rule, other than the two no-action alternative described above (either no limit in place or the existing

limit of 3,554 mt). NMFS has considered the economic impacts of the two no-action alternatives in the RIR being issued with this rule. As stated above, the no-action alternatives could result in lesser adverse economic impacts than the proposed action for affected entities, because there would either be no limit in place or a greater limit in place. NMFS believes implementation of the adjusted 2022 longline bigeye tuna catch limit is necessary to better fulfill the United States' obligations under the Convention.

Paperwork Reduction Act

NMFS previously conducted an estimate of the cost and burden of submitting daily purse seine effort reports in the Convention Area under Control Number 0648–0649, Transshipment Requirements under the WCPFC. NMFS estimated that the cost and burden of submitting a daily report would include 10 minutes maximum to complete the form and $4.07 per submission. In this proposed rule, NMFS would codify the requirement to submit daily purse seine effort reports, instead of only requiring them ''as directed.'' Because NMFS has been directing vessel owners and operators to submit these daily reports, this proposed rule would not introduce any new costs or burdens beyond what has already been evaluated under Control Number 0648–0649.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: September 2, 2022.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

■ 1. The authority citation for 50 CFR part 300, subpart O, continues to read as follows:

Authority: 16 U.S.C. 6901 *et seq.*

§ 300.211 [Amended]

■ 2. In § 300.211, remove the definition for ''*Effort Limit Area for Purse Seine,* or *ELAPS*''.

■ 3. In § 300.218, revise paragraph (g) to read as follows:

§ 300.218 Reporting and recordkeeping requirements.

* * * * *

(g) *Daily purse seine fishing effort reports.* The owner or operator of any fishing vessel of the United States equipped with purse seine gear must report to NMFS within 24 hours of the end of each day that the vessel is at sea in the Convention Area, except for within the Overlap Area, the activity of the vessel (*e.g.,* setting, transiting, searching), location and type of set, if a set was made during that day. The report must be made in the format specified by the Pacific Islands Regional Administrator.

* * * * *

■ 4. Amend § 300.223 by removing and reserving paragraph (a)(1), and revising paragraphs (a)(2), and (3) to read as follows:

§ 300.223 Purse seine fishing restrictions.

* * * * *

(a) * * *

(1) [Reserved]

(2) There is a limit of 558 fishing days in the EEZ and 1,270 fishing days on the high seas per calendar year. These limits are subject to adjustment if exceeded in the previous year. NMFS will use the procedures for specifying limits set forth at § 300.227(f) to account for an overage of these limits in the following year's limits, as appropriate.

(3) NMFS will determine the number of fishing days spent in the EEZ and on the high seas in each calendar year using data submitted in logbooks and other available information. NMFS will publish the annual limits and estimates of the fishing effort on the following web page *https://www.fisheries.noaa.gov/pacific-islands/commercial-fishing/fishing-effort-limits-purse-seine-western-and-central-pacific-ocean* on a periodic basis. After NMFS determines that a limit in a calendar year is expected to be reached by a specific future date, NMFS will post a notice on the web page, announcing that the purse seine fishery in the area where the limit is expected to be reached will be closed and will remain closed until the end of the calendar year. NMFS will simultaneously email letters of the fishery closure to affected vessel owners. This action will also be published in the **Federal Register** as soon as practicable. The fishery closure will be effective upon the earlier of either (1) receipt by email of such notice, or (2) publication in the **Federal Register**.

* * * * *

■ 5. In § 300.224, revise paragraphs (a)(1), (2), and add paragraph (a)(3) to read as follows:

§ 300.224 Longline fishing restrictions.

* * * * *

(a) * * *

(1) Except as modified by § 300.227 or provided in § 300.224(a)(2) below, there is a limit of 3,554 metric tons of bigeye tuna per calendar year that may be captured in the Convention Area by longline gear and retained on board by fishing vessels of the United States.

(2) For calendar year 2022, the limit in paragraph (a)(1) of this section is adjusted to 3,358 metric tons.

(3) The limits in § 300.224 (a)(1) and § 300.224 (a)(2) are subject to adjustment if exceeded in the previous year. NMFS will use the procedures for specifying limits set forth at § 300.227(f) to account for an overage of the limits in paragraphs (a)(1) or (2) of this section in the following year's limit, as appropriate.

* * * * *

■ 6. In § 300.227, add paragraphs (i) and (j) to read as follows:

§ 300.227 Framework for catch and fishing effort limits.

* * * * *

(i) NMFS will use the procedures for specifying limits set forth at § 300.227(f) to account for an overage of the limits established in § 300.223 and § 300.224 in the following year's limits, as appropriate.

(j) The limits established through the process detailed in paragraph (f) of this section may remain in effect for a period less than one year.

* * * * *

[FR Doc. 2022–19457 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 87, No. 175
Monday, September 12, 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 12, 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: Federal Plant Pest and Noxious Weed Regulations.

OMB Control Number: 0579–0054.

Summary of Collection: In accordance with section 412 of the Plant Protection Act (Title IV, Pub L. 106–224, 114 Stat. 438, 7 U.S.C. 7712), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, exportation, or interstate movement of plants, plant products, biological control organisms, noxious weeds, soil, regulated garbage, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of plant pests or disease within the United States. The associated regulations that were issued by the Animal and Plant Health Inspection Service (APHIS) are located in 7 CFR parts 330 and 360. The introduction and establishment of new plant pests or noxious weeds in the United States could result in severe physical and economic losses to American agriculture. To prevent this from happening, APHIS will use information collection activities in these regulations.

Need and Use of the Information: APHIS will use information collection activities in these regulations to evaluate and mitigate the risks associated with the import or interstate movement of plant pests, noxious weeds, soil, prohibited articles, and regulated garbage. These activities include applications for permits and compliance agreements, amendments and appeals, consultations, site assessments, inspections, certifications, labeling of containers, petitions and recordkeeping.

Description of Respondents: State, Local or Tribal Government; Business or Other For-Profit; Individuals or Households.

Number of Respondents: 4,764.

Frequency of Responses: Reporting; Recordkeeping; Third-Party Disclosure.

Total Burden Hours: 21,635.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–19543 Filed 9–9–22; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission public business meeting.

DATES: Friday, September 16, 2022, 10:00 a.m. EST.

ADDRESSES: Meeting to take place telephonically and is open to the public via phone at 1–866–269–4260; Confirmation Code: 7518631

FOR FURTHER INFORMATION CONTACT: Angelia Rorison: 202–376–8371; *publicaffairs@usccr.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the Government in Sunshine Act (5 U.S.C. 552b), the Commission on Civil Rights is holding a meeting to discuss the Commission's business for the month. This business meeting is open to the public. Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, September 16, 2022, is *https://www.streamtext.net/player?event=USCCR.* Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

Meeting Agenda

I. Approval of Agenda
II. Business Meeting
  A. Discussion and Vote on Advisory Committee Appointments
  B. Discussion and Vote on 2023 Topics for USCCR Reports
  C. Management and Operations
  • Staff Director's Report
III. Adjourn Meeting

Dated: September 8, 2022.

Angelia Rorison,

USCCR Media and Communications Director.

[FR Doc. 2022–19785 Filed 9–8–22; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2129]

Grant of Authority; Establishment of a Foreign-Trade Zone under the Alternative Site Framework; Smith County, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18,

1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''...the establishment... of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Tyler Economic Development Council (the Grantee), a non-profit corporation, has made application to the Board (B–69–2021, docketed October 28, 2021) requesting the establishment of a foreign-trade zone under the ASF with a service area that encompasses a portion of Smith County, Texas, adjacent to the Shreveport-Bossier City Customs and Border Protection port of entry;

Whereas, notice inviting public comment has been given in the **Federal Register** (86 FR 60791–60792, November 4, 2021) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners' report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 299, as described in the application, and subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit.

Dated: September 1, 2022.

Gina M. Raimondo,

Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[FR Doc. 2022–19567 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–40–2022]

Foreign-Trade Zone 61—San Juan, Puerto Rico; Application for Subzone; Boehringer Ingelheim Animal Health Puerto Rico LLC; Barceloneta, Puerto Rico

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Department of Economic Development and Commerce, grantee of FTZ 61, requesting subzone status for the facility of Boehringer Ingelheim Animal Health Puerto Rico LLC, located in Barceloneta, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on September 6, 2022.

The proposed subzone (172 acres) is located at Road # 2 KM 56.7, Barceloneta, Puerto Rico. A notification of proposed production activity has been submitted and is being processed under 15 CFR 400.37 (Doc. B–24–2022).

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov*. The closing period for their receipt is October 24, 2022. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to November 7, 2022.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov*.

Dated: September 7, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–19625 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–159–2022]

Foreign-Trade Zone 161—Wichita, Kansas; Application for Subzone; Great Plains Manufacturing, Incorporated; Salina, Kipp, Assaria, Abilene, Enterprise, Ellsworth, Lucas and Tipton, Kansas

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Board of County Commissioners of Sedgwick County, Kansas, grantee of FTZ 161, requesting subzone status for the facilities of Great Plains Manufacturing, Incorporated (GPM), located in Salina, Kipp, Assaria, Abilene, Enterprise, Ellsworth, Lucas and Tipton, Kansas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on September 6, 2022.

The proposed subzone for GPM would consist of the following sites totaling 421.61 acres: *Site 1* (99.97 acres)—1525 East North Street, Salina, Saline County; *Site 2* (155 acres)—3861 South 9th Street, Salina, Saline County; *Site 3* (6.4 acres)—244 North Hugh Street, Kipp, Saline County; *Site 4* (14.17 acres)—108 West 2nd Street, Assaria, Saline County; *Site 5* (39.4 acres)—1100 NW 8th Street, Abilene, Dickinson County; *Site 6* (54 acres)—2150 NW 8th Street, Abilene, Dickinson County; *Site 7* (15.9 acres)—410 East 1st Street, Enterprise, Dickinson County; *Site 8* (18.53 acres)—910 East 8th Street, Ellsworth, Ellsworth County; *Site 9* (14 acres)—240 South Greeley Avenue, Lucas, Russell County; and, *Site 10* (4.24 acres)—607 Main Street, Tipton, Mitchell County. A notification of proposed production activity has been submitted and will be published separately for public comment. The proposed subzone would be subject to the existing activation limit of FTZ 161.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is October 24, 2022. Rebuttal comments in response to material submitted during the foregoing period may be submitted

during the subsequent 15-day period to November 7, 2022.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov.*

Dated: September 7, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–19626 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–836]

Sodium Nitrite From the Russian Federation: Final Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that sodium nitrite from the Russian Federation (Russia) is being, or is likely to be, sold in the United States at less than fair value (LTFV) during the period of investigation (POI) January 1, 2021, through December 31, 2021.

DATES: Applicable September 12, 2022.

FOR FURTHER INFORMATION CONTACT: Paola Aleman Ordaz, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4031.

SUPPLEMENTARY INFORMATION:

Background

On June 28, 2022, Commerce published the *Preliminary Determination* in this LTFV investigation in the **Federal Register**.[1] Although we provided interested parties with an opportunity to comment on the *Preliminary Determination,* no interested party submitted comments. Accordingly, we did not make any changes to our *Preliminary Determination* and we there is no decision memorandum that accompanies this **Federal Register** notice.

Scope of the Investigation

The product covered by this investigation is sodium nitrite in any form, at any purity level, from Russia. For a full description of the scope of this investigation, *see* the appendix to this notice.

Use of Adverse Facts Available (AFA)

Pursuant to section 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), we have continued to base the dumping margin for the sole mandatory respondent, Uralchem, JSC, upon facts otherwise available, with adverse inferences, because it failed to respond to Commerce's antidumping duty questionnaire.

All-Others Rate

As discussed in the *Preliminary Determination,* in the absence of a calculated estimated weighted-average dumping margin on the record of this investigation, Commerce has assigned the Petition[2] rate of 207.17 percent to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate adjusted for subsidy offset (percent)[3]
Uralchem, JSC	207.17	25.73
All Others	207.17	25.73

Disclosure

Normally, Commerce discloses to parties to the proceeding the calculations performed in connection with a final determination within five days of any public announcement of the final determination or, if there is no public announcement, within five days of the date of publication of the notice of the final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce based the sole respondent's dumping margin on the Petition rate, there are no calculations to disclose.

Continuation of Suspension of Liquidation

Commerce will direct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of entries of the merchandise described in the scope of this investigation where that merchandise was entered, or withdrawn from warehouse, for consumption on or after June 28, 2022, which is the date of publication of the *Preliminary Determination* in this investigation in the **Federal Register**. Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will also instruct CBP to require the posting of an antidumping duty cash deposit.

Commerce normally adjusts estimated weighted-average dumping margins determined in an LTFV investigation by the amount of the export subsidies countervailed in a companion countervailing duty (CVD) investigation to determine the antidumping duty cash deposit rates. Because there is a

[1] *See Sodium Nitrite from the Russian Federation: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 87 FR 38377 (June 28, 2022) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See* Chemtrade Chemicals US LLC's Letters ''Sodium Nitrite from India and Russia: Antidumping and Countervailing Duty Petitions,'' dated January 13, 2022 (Petition); and ''Petition for the Imposition of Antidumping Duties on Imports of Sodium Nitrite from Russia: Responses to Second Supplemental Questions Regarding the Antidumping Duty Petition,'' dated January 27, 2022, at Exhibit IV–34.

[3] In the final determination in the companion countervailing duty (CVD) investigation, Commerce applied the AFA rate of 45.36 percent to each of the following export subsidy programs: (1) Preferential Lending by Sberbank to Restructure $3.99 Billion in Uralchem Debt; (2) State Financing for Industrial Export Projects; (3) Russian Export Center (REC) Lending; and (4) State Specialized Russian Export-Import Bank (Eximbank) Financing. We subtracted 181.44 percent, the sum of the export subsidy rates, from the estimated weighted-average dumping margin of 207.17 percent to derive the 25.73 percent cash deposit rate. *See Sodium Nitrite from the Russian Federation: Final Affirmative Countervailing Duty Determination,* 87 FR 38375 (June 28, 2022) (*Final CVD Determination*).

companion CVD investigation in this case,[4] we offset the estimated weighted-average dumping margins listed in the table above by the appropriate export subsidy rate to derive the cash deposit rates listed in the table.

Should the provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting estimated antidumping duty cash deposits equal to the estimated weighted-average dumping margins listed in the table above.

The cash deposit requirements are as follows: (1) the cash deposit rate for Uralchem, JSC is the cash deposit rate listed for that company in the table above; (2) if the exporter of the subject merchandise is not identified in the table above, but the producer is, then the cash deposit rate will be equal to the company-specific cash deposit rate established for the producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others cash deposit rate listed in the table above.

These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, before the later of 120 days after the date that Commerce made its affirmative preliminary determination in this investigation or 45 days after the date of this final determination. If the ITC determines that material injury, or the threat of material injury, does not exist, the proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that material injury, or the threat of material injury, exists, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

[4] *See Final CVD Determination.*

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely 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 the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination is being issued and published in accordance with sections 735(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: September 6, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The product covered by this investigation is sodium nitrite in any form, at any purity level. In addition, the sodium nitrite covered by this investigation may or may not contain an anti-caking agent. Examples of names commonly used to reference sodium nitrite are nitrous acid, sodium salt, anti-rust, diazotizing salts, erinitrit, and filmerine. Sodium nitrite's chemical composition is $NaNO_2$, and it is generally classified under subheading 2834.10.1000 of the Harmonized Tariff Schedule of the United States (HTSUS). The American Chemical Society Chemical Abstract Service (CAS) has assigned the name ''sodium nitrite'' to sodium nitrite. The CAS registry number is 7632–00–0. For purposes of the scope of this investigation, the narrative description is dispositive, not the tariff heading, CAS registry number or CAS name, which are provided for convenience and customs purposes.

[FR Doc. 2022–19655 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2019 and Notice of Amended Final Results of Countervailing Duty Review, 2019; Corrections

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

ACTION: Notice; corrections.

SUMMARY: The U.S. Department of Commerce (Commerce) published a notice in the **Federal Register** on July 7, 2022, in which Commerce announced the final results, and partial rescission, of the 2019 administrative review of the countervailing duty (CVD) order on crystalline silicon photovoltaic cells, whether or not assembled into modules, (solar cells) from the People's Republic of China (China). This notice inadvertently included two companies in Appendix III, which is a list of companies for which Commerce rescinded the review, instead of listing them in Appendix II, which is a list of ''Non-Selected Companies Under Review.'' We also incorrectly titled Appendix III ''Intent to Rescind Review, In Part,'' instead of ''Rescission of Review, In Part.'' Further, Commerce also published a notice in the **Federal Register** of August 15, 2022, in which Commerce amended the final results of the administrative review. In this notice, Commerce also inadvertently did not list the same two companies as ''Non-Selected Companies Under Review'' in the appendix. We are correcting these inadvertent errors with this notice, as described below.

FOR FURTHER INFORMATION CONTACT: Robert Copyak, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3642.

SUPPLEMENTARY INFORMATION:

Corrections

In the **Federal Register** of July 7, 2022, in FR Doc 2022–14420, on page 40493 in the third column and on 40494 in the first column, correct Appendix III to: (1) change the title to ''Rescission of Review, In Part''; and (2) exclude ''26. LERRI Solar Technology Co., Ltd.'' and

''47. Zhejiang Jinko Solar Co., Ltd.'' by replacing Appendix III with the attached version. On page 40493 in the third column, correct Appendix II to include ''LERRI Solar Technology Co., Ltd.'' and ''Zhejiang Jinko Solar Co., Ltd.'' by replacing Appendix II with the attached version.

In addition, in the **Federal Register** of August 15, 2022, in FR Doc 2022–17470, on page 50071 in the first column, correct the appendix to include ''LERRI Solar Technology Co., Ltd.'' and ''Zhejiang Jinko Solar Co., Ltd.'' by replacing the appendix with the attached version.

Background

On July 7, 2022, Commerce published in the **Federal Register** the final results of the 2019 administrative review of the CVD order on solar cells from China.[1] We incorrectly titled Appendix III ''Intent to Rescind Review, In Part'' instead of ''Rescission of Review, In Part.'' We also incorrectly included ''26. LERRI Solar Technology Co., Ltd.'' and ''47. Zhejiang Jinko Solar Co., Ltd.'' The corrected Appendix III, which includes the correct title and does not include these two companies, is attached to this notice. These two companies should have been listed in Appendix II, which is the list of non-selected companies under review. The corrected Appendix II, which includes these two companies, is attached to this notice.

On August 15, 2022, Commerce published in the **Federal Register** the amended final results of the 2019 administrative review of the CVD order on solar cells from China.[2] In the appendix, we incorrectly did not include ''LERRI Solar Technology Co., Ltd.'' and ''Zhejiang Jinko Solar Co., Ltd.'' The corrected appendix, which includes these two companies, is attached to this notice.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(l), 751(a)(2)(B), and 777(i) of the Tariff Act of 1930, as amended.

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2019,* 87 FR 40491 (July 7, 2022), and accompanying Issues and Decision Memorandum.

[2] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Notice of Amended Final Results Countervailing Duty Administrative Review; 2019,* 87 FR 50069 (August 15, 2022).

Dated: September 6, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

Non-Selected Companies Under Review

1. Canadian Solar International Limited
2. Canadian Solar Manufacturing (Changshu) Inc.
3. Canadian Solar Manufacturing (Luoyang) Inc.
4. Chint Solar (Zhejiang) Co., Ltd.
5. CSI Cells Co., Ltd.
6. CSI–GCL Solar Manufacturing (Yancheng) Co., Ltd.
7. Hengdian Group DMEGC Magnetics Co., Ltd.
8. Jinko Solar Co., Ltd.
9. Jinko Solar Import and Export Co., Ltd.
10. LONGi Solar Technology Co., Ltd.
11. Suntech Power Co., Ltd.
12. Yingli Energy (China) Co., Ltd.
13. LERRI Solar Technology Co., Ltd.
14. Zhejiang Jinko Solar Co., Ltd.

Appendix II

Non-Selected Companies Under Review

1. Canadian Solar International Limited
2. Canadian Solar Manufacturing (Changshu) Inc.
3. Canadian Solar Manufacturing (Luoyang) Inc.
4. Chint Solar (Zhejiang) Co., Ltd.
5. CSI Cells Co., Ltd.
6. CSI–GCL Solar Manufacturing (Yancheng) Co., Ltd.
7. Hengdian Group DMEGC Magnetics Co., Ltd.
8. Jinko Solar Co., Ltd.
9. Jinko Solar Import and Export Co., Ltd.
10. LONGi Solar Technology Co., Ltd.
11. Suntech Power Co., Ltd.
12. Yingli Energy (China) Co., Ltd.
13. LERRI Solar Technology Co., Ltd.
14. Zhejiang Jinko Solar Co., Ltd.

Appendix III

Rescission of Review, In Part

1. Astronergy Co., Ltd.
2. Astronergy Solar
3. Baoding Jiasheng Photovoltaic Technology Co., Ltd.
4. Baoding Tianwei Yingli New Energy Resources Co., Ltd.
5. Boviet Solar Technology Co., Ltd.
6. BYD (Shangluo) Industrial Co., Ltd.
7. Chint New Energy Technology (Haining) Co., Ltd.
8. Chint Solar (Hong Kong) Company Limited
9. Chint Solar (Jiuquan) Co., Ltd.
10. CSI Modules (Dafeng) Co., Ltd.
11. DelSolar (Wujiang) Ltd.
12. DelSolar Co., Ltd.
13. De-Tech Trading Limited HK
14. Dongguan Sunworth Solar Energy Co., Ltd.
15. Eoplly New Energy Technology Co., Ltd.
16. ERA Solar Co., Ltd.
17. ET Solar Energy Limited
18. Fuzhou Sunmodo New Energy Equipment Co., Ltd.
19. GCL System Integration Technology Co. Ltd
20. Hainan Yingli New Energy Resources Co., Ltd.
21. Hangzhou Sunny Energy Science and Technology Co., Ltd.
22. Hengshui Yingli New Energy Resources Co., Ltd.
23. Jiangsu High Hope Int'l Group
24. Jinko Solar International Limited
25. JinkoSolar Technology (Haining) Co., Ltd.
26. LightWay Green New Energy Co., Ltd.
27. Lixian Yingli New Energy Resources Co., Ltd.
28. Longi (HK) Trading Ltd.
29. Ningbo ETDZ Holdings, Ltd.
30. ReneSola Jiangsu Ltd.
31. Renesola Zhejiang Ltd.
32. Shenzhen Yingli New Energy Resources Co., Ltd.
33. Sumec Hardware & Tools Co., Ltd.
34. Sunpreme Solar Technology (Jiaxing) Co., Ltd.
35. Suntimes Technology Co., Limited
36. Systemes Versilis, Inc.
37. Taimax Technologies Inc.
38. Talesun Energy
39. Talesun Solar
40. tenKsolar (Shanghai) Co., Ltd.
41. Tianjin Yingli New Energy Resources Co., Ltd.
42. Tianneng Yingli New Energy Resources Co., Ltd.
43. Toenergy Technology Hangzhou Co., Ltd.
44. Yingli Green Energy International Trading Company Limited
45. Zhejiang ERA Solar Technology Co., Ltd.
46. Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company
47. Trina Solar Co., Ltd. (formerly Changzhou Trina Solar Energy Co., Ltd.)[3]
48. Changzhou Trina Solar Yabang Energy Co., Ltd.
49. Trina Solar (Changzhou) Science and Technology Co., Ltd.
50. Turpan Trina Solar Energy Co., Ltd.
51. Hubei Trina Solar Energy Co., Ltd.
52. Yancheng Trina Solar Energy Technology Co., Ltd.

[FR Doc. 2022–19628 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–874]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Final Results of Countervailing Duty Administrative Review; 2020

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds countervailable subsidies are being provided to producers and exporters of

[3] During the administrative review, this company was imprecisely referenced as Trina Solar Energy Co. Ltd. *See* Trina Solar's Letter, ''Letter in Lieu of Case Brief,'' dated May 16, 2022.

certain cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) from India during the period of review, January 1, 2020, through December 31, 2020.

DATES: Applicable September 12, 2022.

FOR FURTHER INFORMATION CONTACT: Eric Hawkins, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1988.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of this review on March 3, 2022.[1] On June 21, 2022, Commerce extended the deadline for the final results of this review until August 30, 2022.[2] For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[3]

Scope of the Order [4]

The merchandise covered by the *Order* is cold-drawn mechanical tubing from India. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised by interested parties and to which we responded in the Issues and Decision Memorandum is provided in an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we made certain changes for these final results of review.

Methodology

Commerce conducted this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.,* a financial contribution from a government or public entity that gives rise to a benefit to the recipient, and the subsidy is specific.[5] For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum.

Companies Not Selected for Individual Review

We made no changes to the methodology for determining a rate for companies not selected for individual examination from the *Preliminary Results.* However, due to changes in calculations for Tube Investments of India Ltd., the non-selected rate changed for each of the non-selected companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents.[6]

Final Results of Review

We determine the total estimated net countervailable subsidy rates for the period January 1, 2020, through December 31, 2020, to be as follows:

Company	Subsidy rate (percent *ad valorem*)
Goodluck India Limited [7]	3.30
Tube Investments of India Ltd [8]	5.94
Review-Specific Average Rate Applicable to the Following Companies	
KLT Automotive and Tubular Products Limited	4.07
Metamorphosis Engitech India Private Limited	4.07
Pennar Industries Limited India	4.07

Disclosure

Commerce will disclose to interested parties the calculations performed in connection with final results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rate

Consistent with section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after publication of these final results. 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

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to an

[1] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Preliminary Results of Countervailing Duty Administrative Review; 2020,* 87 FR 12084 (March 3, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Extension of Deadline for Final Results of Countervailing Duty Administrative Review, 2020,'' dated June 21, 2022.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Countervailing Duty Administrative Review: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India; 2020,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China and India: Countervailing Duty Orders,* 83 FR 4637 (February 1, 2018) (*Order*); *see also Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from the People's Republic of China and India: Countervailing Duty Orders; Correction,* 86 FR 30595 (June 9, 2021).

[5] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[6] *See* Memorandum, ''Calculation of Subsidy Rate for Non-Selected Companies Under Review,'' dated concurrently with this notice.

[7] Entries for Goodluck India Limited may have been made under the following company names: Goodluck India Limited (formerly Good Luck Steel Tubes Limited); Good Luck Steel Tubes Limited Good Luck House; and Good Luck Industries.

[8] Tube Investments of India Ltd. is also known as Tube Investments of India Limited.

administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: August 30, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Subsidies Valuation Information
VI. Analysis of the Programs
VII. Discussion of the Issues
Comment 1: Whether to Correct for Certain Calculation Errors for TII
Comment 2: Countervailability of Steel Authority of India Ltd. (SAIL) for Less Than Adequate Renumeration (LTAR) Program
Comment 3: Whether to Revise the Calculation for the Merchandise Export from India Scheme (MEIS) for TII
Comment 4: Whether to Countervail Certain Programs Located in a Special Economic Zone (SEZ)
Comment 5: Whether to Include Deemed Exports in Certain Denominators
VIII. Recommendation

[FR Doc. 2022–19629 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

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

SUMMARY: On August 25, 2022, the U.S. Court of International Trade (CIT) issued its final judgment in *Saha Steel Pipe Public Company, Ltd* v. *United States,* Court No. 20–00133, Slip Op. 22–99 (*Saha Steel*), sustaining the Department of Commerce (Commerce)'s final results of redetermination pertaining to the scope ruling for the antidumping duty (AD) order on circular welded carbon steel pipes and tubes (CWP) from Thailand. In the redetermination, Commerce found that dual-stenciled standard pipe and line pipe are outside the scope of the order, pursuant to the CIT's remand order in *Saha Thai Steel Pipe Public Company Ltd* v. *United States,* 547 F. Supp. 3d 1278 (CIT Oct. 6, 2021) (*Remand Order*). Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final scope ruling, and that Commerce is amending the scope ruling to find that dual-stenciled standard pipe and line pipe are outside the scope of the order.

DATES: Applicable September 4, 2022.

FOR FURTHER INFORMATION CONTACT: Leo Ayala, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3945.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2020, in its Final Scope Ruling, Commerce found that dual-stenciled standard pipe and line pipe, products which are stenciled as meeting industry standards for both standard pipe and line pipe, are within the scope of the AD order on CWP from Thailand.[1] Commerce also found that line pipe, which is not dual-stenciled as standard pipe and line pipe, is not within the scope of the *Order.*[2]

Saha Thai Steel Pipe Public Company Ltd. appealed Commerce's Final Scope Ruling with respect to its determination on dual-stenciled standard pipe and line pipe. On October 6, 2021, the CIT remanded the Final Scope Ruling to Commerce to conduct an analysis that reconsidered the sources listed in 19 CFR 351.225(k)(1) to determine whether dual-stenciled pipe, which is certified for use in standard pipe or line pipe applications, falls within the scope of the *Order.*[3] In accordance with the CIT's analysis and conclusions, Commerce issued its final results of redetermination, submitted to the CIT on April 22, 2022, in which Commerce, under protest, concluded that dual-stenciled standard pipe and line pipe are outside the scope of the *Order.*[4] The CIT subsequently sustained Commerce's Amended Final Redetermination.[5]

Timken Notice

In its decision in *Timken,*[6] as clarified by *Diamond Sawblades,*[7] the Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's August 25, 2022, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's Final Scope Ruling. Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Scope Ruling

In accordance with the CIT's August 25, 2022, final judgment, Commerce is amending its Final Scope Ruling and determines that the scope of the *Order* does not cover dual-stenciled standard pine and line pipe addressed in the Final Scope Ruling.

Liquidation of Suspended Entries

Commerce will instruct U.S. Customs and Border Protection (CBP) that, pending any appeals, the cash deposit rate will be zero percent for entries of dual-stenciled standard pipe and line pipe produced in Thailand. In the event that the CIT's final judgment is not appealed or is upheld on appeal, Commerce will instruct CBP to lift suspension of liquidation of such

[1] *See* Memorandum, ''Antidumping Duty Order on Circular Welded Carbon Steel Pipes and Tubes from Thailand: Final Scope Ruling on Line Pipe and Dual-Stenciled Standard and Line Pipe,'' dated June 30, 2020 (Final Scope Ruling). *See also Antidumping Duty Order; Circular Welded Carbon Steel Pipes and Tubes from Thailand,* 51 FR 8341 (March 11, 1986) (*Order*).

[2] *See* Final Scope Ruling.

[3] *See Remand Order.*

[4] *See* ''*Saha Thai Steel Pipe Public Company, Ltd.,* v. *United States,* Court No. 1:20–cv–133, Slip Op. 21–135 (CIT October 6, 2021)—Amended Final Results of Redetermination Pursuant to Court Remand'' dated April 22, 2022. (Amended Final Redetermination). Commerce previously submitted a final results of redetermination on January 4, 2022. *See Saha Thai Steel Pipe Public Company, Ltd.,* v. *United States,* Court No. 1:20–cv–133, Slip Op. 21–135 (CIT October 6, 2021)—Final Results of Redetermination Pursuant to Court Remand,'' ECF No. 58. However, on a motion by the government, the Court granted Commerce leave to amend the final results of redetermination by removing extraneous legal arguments, and to submit an amended final results of redetermination. *See* Amended Final Redetermination.

[5] *See Saha Steel.*

[6] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[7] See *Diamond Sawblades Manufacturers Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

entries, and to liquidate entries of dual-stenciled standard pipe and line pipe produced in Thailand without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e), and 777(i)(1) of the Act.

Dated: September 1, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–19630 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC353]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 82 South Atlantic Gray Triggerfish Post-Data Workshop Webinar.

SUMMARY: The SEDAR 82 assessment of the South Atlantic stock of Gray Triggerfish will consist of a data workshop, a series of assessment webinars, and a review workshop. A SEDAR 82 Post-Data Workshop webinar is scheduled for October 3, 2022.

DATES: The SEDAR 82 South Atlantic Gray Triggerfish Post-Data Workshop via webinar has been scheduled for October 3, 2022, from 11 a.m. until 2 p.m. eastern. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Registration for the webinar is available by contacting the SEDAR coordinator via email at *Kathleen.Howington@safmc.net.*

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4371; email: *Kathleen.Howington@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the SEDAR 82 South Atlantic Gray Triggerfish Post-Data Workshop webinar are as follows: finalize any data decisions and discuss writing requirements.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 7, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–19650 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC343]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Coastal Pelagic Species Management Team (CPSMT) will hold a public meeting.

DATES: The meeting will be held Tuesday, September 27 and Wednesday, September 28, 2022, from 8:30 a.m. to 5 p.m. Pacific daylight time and Thursday, September 29, 2022, from 8:30 a.m. to 1 p.m. or until business for the day has been completed.

ADDRESSES: This meeting will be held at the Buzzelli/Loeb Room (Room 155) of the Scripps Institute of Oceanography at 8610 Kennel Way, La Jolla, CA 92037.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Jessi Doerpinghaus, Staff Officer, Pacific Council; telephone: (503) 820–2415.

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting is to discuss and potentially develop work products and recommendations for the Pacific Council's November 2022 meeting and April 2023 meeting. Topics will include Fishery Management Plan

housekeeping, stock assessment prioritization, and essential fish habitat review. Other items on the Pacific Council's November agenda or future Council agendas may be discussed as well. The CPSMT will also be discussing changes to the CPS stock assessment and fishery evaluation (SAFE) document. The meeting agenda will be available on the Pacific Council's website in advance of the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: September 7, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–19651 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC323]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of issuance of Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that a Letter of Authorization (LOA) has been issued to WesternGeco for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

DATES: The LOA is effective from August 31, 2022, through April 18, 2023.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: *www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively ''industry operators''), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

Summary of Request and Analysis

WesternGeco plans to conduct a 3D ocean bottom node (OBN) survey in the Green Canyon and Walker Ridge protraction areas, including approximately 322 lease blocks. Approximate water depths of the survey area range from 1,000 to 2,500 meters (m). See Section F of the LOA application for a map of the area.

WesternGeco anticipates using two triple source vessels, towing airgun array sources consisting of 22 elements, with a total volume of 5,370 cubic inches (in^3). Please see WesternGeco's application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by WesternGeco in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5398, January 19, 2021). In order to generate the

appropriate take numbers for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone [1]); (3) number of days; and (4) season.[2] The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No 3D OBN surveys were included in the modeled survey types, and use of existing proxies (*i.e.,* 2D, 3D NAZ, 3D WAZ, Coil) is generally conservative for use in evaluation of 3D OBN survey effort, largely due to the greater area covered by the modeled proxies. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29220, June 22, 2018). Coil was selected as the best available proxy survey type in this case because the spatial coverage of the planned survey is most similar to the coil survey pattern. The planned 3D OBN survey will involve two source vessels sailing along survey lines approximately 30 km in length. The coil survey pattern was assumed to cover approximately 144 kilometers squared (km^2) per day (compared with approximately 795 km^2, 199 km^2, and 845 km^2 per day for the 2D, 3D NAZ, and 3D WAZ survey patterns, respectively). Among the different parameters of the modeled survey patterns (*e.g.,* area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Although WesternGeco is not proposing to perform a survey using the coil geometry, its planned 3D OBN survey is expected to cover approximately 115 km^2 per day, meaning that the coil proxy is most representative of the effort planned by WesternGeco in terms of predicted Level B harassment exposures.

In addition, all available acoustic exposure modeling results assume use of a 72-element, 8,000 in^3 array. Thus, estimated take numbers for this LOA are considered conservative due to differences between the airgun array planned for use (22 elements, 5,370 in^3) and the proxy array modeled for the rule.

The survey will take place over approximately 85 days, including 69 days of sound source operation. The survey plan includes 54 days within Zone 5 and 15 days within Zone 7. The seasonal distribution of survey days is not known in advance. Therefore, the take estimates for each species are based on the season that produces the greater value.

Additionally, for some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. This can result in unrealistic projections regarding the likelihood of encountering particularly rare species and/or species not expected to occur outside particular habitats. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, our rule acknowledged that other information could be considered (see, *e.g.,* 86 FR 5442 (January 19, 2021), discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate for certain marine mammal species produces results that are inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates for those species as described below.

Rice's whales (formerly known as GOM Bryde's whales) [3] are mostly found in a ''core habitat area'' located in the northeastern GOM in waters between 100–400 m depth along the continental shelf break (Rosel *et al.,* 2016). (Note that this core habitat area is outside the scope of the rule.) However, whaling records suggest that Rice's whales historically had a broader distribution within similar habitat parameters throughout the GOM (Reeves *et al.,* 2011; Rosel and Wilcox, 2014). In addition, habitat-based density modeling identified similar habitat (*i.e.,* approximately 100–400 m water depths along the continental shelf break) as being potential Rice's whale habitat (Roberts *et al.,* 2016), although the core habitat area contained approximately 92 percent of the predicted abundance of Rice's whales. See discussion provided at, *e.g.,* 83 FR 29228, 83 FR 29280 (June 22, 2018); 86 FR 5418 (January 19, 2021).

Although Rice's whales may occur outside of the core habitat area, we expect that any such occurrence would be limited to the narrow band of suitable habitat described above (*i.e.,* 100–400 m) and that, based on the few available records, these occurrences would be rare. WesternGeco's planned activities will occur in water depths of approximately 1,000–2,500 m in the central GOM. Thus, NMFS does not expect there to be the reasonable potential for take of Rice's whale in association with this survey and, accordingly, does not authorize take of Rice's whale through this LOA.

Killer whales are the most rarely encountered species in the GOM, typically in deep waters of the central GOM (Roberts *et al.,* 2015; Maze-Foley and Mullin, 2006). As discussed in the final rule, the density models produced by Roberts *et al.* (2016) provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. GOM. The predictions represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few data, as indicated by the coefficient of variation associated with the abundance predicted by the model (0.41, the second-highest of any GOM species model; Roberts *et al.,* 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species and expressed that, due to the limited data available to inform the model, it ''should be viewed cautiously'' (Roberts *et al.,* 2015).

NOAA surveys in the GOM from 1992–2009 reported only 16 sightings of killer whales, with an additional three encounters during more recent survey effort from 2017–18 (Waring *et al.,* 2013; *www.boem.gov/gommapps*). Two other species were also observed on less than 20 occasions during the 1992–2009 NOAA surveys (Fraser's dolphin and false killer whale [4]). However,

[1] For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

[2] For purposes of acoustic exposure modeling, seasons include Winter (December-March) and Summer (April-November).

[3] The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.,* 2021).

[4] However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

observational data collected by protected species observers (PSOs) on industry geophysical survey vessels from 2002–2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69 occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002–2008 and 2009–2015). This information qualitatively informed our rulemaking process, as discussed at 86 FR 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounter during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia* spp. or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor affecting detectability of killer whales from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that killer whales spent 78 percent of their time at depths between 0–10 m. Similarly, Kvadsheim *et al.* (2012) reported data from a study of four killer whales, noting that the whales performed 20 times as many dives to 1–30 m depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. In addition, as noted above in relation to the general take estimation methodology, the assumed proxy source (72-element, 8,000-in^3 array) results in a significant overestimate of the actual potential for take to occur. NMFS' determination in reflection of the information discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales for this survey would result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5403, January 19, 2021).

In past authorizations, NMFS has often addressed situations involving the low likelihood of encountering a rare species such as killer whales in the GOM through authorization of take of a single group of average size (*i.e.,* representing a single potential encounter). See 83 FR 63268; December 7, 2018. See also 86 FR 29090; May 28, 2021 and 85 FR 55645; September 9, 2020. For the reasons expressed above, NMFS determined that a single encounter of killer whales is more likely than the model-generated estimates and has authorized take associated with a single group encounter (*i.e.,* up to 7 animals).

Based on the results of our analysis, NMFS has determined that the level of taking authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations for the affected species or stocks of marine mammals. See Table 1 in this notice and Table 9 of the rule (86 FR 5322, January 19, 2021).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed ''small numbers.'' In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see NMFS' discussion of the MMPA's small numbers requirement provided in the final rule (86 FR 5438, January 19, 2021).

The take numbers for authorization are determined as described above in the Summary of Request and Analysis section. Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than one day (see 86 FR 5404, January 19, 2021). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS' small numbers determinations, as depicted in Table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5391, January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and model-predicted abundance information (*https://seamap.env.duke.edu/models/Duke/GOM/*). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.,* 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in Table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take [1]	Abundance [2]	Percent abundance
Rice's whale	0	n/a	51	n/a
Sperm whale	1,500	634.4	2,207	28.7
Kogia spp	[3] 582	176.4	4,373	4.8
Beaked whales	6,970	704.0	3,768	18.7
Rough-toothed dolphin	1,208	346.8	4,853	7.1
Bottlenose dolphin	5,111	1,466.8	176,108	0.8

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take	Scaled take [1]	Abundance [2]	Percent abundance
Clymene dolphin	3,377	969.3	11,895	8.1
Atlantic spotted dolphin	2,040	585.5	74,785	0.8
Pantropical spotted dolphin	17,180	4,930.7	102,361	4.8
Spinner dolphin	3,768	1,081.5	25,114	4.3
Striped dolphin	1,363	391.3	5,229	7.5
Fraser's dolphin	397	113.9	1,665	6.8
Risso's dolphin	947	279.3	3,764	7.4
Melon-headed whale	2,215	653.3	7,003	9.3
Pygmy killer whale	577	170.2	2,126	8.0
False killer whale	868	256.1	3,204	8.0
Killer whale	7	n/a	267	2.6
Short-finned pilot whale	594	175.2	1,981	8.8

[1] Scalar ratios were applied to ''Authorized Take'' values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

[2] Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.,* 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For the killer whale, the larger estimated SAR abundance estimate is used.

[3] Includes 32 takes by Level A harassment and 550 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

Based on the analysis contained herein of WesternGeco's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes and therefore is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to WesternGeco authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: September 7, 2022.

Catherine G. Marzin,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–19611 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC318]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of issuance of Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that a Letter of Authorization (LOA) has been issued to Shell Offshore Inc. (Shell) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

DATES: The LOA is effective from October 1, 2022, through August 31, 2023.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: *www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i)

has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively ''industry operators''), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

Summary of Request and Analysis

Shell plans to conduct a 3D ocean bottom node (OBN) survey in Garden Banks Lease Block GB555 and GB556 and the surrounding 414 lease blocks, with approximate water depths ranging from 150 to 1,975 meters (m). See Section F of the LOA application for a map of the area.

Shell anticipates using two dual source vessels, towing either low-frequency tuned pulse sources (TPS) or conventional airgun array sources. Use of the TPS is preferred by Shell, but the airgun array sources may be used if the TPS are not available, or if the TPSs fail during acquisition. The airgun array sources would consist of 32 elements, with a total volume of 5,110 cubic inches (in^3).

The TPS was not included in the acoustic exposure modeling developed in support of the rule. However, the rule anticipated the possibility of new and unusual technologies (NUT) and determined they would be evaluated on a case-by case basis (86 FR 5322, 5442, January 19, 2021). This source has previously been evaluated through the NUT process as described in the notice of issuance of a previous LOA to Shell (86 FR 37309, July 15, 2021). Please see that notice for additional discussion.

The TPS operates on the same basic principles as a traditional airgun source in that it uses compressed air to create a bubble in the water column which then goes through a series of collapses and expansions creating primarily low-frequency sounds. The difference between the two sources is that the TPS releases a larger volume of air (the TPS planned for use here has a volume of 28,000 in^3 per element, whereas the standard airgun array used in the acoustic exposure modeling supporting the rule has a total volume of 8,000 in^3), but at lower pressure (the TPS operates at 1,000 pounds per square inch (psi), whereas traditional airguns are typically operated at 2,000 psi). This creates a larger bubble resulting in more of the energy being concentrated in low-frequencies. The release of the air is also ''tuned'' so that the primary signal has an extended rise time and lower peak pressure level than that of a traditional airgun array source. The results of initial acoustic modeling, quarry tests, and field measurements of TPS sources show the sounds produced have lower peak pressures and less energy at higher frequencies than conventional airgun arrays. We discussed the results of initial modeling and of acoustic tests performed in a quarry in the aforementioned notice of LOA issuance (July 15, 2021, 86 FR 37309). During the survey associated with that notice, field measurements of a 26,500-in^3 TPS were obtained using a hydrophone recorder on the seafloor at 2,830 m water depth directly below the operating sources.

The newer data confirm that the TPS produces more sound at lower frequencies (approximately 2–4 Hertz (Hz)) compared to an airgun source, while producing much less sound (lower decibel levels) at frequencies above 4 Hz, meaning that the source produces significantly reduced energy at frequencies used by marine mammals for hearing and communication. This means that even for species in the low-frequency hearing group (mysticete whales) most affected by seismic survey sounds, the TPS is expected to have less impact than a traditional airgun array in terms of overlap with frequencies the species use. Potential impacts on mid- and high-frequency hearing groups will be reduced even more.

Besides producing less energy in frequencies used by marine mammals, the TPS produces sounds with overall lower energy at the source. Test data for the TPS were obtained at a quarry, showing that the source produces significantly less output than a traditional airgun array at all frequencies above 5 Hz. For example, the measured source level (at the typical reference distance of 1 m) has a peak sound pressure level (SPL_{peak}) of 236 decibels (dB), approximately 19 dB less than the modeled SPL_{peak} source level for the 8,000-in^3 airgun array used in the acoustic exposure modeling. For every 6-dB reduction in source level, the approximate distance to the same threshold level would be cut in half, meaning that there would be more than an 8-fold reduction in distance to SPL_{peak} thresholds. This reduction would be even greater when considering the actual 5,110-in^3 airgun array that may be used as a secondary option for this planned survey, with SPL_{peak} source level approximately 25 dB greater than the TPS. The same relative reduction would apply to root mean square SPL threshold distances as well.

There would also be a significant reduction in the likelihood that auditory injury could result from the accumulation of energy (which is expected to dictate occurrence of injury for low-frequency cetaceans). The much lower peak sound pressure levels near the source and extended rise time reduce the potential for auditory injury (Level A harassment) for all marine mammal species, since these are the two main physical characteristics of impulsive sounds that are considered most injurious.

The planned survey may use two 28,000-in^3 TPS sources discharged simultaneously, versus the single 26,500-in^3 source measured during field trials. The relative difference in output between a single 28,000-in^3 source and single 26,500-in^3 source is indicated by the cube root of the ratio of the two volumes, equating to an approximate 2 percent increase in source level. Therefore, evaluation of the source levels measured for the 26,500-in^2 source is a reasonable approximation. Adding a second source identical to the first effectively doubles the combined output resulting in a 6-dB increase in the source level. Even with the increased sound levels, the dual TPS

source is anticipated to produce much lower sound levels than a conventional source array at all frequencies above approximately 5 Hz.

These factors lead to a conclusion that take by Level B harassment associated with use of the TPS would be less than would occur for a similar survey instead using the modeled airgun array as a sound source, and that use of the TPS results in lower potential for the occurrence of Level A harassment than does use of the modeled airgun array. Based on the foregoing, we have determined there will be no effects of a magnitude or intensity different from those evaluated in support of the rule. Moreover, use of modeling results relating to use of the 72 element, 8,000-in^3 airgun array are expected to be significantly conservative as a proxy for use in evaluating potential impacts of use of the TPS.

Consistent with the preamble to the final rule, the survey effort proposed by Shell in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5398, January 19, 2021). In order to generate the appropriate take numbers for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone [1]); (3) number of days; and (4) season.[2] The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No 3D OBN surveys were included in the modeled survey types, and use of existing proxies (*i.e.,* 2D, 3D NAZ, 3D WAZ, Coil) is generally conservative for use in evaluation of 3D OBN survey effort, largely due to the greater area covered by the modeled proxies. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29212, 29220, June 22, 2018). Coil was selected as the best available proxy survey type in this case because the spatial coverage of the planned survey is most similar to the coil survey pattern. The planned 3D OBN survey will involve two source vessels sailing along survey lines ranging in length from approximately 20–95 km in length. The coil survey pattern was assumed to cover approximately 144 kilometers squared (km^2) per day (compared with approximately 795 km^2, 199 km^2, and 845 km^2 per day for the 2D, 3D NAZ, and 3D WAZ survey patterns, respectively). Among the different parameters of the modeled survey patterns (*e.g.,* area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Although Shell is not proposing to perform a survey using the coil geometry, its planned 3D OBN survey is expected to cover approximately 140 km^2 per day, meaning that the coil proxy is most representative of the effort planned by Shell in terms of predicted Level B harassment exposures.

In addition, all available acoustic exposure modeling results assume use of a 72-element, 8,000 in^3 array. Thus, estimated take numbers for this LOA are considered conservative due to differences between the acoustic source planned for use (TPS or 32 element, 5,200 in^3 airgun array) and the proxy array modeled for the rule.

The survey will take place over approximately 105 days, including 63 days of sound source operation, all within Zone 5. The seasonal distribution of survey days is not known in advance. Therefore, the take estimates for each species are based on the season that produces the greater value.

Additionally, for some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. This can result in unrealistic projections regarding the likelihood of encountering particularly rare species and/or species not expected to occur outside particular habitats. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, our rule acknowledged that other information could be considered (see, *e.g.,* 86 FR 5442 (January 19, 2021), discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate for certain marine mammal species produces results that are inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates for those species as described below.

Rice's whales (formerly known as GOM Bryde's whales) [3] are mostly found in a ''core habitat area'' located in the northeastern GOM in waters between 100–400 m depth along the continental shelf break (Rosel *et al.,* 2016). (Note that this core habitat area is outside the scope of the rule.) However, whaling records suggest that Rice's whales historically had a broader distribution within similar habitat parameters throughout the GOM (Reeves *et al.,* 2011; Rosel and Wilcox, 2014). In addition, habitat-based density modeling identified similar habitat (*i.e.,* approximately 100–400 m water depths along the continental shelf break) as being potential Rice's whale habitat (Roberts *et al.,* 2016), although the core habitat area contained approximately 92 percent of the predicted abundance of Rice's whales. See discussion provided at, *e.g.,* 83 FR 29228, 83 FR 29280 (June 22, 2018); 86 FR 5418 (January 19, 2021).

There are few data on Rice's whale occurrence outside of the northeastern GOM core habitat area. There were two sightings of unidentified large baleen whales (recorded as *Balaenoptera* sp. or Bryde's/sei whale) in 1992 in the western GOM during systematic survey effort and, more recently, a NOAA survey reported observation of a Rice's whale in the western GOM in 2017 (NMFS, 2018). There were five potential sightings of Rice's whales by protected species observers (PSOs) aboard industry geophysical survey vessels west of New Orleans from 2010–2014, all within the 200–400 m isobaths (Rosel *et al.,* 2021). In addition, sporadic, year-round recordings of Rice's whale calls were made south of Louisiana within approximately the same depth range between 2016 and 2017 (Soldevilla *et al.,* 2022).

Although Rice's whales may occur outside of the core habitat area, we expect that any such occurrence would be limited to the narrow band of suitable habitat described above (*i.e.,* 100–400 m) and that, based on the few

[1] For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

[2] For purposes of acoustic exposure modeling, seasons include Winter (December–March) and Summer (April–November).

[3] The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.,* 2021).

available records, these occurrences would be rare. Shell's planned activities will overlap this depth range, with approximately 18 percent of the area expected to be ensonified by the survey above root-mean-squared pressure received levels (RMS SPL) of 160 dB (referenced to 1 micropascal (re 1 μPa)) overlapping the 100–400 m isobaths. Therefore, while we expect take of Rice's whale to be unlikely, there is some reasonable potential for take of Rice's whale to occur in association with this survey. However, NMFS' determination in reflection of the data discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for Rice's whales would result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected Rice's whale take (86 FR 5322, 5403; January 19, 2021).

Killer whales are the most rarely encountered species in the GOM, typically in deep waters of the central GOM (Roberts *et al.,* 2015; Maze-Foley and Mullin, 2006). As discussed in the final rule, the density models produced by Roberts *et al.* (2016) provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. GOM. The predictions represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few data, as indicated by the coefficient of variation associated with the abundance predicted by the model (0.41, the second-highest of any GOM species model; Roberts *et al.,* 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species and expressed that, due to the limited data available to inform the model, it ''should be viewed cautiously'' (Roberts *et al.,* 2015).

NOAA surveys in the GOM from 1992–2009 reported only 16 sightings of killer whales, with an additional three encounters during more recent survey effort from 2017–18 (Waring *et al.,* 2013; *www.boem.gov/gommapps*). Two other species were also observed on less than 20 occasions during the 1992–2009 NOAA surveys (Fraser's dolphin and false killer whale [4]). However, observational data collected by PSOs on industry geophysical survey vessels from 2002–2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69 occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002–2008 and 2009–2015). This information qualitatively informed our rulemaking process, as discussed at 86 FR 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounter during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia* spp. or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor affecting detectability of killer whales from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that killer whales spent 78 percent of their time at depths between 0–10 m. Similarly, Kvadsheim *et al.* (2012) reported data from a study of four killer whales, noting that the whales performed 20 times as many dives to 1–30 m depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. In addition, as noted above in relation to the general take estimation methodology, the assumed proxy source (72-element, 8,000-in^3 array) results in a significant overestimate of the actual potential for take to occur. NMFS' determination in reflection of the information discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales for this survey would result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5403, January 19, 2021).

In past authorizations, NMFS has often addressed situations involving the low likelihood of encountering a rare species such as Rice's whales or killer whales in the GOM through authorization of take of a single group of average size (*i.e.,* representing a single potential encounter). See 83 FR 63268, December 7, 2018. See also 86 FR 29090, May 28, 2021 and 85 FR 55645, September 9, 2020. For the reasons expressed above, NMFS determined that a single encounter of Rice's whales or killer whales is more likely than the model-generated estimates and has authorized take associated with a single group encounter (*i.e.,* up to 2 and 7 animals, respectively).

Based on the results of our analysis, NMFS has determined that the level of taking authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations for the affected species or stocks of marine mammals. See Table 1 in this notice and Table 9 of the rule (86 FR 5322, January 19, 2021).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed ''small numbers.'' In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see NMFS' discussion of the MMPA's small numbers requirement provided in the final rule (86 FR 5438, January 19, 2021).

The take numbers for authorization are determined as described above in the Summary of Request and Analysis section. Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than one day (see 86 FR 5404, January 19, 2021). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the

[4] However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

basis for NMFS' small numbers determinations, as depicted in Table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5391, January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and model-predicted abundance information (*https://seamap.env.duke.edu/models/Duke/GOM/*). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.,* 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in Table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take [1]	Abundance [2]	Percent abundance
Rice's whale	2	n/a	51	3.9
Sperm whale	1,657	700.9	2,207	31.8
Kogia spp	[3] 626	190.4	4,373	5.1
Beaked whales	7,314	738.7	3,768	19.6
Rough-toothed dolphin	1,258	360.9	4,853	7.4
Bottlenose dolphin	5,959	1,710.1	176,108	1.0
Clymene dolphin	3,539	1,015.6	11,895	8.5
Atlantic spotted dolphin	2,380	683.1	74,785	0.9
Pantropical spotted dolphin	16,058	4,608.7	102,361	4.5
Spinner dolphin	4,303	1,234.9	25,114	4.9
Striped dolphin	1,382	396.7	5,229	7.6
Fraser's dolphin	397	114.0	1,665	6.8
Risso's dolphin	1,040	306.7	3,764	8.1
Melon-headed whale	2,325	685.9	7,003	9.8
Pygmy killer whale	547	161.4	2,126	7.6
False killer whale	870	256.8	3,204	8.0
Killer whale	7	n/a	267	2.6
Short-finned pilot whale	673	198.4	1,981	10.0

[1] Scalar ratios were applied to ''Authorized Take'' values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

[2] Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.,* 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For Rice's whale and killer whale, the larger estimated SAR abundance estimate is used.

[3] Includes 33 takes by Level A harassment and 593 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

Based on the analysis contained herein of Shell's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes and therefore is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to Shell authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: September 6, 2022.

Catherine G. Marzin,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–19597 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC316]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ad Hoc Marine Planning Committee (MPC) will hold a public meeting.

DATES: The meeting will be held Friday, September 30, 2022, from 10 a.m. to 4 p.m. Pacific daylight time or until business for the day has been completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer, Pacific Council; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The primary purpose of this online meeting is for the MPC to discuss issues related to offshore wind energy development

and NOAA Aquaculture Opportunity Areas. Other marine planning topics or emerging issues may be discussed as necessary. The MPC will begin development of a report for the November Council meeting in Garden Grove, California. The meeting agenda will be available on the Pacific Council's website in advance of the meeting, and the meeting will be recorded for the benefit of interested parties who aren't able to attend the meeting at its scheduled time and date.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: September 7, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–19654 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC349]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Subcommittee of the Scientific and Statistical Committee (SSC) and other scientists will hold an online meeting to review an Oregon Department of Fish and Wildlife (ODFW) acoustic and visual survey for nearshore groundfish. This methodology review will be coupled with a workshop to evaluate Washington Department of Fish and Wildlife (WDFW) hook-and-line surveys for groundfish species. Participants will recommend how data generated from these surveys may inform future groundfish stock assessments.

DATES: The online meeting will be held Tuesday, September 27, 2022 through Friday, September 30, 2022, from 8:30 a.m. to 5 p.m., Pacific daylight time (PDT) or when business has been completed each day.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: John DeVore, Staff Officer, Pacific Council; telephone: (503) 820–2413.

SUPPLEMENTARY INFORMATION: Meeting participants will review the ODFW acoustic-visual and hook-and-line surveys for groundfish species and evaluate data and analyses generated from these surveys to potentially inform future stock assessments. Meeting participants will also review hook-and-line surveys conducted by WDFW and the International Pacific Halibut Commission for groundfish species to evaluate their efficacy for informing future stock assessments.

No management actions will be decided by meeting participants. The meeting participants' role will be the development of recommendations and a report for consideration by the SSC and the Pacific Council at their November 2022 meeting in Garden Grove, CA.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: September 7, 2022.

Rey Israel Marquez,

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

[FR Doc. 2022–19652 Filed 9–9–22; 8:45 am]

BILLING CODE 3510–22–P

COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

Privacy Act of 1974; System of Records

AGENCY: Council of the Inspectors General on Integrity and Efficiency (CIGIE).

ACTION: Notice of a modified system of records.

SUMMARY: CIGIE is issuing public notice of its intent to amend a system of records that it maintains subject to the Privacy Act of 1974. CIGIE–4, entitled ''Integrity Committee Management System (ICMS),'' is being amended to reflect eight new routine uses for information contained in the system, to make various technical corrections and/or clarifications, and to reorganize the structure to conform to CIGIE's more recently published notices.

DATES: This proposal will be effective without further notice on October 12, 2022 unless comments are received that would result in a contrary determination.

ADDRESSES: Submit comments identified by ''CIGIE–4'' 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–4, Notice of a Modified System of Records.

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: CIGIE is amending a system of records that it maintains subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. Specifically, CIGIE–4 entitled ''Integrity Committee Management System

(ICMS)'' is being amended to reflect eight new routines uses: (i) To the Office of Personnel Management (OPM) in accordance with OPM's responsibility for evaluation and oversight of Federal personnel management; (ii) To Federal, state, territorial, local, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit; (iii) To a former IC member, CIGIE employee, or detailee for personnel-related or other official purposes where CIGIE requires information and/or consultation assistance from the former IC member, CIGIE employee, or detailee regarding a matter within that person's former area of responsibility; (iv) To appropriate agencies, entities, and persons, to the extent necessary to respond to or refer correspondence received by CIGIE; (v) To the news media and/or the public when (1) a matter pending or that was pending before the IC has become public knowledge, (2) the IC Chairperson determines that disclosure is necessary to preserve confidence in the integrity of the IC process or is necessary to demonstrate the accountability of CIGIE members, officers, employees, or individuals covered by this system, or (3) the IC Chairperson determines that there exists a legitimate public interest (*e.g.,* to demonstrate that the law is being enforced, or to deter the commission of misconduct within the IC's oversight authority), except to the extent that the IC Chairperson determines in any of these situations that disclosure of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (vi) To complainants, victims, and/or witnesses to the extent necessary to provide such persons with information and explanations concerning the results of the investigation or other inquiry arising from the matters about which they complained and/or with respect to which they were a victim or witness; (vii) To an individual who has been interviewed or contacted by CIGIE pursuant to an investigation or other inquiry, to the extent that CIGIE may provide copies of that individual's statements, testimony, or records produced by such individual; and (viii) To subjects and/or respondents to the extent necessary to provide such persons with information and explanations concerning the results of an investigation or other inquiry arising from matters about which they were a subject and/or respondent.

CIGIE is also making several technical corrections and/or clarifications throughout the system of records. Notably, however, there are no substantive changes being made to the exemptions promulgated for the system. Accordingly, there are no changes made to CIGIE's published rule, entitled ''Privacy Act Regulations,'' establishing its procedures relating to access, maintenance, disclosure, and amendment of records which are in a CIGIE system of records per the Privacy Act, promulgated at 5 CFR part 9801 (*https://www.ecfr.gov/cgi-bin/text-idx?SID=c3344b4e456f682fe915c0e982f8ce94&mc=true&tpl=/ecfrbrowse/Title05/5cfr9801_main_02.tpl*). In accordance with 5 U.S.C. 552a(r), CIGIE has provided a report of this amended system of records to the Office of Management and Budget and to Congress. The amended system of records reads as follows:

SYSTEM NAME AND NUMBER:

Integrity Committee Management System (ICMS)—CIGIE–4.

SECURITY CLASSIFICATION:

The vast majority of the information in the system is Controlled Unclassified Information. However, there is some classified information as well.

SYSTEM LOCATION(S):

The principal location of paper records contained within the ICMS is the headquarters of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), 1717 H Street NW, Suite 825, Washington, DC 20006. Records maintained in electronic form are principally located in contractor-hosted data centers in the United States. Limited records within the system, including but not necessarily limited to those containing classified information, are located at the Federal Bureau of Investigation (FBI) at the system location specified in the current System of Record Notice associated with The FBI Central Records System, Justice/FBI–002. Contact the System Manager identified below for additional information.

SYSTEM MANAGER(S):

Office of the General Counsel, Council of the Inspectors General on Integrity and Efficiency, 1717 H Street NW, Suite 825, Washington, DC 20006, (202)292–2600, *Integrity-WG@cigie.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11 of the Inspector General Act of 1978, as amended, 5 U.S.C. app. (IG Act); 5 U.S.C. 301; 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

CIGIE maintains this system of records in order to carry out its responsibilities pursuant to the IG Act. Pursuant to section 11(d)(1) of the IG Act, CIGIE is statutorily directed to establish the Integrity Committee (IC), which shall receive, review, refer for investigation, or otherwise act on allegations of wrongdoing that are made against Inspectors General and certain staff members of various Offices of Inspector General (OIGs), as well as the Special Counsel and Deputy Special Counsel, and make appropriate recommendations regarding confirmed or verified allegations. Furthermore, pursuant to section 11(d)(13) of the IG Act, the Chairperson of CIGIE is statutorily obligated to maintain the records of the IC. Accordingly, the records in this system are used in the course of responding to and reviewing complaints received by the IC, investigating individuals suspected of wrongdoing falling within the authority of the IC, referring matters to the Department of Justice (DOJ) or the Office of Special Counsel (OSC), as appropriate, and making recommendations to the President or head of the relevant agency, as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In connection with its investigative and other duties, the IC maintains records on the following categories of individuals:

A. Individuals who relate in any manner to official IC matters, including, but not limited to, individuals who are or have been the subject and/or respondent, complainant, victim, witness, or close relative or associate of a subject, complainant, victim, or witness in a complaint received by the IC. Such individuals include, but are not necessarily limited to, Inspectors General, the Special Counsel, the Deputy Special Counsel, those staff members of the OIGs specified in section 11(d)(4)(B) of the IG Act, and others who are subject to IC oversight authority, as well as other individuals identified in such complaints.

B. Individuals identified in reports of investigation and other materials received from the DOJ or the OSC pursuant to section 11(d)(7)(E) of the IG Act or received from other entities that submit materials to the IC, such as Inspectors General who conduct investigations on behalf of the IC.

C. Individuals identified in records, including correspondence, that are related to the administration of the IC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to complaints and/or investigations, including:

A. Letters, memoranda, and other documents regarding or arising out of complaints, alleged criminal, civil, or administrative misconduct, or other related information.

B. Case files, which include reports of investigations, exhibits, transcripts and/or recordings of interviews, statements, affidavits, and other records obtained during investigations or other inquiries.

C. Administrative materials, including minutes, reports, case-tracking logs, and Congressional and other correspondence.

D. Records relating to referrals and recommendations to and from external entities, including, but not limited to the DOJ, the OSC, OIGs, and others.

RECORD SOURCE CATEGORIES:

The subjects of investigations and inquiries; individuals and entities with which the subjects of investigations and inquiries are associated; Federal, state, local, and foreign law enforcement and non-law enforcement agencies and entities; private citizens; witnesses; complainants; and public and/or commercially available source materials.

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), all or portions of the records or information contained in this system may specifically be disclosed outside of CIGIE as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To a Member of Congress in response to an inquiry from that Member made at the request of the individual. In such cases, however, the Member's right to a record is no greater than that of the individual.

B. If the disclosure of certain records to the Department of Justice (DOJ) is relevant and necessary to litigation, CIGIE may disclose those records to the DOJ. CIGIE may make such a disclosure if one of the following parties is involved in the litigation or has an interest in the litigation:

1. CIGIE or any component thereof; or

2. Any employee or former employee of CIGIE in his or her official capacity; or

3. Any employee or former employee of CIGIE in his or her individual capacity when the DOJ has agreed to represent the employee; or

4. The United States, if CIGIE determines that litigation is likely to affect CIGIE or any of its components.

C. If disclosure of certain records to a court, adjudicative body before which CIGIE is authorized to appear, individual or entity designated by CIGIE or otherwise empowered to resolve disputes, counsel or other representative, party, or potential witness is relevant and necessary to litigation, CIGIE may disclose those records to the court, adjudicative body, individual or entity, counsel or other representative, party, or potential witness. CIGIE may make such a disclosure if one of the following parties is involved in the litigation or has an interest in the litigation:

1. CIGIE or any component thereof; or

2. Any employee or former employee of CIGIE in his or her official capacity; or

3. Any employee or former employee of CIGIE in his or her individual capacity when the DOJ has agreed to represent the employee; or

4. The United States, if CIGIE determines that litigation is likely to affect CIGIE or any of its components.

D. To the appropriate Federal, state, local, tribal, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the receiving entity, including, but not limited to, the DOJ or the OSC pursuant to section 11(d)(5) of the IG Act.

E. To officials and employees of any Federal, state, local, or tribal agency or CIGIE member entity to the extent the record contains information that is relevant to that entity's decision concerning the hiring, appointment, nomination, or retention of an employee; issuance of an award; issuance of a security clearance; execution of a security or suitability investigation; or classification of a job.

F. To the National Archives and Records Administration (NARA) pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

G. To contractors, grantees, consultants, volunteers, or other individuals performing or working on a contract, interagency agreement, service, grant, cooperative agreement, job, or other activity for CIGIE (including, but not limited to, representatives of the DOJ and the OSC reviewing complaints made to the IC pursuant to section 11(d)(5) of the IG Act, the Chief of the Public Integrity Section of the Criminal Division of the DOJ, or their designee, who serves as legal advisor to the IC, and officials at the FBI involved with the maintenance of IC-related records) and who have a need to access the information in the performance of their duties or activities for CIGIE.

H. To appropriate agencies, entities, and persons when: CIGIE suspects or has confirmed that there has been a breach of the system of records; CIGIE has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, CIGIE (including its information systems, programs, and operations), the Federal Government, or national security; and the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with CIGIE's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

I. To another Federal agency or Federal entity, when: CIGIE determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach; or 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.

J. To Federal agencies and independent certified public accounting firms that have a need for the information in order to audit the financial statements of CIGIE.

K. To an organization or an individual in the public or private sector if there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy, or to the extent the information is relevant to the protection of life or property.

L. To officials of CIGIE and the Integrity Committee, as well as CIGIE and Integrity Committee members and their staff members, who have need of the information in the performance of their duties.

M. To any individual or entity when necessary to elicit information that will assist an IC investigation.

N. To the President, the head of a designated Federal entity, or other appointing official(s), as appropriate, for resolution after assessment and final disposition of reports by the IC to the extent required to comply with section 11(d) of the IG Act or as otherwise required by law.

O. To Members of Congress and appropriate congressional committees of jurisdiction to the extent required to comply with section 11(d) of the IG Act or as otherwise required by law.

P. To the Office of Personnel Management (OPM) in accordance with OPM's responsibility for evaluation and oversight of Federal personnel management.

Q. To Federal, state, territorial, local, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

R. To a former IC member, CIGIE employee, or detailee for personnel-related or other official purposes where CIGIE requires information and/or consultation assistance from the former IC member, CIGIE employee, or detailee regarding a matter within that person's former area of responsibility.

S. To appropriate agencies, entities, and persons, to the extent necessary to respond to or refer correspondence received by CIGIE.

T. To the news media and/or the public when (1) a matter pending or that was pending before the IC has become public knowledge, (2) the IC Chairperson determines that disclosure is necessary to preserve confidence in the integrity of the IC process or is necessary to demonstrate the accountability of CIGIE members, officers, employees, or individuals covered by this system, or (3) the IC Chairperson determines that there exists a legitimate public interest (*e.g.,* to demonstrate that the law is being enforced, or to deter the commission of misconduct within the IC's oversight authority), except to the extent that the IC Chairperson determines in any of these situations that disclosure of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

U. To complainants, victims, and/or witnesses to the extent necessary to provide such persons with information and explanations concerning the results of the investigation or other inquiry arising from the matters about which they complained and/or with respect to which they were a victim or witness.

V. To an individual who has submitted information to CIGIE in connection with an IC investigation or other matter, in writing or otherwise, to the extent that CIGIE determines that providing copies of the written materials submitted by the individual or transcript extracts of the individual's own statements is appropriate. Such disclosure does not include release of transcripts or extracts thereof reflecting statements made by others, including but not limited to questions asked or statements made by the investigator or other persons in an interview.

W. To subjects and/or respondents to the extent necessary to provide such persons with information and explanations concerning the results of an investigation or other inquiry arising from matters about which they were a subject and/or respondent.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Information within this system of records is maintained in paper or electronic form.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

These records are retrieved by the name or other programmatic identifier assigned to the individuals about whom the records are maintained.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The information is retained and disposed of in accordance with the General Records Schedule and/or the CIGIE records schedule applicable to the record and/or otherwise required by the Federal Records Act and implementing regulations.

ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS:

Paper records are located in locked file storage areas or in specified areas to which only authorized personnel have access. Electronic records are protected from unauthorized access through password identification procedures, limited access, firewalls, and other system-based protection methods.

RECORD ACCESS PROCEDURES:

Part of this system is exempt from notification and access requirements pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2). To the extent that this system is not subject to exemption, it is subject to notification and access requirements. Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing to the System Manager listed above. CIGIE has published a rule, entitled ''Privacy Act Regulations,'' to establish its procedures relating to access, maintenance, disclosure, and amendment of records which are in a CIGIE system of records per the Privacy Act, promulgated at 5 CFR part 9801 (*https://www.ecfr.gov/cgi-bin/text-idx?SID=c3344b4e456f682fe915c0e982f8ce94&mc=true&tpl=/ecfrbrowse/Title05/5cfr9801_main_02.tpl*).

CONTESTING RECORD PROCEDURES:

See ''Records Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Records Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

CIGIE has exempted this system of records from the following provisions of the Privacy Act pursuant to the general authority in 5 U.S.C. 552a(j)(2): 5 U.S.C. 552a(c)(3) and (c)(4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G)–(H), (e)(5), and (e)(8); (f); and (g). Additionally, CIGIE has exempted this system from the following provisions of the Privacy Act pursuant to the general authority in 5 U.S.C. 552a(k)(1) and (k)(2): 5 U.S.C. 552a(c)(3); (d); (e)(1) and (e)(4)(G)–(H); and (f). See 5 CFR part 9801.

HISTORY:

82 FR 51404 (November 6, 2017).

Dated: September 7, 2022.

Allison C. Lerner,

Chairperson of the Council of the Inspectors General on Integrity and Efficiency.

[FR Doc. 2022–19640 Filed 9–9–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

President's Board of Advisors on Historically Black Colleges and Universities

AGENCY: U.S. Department of Education, President's Board of Advisors on Historically Black Colleges and Universities, Office of Undersecretary, U.S. Department of Education.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the agenda for the September 20, 2022, meeting of the President's Board of Advisors on Historically Black Colleges and Universities (Board) and provides information to members of the public about how to attend the meeting, request to make oral comments at the meeting, and submit written comments pertaining to the work of the Board. Notice of the meeting is required by § 10(a)(2) of the Federal Advisory Committee Act (FACA), (Pub. L. 92–463, as amended, 5 U.S.C. App. 2), and is intended to notify the public of its opportunity to attend. This notice is being published less than 15 days prior to the meeting in order to accommodate the limited availability of the Board's Chairman, who is required to help direct the work of the Board.

DATES: The Board meeting will be held on September 20, 2022, from 10:00 a.m. to 2:00 p.m. E.D.T. in the Georgetown Room at the Washington Hilton hotel

located at 1919 Connecticut Avenue NW, Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Sedika Franklin, Associate Director/Designated Federal Official, U.S. Department of Education, White House Initiative on Historically Black Colleges and Universities, 400 Maryland Avenue SW, Washington, DC 20204; telephone: (202) 453–5634 or (202) 453–5630, or email *sedika.franklin@ed.gov.*

SUPPLEMENTARY INFORMATION:

The Board's Statutory Authority and Function: The Board is established by 20 U.S.C. 1063e (the HBCUs Partners Act) and Executive Order 14041 (September 3, 2021) and is continued by Executive Order 14048 ((September 30, 2021). The Board is also governed by the provisions of FACA, which sets forth standards for the formation and use of advisory committees. The purpose of the Board is to advise the President, through the White House Initiative on Historically Black Colleges and Universities (Initiative), on all matters pertaining to strengthening the educational capacity of Historically Black Colleges and Universities (HBCUs).

The Board shall advise the President in the following areas: (i) improving the identity, visibility, and distinctive capabilities and overall competitiveness of HBCUs; (ii) engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives; (iii) improving the ability of HBCUs to remain fiscally secure institutions that can assist the Nation in achieving its educational goals and in advancing the interests of all Americans; (iv) elevating the public awareness of, and fostering appreciation of, HBCUs; (v) encouraging public-private investments in HBCUs; and improving government-wide strategic planning related to HBCU competitiveness to align Federal resources and provide the context for decisions about HBCU partnerships, investments, performance goals, priorities, human capital development, and budget planning.

Meeting Agenda: The meeting agenda will include roll call; an update from the Chairman of the Board; an update from the Office of the Under Secretary, U.S. Department of Education; an update from the Executive Director of the Initiative; remarks from Keisha Lance Bottoms, Senior Advisor to the President for Public Engagement; remarks from the Office of the National Cyber Director regarding the HBCU cybersecurity ecosystem; tentative remarks from the White House Office for Infrastructure Implementation; a status report from each of the Board's subcommittees (Preservation and Growth, Infrastructure, and Finance and Career and Research); and a discussion regarding the Board's first report to the President. The public comment period will begin immediately following the conclusion of such discussions.

Access to the Meeting: An RSVP is required to attend to attend the meeting. Submit a reservation by email to the *whirsvps@ed.gov* mailbox. RSVPs must be received by 11 a.m. on September 17, 2022. Include in the subject line of the email request ''Meeting RSVP.'' The email must include the name(s), title, organization/affiliation (if applicable), mailing address, email address, telephone number, of the person(s) requesting to attend. Members of the public may also register in-person on the day of the meeting.

Submission of requests to make an oral comment: There are two methods the public may use to request to provide an oral comment pertaining to the work of the Board at the September 20, 2022 meeting. There will be an allotted time for public comment.

Method One: Submit a request by email to the *whirsvps@ed.gov* mailbox by September 17, 2022. Please do not send materials directly to Board members. Include in the subject line of the email request ''Oral Comment Request.'' The email must include the name(s), title, organization/affiliation, mailing address, email address, telephone number, of the person(s) requesting to speak, and a brief summary (not to exceed one page) of the principal points to be made. All individuals submitting an advance request in accordance with this notice will be added to the public comment request list for oral comment in the order in which they were received. Individuals will be called upon and each commenter will have an opportunity to speak for up to three minutes during the allotted public comment period.

Method Two: Register in-person at the meeting location on September 20, 2022. The requestor must provide his or her name, title, organization/affiliation, mailing address, email address, and telephone number. Individuals will be placed on the public comment request list and will be selected on a first-come, first-served basis. If selected, each commenter will have an opportunity to speak for up to three minutes.

All oral comments made will become part of the official record of the meeting.

Submission of written public comments: Written comments pertaining to the work of the Board may be submitted electronically to the attention of the Associate Director/Designated Federal Official. Written comments must be submitted by 11 a.m. on September 17, 2022 to the *whirsvps@ed.gov* mailbox and include in the subject line ''Written Comments: Public Comment.'' The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number of the person(s) making the comment. Comments should be submitted as a Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file) that is attached to an electronic mail message (email) or provided in the body of an email message. Please do not send material directly to the members of the Board.

Access to Records of the Meeting: The Department will post the official report of the meeting on the Board website, *https://sites.ed.gov/whhbcu/policy/presidents-board-of-advisors-pba-on-hbcus/* 90 days after the meeting. Pursuant to FACA, the public may also inspect the meeting materials at 400 Maryland Avenue SW, Washington, DC, by emailing *oswhi-hbcu@ed.gov* or by calling (202) 453–5634 to schedule an appointment.

Reasonable Accommodations: The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least one week before the meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

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

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

your search to documents published by the Department.

Authority: HBCUs Partners Act, Presidential Executive Order 14041, continued by Executive Order 14048

Donna M. Harris-Aikens,

Deputy Chief of Staff for Strategy, Office of the Secretary.

[FR Doc. 2022–19623 Filed 9–9–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0090]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Randolph-Sheppard Financial Relief and Restoration Payments Appropriation Final Performance Report

AGENCY: Office of Special Education and Rehabilitation Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before October 12, 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 Corinne Weidenthal, 202–245–6529.

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: Randolph-Sheppard Financial Relief and Restoration Payments Appropriation Final Performance Report.

OMB Control Number: 1820–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 51.

Total Estimated Number of Annual Burden Hours: 51.

Abstract: This is a new data collection resulting from enactment of the Consolidated Appropriations Act of 2021, division H, title III, section 318. This provision authorized the Secretary of Education to allot $20,000,000 for one-time financial relief and restoration grants consistent with the purposes of the Randolph-Sheppard Act as authorized under section 10 of such Act (20 U.S.C. 107f). Prior to this legislation, Congress has not appropriated such funds concerning the Randolph-Sheppard Vending Facilities Act. As such, the Department is seeking this data collection in order to collect Final Performance Report data from the State licensing agencies (SLAs). SLAs must obligate funds by 9.30.2022 and liquidate by 1.30.2023. The Department estimates that this data collection will result in a minor burden increase to respondents and will take up to 1 hour to complete the Final Performance Report.

Dated: September 7, 2022.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–19637 Filed 9–9–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–507–000]

Limetree Bay Terminals, LLC; Notice of Petition for Declaratory Order

Take notice that on August 31, 2022, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, Limetree Bay Terminals, LLC (Limetree) filed a petition for declaratory order requesting the Commission issue an order stating that the inter-ship transfer of liquified natural gas between maritime vessels moored alongside one another at the Limetree Bay Terminals in St. Croix, U.S. Virgin Islands, is not subject to the Commission's jurisdiction under the Natural Gas Act.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene, or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to

view and/or print the contents of this document via the internet through the Commission's Home Page (*http://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 tollfree, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5 p.m. eastern time on October 6, 2022.

Dated: September 6, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–19601 Filed 9–9–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14514–003]

Community of Elfin Cove Non Profit Corporation, DBA Elfin Cove Utility Commission; Notice of Waiver Period for Water Quality Certification Application

On August 19, 2022 the Community of Elfin Cove Non Profit Corporation DBA Elfin Cove Utility Commission submitted to the Federal Energy Regulatory Commission (Commission) a copy of its application for a Clean Water Act section 401(a)(1) water quality certification filed with Alaska Department of Environmental Conservation, in conjunction with the above captioned project. Pursuant to 40 CFR 121.6 and section [4.34(b)(5), 5.23(b), 153.4, or 157.22] of the Commission's regulations,[1] we hereby notify the Alaska Department of Environmental Conservation of the following:

Date of Receipt of the Certification Request: August 19, 2022

Reasonable Period of Time to Act on the Certification Request: One year (August 19, 2023)

If Alaska Department of Environmental Conservation 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)/5.23(b)/153.4/157.22].

Dated: September 6, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–19634 Filed 9–9–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3021–091]

Allegheny Hydro LLC, Allegheny Hydro LP, H2O All Dam LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On June 29, 2022, Allegheny Hydro LLC (transferor) and H2O All Dam LLC (transferee) filed jointly an application for the transfer of license of the 30.4-Megawatts Allegheny River Lock and Dam Nos. 8 & 9 Hydroelectric Project No. 3021. The project is located on Allegheny River, Armstrong County, Pennsylvania.

The applicants seek Commission approval to transfer the license for the Allegheny River Lock and Dam Nos. 8 & 9 Hydroelectric Project from the transferor to the transferee. The applicants are also requesting approval for the transfer of the license from Allegheny Hydro LLC to Allegheny Hydro LP that occurred when the transferor converted from limited liability company to a limited partnership. The transferee will be required by the Commission to comply with all the requirements of the license as though it were the original licensee.

Applicants Contact: For transferor and transferee: Mr. Stephen L. Pike, FirstLight Power Services LLC, 111 South Bedford Street, Suite 103, Burlington, MA 01803, Phone: (781) 653–4244, Email: *steve.pike@firstlightpower.com* and Ms. Julia S. Wood, Rock Creek Energy Group, LLP, 1 Thomas Circle NW, Suite 700, Washington, DC 20005, Phone: (202) 998–2770, Email: *jwood@rockcreekenergygroup.com.*

FERC Contact: Anumzziatta Purchiaroni, (202) 502–6191, *anumzziatta.purchiaroni@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://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 *http://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 U.S. Postal Service must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–3021–091. Comments emailed to Commission staff are not considered part of the Commission record.

Dated: September 6, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–19632 Filed 9–9–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD22–9–000]

New England Winter Gas-Electric Forum; Supplemental Notice of New England Winter Gas-Electric Forum

As first announced in the Notice of Forum issued in the above-referenced proceeding on May 19, 2022, the Federal Energy Regulatory Commission (Commission) will convene a Commissioner-led forum on Thursday, September 8, 2022, from approximately 9:00 a.m. to 5:00 p.m. Eastern Time, to discuss the electricity and natural gas challenges facing the New England Region. The forum will be open to the public and held in the Emerald I & II Ballroom at the DoubleTree by Hilton Burlington Vermont, 870 Williston Rd, South Burlington, VT, 05403.

The agenda for this forum is attached, which includes the final forum panelists.

The purpose of the forum is to bring together stakeholders in New England to

discuss the challenges faced historically during New England winters and discuss the stakeholders' differing expectations of challenges for future winters. The objectives of the forum are to achieve greater consensus or agreement among stakeholders in defining the electric and natural gas system challenges in New England and identify what, if any, steps are needed to better understand those challenges before identifying solutions.

While the forum is not for the purpose of discussing any specific matters before the Commission, some forum discussions may involve issues raised in proceedings that are currently pending before the Commission. These proceedings include, but are not limited to, the dockets listed below. Dockets that were added subsequent to the Commission's August 22, 2022 supplemental notice appear in italics.

Constellation Mystic Power LLC	Docket Nos. ER18–1639–000, ER18–1639–001, ER18–1639–002, ER18–1639–003, ER18–1639–004, ER18–1639–005, ER18–1639–006, ER18–1639–014, ER18–1639–015, ER18–1639–017, ER22–1192–000.
ISO New England Inc	Docket Nos. ER19–1428–000, ER19–1428–001, ER19–1428–002, ER19–1428–003, ER19–1428–004.
RENEW Northeast and American Clean Power Association vs. ISO New England Inc.	Docket No. EL22–42–000.
NextEra Energy Seabrook, LLC	Docket No. EL21–3–000.
NECEC Transmission LLC and Avangrid, Inc. v. NextEra Energy Resources, LLC.	Docket No. EL21–6–000.

Only Commissioners and panelists will participate in the panel discussions. The forum will be open to the public for listening and observing, and written comments may be submitted in Docket No. AD22–9–000.

Registration for in-person attendance is required, and there is no fee for attendance. A link to attendee registration is available on the New England Winter Gas-Electric Forum event page. Due to space constraints, seating for this event will be limited and registrants that get a confirmed space will be contacted via email. Only confirmed registrants can be admitted to the forum given the maximum occupancy limit at the venue (as required by fire and building safety code). Therefore, the Commission encourages members of the public who wish to attend this event in person to register at their earliest convenience. Online registration will be open, as long as attendance capacity is available, until the day before the forum (September 7). Once registration has reached capacity, registration will be closed. However, those interested in attending after capacity has been reached can join a waiting list (using the same registration link) and be notified if space becomes available. Those who are unable to attend in person may watch the free webcast.

The webcast will allow persons to listen and observe the forum remotely but not participate. Information on this forum, including a link to the webcast, will be posted prior to the event on this forum's event page on the Commission's website. A recording of the webcast will be made available after the forum in the same location on the Calendar of Events. The forum will be transcribed. Transcripts of the forum will be available for a fee from Ace-Federal Reporters, Inc. (202–347–3700).

Additionally, please note that the Commission will be implementing health and safety restrictions, as appropriate, associated with the Centers for Disease Control and Prevention (CDC) COVID Community Level mitigations. This may include requiring all participants to wear cloth face covers or masks as well as further limiting venue occupancy if Chittenden County is designated as having a high-community level in data expected to be released on the evening of Thursday, September 1. The CDC Community Level tracker may be found at the CDC COVID Data Tracker site.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov,* call toll-free (866) 208–3372 (voice) or (202) 208–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

For more information about this forum, please contact *NewEnglandForum@ferc.gov* for technical or logistical questions.

Dated: September 6, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–19599 Filed 9–9–22; 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: EC22–117–000.

Applicants: Salem Harbor Power Development LP.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Salem Harbor Power Development LP.

Filed Date: 9/2/22.

Accession Number: 20220902–5148.

Comment Date: 5 p.m. ET 9/23/22.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–214–000.

Applicants: CPV Three Rivers, LLC.

Description: CPV Three Rivers, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 9/1/22.

Accession Number: 20220901–5313.

Comment Date: 5 p.m. ET 9/22/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–2968–003.

Applicants: Upper Michigan Energy Resources Corporation.

Description: Compliance filing: Settlement Compliance Filing to be effective 12/1/2021.

Filed Date: 9/6/22.

Accession Number: 20220906–5022.

Comment Date: 5 p.m. ET 9/27/22.

Docket Numbers: ER22–799–003.

Applicants: Lancaster Area Battery Storage, LLC.

Description: Supplement to July 26, 2022 Notice of Change in Status of Lancaster Area Battery Storage, LLC.

Filed Date: 9/6/22.

Accession Number: 20220906–5101.

Comment Date: 5 p.m. ET 9/27/22.

Docket Numbers: ER22–2790–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Rate Schedule FERC No. 8 to be effective 11/7/2022.

Filed Date: 9/6/22.
Accession Number: 20220906–5072.
Comment Date: 5 p.m. ET 9/27/22.
Docket Numbers: ER22–2791–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ISA, SA No. 6590; Queue No. AC1–171 to be effective 8/5/2022.
Filed Date: 9/6/22.
Accession Number: 20220906–5079.
Comment Date: 5 p.m. ET 9/27/22.
Docket Numbers: ER22–2792–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Certificate of Concurrence for PSCo Subentity Reserve Sharing Agreement to be effective 8/1/2022.
Filed Date: 9/6/22.
Accession Number: 20220906–5085.
Comment Date: 5 p.m. ET 9/27/22.
Docket Numbers: ER22–2793–000.
Applicants: Duke Energy Indiana, LLC.
Description: § 205(d) Rate Filing: DEI-Hoosier Reimbursement Agmt RS No. 272 to be effective 9/7/2022.
Filed Date: 9/6/22.
Accession Number: 20220906–5102.
Comment Date: 5 p.m. ET 9/27/22.
Docket Numbers: ER22–2794–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original NSA, SA No. 6592; Queue No. U3–029 and U3–030 to be effective 8/23/2022.
Filed Date: 9/6/22.
Accession Number: 20220906–5108.
Comment Date: 5 p.m. ET 9/27/22.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES22–54–000.
Applicants: Duquesne Light Company.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Duquesne Light Company.
Filed Date: 9/2/22.
Accession Number: 20220902–5151.
Comment Date: 5 p.m. ET 9/9/22.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 6, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–19598 Filed 9–9–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF22–3–000]

Southeastern Power Administration; Notice of Filing

Take notice that on August 25, 2022, Southeastern Power Administration submitted tariff filing: Georgia-Alabama-South Carolina 2022 Rate Adjustment to be effective 9/30/2027.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on September 26, 2022.

Dated: September 6, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–19600 Filed 9–9–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–494–000]

Boardwalk Storage Company, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed BSC Compresssion Replacement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will discuss the environmental impacts of the BSC Compression Replacement Project involving construction and operation of facilities by Boardwalk Storage Company, LLC (Boardwalk Storage) in Iberville Parish, Louisiana. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to

as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00pm Eastern Time on October 6, 2022. Comments may be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on August 5, 2022, you will need to file those comments in Docket No. CP22–494–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Boardwalk Storage provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas Questions or Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP22–494–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Summary of the Proposed Project

Boardwalk Storage proposes to replace and operate one new electric unit. The BSC Compression Replacement Project includes the installation of yard and station piping and appurtenant facilities in Iberville Parish, Louisiana. The project would decrease the current certificated injection capability from 350,000 dekatherms per day to 150,000 dekatherms per day and the certificated horsepower would decrease from 20,000 horsepower to 9,000 horsepower. According to Boardwalk Storage, its project would improve efficiency and reliability at Choctaw Compressor Station.

The BSC Compression Project would consist of the abandonment of one 10,000 horsepower compressor unit, installation of a new electric driven 9,000 horsepower centrifugal compressor unit, and installation of new yard and station piping and auxiliary appurtenant facilities.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 33.5 acres of land for the aboveground facilities and the pipeline within the limits of the Choctaw Storage Facility. Boardwalk Storage would utilize existing public roads and private roads within the Choctaw Storage Facility for access. No new permanent impacts would result from operation of the project.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary''. For instructions on connecting to eLibrary, refer to the last page of this notice. At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- socioeconomics and environmental justice;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary [2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP22–494–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: September 6, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–19633 Filed 9–9–22; 8:45 am]

BILLING CODE 6717–01–P

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Section 1501.8.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

EXPORT-IMPORT BANK

[Public Notice: EIB–2022–0005]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 million: AP089437XX

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: This Notice is to inform the public the Export-Import Bank of the United States (''EXIM'') has received an application for final commitments for aggregated long-term loans or financial guarantees in excess of $100 million. Comments received within the comment period specified below will be

presented to the EXIM Board of Directors prior to final action on these Transactions.

DATES: Comments must be received on or before October 7, 2022 to be assured of consideration before final consideration of the transactions by the Board of Directors of EXIM.

ADDRESSES: Comments may be submitted through *Regulations.gov* at *www.regulations.gov.* To submit a comment, enter EIB–2022–0005 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2022–0005 on any attached document.

SUPPLEMENTARY INFORMATION:

Reference: AP089437XX.

Purpose and Use:

Brief description of the purpose of the transactions: To support the export of U.S.-manufactured commercial aircraft to Switzerland.

Brief non-proprietary description of the anticipated use of the items being exported: To be used for air cargo transport between Switzerland and other countries.

To the extent that EXIM is reasonably aware, the item(s) being exported may be used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: The Boeing Company.

Obligor: Titan Aviation Leasing Limited—Americas, Inc.

Guarantor(s): Atlas Air Worldwide Holdings, Inc.

Description of Items Being Exported: Boeing commercial jet aircraft.

Information on Decision: Information on the final decision for these transactions will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Authority: Section 3(c)(10) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635a(c)(10)).

Joyce B. Stone,

Assistant Corporate Secretary.

[FR Doc. 2022–19604 Filed 9–9–22; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, September 15, 2022 at 10 a.m.

PLACE: Hybrid Meeting: 1050 First Street NE Washington, DC (12th Floor) and Virtual.

Note: For those attending the meeting in person, current COVID–19 safety protocols for visitors, which are based on the CDC COVID–19 community level in Washington, DC, will be updated on the commission's contact page by the monday before the meeting. See the contact page at *https://www.fec.gov/contact/.* If you would like to virtually access the meeting, see the instructions below.

STATUS: This meeting will be open to the public, subject to the above-referenced guidance regarding the COVID–19 community level and corresponding health and safety procedures. To access the meeting virtually, go to the commission's website *www.fec.gov* and click on the banner to be taken to the meeting page.

MATTERS TO BE CONSIDERED:

Draft Advisory Opinion 2022–12: Ready for Ron.

Draft Advisory Opinion 2022–17: Warren Democrats.

Draft Advisory Opinion 2022–19: Maggie for NH.

Final Determination on Eligibility to Receive Primary Election Public Funds—Howie Hawkins and Howie Hawkins for Our Future, f/k/a Howie Hawkins 2020 (LRA 1132).

Management and Administrative Matters.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b.

Individuals who plan to attend in person and who require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Laura E. Sinram, Acting Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Vicktoria J. Allen,

Acting Deputy Secretary of the Commission.

[FR Doc. 2022–19794 Filed 9–8–22; 4:15 pm]

BILLING CODE 6715–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–1295; Docket No. CDC–2022–0105]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Public Health Accreditation Board (PHAB): Assessment of Processes and Outcomes. The purpose of this Extension is to collect information from health departments throughout the initial accreditation and reaccreditation process to learn about program processes and the accreditation/reaccreditation standards, to improve the program's quality, and to document program outcomes and inform decision making about future program direction.

DATES: CDC must receive written comments on or before November 14, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0105 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and

instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and

5. Assess information collection costs.

Proposed Project

Public Health Accreditation Board (PHAB): Assessment of Processes and Outcomes (OMB Control No. 0920–1295, Exp. 4/30/2023)—Extension—Center for State, Tribal, Local and Territorial Support (CSTLTS), Centers for Disease Control and Prevention (CDC)

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) works to protect America from health, safety, and security threats, both foreign and domestic. CDC strives to fulfill this mission, in part, by supporting state, tribal, local, and territorial (STLT) health departments. One mechanism for supporting STLT health departments is through CDC's support of a national, voluntary accreditation program.

CDC supports the Public Health Accreditation Board (PHAB), a non-profit organization that serves as the independent accrediting body. PHAB, with considerable input from national, state, tribal, and local public health professionals, developed a consensus set of standards to assess the capacity of STLT health departments. Between February 2013 (when the first health department was accredited) and August 2022, 40 state health departments, 305 local health departments, five Tribal health departments, and one integrated system (comprised of 67 local health departments in one centralized state) have been accredited. Accreditation is granted for a five-year period and 68 health departments have successfully completed the reaccreditation process. Formal efforts to assess the outcomes of the accreditation program began in late 2012 and continue to date. Priorities focus on gathering feedback for program improvement and documenting program outcomes to demonstrate impact and inform decision making about future program direction. From 2012–2019, the Robert Wood Johnson Foundation (RWJF) and the social science organization NORC at the University of Chicago, led evaluation efforts. CDC assumed support of the evaluation beginning in 2020 and is seeking OMB approval to continue data collection.

The purpose of this Information Collection Request (ICR) is to support the collection of information from participating health departments through a series of five surveys. The surveys seek to collect longitudinal data on each health department throughout their accreditation process. Data collected through this ICR provides documentation about the evidence and value of health department accreditation.

Respondents will include STLT health department directors or designees, one respondent per each health department. All surveys will be administered electronically; a link to the survey website will be provided in an email invitation. The surveys will be administered on a quarterly basis and sent to all health departments that reach any of five milestones in the accreditation process (application, recently accredited, accredited for one year, approaching reaccreditation, and reaccreditation). Each health department will be invited to participate in each survey once (for a total of five surveys max per health department). The total annualized estimated burden is 100 hours. There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
STLT HD Directors or Designee.	Survey 1: Applicant HDs	60	1	20/60	20
STLT HD Directors or Designee.	Survey 2: Recently Accredited HDs	60	1	20/60	20
STLT HD Directors or Designee.	Survey 3: HDs Accredited One Year	60	1	20/60	20
STLT HD Directors or Designee.	Survey 4: HDs Approaching Reaccreditation.	60	1	20/60	20
STLT HD Directors or Designee.	Survey 5: Reaccredited HDs	60	1	20/60	20
Total					100

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–19565 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–1128]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''State Unintentional Drug Overdose Reporting System (SUDORS)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on April 18, 2022 to obtain comments from the public and affected agencies. CDC received one public comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

State Unintentional Drug Overdose Reporting System (SUDORS) (OMB Control No. 0920–1128, Exp. 1/31/2023)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

There has been a rapid increase in opioid overdose deaths since 2013. In the United States, more people are now dying of drug overdose than automobile crashes, although opioids—both opioid pain relievers (OPRs) and illicit forms such as heroin—are also a major factor in overdose-related automobile crashes. On October 26, 2017, the U.S. Department of Health and Human Services (HHS) declared the opioid overdose epidemic to be a national public health emergency (PHE).

CDC established the State Unintentional Drug Overdose Reporting System (SUDORS) in order to detect new trends in fatal unintentional drug overdoses, support targeting of drug overdose prevention efforts, and assess the progress of the HHS initiative to reduce opioid misuse and overdoses. Respondents are state- or jurisdiction-level health departments. The SUDORS surveillance system generates detailed, timely public health information on unintentional, fatal opioid-related drug overdoses and has been used to inform prevention and response efforts at the national, state, and local levels. SUDORS consolidates and supplements information available to health departments, including vital statistics and records created by medical examiners and coroners (ME/C). SUDORS is built on a web-based software platform and a collaborative surveillance and data integration model developed by CDC and health departments to improve understanding of homicide, suicide, undetermined deaths, and unintentional firearm deaths (National Violent Death Reporting System (NVDRS), OMB Control No. 0920–0607).

Through SUDORS, CDC currently collects information that is not provided on death certificates, such as whether the drug(s) causing the overdoses were injected or taken orally; a toxicology report on the decedent, if available; and risk factors for fatal drug overdoses including previous drug overdoses, decedent's mental health, and whether the decedent recently exited a treatment program. Without this information, efforts to prevent drug overdose deaths are often based on limited information available on the death certificate and anecdotal evidence.

OMB approval is requested for three years. Participating states and jurisdictions will continue to report SUDORS information to CDC through a module in the NVDRS web-based platform. State- and jurisdiction-level public health departments will be funded to abstract standardized data elements from ME/C reports as well as death certificates. During the next three years, CDC will remove data collection activities in Puerto Rico, and update the burden estimate to reflect the increase in drug overdose deaths.

CDC requests OMB approval for an estimated 43,631 annualized burden hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Total number of responses per respondent	Average burden per response (in hours)
Public Agencies	Retrieving and refiling records	51	1,711	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–19557 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–1338; Docket No. CDC–2022–0106]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled, Evaluation of the Effectiveness of the Training and Education Modules in the North American Fatigue Management Program. This is an observational study evaluating 180 long-haul and regional truck drivers in a naturalistic driving study over eight months, using questionnaires, in-vehicle monitor system, Actigraphy devices, and smartphones for data collection.

DATES: CDC must receive written comments on or before November 14, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0106 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all Federal comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Evaluation of the Effectiveness of the Training and Education Modules in the North American Fatigue Management Program (OMB Control No. 0920–1338, Exp. 06/30/2023)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. Reducing fatigue-related crashes is one of the top 10 changes needed to reduce transportation accidents and save lives identified by the National Transportation Safety Board (NTSB) and a National Occupational Research Agenda (NORA) priority.

Fatigue is a preventable cause of truck crashes. The North American Fatigue Management Program (NAFMP) was developed by the Federal Motor Carrier Safety Administration, Transport Canada, and other entities to address commercial motor vehicle (CMV) driver fatigue through a comprehensive approach that delivers prevention information to carriers, dispatchers, drivers, and family members. In 2015, the National Academy of Sciences published the report ''Commercial motor vehicle driver fatigue, long-term health, and highway safety research needs'' that identified the need for fully evaluating the NAFMP so that recommendations for implementation of NAFMP are supported by scientific evidence. NIOSH is collaborating with the Federal Motor Carrier Safety Administration (FMCSA) to ensure the success of the proposed study. NIOSH is requesting an extension to account for the additional time necessary to recruit more respondents.

Data will be collected from CMV drivers (hereafter referred to as ''driver'') during their application to participate in the study, briefing session, study participation, and debriefing session. Data collection will primarily focus on driving performance, sleep, and sleepiness. These outcomes will be compared between pre-rollout of the NAFMP (in which drivers will operate as they did before their participation in the study) and post-rollout of the NAFMP training and education modules (in which drivers and managers will operate with increased knowledge, strategies, and techniques to reduce their fatigue). All drivers interested in participating in the study may complete the application. A briefing session will be scheduled with drivers who are found eligible for the study. During the briefing session, drivers who provide informed consent will be enrolled in the study. Drivers will have a debriefing session if a driver chooses to withdraw from the study early or upon completion of the eight-month participation period.

The sample of drivers in the study will include those employed as drivers

at the participating carriers. A convenience sample of 180 eligible drivers who have a valid Class-A commercial driver's license (CDL) and work at the participating company in regional and long-haul operations for at least one year will be eligible for the study. The study sample will include approximately 90 regional and 90 long-haul drivers. There will be no required minimum number of female or minority drivers to be included.

Data will be collected during each phase: (1) In the application, drivers will be asked to provide their name and contact information (home address, telephone number, and email address) to allow contact from the research team regarding their eligibility for the study; (2) In the briefing session, drivers will be asked to complete the Background Questionnaire; and (3) During the study, information collection will occur through several streams: (a) real-time fatigue monitoring system installed in the participating driver's vehicle; (b) smart phone apps to collect psychomotor vigilance test, Karolinska Sleepiness Scale, sleep log, difficulty of drive scale, degree of drive hazards scale, a fatigue scale, and a stress scale; (c) an electronic logging device to collect data on the driver's duty and driving; (d) a wrist actigraphy to collect data on driver sleep and wake times. Drivers will be asked to sync the actigraph with a smartphone app daily; (e) smartphone or web-based questionnaires including Exercise and Food Consumption Questionnaire, the Quality of Life short form 36 version-2 questionnaire (SF–36v2), Family Interactions Questionnaire, and Job Descriptive Index (these will be completed by drivers at four different intervals, including the beginning (first week) and middle (second month) of the baseline phase, and the middle (fifth month) and end (eighth month) of the intervention phase); (f) a questionnaire to assess corporate practices and corporate safety climate will be given to managers at the participating carriers (these will be completed by managers at the beginning (first week) of the study and end (eighth month) of the intervention phase); and (g) during the field study, carriers will be asked to provide information concerning crashes and roadside violations occurring during each driver's period of study participation. Administrative cost information (*e.g.,* equipment, labor, etc.) will also be collected from the carrier to evaluate cost-benefit of the intervention.

CDC requests OMB approval for an estimated 5,278 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Carrier Management	Participation Agreement	1	1	1	1
	Retrieval of Company Monthly Roadside Violations/Crash Reports.	1	8	90/60	12
	Retrieval of Company Administrative Costs.	1	16	2	32
	Management Practice questionnaire (Time 1).	5	1	45/60	4
	Management Practice questionnaire (Time 2).	5	1	45/60	4
Drivers	Application to Participate	150	1	12/60	30
	Actigraph Training	90	1	10/60	15
	Background Questionnaire	90	1	45/60	68
	Daily Smartphone Questions	90	720	1/60	1,080
	PVT	90	720	3/60	3,240
	Exercise and Food Consumption Questionnaire.	90	4	20/60	120
	SF–36v2	90	4	30/60	180
	Family Interactions Questionnaire	90	4	15/60	90
	Safety Climate Questionnaire	90	4	10/60	60
	Job Descriptive Index	90	4	30/60	180
	Post-Study Questionnaire	90	1	1	90
	Phone Briefings	90	8	6/60	72
Total					5,278

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–19558 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–1011]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Emergency Epidemic Investigations'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on April 18, 2022 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to

allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Emergency Epidemic Investigation (OMB Control No. 0920–1011, Exp. 1/31/2023)—Extension—Center for Surveillance, Epidemiology and Laboratory Services (CSELS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC previously conducted Emergency Epidemic Investigations (EEIs) under Office of Management and Budget (OMB) Control No. 0920–0008. In 2013, CDC received OMB approval (OMB Control No. 0920–1011) for a new OMB generic clearance to collect vital information during EEIs in response to outbreaks or other urgent public health events (*i.e.,* natural, biological, chemical, nuclear, radiological) characterized by undetermined agents, undetermined sources, undetermined transmission, or undetermined risk factors. This Generic clearance was most recently approved for a three-year Extension, which expires on 1/31/2023. CDC seeks OMB approval for an Extension of this Generic clearance for an additional three-year period.

Supporting effective EEIs is one of the most important ways that CDC protects the health of the public. CDC is frequently called upon to conduct EEIs at the request of local, state, or international health authorities seeking support to respond to outbreaks or urgent public health events. In response to external partner requests, CDC provides necessary epidemiologic support to identify the agents, sources, modes of transmission, or risk factors to effectively implement rapid prevention and control measures to protect the public's health. Data collection is a critical component of the epidemiologic support provided by CDC; data are analyzed to determine the agents, sources, modes of transmission, or risk factors so that effective prevention and control measures can be implemented. During an unanticipated outbreak or urgent public health event, immediate action by CDC is necessary to minimize or prevent public harm.

The legal justification for EEIs are found in the Public Health Service Act (42 U.S.C. Sec. 301 [241] (a). Successful investigations are dependent on rapid and flexible data collection that evolves during the investigation and is customized to the unique circumstances of each outbreak or urgent public health event. Data collection elements will be those necessary to identify the agents, sources, mode of transmission, or risk factors. Examples of potential data collection methods include telephone or face-to-face interview; email, web, or other type of electronic questionnaire; paper-and-pencil questionnaire; focus groups; medical record review and abstraction; laboratory record review and abstraction; collection of clinical samples; and environmental assessment. Respondents will vary depending on the nature of the outbreak or urgent public health event; examples of potential respondents include health care professionals, patients, laboratorians, and the general public. Participation in EEIs is voluntary and there are no anticipated costs to respondents other than their time. CDC will use the information gathered during EEIs to rapidly identify and effectively implement measures to minimize or prevent public harm.

CDC projects 60 EEIs in response to outbreaks or urgent public health events characterized by undetermined agents, undetermined sources, undetermined transmission, or undetermined risk factors annually. The projected average number of respondents is 200 per EEI, for a total of 12,000 respondents. CDC estimates the average burden per response is 0.5 hours per respondent, and each respondent will be asked to respond once. CDC requests OMB approval for a total of 6,000 estimated annual burden hours. OMB approval is requested for three years, and there is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Emergency Epidemic Investigation Participants.	Emergency Epidemic Investigation Data Collection Instruments.	12,000	1	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–19559 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee

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 Clinical Laboratory Improvement Advisory Committee (CLIAC). This meeting is open to the public, limited only by the number of webcast lines available. Time will be available for public comment.

DATES: The meeting will be held on November 9, 2022, from 11:00 a.m. to 6:00 p.m., EST, and November 10, 2022, from 11:00 a.m. to 6:00 p.m., EST.

ADDRESSES: This is a virtual meeting. Meeting times are tentative and subject to change. The confirmed meeting times, agenda items, and meeting materials, including instructions for accessing the live meeting broadcast, will be available on the CLIAC website at *https://www.cdc.gov/cliac.* Check the website on the day of the meeting for the web conference link.

FOR FURTHER INFORMATION CONTACT: Heather Stang, MS, Deputy Chief, Quality and Safety Systems Branch, Division of Laboratory Systems, Center for Surveillance, Epidemiology, and Laboratory Services, Deputy Director for Public Health Science and Surveillance, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop V24–3, Atlanta, Georgia 30329–4027; Telephone: (404) 498–2769; Email: *HStang@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: This Committee is charged with providing scientific and technical advice and guidance to the Secretary, HHS; the Assistant Secretary for Health; the Director, CDC; the Commissioner, Food and Drug Administration (FDA); and the Administrator, Centers for Medicare & Medicaid Services (CMS). The advice and guidance pertain to general issues related to improvement in clinical laboratory quality and laboratory medicine and specific questions related to possible revision of the Clinical Laboratory Improvement Amendments of 1988 (CLIA) standards. Examples include providing guidance on studies designed to improve quality, safety, effectiveness, efficiency, timeliness, equity, and patient-centeredness of laboratory services; revisions to the standards under which clinical laboratories are regulated; the impact of proposed revisions to the standards on medical and laboratory practice; and the modification of the standards and provision of non-regulatory guidelines to accommodate technological advances, such as new test methods, the electronic transmission of laboratory information, and mechanisms to improve the integration of public health and clinical laboratory practices.

Matters To Be Considered: The agenda will include agency updates from CDC, CMS, and FDA. Presentations and CLIAC discussions will focus on the clinical and public health response to the monkeypox outbreak, efforts to address public health and clinical laboratory workforce challenges, and reports from two CLIAC workgroups: the CLIA Regulations Assessment Workgroup and the CLIA Certificate of Waiver and Provider-performed Microscopy Procedures Workgroup. Agenda items are subject to change as priorities dictate.

Public Participation

It is the policy of CLIAC to accept written public comments and provide a brief period for oral public comments pertinent to agenda items.

Oral Public Comment: Public comment periods for each agenda item are scheduled immediately prior to the Committee discussion period for that item. In general, each individual or group requesting to present an oral comment will be limited to a total time of five minutes (unless otherwise indicated). Speakers should email *CLIAC@cdc.gov* or notify the contact person above (see **FOR FURTHER INFORMATION CONTACT**) at least five business days prior to the meeting date.

Written Public Comment: CLIAC accepts written comments until the date of the meeting (unless otherwise stated). However, it is requested that comments be submitted at least five business days prior to the meeting date so that the comments may be made available to the Committee for their consideration and public distribution. Written comments should be submitted by email to *CLIAC@cdc.gov* or to the contact person above. All written comments will be included in the meeting minutes posted on the CLIAC website.

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. 2022–19569 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–22–0573]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''National HIV Surveillance System (NHSS)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on April 1, 2022, to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. No changes were made to the information collection plan. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National HIV Surveillance System (NHSS) (OMB Control No. 0920–0573, Exp. 11/30/2022)—Revision—National Center for HIV, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Collected with authorization under Sections 304 and 306 of the Public Health Service Act (42 U.S.C. 242b and 242k), the National HIV Surveillance System (NHSS) data are the primary data used to monitor the extent and characteristics of the HIV burden in the United States. HIV surveillance data are used to describe trends in HIV incidence, prevalence and characteristics of infected persons and used widely at the federal, state, and local levels for planning and evaluating prevention programs and healthcare services, to allocate funding for prevention and care, and to monitor progress toward achieving national prevention goals of the Ending the HIV Epidemic in the U.S initiative.

The Division of HIV Prevention (DHP), National Center for HIV, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), CDC, in collaboration with health departments in the states, the District of Columbia, and U.S. dependent areas, conducts national surveillance for cases of HIV infection that includes critical data reported across the spectrum of HIV disease stages from HIV diagnosis to death. NHSS data collection activities are currently supported through cooperative agreements with health departments under CDC Funding Opportunity Announcements PS18–1802: Integrated HIV Surveillance and Prevention Programs for Health Departments; PS20–2010: Integrated HIV Programs for Health Departments to Support Ending the HIV Epidemic in the United States; PS18–1801: Accelerating the Prevention and Control of HIV/AIDS, Viral Hepatitis, STDs, and TB in the U.S.—Affiliated Pacific Islands; and PS23–2302: Accelerating the Prevention and Control of HIV, Viral Hepatitis, STDs, and TB in the U.S. Affiliated Pacific Islands.

The systematic data collection in NHSS provides the essential data used to calculate population-based HIV incidence estimates, describe the geographic distribution of disease, monitor HIV transmission and drug resistance patterns and genetic diversity of HIV among infected persons, detect and respond to HIV clusters of recent and rapid transmission, and monitor perinatal exposures. NHSS data are also used locally to identify persons with HIV who are not in medical care and linking them to care and needed services. Describing geographic distribution allows CDC to assess social determinants of health in the context of HIV which allows identification health inequities, and guides steps to address and monitor the health equity over time moving forward. NHSS data continue to be collected, maintained, and reported using standard case definitions, report forms and software. The system is periodically updated to keep pace with changes in testing technology and advances in HIV care and treatment, as well as changing prevention program monitoring and evaluation needs.

The changes requested in this Revision include program-initiated modifications to currently collected data elements and forms including changes to the Adult Case Report Form (ACRF), the Pediatric Case Report Form (PCRF), the Perinatal HIV Exposure Reporting (PHER)form, and the Standards Evaluation Report (SER). We request approval to continue data collection using our currently approved data collection instruments through December 2022 and implement the proposed form changes starting in January 2023.

Changes include minor modifications to dates and time periods in the SER to align with information needs and assess program performance the next report cycle in 2023. Changes made to both the ACRF and PCRF include addition of two variables to collect sexual orientation information and updated gender identity response options. Modification of the gender identity response options and collection of a new variable on sexual orientation proposed in this revision will allow CDC to better address prevention needs of sexual minority populations (*e.g.,* including lesbian, gay, bisexual and transgender (LGBT) populations). In addition, to better reflect the most recent changes in testing technology in the data collection, two new HIV test types have been added and two new response options related to self-testing have been added. Finally, three new HIV testing history variables to summarize self-testing activities have been added to the ACRF (only) and formatting changes have been made to improve usability of both forms.

Critical perinatal exposure information has been consolidated across the PHER and PCRF to one revised PCRF form to reduce redundancy and include some new and revised data elements needed to assess progress with perinatal elimination efforts and support HIV prevention activities. In all, 10 variables in the PHER form will no longer be collected; 7 variables from the PHER form were combined with existing variables on the PCRF; 13 variables were moved from the PHER form to the new PCRF; 5 new variables were added to the PCRF including 4 related to breastfeeding/chestfeeding and premastication risk behaviors and one variable related to documentation of laboratory results in a person's labor and delivery record; response options for the existing delivery method variable were revised on the PCRF to align with current medical practices.

Health departments will use the revised PCRF form to report both perinatal exposures and pediatric case reports. The number of jurisdictions that will submit pediatric case reports is 59 and a subset will also report perinatal exposure information using the revised PCRF form. The estimated burden per response for the PCRF has been revised from an average of 20 minutes to 35 minutes per response to account for these changes and increased reporting of perinatal exposure data elements.

Burden estimates have been revised to reflect program changes when needed. HIV Incidence data collection is being discontinued as a separate activity and removed from the ICR. HIV incidence continues to be estimated by CDC via statistical methods. Burden estimates have been updated to reflect the

discontinuation of incidence data collection, discontinued use of the PHER form for perinatal exposure reporting, and the revised PCRF. Additionally, the revised burden estimate includes small increases in burden for case and laboratory updates, deduplication activities and increased case investigations due to the increase in the number of persons living with HIV, requiring additional laboratory and case information reporting and linkage to care activities. Small decreases were made to the burden estimates for case reports to account for decreases in adult and pediatric HIV diagnoses reported.

Health department staff compile information from laboratories, physicians, hospitals, clinics, and other health care providers to complete the HIV adult and pediatric case and perinatal exposure reports. These data are recorded using standard report forms either on paper or electronically and entered in the electronic reporting system. CDC estimates that approximately 789 adult HIV case reports and 57 perinatal exposure and pediatric case reports are processed by each health department annually.

Updates to case reports are also entered into the reporting system by health departments if additional information is received from laboratories, vital statistics, or additional providers. Health departments also conduct evaluations on a subset of case reports (*e.g.,* re-abstraction, validation). CDC estimates that on average approximately 85 evaluations of case reports, 2,519 updates to case reports and 10,130 updates of electronic laboratory test data will be processed by each of the 59 health departments annually. All 59 health departments will also conduct routine deduplication activities for new diagnoses and cumulative case reports. CDC estimates that health departments on average will follow-up on 3,032 reports as part of deduplication activities annually. Case report information is compiled over time by health departments, de-identified and forwarded to CDC on monthly basis for inclusion in the national HIV surveillance database.

Additional information will be reported by health departments for monitoring and evaluation of health department investigations, including activities to identify persons who are not in HIV medical care, linking them to HIV medical care (*e.g.,* Data-to-Care activities) and other services and for identifying and responding to clusters. CDC estimates health departments will on average process 929 responses related to investigation reporting and monitoring annually.

Health departments actively review HIV surveillance and other data to detect clusters that include groups of persons with HIV related by recent and rapid transmission. Data on clusters will be collected to monitor situations necessitating public health intervention, assess health department response, and evaluate outcomes of intervention activities. Health departments with detected clusters will complete an initial cluster report form when a cluster is first identified, a cluster follow-up form for each quarter in which the cluster response remains active and a cluster close-out form when cluster response activities are closed or at annual intervals while a cluster response remains active. CDC estimates on average health departments will provide information for 2.5 initial cluster reports, five Cluster Follow-up Form reports, and 2.5 Cluster Close-out Form reports annually.

The annual Standards Evaluation Report (SER) is used by CDC and health departments to improve data quality, interpretation, usefulness, and surveillance system efficiency, as well as to monitor progress toward meeting surveillance program objectives. The information collected for the SER includes a brief set of questions about evaluation outcomes and the collection of laboratory data.

OMB approval is requested for three years. The total estimated annualized burden in hours is 60,731. There are no costs to the respondents other than time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Health Departments	Adult HIV Case Report (ACRF)	59	789	20/60
Health Departments	Perinatal Exposure and Pediatric HIV Case Report (PCRF).	59	57	35/60
Health Departments	Case Report Evaluations	59	85	20/60
Health Departments	Case Report Updates	59	2,519	2/60
Health Departments	Laboratory Updates	59	10,130	0.5/60
Health Departments	Deduplication Activities	59	3,032	10/60
Health Departments	Investigation Reporting and Evaluation	59	929	1/60
Health Departments	Initial Cluster Report Form	59	2.5	1
Health Departments	Cluster Follow-up Form	59	5	0.5
Health Departments	Cluster Close-out Form	59	2.5	1
Health Departments	Annual Reporting: Standards Evaluation Report (SER).	59	1	8

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–19564 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–1317; Docket No. CDC–2022–0107]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled, National Healthcare Safety Network (NHSN) Coronavirus (COVID–19) Surveillance in Healthcare Facilities. Data collected through this version of NHSN is intended to inform the federal government's understanding of disease patterns, including the changing burden of disease, and develop policies for prevention and control of problems related to COVID–19.

DATES: CDC must receive written comments on or before November 14, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0107 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

National Healthcare Safety Network (NHSN) Coronavirus (COVID–19) Surveillance in Healthcare Facilities (OMB Control No. 0920–1317, Exp. 1/31/2024)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Hospitals are key partners in the U.S. response to COVID–19. The response is locally executed, state managed, and federally supported. At the federal level, the U.S. Department of Health & Human Services (HHS) COVID–19 Response Function, the White House Coronavirus Response Team, and the Centers for Disease Control & Prevention (CDC) COVID–19 Response Function work together to support the effective operations of the American healthcare system. This collection initially began in March 2020 through a letter from then Vice President Pence to the nation's 4,700 hospitals, asking them to submit data daily on the number of patients tested for COVID–19, as well as information on bed capacity and requirements for other supplies. (*https://www.cms.gov/files/document/32920-hospital-letter-vice-president-pence.pdf*). CDC's National Healthcare Safety Network (NHSN) COVID–19 Module (OMB Control No. 0920–1290) was approved March 26, 2020 for the collection of hospital COVID–19 data. The NHSN COVID–19 Module also collects COVID–19 data from long-term care facilities and dialysis centers (collection was later revised and given OMB Control No. 0920–1317). Beginning July 2020, at the request of the White House Coronavirus Task Force, the collection of COVID–19 data from hospitals was moved to HHS/ASPR and housed in the TeleTracking portal. Collection of data from the other facilities remained with CDC under the NHSN COVID–19 Module.

Beginning in mid-December 2022, NHSN will resume the responsibility for collection of COVID–19 hospital data and will incorporate the TeleTracking data collection into 0920–1317. The purpose of this Revision request is to move the burden associated with collection of COVID–19 related data from hospitals to the CDC NHSN COVID–19 module. CDC requests OMB approval for an estimated 8,467,590 annual burden hours. 3,290,200 in burden hours will be added to this previous collection for the addition of the TeleTracking portal. There are no additional costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
LTCF personnel	NHSN and Secure Access Management Services (SAMS) enrollment.	11,500	1	60/60	11,500
LTCF personnel	COVID–19 Module, Long Term Care Facility: Resident Impact and Facility Capacity form (57.144).	11,621	52	40/60	402,861
Business and financial operations occupations.	COVID–19 Module, Long Term Care Facility: Resident Impact and Facility Capacity form (57.144).	1,870	52	40/60	64,827
State and local health department occupations.	COVID–19 Module, Long Term Care Facility: Resident Impact and Facility Capacity form (57.144).	1,870	52	40/60	64,827
LTCF personnel	COVID–19 Module, Long Term Care Facility Resident Impact and Facility Capacity form (57.144) (retrospective data entry).	5,811	1	40/60	3,874
Business and financial operations occupations.	COVID–19 Module, Long Term Care Facility Resident Impact and Facility Capacity form (57.144) (retrospective data entry).	935	1	40/60	623
State and local health department occupations.	COVID–19 Module, Long Term Care Facility Resident Impact and Facility Capacity form (57.144) (retrospective data entry).	935	1	40/60	623
LTCF personnel	COVID–19 Module, Long Term Care Facility: Staff and Personnel Impact form (57.145).	11,621	52	15/60	151,073
Business and financial operations occupations.	COVID–19 Module, Long Term Care Facility: Staff and Personnel Impact form (57.145).	1,870	52	15/60	24,310
State and local health department occupations.	COVID–19 Module, Long Term Care Facility: Staff and Personnel Impact form (57.145).	1,870	52	15/60	24,310
LTCF personnel	COVID–19 Module, Long Term Care Facility Staff and Personnel Impact form (57.145) (retrospective data entry).	5,811	1	15/60	1,453
Business and financial operations occupations.	COVID–19 Module, Long Term Care Facility Staff and Personnel Impact form (57.145) (retrospective data entry).	935	1	15/60	234
State and local health department occupations.	COVID–19 Module, Long Term Care Facility Staff and Personnel Impact form (57.145) (retrospective data entry).	935	1	15/60	234
LTCF personnel	COVID–19 Module, Long-Term Care Facility: Resident Therapeutics (57.158).	11,621	52	10/60	100,715
Business and financial operations occupations.	COVID–19 Module, Long-Term Care Facility: Resident Therapeutics (57.158).	1,870	52	10/60	16,207
State and local health department occupations.	COVID–19 Module, Long-Term Care Facility: Resident Therapeutics (57.158).	1,870	52	10/60	16,207
LTCF personnel	LTCF VA Resident COVID–19 Event Form.	188	36	35/60	3,948
LTCF personnel	LTCF VA Staff and Personnel COVID–19 Event Form.	188	36	20/60	2,256
Facility personnel	Weekly Healthcare Personnel COVID–19 Vaccination Cumulative Summary.	12,600	52	90/60	982,800
LTCF personnel	Weekly Resident COVID–19 Vaccination Cumulative Summary for Long-Term Care Facilities.	16,864	52	75/60	1,096,160
Microbiologist (IP)	Weekly Patient COVID–19 Vaccination Cumulative Summary for Dialysis Facilities.	7,700	52	75/100	500,500
LTCF personnel	Monthly Reporting Plan form for Long-term Care Facilities.	16,864	9	5/60	12,648

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Microbiologist (IP)	Healthcare Personnel Safety Monthly Reporting Plan—completed by Dialysis Facilities.	7,700	9	5/60	5,775
Microbiologist (IP)	Healthcare Personnel Safety Monthly Reporting Plan—completed by Inpatient Psychiatric Facilities.	394	12	5/60	394
Microbiologist (IP)	COVID–19 Dialysis Component Form.	4,900	104	20/60	169,867
Hospitals	NHSN COVID–19 Hospital Module	6,000	365	90/60	3,285,000
Infusion Centers and Outpatient Clinics reporting Inventory & use of therapeutics (MABs).	NHSN COVID–19 Hospital Module	400	52	15/60	5,200

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–19562 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single-Source Cooperative Agreement To Fund Addis Ababa City Administration Health Bureau of Ethiopia

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award of approximately $10,000,000 for Year 1 of funding to the Addis Ababa City Administration Health Bureau of Ethiopia (AACAHB) to ensure continuity of quality comprehensive HIV/AIDS prevention, care, and treatment services for controlling the HIV epidemic activities in Addis Ababa City Administration of Ethiopia. The award will help the city close gaps to achieve the 95–95–95 goals (95% of HIV-positive individuals knowing their status, 95% of those receiving ART [Antiretroviral therapy], and 95% of those achieving viral suppression) and reach HIV epidemic control. Funding amounts for years 2–5 will be set at continuation.

DATES: The period for this award will be September 30, 2022 through September 29, 2027.

FOR FURTHER INFORMATION CONTACT: Tesfaye Desta, Center for Global Health, Centers for Disease Control and Prevention, U.S. Embassy—Addis Ababa, Entoto Road, Addis Ababa, Ethiopia, Telephone: 800–232–6348, Email: *hmz4@cdc.gov.*

SUPPLEMENTARY INFORMATION: The single-source award will implement prevention, testing and counselling, prevention of mother to child transmission, care and treatment, laboratory, Strategic Information (M&E, Surveillance, HIS), TB/HIV and other public health need affecting HIV/AIDS programming like COVID in the capital city of Ethiopia, Addis Ababa.

The purpose of this award is to continue supporting the strengthening of public health response and programs, including but not limited to HIV/AIDS, in the Addis Ababa City. AACAHB is the only government entity with a legal authority and mandate to plan, manage, administer, and coordinate all health-related activities in the city.

Summary of the Award

Recipient: Addis Ababa City Administration Health Bureau of Ethiopia.

Purpose of the Award: The purpose of this award is to ensure continuity of quality comprehensive HIV/AIDS prevention, care, and treatment services for controlling the HIV epidemic activities in Addis Ababa City Administration of Ethiopia. This NOFO will help the city close gaps to achieve the 95–95–95 goals and reach HIV epidemic control.

Amount of Award: The approximate year 1 funding amount will be $10,000,000 in Federal Fiscal Year (FFY) 2022 funds, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

Period of Performance: September 30, 2022 through September 29, 2027.

Authority: Public Law 108–25 (the United States Leadership Against HIV AIDS, Tuberculosis and Malaria Act of 2003).

Dated: September 6, 2022.

Terrance Perry,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–19566 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–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–22–003, Occupational Safety and Health Training Project Grants (TPG).

Date: December 6, 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: Marilyn Ridenour, B.S.N., M.P.H., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1095 Willowdale Road, Morgantown, West Virginia 26505; Telephone: (304) 285–5879; Email: *MRidenour@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. 2022–19570 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–22CR]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Homeless Service Providers' Knowledge, Attitudes, and Practices Regarding Body Lice, Fleas and Associated Diseases'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on February 22, 2022 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Homeless service providers knowledge, attitudes, and practices regarding body lice, fleas and associated diseases—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Several bacterial vector-borne diseases that are spread by body lice and fleas disproportionately affect persons experiencing homelessness (PEH). Given the potential severity of louse- and flea-borne diseases, as well as their disproportionate impact on PEH, understanding the knowledge, and gaps in knowledge, of urban homeless service providers will allow for targeted education and interventions to reduce the risk of louse- and flea-borne disease among this population.

This information collection aims to improve CDC's understanding of homeless service providers knowledge, attitudes, and practices regarding vector-borne diseases that can affect PEH. Insights gained from this information collection will be used to develop guidance for control of vector-borne diseases among PEH, and to improve educational outreach regarding these diseases.

Homeless service providers who work or volunteer in shelters serving PEH and homeless service providers who work on outreach teams serving unhoused persons living on the street or in encampments will serve as respondents for this study. Participating local or state public health partners will recruit up to 10 homeless service sites or outreach organizations. At each participating service site or outreach organization, 3–5 participants will be recruited to participate, with a goal of 30–50 participants recruited by each local or state public health partner. A total of 240–500 participants will complete a survey instrument. In addition, one participant from each homeless service site or outreach organization will complete a separate site assessment form regarding policies and services to better understand structural barriers to vector-borne disease prevention, diagnosis, and treatment.

CDC requests OMB approval for an estimated 320 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent (in hours)	Average burden per response (in hours)
Homeless Service Providers—Shelter workers and volunteers.	Knowledge, Attitudes, and Practices about Body Lice- and Flea-borne Diseases: Survey for Shelter Workers.	200	1	45/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent (in hours)	Average burden per response (in hours)
Homeless Service Providers—Street Outreach Team.	Knowledge, Attitudes, and Practices about Body Lice- and Flea-borne Diseases: Survey for Street/ Outreach Workers.	200	1	45/60
Supervisor—Shelter	Site Assessment Form for Homeless Service Sites	40	1	15/60
Supervisor—Street Outreach Teams	Site Assessment Form for Street/Outreach Workers	40	1	15/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–19563 Filed 9–9–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Culture of Continuous Learning Project: Case Study of a Breakthrough Series Collaborative for Improving Child Care and Head Start Quality (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE), Administration for Child and Families (ACF) is proposing an information collection activity for the Culture of Continuous Learning Project (CCL). The goal of the project is to assess the feasibility of implementing continuous quality improvement methods in early care and education (ECE) programs and systems to support the use and sustainability of evidence-based practices.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *OPREinfocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The CCL project is proposing a new information collection activity to assess the feasibility of implementing continuous quality improvement methods in ECE programs and systems to support the use and sustainability of evidence-based practices. Three Breakthrough Series Collaboratives (BSCs), a specific quality improvement model designed to support the implementation of continuous quality improvement methods in organizations, will be implemented in Head Start and child care settings. The BSC methodology has been studied extensively in health care and other fields but has limited evidence as an effective quality improvement methodology in the early childhood field. The findings will be of broad interest to ECE programs as well as training and technical assistance providers and researchers, all of whom are interested in improving the quality of services young children receive.

Head Start and child care programs that voluntarily participate in the BSCs will be asked to complete a number of tools designed to facilitate implementation of the BSC. The implementation of the BSCs will be evaluated using a case study design that will involve focus groups, interviews, surveys, and classroom observations. To fully capture participants' experiences in the BSCs, the implementation and evaluation instruments are designed to engage respondents one to three times during a twelve-month period, depending on the instrument. The goal of the case study is to document the factors that contribute to the feasibility of BSC implementation within a state quality improvement system (*e.g.,* a state quality rating and improvement system) and/or a regional professional development or technical assistance system (*e.g.,* a region within a state, or a cross-state region such as Head Start regional technical assistance areas) such that we can refine hypotheses and study measures which will be useful in the design of an evaluation for a future study of BSCs in ECE systems. The case study will also help determine what additional capacity ECE systems may need to adopt the BSC methodology and offer it within their system at a larger scale.

Respondents: Up to 45 ECE programs will be invited to complete an application to participate in a BSC and up to five people per program will be involved in completing the application. Up to eight programs will be selected to participate in one of three BSCs, for a total of up to 24 programs. Within each program, up to seven individuals (*e.g.,* directors, lead teachers, assistant teachers, teacher aides, parents, curriculum specialists, etc.) will participate in the implementation of the BSC, meaning that up to 168 individuals will participate. Respondents will also include additional teachers (up to 114), program staff (up to 96), and parents (up to 2,136) located at participating Head Start and child care programs where a BSC is implemented but who are not members of the BSC Team.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
BSC Implementation Instruments					
Instrument 1: BSC Selection Application Questionnaire	225	1	1.5	338	169
Instrument 2: Pre-Work Assignment: Data Collection Planning Worksheet	48	1	2	96	48
Instrument 3: Plan, Do, Study, Act (PDSA) Form & Tracker	168	34	0.25	1,428	714
Instrument 4: Monthly Metrics	48	8	1.5	576	288
Instrument 5: Implementation Discussion Forum Prompts	168	34	0.25	1,428	714
Instrument 6: Learning Session Feedback Form	168	4	0.25	168	84
Instrument 7: Action Planning Form	168	4	0.25	168	84
Instrument 8: BSC Overall Feedback Form	168	1	0.25	42	21
Instrument 9: Organizational Self-Assessment	168	5	1.5	1,260	630
BSC Case Study Instruments					
Instrument 10: Key informant interviews with BSC faculty members who are affiliated with the state/region	9	1	1	9	5
Instrument 11: Focus groups with BSC implementation staff and faculty who are not affiliated with the state/region	30	2	1.5	90	45
Instrument 12: Surveys with BSC implementation staff and faculty	30	1	0.17	5	3
Instrument 13: Key informant interviews with center administrators who are members of BSC teams	24	2	1	48	24
Instrument 14: Focus groups with center teachers/support staff who are members of BSC teams	120	2	1.5	360	180
Instrument 15: Focus groups with parents who are members of BSC teams	24	2	1.5	72	36
Instrument 16: Focus groups with individual BSC teams	168	2	1.5	504	252
Instrument 17a: Administrator surveys	24	3	0.5	36	18
Instrument 17b: Teacher surveys	240	3	0.5	360	180
Instrument 17c: Other center staff surveys	96	3	0.5	144	72
Instrument 17di: Non-BSC parent surveys	2,136	2	0.5	2,136	1,068
Instrument 17dii: BSC parent surveys	24	3	0.5	36	18
Instrument 18: Classroom observations	48	3	0.33	48	24
Instrument 19: Administrative data survey	24	4	0.5	48	24

Estimated Total Annual Burden Hours: 4,701.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Head Start Act § 640 [42 U.S.C. 9835] and 649 [42 U.S.C. 9844]; appropriated by the Continuing Appropriations Act of 2019. Child Care and Development Block Grant Act of 1990 as amended by the CCDBG Act of 2014 (Pub. L. 113–186).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–19549 Filed 9–9–22; 8:45 am]

BILLING CODE 4184–2–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; National Human Trafficking Training and Technical Assistance Center (NHTTAC) Evaluation Package (OMB #0970–0519)

AGENCY: Office on Trafficking in Persons, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office on Trafficking of Persons (OTIP), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting renewal with revisions to the instruments previously approved for the National Human Trafficking Training and Technical Assistance Center (NHTTAC) Evaluation Package (Office of Management and Budget (OMB) #0970–0519, expiration March 31, 2023). Items were expanded to include measures related to specific skills, competencies, and knowledge and outcomes at the organizational and community levels, and the annual burden has increased for several forms.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects

of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The NHTTAC delivers training and technical assistance (T/TA) to inform and deliver a public health response to trafficking. In applying a public health approach, NHTTAC holistically builds the capacity of professionals, organizations, and communities to identify and respond to the complex needs of all individuals who have experienced trafficking or who have increased risk factors for trafficking and address the root causes that put individuals, families, and communities at risk of trafficking. These efforts ultimately help improve the availability and delivery of coordinated and trauma-informed services before, during, and after an individual's trafficking exploitation, regardless of their age, gender identity, sexual orientation, race/ethnicity, nationality, or type of exploitation experienced.

NHTTAC hosts a variety of services, programs, and facilitated sessions to improve service provision to people who have experienced trafficking or who have increased risk factors for trafficking, including The Human Trafficking Leadership Academy (HTLA); SOAR (Stop, Observe, Ask, and Respond) to Health and Wellness; OTIP-funded recipients; both short-term and specialized T/TA requests; the NHTTAC Customer Support; and information through NHTTAC's website, resources, and materials about trafficking. This information collection is intended to collect feedback from participants to assess a diverse range of T/TA provided by NHTTAC.

Revisions have been made in order to:

- Respond to Postgraduate Institute for Medicine accreditation requirements through SOAR T/TA
- Reduce burden where applicable
- Provide flexibility for NHTTAC to assess new knowledge gains, application of skills/competencies, and outcomes of participants who received NHTTAC T/TA
- Understand NHTTAC's progress on improving diversity, equity, and inclusion

Respondents: NHTTAC T/TA participants include OTIP grant recipients, individuals with lived experience, professionals who interact with and provide services to individuals who have experienced trafficking, including healthcare, behavioral health, public health, and human service practitioners, organizations, and communities.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Total number of responses per respondent	Average burden hours per response	Annual burden hours
Universal T/TA Participant Feedback-Long Version	2,100	1	0.43	903
Universal T/TA Participant Feedback-Short Version	50,000	1	0.10	5,000
Intensive T/TA Participant Feedback	650	1	1.17	761
Follow Up Feedback	10,000	1	0.50	5,000
Qualitative Guide	2,000	1	1.50	3,000
Network Survey	600	1	1.00	600
Client Satisfaction Survey	1,000	1	0.08	83
Resources Feedback	500	1	0.08	42
Requester Feedback	250	1	0.12	29

Estimated Total Annual Burden Hours: 15,418.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Consideration will be given to comments and suggestions submitted within 60 days of this publication.

(Authority: 22 U.S.C. 7104 and 22 U.S.C. 7105(c)(4))

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–19553 Filed 9–9–22; 8:45 am]

BILLING CODE 4187–47–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Procedural Justice-Informed Alternatives to Contempt Demonstration (Office of Management and Budget #0970–0505)

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to add additional data collection activities as part of the rigorous evaluation of the Procedural Justice-Informed Alternatives to Contempt (PJAC) Demonstration. The proposed revision to conduct additional data collection is part of a research supplement that builds on the PJAC study to understand the role of bias in child support program enforcement actions.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all

requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: OCSE is proposing to conduct additional data collection activities as part of the PJAC Demonstration. In September 2016, OCSE issued grants to five state child support agencies to provide alternative approaches to the contempt process with the goal of increasing noncustodial parents' compliance with child support orders by building trust and confidence in the child support agency and its processes. OCSE also awarded a grant to support a rigorous evaluation of PJAC. The PJAC Demonstration is designed to help grantees and OCSE to learn whether incorporating principles of procedural justice into child support business practices increases reliable child support payments, reduces arrears, minimizes the need for continued enforcement actions and sanctions, and reduces the use of contempt proceedings.

The PJAC demonstration will yield information about the efficacy of applying procedural justice principles via a set of alternative services to the current use of a civil contempt process to address nonpayment of child support. As a part of the evaluation, PJAC will build evidence about disparity and bias in the child support system, with a focus on the use of enforcement actions used to coerce child support payments. The research will measure the extent to which bias is embedded within child support policies and practices. The information gathered may help inform future policy decisions to better understand and reduce disparities within the child support program.

The research will document disparities and differences in treatment by race and ethnicity, gender, and income within the child support system in up to three states participating in the PJAC demonstration. Key elements of the study include a quantitative analysis of disparities in the initiation of a child support case, setting of order amounts, order modifications, and use of punitive enforcement actions, including civil contempt; semi-structured interviews with staff from child support agencies and selected partner organizations; and separate semi-structured interviews with study participants to learn about their experiences with and perceptions of bias in the child support process, specifically in the use of enforcement actions.

OCSE is proposing a to conduct additional data collection activities as part of the PJAC Demonstration, which include the following: a topic guide for interviews about experiences of bias with noncustodial parents and a topic guide for interviews about experiences of bias with child support staff and partners.

Data collection activities that were previously approved by OMB, following public comment, are the staff data entry on participant baseline information, study Management Information Systems (MIS) to track receipt of services, staff and community partner interview topic guide, the noncustodial parent participant interview protocol, the staff survey, the staff time study, and the custodial parent interview protocol. These instruments are currently in use and this request will extend approval to continue data collection. Supporting materials, including burden estimates related to approved instruments, are available at *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202202-0970-013.* The following burden table includes information for the proposed new interviews.

Respondents: Respondents for the new data collection instruments include study participants and child support program staff and partners at three of the six PJAC demonstration sites.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Topic list for bias interviews with staff and partners	90	1	1.5	135	45
Topic guide for bias interviews with noncustodial parents ..	90	1	1	90	30

Estimated Total Annual Burden Hours: 75.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

(Authority: 42 U.S.C. 1315)

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–19555 Filed 9–9–22; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Center Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Announcing Period of Performance Extensions with Funding for Health Center Program Award Recipients in Lexington, Kentucky and Worcester, Massachusetts.

SUMMARY: Additional grant funds were provided to two Health Center Program award recipients in Lexington, Kentucky and Worcester, Massachusetts with periods of performance ending in fiscal year (FY) 2022 to extend their periods of performance by up to 7 months to ensure the ongoing delivery of services until a new award could be made.

SUPPLEMENTARY INFORMATION:

Recipients of the Award: HRSA has provided additional grant funds to two award recipients, as listed in Table 1, in Lexington, Kentucky and Worcester, Massachusetts, to ensure that individuals in the service areas received uninterrupted access to needed health care services.

Amount of Non-Competitive Awards: Two awards totaling $3,604,971.

Period of Supplemental Funding: FY 2022.

Assistance Listings (CFDA) Number: 93.224

Authority: PHS Act (42 U.S.C. 254b).

Justification: HRSA extended the FY 2022 periods of performance with prorated supplemental grant funds to two award recipients in Lexington, Kentucky and Worcester, Massachusetts for 7 months and 4 months, respectively, until a new award could be made for each service area. Continued funding to these Health Center Program award recipients ensured that individuals in the service areas received uninterrupted access to needed health care services. The additional grant funds enabled HRSA to support consistent health care to beneficiaries, eliminate funding gaps, and demonstrate administrative efficiencies. HRSA awarded a total of $3,604,971 to the two existing Health Center Program award recipients noted in Table 1.

TABLE 1—RECIPIENTS AND AWARD AMOUNTS

Grant number	Award recipient name	City, state	Extension length	Award amount
H80CS06650	University of Kentucky Research Foundation.	Lexington, Kentucky	7 months	$1,345,884
H80CS00452	Family Health Center of Worcester, Inc.	Worcester, Massachusetts	4 months	2,259,087

FOR FURTHER INFORMATION CONTACT: Erica Clift, Ongoing Investments Director, Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, at *eclift@hrsa.gov* or 301–594–4300.

Diana Espinosa,

Deputy Administrator.

[FR Doc. 2022–19624 Filed 9–9–22; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0955–0019]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before October 12, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 264–0041. When submitting comments or requesting information, please include the document identifier 0955–0019–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: National Survey of Health Information Exchange Organizations (HIO).

Type of Collection: Reinstatement w/ change.

OMB No. 0955–0019.

Abstract: Electronic health information exchange (HIE) was one of three goals specified by Congress in the 2009 Health Information Technology for Economic and Clinical Health (HITECH) Act to ensure that the $30 billion federal investment in certified electronic health records (CEHRTs) resulted in higher-quality, lower-cost care. In subsequent rulemaking and regulations, ensuring that providers can share data electronically across EHRs and other health information systems has been a top priority.

Beginning prior to HITECH, there has been substantial ongoing assessment of trends in the capabilities of health information organizations to support clinical exchange. These surveys have collected data on organizational structure, financial viability, geographic coverage, scope of services, scope of participants, perceptions of information blocking, and participation in national networks and TEFCA. While past surveys assessed HIOs' capacity to support HIE in a variety of ways, they did not closely examine how HIOs support public health exchange. Each of these areas of data collection will be useful to constructing a current and more comprehensive picture of HIOs' role in addressing public health emergencies.

Given the evolving nature of the pandemic, assessing HIOs' current capabilities is critical as there are ongoing needs to share varied types of information that HIOs may be supporting. The survey will collect data from HIOs across the nation. These organizations facilitate electronic exchange of health information across disparate providers, labs, pharmacies, public health departments, and beyond. Little information exists on how HIOs can address information gaps related to public health. Thus, a first step to addressing these gaps, we need to better characterize existing capabilities of HIOs. The success of managing the current pandemic, and future public health emergencies, relies on the ability to efficiently share key data regarding health system capacity, contact tracing, testing, detecting new outbreaks, vaccine updates, and patient demographics to help address disparities in our response efforts. In addition to measuring the capabilities to support public health, it is also necessary to understand the broader picture of HIO capabilities to support electronic health information exchange, their maturity and challenges they face. There are four key areas that require this broader assessment: (1) adoption of technical standards; (2) perceptions related to information blocking; (3) HIE coordination at the federal level; and (4) organizational demographics, including technical capabilities offered by HIOs and the challenges they face in supporting electronic health information exchange.

The ultimate goal of our project is to administer a survey instrument to HIOs in order to generate the most current national statistics and associated actionable insights to inform policy

efforts. The timely collection of national data from our survey will assess current capabilities to support effective electronic information sharing within our healthcare system related to COVID–19 and other public health relevant data.

This is a 3-year request for OMB approval.

Likely respondents: U.S. based public and private HIOs; Frequency: annual; Affected public: public and private businesses.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
	105	1	45/60	79
Total	105			79

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–19583 Filed 9–9–22; 8:45 am]

BILLING CODE 4150–45–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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, 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; Resources to Advance Pediatrics and HIV Prevention Science (RAPPS).

Date: October 6, 2022.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Poonam Pegu, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20852, 240–292–0719, *poonam.pegu@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Resources to Advance Pediatrics and HIV Prevention Science (RAPPS).

Date: October 7, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Poonam Pegu, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20852, 240–292–0719, *poonam.pegu@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: September 6, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19609 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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 on Deafness and Other Communication Disorders Special Emphasis Panel; Clinical Trial Review.

Date: September 27, 2022.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *katherine.shim@nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Hearing and Balance Application Review.

Date: October 11, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Fellowship—Voice Speech and Language Review.

Date: October 20, 2022.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication

Disorders, National Institutes of Health, 6001 Executive Boulevard, Room 8351, Bethesda, MD 20892, (301) 451–6339, *kellya2@nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Review of Applications for Research Opportunities for New Investigators to Promote Workforce Diversity.

Date: October 27, 2022.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, 6001 Executive Boulevard, Room 8351, Bethesda, MD 20892, (301) 451–6339, *kellya2@nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Clinical Research Center Grant Review.

Date: November 3, 2022.

Time: 2:30 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6001 Executive Blvd., Room 8349, Bethesda, MD 20892, 301–496–8683, *yangshi@nidcd.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: September 2, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19649 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center For Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; Promoting Research on Music and Health: Phased Innovation Award for Music Interventions (R61/R33) Clinical Trial Optional.

Date: September 27, 2022.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Complementary and Integrative, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shiyong Huang, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20817, *shiyong.huang@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: September 2, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19647 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Biochemistry and Biophysics of Membranes Study Section.

Date: October 6–7, 2022.

Time: 8:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Nuria E Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Secondary Analyses of Existing Datasets of Tobacco Use and Health.

Date: October 6, 2022.

Time: 1:00 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ola Mae Zack Howard, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, 301–451–4467, *howardz@mail.nih.gov*.

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Tumor Host Interactions Study Section.

Date: October 19–20, 2022.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Angela Y Ng, Ph.D., MBA Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 710–C, MSC 7806, Bethesda, MD 20892, (301) 435–1715, *nga@csr.nih.gov*.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Cellular and Molecular Technologies Study Section.

Date: October 19–20, 2022.

Time: 10:00 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Tatiana V Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–455–2364, *tatiana.cohen@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 2, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19648 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Biobehavioral Regulation, Learning and Ethology Study Section.

Date: October 6–7, 2022.

Time: 8:30 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: AC Hotel by Marriott, 4646 Montgomery Ave, Bethesda, MD 20814.

Contact Person: Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443–7193, *hargravesl@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RM–22–014: SCGE Phase II, Technologies and Assays for Therapeutic Genome Editing.

Date: October 6, 2022.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Karobi Moitra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–6893, *karobi.moitra@nih.gov*.

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Vascular Inflammation Study Section.

Date: October 6–7, 2022.

Time: 9 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, (301) 435–1206, *komissar@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentations: NMR/X-ray/Computational Server (S10).

Date: October 6, 2022.

Time: 10 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–4390, *shan.wang@nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Arthritis, Connective Tissue and Skin Study Section.

Date: October 11–12, 2022.

Time: 9:30 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Robert Gersch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 867–5309, *robert.gersch@nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function B Study Section.

Date: October 11–12, 2022.

Time: 9:30 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexei A Yeliseev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 3014430552, *yeliseeva@mail.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cell Signaling and Molecular Endocrinology Study Section.

Date: October 11–12, 2022.

Time: 10 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Latha Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435–1999, *malaiyandilm@csr.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular, Molecular and Integrative Reproduction Study Section.

Date: October 11–12, 2022.

Time: 10 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anthony Wing Sang Chan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 809K, Bethesda, MD 20892, (301) 496–9392, *chana2@csr.nih.gov*.

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.

Date: October 13–14, 2022.

Time: 8:30 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mary G Schueler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7846, Bethesda, MD 20892, 301–915–6301, *marygs@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Chronic Dysfunction and Integrative Neurodegeneration Study Section.

Date: October 13–14, 2022.

Time: 9 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bernard Rajeev Srambical Wilfred, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1042, *bernard.srambicalwilfred@nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Guided Interventions and Surgery Study Section.

Date: October 13–14, 2022.

Time: 9 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yuanna Cheng, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301) 435–1195, *Chengy5@csr.nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Probes and Contrast Agents Study Section.

Date: October 13–14, 2022.

Time: 9:30 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Donald Scott Wright, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–8363; *wrightds@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 6, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19603 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Applied Immunology and Disease Control Integrated Review Group; Vector Biology Study Section.

Date: October 11, 2022.

Time: 8:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza National Airport, 1480 Crystal Drive, Arlington, VA 22202.

Contact Person: Haruhiko Murata, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–3245, *muratah@csr.nih.gov*.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Child Psychopathology and Developmental Disabilities Study Section.

Date: October 11–12, 2022.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Karen Elizabeth Seymour, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000–E, Bethesda, MD 20892, (301) 443–9485, *karen.seymour@nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Clinical Data Management and Analysis Study Section.

Date: October 13–14, 2022.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shivakumar V Chittari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–408–9098, *chittari.shivakumar@nih.gov*.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry B Study Section.

Date: October 13–14, 2022.

Time: 10:00 a.m. to 9:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michael Eissenstat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 435–1722, *eissenstatma@csr.nih.gov*.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Human Complex Mental Function Study Section.

Date: October 17–18, 2022.

Time: 8:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Joanna Szczepanik, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1000D, Bethesda, MD 20892, (301) 827–2242, *szczepaj@csr.nih.gov*.

Name of Committee: Cell Biology Integrated Review Group; Development—1 Study Section.

Date: October 20, 2022.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Zubaida Saifudeen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 827–3029, *zubaida.saifudeen@nih.gov*.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Emerging Imaging Technologies in Neuroscience Study Section.

Date: October 20–21, 2022.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sharon S. Low, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7846, Bethesda, MD 20892, 301–237–1487, *lowss@csr.nih.gov*.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Cellular and Molecular Immunology—A Study Section.

Date: October 20–21, 2022.

Time: 9:30 a.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mohammad Samiul Alam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 809D, Bethesda, MD 20892, (301) 435–1199, *alammos@csr.nih.gov*.

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Gene Regulation in Cancer Study Section.

Date: October 20–21, 2022.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manzoor A. Zarger, Ph.D., MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov*.

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Cancer Genetics Study Section.

Date: October 24–25, 2022.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301 435 1256, *biesj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 6, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19607 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiological Basis of Mental Disorders and Addictions Study Section.

Date: September 28–29, 2022.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Bioengineering, Technology and Surgical Sciences Study Section.

Date: October 11–12, 2022.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Khalid Masood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301–435–2392, *masoodk@csr.nih.gov*.

Name of Committee: Cell Biology Integrated Review Group; Development—2 Study Section.

Date: October 11–12, 2022.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Bethesdan Hotel Tapestry Collection by Hilton, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rass M. Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Glia Study Section.

Date: October 13–14, 2022.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Sung-Wook Jang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812P, Bethesda, MD 20892, (301) 435–1042, *jangs2@csr.nih.gov*.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Pathogenic Eukaryotes Study Section.

Date: October 13–14, 2022.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Tera Bounds, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, 301 435–2306, *boundst@csr.nih.gov*.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Etiology, Diagnostic, Intervention and Treatment of Infectious Diseases Study Section.

Date: October 13–14, 2022.

Time: 9:30 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–996–5819, *zhengli@csr.nih.gov*.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Innate Immunity and Inflammation Study Section.

Date: October 13–14, 2022.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Shahrooz Vahedi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 810G, Bethesda, MD 20892, (301) 496–9322, *vahedis@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Maximizing Investigators' Research Award D.

Date: October 13–14, 2022.

Time: 11:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Thomas Y Cho, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 710B, Bethesda, MD 20892, (301) 402–4179, *thomas.cho@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 2, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19646 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of 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: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Patient-Oriented Research Study Section.

Date: October 27–28, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Stephanie Johnson Webb, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–V, Bethesda, MD 20892, (301) 827–7992, *stephanie.webb@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung

Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 6, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19571 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Metabolic Receptor-Coactivator Complexes in Systemic Obesity: Structure and Function.

Date: December 1, 2022.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Democracy Plaza Two, 6707 Democracy Boulevard, Bethesda, MD 20892 (Teleconference Meeting).

Contact Person: Paul A. Rushing, Ph.D. Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov*.

Information is also available on the Institute's/Center's home page: *www.niddk.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 6, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19605 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of 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: Heart, Lung, and Blood Initial Review Group; NHLBI Single-Site and Pilot Clinical Trials Study Section.

Date: October 26–27, 2022.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6705 Rockledge Drive, Room 207–P, Bethesda, MD 20892–7924, 301–827–7942, *lismerin@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 6, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19572 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of R16 SuRE applications.

Date: November 1, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of General Medical Science, Natcher Bldg. 45, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lee Warren Slice, Ph.D., Scientific Review Officer, National Institute of General Medical Science, Natcher Bldg. 45, 45 Center Drive, Bethesda, MD 20892, 301–435–0807, *lslice@mednet.ucla.edu*.

Information is also available on the Institute's/Center's home page: *www.nigms.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 6, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19606 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; JSPTPN T32 Training Grant Review Meeting.

Date: October 3, 2022.

Closed: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Abhignya Subedi, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Boulevard, Bethesda, MD 20892, 301–496–9223, *abhi.subedi@nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders C Study Section Translational Neural, Brain, and Pain Relief Devices (NSD–C).

Date: October 3–4, 2022.

Closed: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Ana Olariu, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Boulevard, Bethesda, MD 20892, 301–496–9223, *Ana.Olariu@nih.gov*.

Name of Committee: Neurological Sciences Training Initial Review Group; NST–2 Study Section.

Date: October 6–7, 2022.

Closed: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Deanna Lynn Adkins, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Boulevard, Bethesda, MD 20892, 301–496–9223, *deanna.adkins@nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; HEAL Initiative: Planning Studies for Initial Analgesic Development [Small Molecules and Biologics] (R61 Clinical Trial Not Allowed).

Date: October 6, 2022.

Closed: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Bo-Shiun Chen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS/NIH, NSC, 6001 Executive Boulevard, Bethesda, MD 20892, 301–496–9223, *bo-shiun.chen@nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Exploratory Team-Research BRAIN Circuit Program.

Date: October 7, 2022.

Closed: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

Contact Person: Tatiana Pasternak, Ph.D., Scientific Review Officer, Scientific Review Branch, 6001 Executive Boulevard, NINDS/NIH, NSC, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892, 301–496–9223, *tatiana.pasternak@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health.)

Dated: September 6, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19608 Filed 9–9–22; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, 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; Preclinical Services for Biopharmaceutical Product Development (N01).

Date: October 3–14, 2022.

Time: 10 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F36, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Noton K. Dutta, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F36, Rockville, MD 20852, 240–669–2857, *noton.dutta@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: September 6, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–19602 Filed 9–9–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket ID: CISA–2022–0010]

Cyber Incident Reporting for Critical Infrastructure Act of 2022 Listening Sessions

AGENCY: Cybersecurity and Infrastructure Security Agency, Department of Homeland Security

ACTION: Notice of public listening sessions.

SUMMARY: The Cybersecurity and Infrastructure Security Agency (CISA) is announcing a series of public listening sessions to receive input as CISA develops proposed regulations required by the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA). CISA is interested in receiving public input on potential aspects of the proposed regulations prior to their publication in a Notice of Proposed Rulemaking (NPRM), and issued a request for information in the **Federal**

Register on September 12, 2022 (the ''RFI'') as a means to receive that input. These public listening sessions are intended to serve as an additional means for interested parties to provide input to CISA on the topics identified in the RFI prior to the publication of the NPRM.

DATES: Public listening sessions are scheduled to be held on the following dates at the following locations:

Salt Lake City, Utah—September 21, 2022; Taylorsville State Office Building, 4315 S 2700 W, Taylorsville, UT 84129.

Atlanta, Georgia—September 28, 2022; Georgia Emergency Management Administration Building, 935 United Avenue SE, Atlanta, GA 30316.

Chicago, Illinois—October 5, 2022; 536 S. Clark/101 W. Ida B. Wells Federal Building, USCIS Auditorium, 536 S. Clark Street/101 W. Ida B. Wells Drive, Chicago, IL 60605.

Dallas/Fort Worth, Texas—October 5, 2022; Fritz G. Lanham Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

New York, New York—October 12, 2022; Alexander Hamilton U.S. Custom House Smithsonian Museum of the American Indian, 1 Bowling Green, New York, NY 10004.

Philadelphia, Pennsylvania—October 13, 2022; Federal Reserve Bank, 10 N. Independence Mall, W Philadelphia, PA 19106.

Oakland, California—October 26, 2022; Ronald V. Dellums Federal Building, 1301 Clay Street, Oakland, CA 94612.

Boston, Massachusetts—November 2, 2022; Tip O'Neill Federal Building, 10 Causeway, Boston, MA 02222.

Seattle, Washington—November 9, 2022; Henry Jackson Federal Building, 915 2nd Avenue, Seattle, WA 98104.

Kansas City, Missouri—November 16, 2022; Two Pershing Square, 2300 Main Street, Kansas City, MO 64108.

CISA also plans to host a listening session in Washington, DC; however, a date and location for that session has not yet been finalized. CISA will publish a supplemental notice in the **Federal Register** containing the date and location of the Washington, DC listening session once those details have been finalized.

All of the listening sessions are tentatively scheduled to occur from 11 a.m.–3 p.m. local time. CISA reserves the right to reschedule, move to virtual, or cancel any of these sessions for any reason, including a health emergency, severe weather, or an incident that impacts the ability of CISA to safely conduct these sessions in person at the proposed date, time, and location. Any changes or updates to dates, locations, or start and end times for these listening sessions, to include the date and location for the Washington, DC listening session, will be posted on *www.cisa.gov/circia.*

CISA is committed to ensuring all participants have equal access to these sessions regardless of disability status. If you require reasonable accommodation due to a disability to fully participate, please contact CISA at *circia@cisa.dhs.gov* or (202) 964–6869 as soon as possible prior to the session you wish to attend.

Registration is encouraged for these public listening sessions and priority access will be given to individuals who register. To register, please visit *www.cisa.gov/circia* and follow the instructions available there to complete registration. Registration for each in-person listening session will be accepted until 5 p.m. (eastern daylight time) two days before the listening session.

FOR FURTHER INFORMATION CONTACT: Todd Klessman, Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA) Rulemaking Team Lead, Cybersecurity and Infrastructure Security Agency, *circia@cisa.dhs.gov,* 202–964–6869.

SUPPLEMENTARY INFORMATION:

I. Background

The growing number of cyber incidents, including ransomware attacks, is one of the most serious economic and national security threats our nation faces. From the theft of private, financial, or other sensitive data, to cyber-attacks that damage computer networks or facilitate the manipulation of operational or other control systems, cyber incidents are capable of causing significant, lasting harm.

Reporting cyber incidents and ransom payments to the government has many benefits. An organization that is a victim of a cyber incident, including those that result in ransom payments, can receive assistance from government agencies that are prepared to investigate the incident, mitigate its consequences, and help prevent future incidents through analysis and sharing of cyber threat information. CISA and our federal law enforcement partners have highly trained investigators who specialize in responding to cyber incidents for the express purpose of disrupting threat actors who caused the incident, and providing technical assistance to protect assets, mitigate vulnerabilities, and offer on-scene response personnel to aid in incident recovery. When supporting affected entities, the various agencies of the Federal Government work in tandem to leverage their collective response expertise, apply their knowledge of cyber threats, preserve key evidence, and use their combined authorities and capabilities both to minimize asset vulnerability and bring malicious actors to justice. Timely reporting of incidents also allows CISA to share information about indicators of compromise, tactics, techniques, procedures, and best practices to reduce the risk of a cyber incident propagating within and across sectors.

Recognizing the importance of cyber incident and ransom payment reporting, in March 2022, Congress passed and President Biden signed the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA), Public Law 117–103, Div. Y (2022) (to be codified at 6 U.S.C. 681–681g). Enactment of CIRCIA marks an important milestone in improving America's cybersecurity by, among other things, requiring CISA to develop and implement regulations requiring covered entities to report covered cyber incidents and ransom payments to CISA. These reports will allow CISA, in conjunction with other federal partners, to rapidly deploy resources and render assistance to victims suffering attacks, analyze incoming reporting across sectors to spot trends and understand how malicious cyber actors are perpetrating their attacks, and quickly share that information with network defenders to warn other potential victims.

Some of these new authorities are regulatory in nature and require CISA to complete rulemaking activities before the reporting requirements go into effect. CIRCIA requires that CISA develop and publish a Notice of Proposed Rulemaking (NPRM), which will be open to public comment, and a Final Rule. CIRCIA also mandates that CISA consult with various entities, including Sector Risk Management Agencies, the Department of Justice, and the DHS-chaired Cyber Incident Reporting Council, throughout the rulemaking process. CISA is working to complete these activities within the statutorily mandated timeframes. In addition to the consultations required by CIRCIA, CISA is interested in receiving input from the public on the best approaches to implementing various aspects of this new regulatory authority. To help support the gathering of this input, on September 12, 2022, CISA published a Request for Information in the **Federal Register**.

II. Purpose

These public listening sessions are intended to serve as an additional means for interested parties to provide input to CISA on aspects of the proposed regulations prior to the publication of the NPRM. While CISA welcomes input on other aspects of CIRCIA's regulatory requirements, CISA is particularly interested in input on definitions for and interpretations of the terminology to be used in the proposed regulations; the form, manner, content, and procedures for submission of reports required under CIRCIA; information regarding other incident reporting requirements, including the requirement to report a description of the vulnerabilities exploited; and other policies and procedures, such as enforcement procedures and information protection policies, that will be required for implementation of the regulations. Key areas within these four topical areas on which CISA is particularly interested in receiving stakeholder input are enumerated in section IV below.

III. Public Listening Session Procedures and Participation

As the sole intent of the public listening sessions is to allow the general public to provide input to CISA on aspects of potential approaches to implementing CIRCIA's regulatory requirements, the sessions have been designed to facilitate one-way communication. Outside of introductory and logistical remarks, CISA will not be providing substantive information on CIRCIA or potential content of the NPRM, or responding to comments during the public listening sessions. Each listening session is open to the public and each is expected to last up to a total of four hours. To allow as many members of the public as possible to speak, we are requesting speakers limit their remarks to three minutes. Attendance at these listening sessions will be capped consistent with room capacity limitations at each location. Participants are encouraged to register for their desired session via an on-line registration form available at *www.cisa.gov/circia.* Registered individuals will be provided priority access to the room and the opportunity to speak before individuals who did not register. Please note that a public meeting may adjourn early if all commenters present have had the opportunity to speak prior to the scheduled conclusion of the meeting. All comments made during the sessions will be documented and transcribed by CISA. A final transcript of each of these sessions will be provided in the electronic docket for the CIRCIA rulemaking, docket CISA–2022–0010, available at *http://www.regulations.gov.*

CISA also plans on holding sector-specific listening sessions at dates and times to-be-determined. Information about those listening sessions will be available on *www.cisa.gov/circia* when it becomes available. Feedback from those listening sessions will be added to the rulemaking docket for public consideration. Additionally, written comments on proposed elements of the CIRCIA regulations may also be submitted in response to CISA's RFI via the Federal eRulemaking Portal identified by docket number CISA–2022–0010 through the duration of the RFI's comment period.

IV. Key Inputs Solicited by the Agency

The below non-exhaustive list of topics, which mirrors those contained in the RFI, is meant to assist members of the public in the formulation of comments and is not intended to restrict the issues that commenters may address:

(1) Definitions, Criteria, and Scope of Regulatory Coverage

a. The meaning of ''covered entity,'' consistent with the definition provided in section 2240(5) of the Homeland Security Act of 2002 (as amended), taking into consideration the factors listed in section 2242(c)(1).

b. The number of entities, either overall or in a specific industry or sector, likely to be ''covered entities'' under the definition provided in section 2240(5) of the Homeland Security Act of 2002 (as amended), taking into consideration the factors listed in section 2242(c)(1).

c. The meaning of ''covered cyber incident,'' consistent with the definition provided in section 2240(4), taking into account the requirements, considerations, and exclusions in section 2242(c)(2)(A), (B), and (C), respectively. Additionally, the extent to which the definition of ''covered cyber incident'' under CIRCIA is similar to or different from the definition used to describe cyber incidents that must be reported under other existing federal regulatory programs.

d. The number of covered cyber incidents likely to occur on an annual basis either in total or within a specific industry or sector.

e. The meaning of ''substantial cyber incident.''

f. The meaning of ''ransom payment'' and ''ransomware attack,'' consistent with the definitions provided in section 2240(13) and (14).

g. The number of ransom payments likely to be made by covered entities on an annual basis.

h. The meaning of ''supply chain compromise,'' consistent with the definition in section 2240(17).

i. The criteria for determining if an entity is a multi-stakeholder organization that develops, implements, and enforces policies concerning the Domain Name System (as described in section 2242(a)(5)(C)).

j. Any other terms for which a definition, or clarification of the definition for the term contained in CIRCIA, would improve the regulations and proposed definitions for those terms, consistent with any definitions provided for those terms in CIRCIA.

(2) Report Contents and Submission Procedures

a. How covered entities should submit reports on covered cyber incidents, the specific information that should be required to be included in the reports (taking into consideration the requirements in section 2242(c)(4)), any specific format or manner in which information should be submitted (taking into consideration the requirements in section 2242(c)(8)(A)), any specific information that should be included in reports to facilitate appropriate sharing of reports among federal partners, and any other aspects of the process, manner, form, content, or other items related to covered cyber incident reporting that would be beneficial for CISA to clarify in the regulations.

b. What constitutes ''reasonable belief'' that a covered cyber incident has occurred, which would initiate the time for the 72-hour deadline for reporting covered cyber incidents under section 2242(a)(1).

c. How covered entities should submit reports on ransom payments, the specific information that should be required to be included in the reports (taking into consideration the requirements in section 2242(c)(5)), any specific format or manner in which information should be submitted (taking into consideration the requirements in section 2242(c)(8)(A)), and any other aspects of the process, manner, form, content, or other items related to ransom payments that would be beneficial for CISA to clarify in the regulations.

d. When should the time for the 24-hour deadline for reporting ransom payments begin (*i.e.,* when a ransom payment is considered to have been ''made'').

e. How covered entities should submit supplemental reports, what specific information should be included in supplemental reports, any specific

format or manner in which supplemental report information should be submitted, the criteria by which a covered entity determines ''that the covered cyber incident at issue has concluded and has been fully mitigated and resolved,'' and any other aspects of the process, manner, form, content, or other items related to supplemental reports that would be beneficial for CISA to clarify in the regulations.

f. The timing for submission of supplemental reports and what constitutes ''substantial new or different information,'' taking into account the considerations in section 2242(c)(7)(B) and (C).

g. What CISA should consider when ''balanc[ing] the need for situational awareness with the ability of the covered entity to conduct cyber incident response and investigations'' when establishing deadlines and criteria for supplemental reports.

h. Guidelines or procedures regarding the use of third-party submitters, consistent with section 2242(d).

i. Covered entity information preservation requirements, such as the types of data to be preserved, how covered entities should be required to preserve information, how long information must be preserved, allowable uses of information preserved by covered entities, and any specific processes or procedures governing covered entity information preservation.

j. To clarify or supplement the examples provided in section 2242(d)(1), what constitutes a third-party entity who may submit a covered cyber incident report or ransom payment report on behalf of a covered entity.

k. How a third party can meet its responsibility to advise an impacted covered entity of its ransom payment reporting responsibilities under section 2242(d)(4).

(3) Other Incident Reporting Requirements and Security Vulnerability Information Sharing

a. Other existing or proposed federal or state regulations, directives, or similar policies that require reporting of cyber incidents or ransom payments, and any areas of actual, likely, or potential overlap, duplication, or conflict between those regulations, directives, or policies and CIRCIA's reporting requirements.

b. What federal departments, agencies, commissions, or other federal entities receive reports of cyber incidents or ransom payments from critical infrastructure owners and operators.

c. The amount it typically costs and time it takes, including personnel salary costs (with associated personnel titles if possible), to compile and report information about a cyber incident under existing reporting requirements or voluntary sharing, and the impact that the size or type of cyber incident may have on the estimated cost of reporting.

d. The amount it costs per incident to use a third-party entity to submit a covered cyber incident report or ransom payment report on behalf of a covered entity.

e. The amount it typically costs to retain data related to cyber incidents.

f. Criteria or guidance CISA should use to determine if a report provided to another federal entity constitutes ''substantially similar reported information.''

g. What constitutes a ''substantially similar timeframe'' for submission of a report to another federal entity.

h. Principles governing the timing and manner in which information relating to security vulnerabilities may be shared, including any common industry best practices and United States or international standards.

(4) Additional Policies, Procedures, and Requirements

a. Policies, procedures, and requirements related to the enforcement of regulatory requirements, to include the issuance of requests for information, subpoenas, and civil actions consistent with section 2244.

b. Information on protections for reporting entities under section 2245.

c. Any other policies, procedures, or requirements that it would benefit the regulated community for CISA to address in the proposed rule.

CISA notes that these public meetings are being held solely for information and program-planning purposes. Inputs provided during the public meetings do not bind CISA to any further actions.

Jennie M. Easterly,

Director, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2022–19550 Filed 9–9–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

[Docket ID: CISA–2022–0010]

Request for Information on the Cyber Incident Reporting for Critical Infrastructure Act of 2022

AGENCY: Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.

ACTION: Request for information.

SUMMARY: The Cybersecurity and Infrastructure Security Agency (CISA) is issuing this Request for Information (RFI) to receive input from the public as CISA develops proposed regulations required by the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA). Among other things, CIRCIA directs CISA to develop and oversee implementation of regulations requiring covered entities to submit to CISA reports detailing covered cyber incidents and ransom payments. CIRCIA requires CISA to publish a Notice of Proposed Rulemaking (NPRM) within 24 months of the date of enactment of CIRCIA as part of the process for developing these regulations. CISA is interested in receiving public input on potential aspects of the proposed regulation prior to publication of the NPRM and is issuing this RFI as a means to receive that input. While CISA welcomes input on other aspects of CIRCIA's regulatory requirements, CISA is particularly interested in input on definitions for and interpretations of the terminology to be used in the proposed regulations; the form, manner, content, and procedures for submission of reports required under CIRCIA; information regarding other incident reporting requirements including the requirement to report a description of the vulnerabilities exploited; and other policies and procedures, such as enforcement procedures and information protection policies, that will be required for implementation of the regulations.

DATES: Written comments are requested on or before November 14, 2022. Submissions received after that date may not be considered.

ADDRESSES: You may submit comments, identified by Docket ID: CISA–2022–0010, through the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions contained therein and below for submitting comments. Please note that this RFI period is not rulemaking, and the Federal Rulemaking Portal is being utilized only as a mechanism for receiving comments.

FOR FURTHER INFORMATION CONTACT: Todd Klessman, Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA) Rulemaking Team Lead, Cybersecurity and Infrastructure Security Agency, *circia@cisa.dhs.gov,* 202–964–6869.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to comment on this notice by submitting written data, views, or arguments using the method identified in the **ADDRESSES** section. All members of the public, including but not limited to specialists in the field, academic experts, industry, public interest groups, and those with relevant economic expertise, are invited to comment.

Instructions: All submissions must include the agency name and Docket ID for this notice. Comments may be submitted electronically via the Federal e-Rulemaking Portal. To submit comments electronically:

1. Go to *www.regulations.gov* and enter CISA–2022–0010 in the search field,

2. Click the ''Comment Now!'' icon, complete the required fields, and

3. Enter or attach your comments.

All submissions, including attachments and other supporting materials, will become part of the public record and may be subject to public disclosure. The Cybersecurity and Infrastructure Security Agency (CISA) reserves the right to publish relevant comments publicly, unedited and in their entirety. Personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Do not submit confidential business information or otherwise sensitive or protected information. All comments received will be posted to *http://www.regulations.gov.* Commenters are encouraged to identify the number of the specific topic or topics that they are addressing.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and search for the Docket ID.

II. Background

The growing number of cyber incidents, including ransomware attacks, is one of the most serious economic and national security threats our nation faces. From the theft of private, financial, or other sensitive data, to cyber-attacks that damage computer networks or facilitate the manipulation of operational or other control systems, cyber incidents are capable of causing significant, lasting harm.

Reporting cyber incidents and ransom payments to the government has many benefits. An organization that is a victim of a cyber incident, including those that result in ransom payments, can receive assistance from government agencies that are prepared to investigate the incident, mitigate its consequences, and help prevent future incidents through analysis and sharing of cyber threat information. CISA and our federal law enforcement partners have highly trained investigators who specialize in responding to cyber incidents for the express purpose of disrupting threat actors who caused the incident, and providing technical assistance to protect assets, mitigate vulnerabilities, and offer on-scene response personnel to aid in incident recovery. When supporting affected entities, the various agencies of the Federal Government work in tandem to leverage their collective response expertise, apply their knowledge of cyber threats, preserve key evidence, and use their combined authorities and capabilities both to minimize asset vulnerability and bring malicious actors to justice. Timely reporting of incidents also allows CISA to share information about indicators of compromise, tactics, techniques, procedures, and best practices to reduce the risk of a cyber incident propagating within and across sectors.

Recognizing the importance of cyber incident and ransom payment reporting, in March 2022, Congress passed and President Biden signed the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA), Public Law 117–103, Div. Y (2022) (to be codified at 6 U.S.C. 681–681g). Enactment of CIRCIA marks an important milestone in improving America's cybersecurity by, among other things, requiring CISA to develop and implement regulations requiring covered entities to report covered cyber incidents and ransom payments to CISA. These reports will allow CISA, in conjunction with other federal partners, to rapidly deploy resources and render assistance to victims suffering attacks, analyze incoming reporting across sectors to spot trends and understand how malicious cyber actors are perpetrating their attacks, and quickly share that information with network defenders to warn other potential victims.

Some of these new authorities are regulatory in nature and require CISA to complete rulemaking activities before the reporting requirements go into effect. CIRCIA requires that CISA develop and publish a Notice of Proposed Rulemaking (NPRM), which will be open to public comment, and a Final Rule. CIRCIA also mandates that CISA consult with various entities, including Sector Risk Management Agencies, the Department of Justice, and the DHS-chaired Cyber Incident Reporting Council, throughout the rulemaking process. CISA is working to complete these activities within the statutorily mandated timeframes. In addition to the consultations required by CIRCIA, CISA is interested in receiving input from the public on the best approaches to implementing various aspects of this new regulatory authority.

III. Request for Input

A. Importance of Public Feedback

CISA is committed to obtaining public input in the development of its approach to implementation of the cyber incident and ransom payment reporting requirements of CIRCIA. Owners and operators of entities in critical infrastructure sectors will have particularly useful information, data, and perspectives on the different approaches to reporting requirements given the potential impact that these requirements may have on their organizations and industries. Accordingly, CISA is seeking specific public feedback to inform its proposed regulations to implement CIRCIA's regulatory requirements. All members of the public, including but not limited to specialists in the field, academic experts, industry, public interest groups, and those with relevant economic expertise, are invited to comment.

This notice contains a list of topics on which CISA believes inputs would be particularly useful in developing a balanced approach to implementation of the regulatory authorities Congress assigned to CISA under CIRCIA. CISA encourages public comment on these topics and any other topics commenters believe may be useful to CISA in the development of regulations implementing the CIRCIA authorities. The type of feedback that is most useful to the agency will identify specific approaches the agency may want to consider and provide information supporting why the approach would foster a cost-effective and balanced approach to cyber incident and ransom payment reporting requirements. Feedback that contains specific information, data, or recommendations is more useful to CISA than generic feedback that omits these components. For comments that contain any numerical estimates, CISA encourages the commenter to provide any assumptions made in calculating the numerical estimates.

B. List of Topics for Commenters

The below non-exhaustive list of topics is meant to assist members of the public in the formulation of comments

and is not intended to restrict the issues that commenters may address:

(1) Definitions, Criteria, and Scope of Regulatory Coverage

a. The meaning of ''covered entity,'' consistent with the definition provided in section 2240(5) of the Homeland Security Act of 2002 (as amended), taking into consideration the factors listed in section 2242(c)(1).

b. The number of entities, either overall or in a specific industry or sector, likely to be ''covered entities'' under the definition provided in section 2240(5) of the Homeland Security Act of 2002 (as amended), taking into consideration the factors listed in section 2242(c)(1).

c. The meaning of ''covered cyber incident,'' consistent with the definition provided in section 2240(4), taking into account the requirements, considerations, and exclusions in section 2242(c)(2)(A), (B), and (C), respectively. Additionally, the extent to which the definition of ''covered cyber incident'' under CIRCIA is similar to or different from the definition used to describe cyber incidents that must be reported under other existing federal regulatory programs.

d. The number of covered cyber incidents likely to occur on an annual basis either in total or within a specific industry or sector.

e. The meaning of ''substantial cyber incident.''

f. The meaning of ''ransom payment'' and ''ransomware attack,'' consistent with the definitions provided in section 2240(13) and (14).

g. The number of ransom payments likely to be made by covered entities on an annual basis.

h. The meaning of ''supply chain compromise,'' consistent with the definition in section 2240(17).

i. The criteria for determining if an entity is a multi-stakeholder organization that develops, implements, and enforces policies concerning the Domain Name System (as described in section 2242(a)(5)(C)).

j. Any other terms for which a definition, or clarification of the definition for the term contained in CIRCIA, would improve the regulations and proposed definitions for those terms, consistent with any definitions provided for those terms in CIRCIA.

(2) Report Contents and Submission Procedures

a. How covered entities should submit reports on covered cyber incidents, the specific information that should be required to be included in the reports (taking into consideration the requirements in section 2242(c)(4)), any specific format or manner in which information should be submitted (taking into consideration the requirements in section 2242(c)(8)(A)), any specific information that should be included in reports to facilitate appropriate sharing of reports among federal partners, and any other aspects of the process, manner, form, content, or other items related to covered cyber incident reporting that would be beneficial for CISA to clarify in the regulations.

b. What constitutes ''reasonable belief'' that a covered cyber incident has occurred, which would initiate the time for the 72-hour deadline for reporting covered cyber incidents under section 2242(a)(1).

c. How covered entities should submit reports on ransom payments, the specific information that should be required to be included in the reports (taking into consideration the requirements in section 2242(c)(5)), any specific format or manner in which information should be submitted (taking into consideration the requirements in section 2242(c)(8)(A)), and any other aspects of the process, manner, form, content, or other items related to ransom payments that would be beneficial for CISA to clarify in the regulations.

e. When should the time for the 24-hour deadline for reporting ransom payments begin (*i.e.,* when a ransom payment is considered to have been ''made'').

f. How covered entities should submit supplemental reports, what specific information should be included in supplemental reports, any specific format or manner in which supplemental report information should be submitted, the criteria by which a covered entity determines ''that the covered cyber incident at issue has concluded and has been fully mitigated and resolved,'' and any other aspects of the process, manner, form, content, or other items related to supplemental reports that would be beneficial for CISA to clarify in the regulations.

g. The timing for submission of supplemental reports and what constitutes ''substantial new or different information,'' taking into account the considerations in section 2242(c)(7)(B) and (C).

h. What CISA should consider when ''balanc[ing] the need for situational awareness with the ability of the covered entity to conduct cyber incident response and investigations'' when establishing deadlines and criteria for supplemental reports.

i. Guidelines or procedures regarding the use of third-party submitters, consistent with section 2242(d).

j. Covered entity information preservation requirements, such as the types of data to be preserved, how covered entities should be required to preserve information, how long information must be preserved, allowable uses of information preserved by covered entities, and any specific processes or procedures governing covered entity information preservation.

k. To clarify or supplement the examples provided in section 2242(d)(1), what constitutes a third-party entity who may submit a covered cyber incident report or ransom payment report on behalf of a covered entity.

l. How a third party can meet its responsibility to advise an impacted covered entity of its ransom payment reporting responsibilities under section 2242(d)(4).

(3) Other Incident Reporting Requirements and Security Vulnerability Information Sharing

a. Other existing or proposed federal or state regulations, directives, or similar policies that require reporting of cyber incidents or ransom payments, and any areas of actual, likely, or potential overlap, duplication, or conflict between those regulations, directives, or policies and CIRCIA's reporting requirements.

b. What federal departments, agencies, commissions, or other federal entities receive reports of cyber incidents or ransom payments from critical infrastructure owners and operators.

c. The amount it typically costs and time it takes, including personnel salary costs (with associated personnel titles if possible), to compile and report information about a cyber incident under existing reporting requirements or voluntary sharing, and the impact that the size or type of cyber incident may have on the estimated cost of reporting.

d. The amount it costs per incident to use a third-party entity to submit a covered cyber incident report or ransom payment report on behalf of a covered entity.

e. The amount it typically costs to retain data related to cyber incidents.

f. Criteria or guidance CISA should use to determine if a report provided to another federal entity constitutes ''substantially similar reported information.''

g. What constitutes a ''substantially similar timeframe'' for submission of a report to another federal entity.

h. Principles governing the timing and manner in which information relating to security vulnerabilities may be shared, including any common industry best

practices and United States or international standards.

(4) Additional Policies, Procedures, and Requirements

a. Policies, procedures, and requirements related to the enforcement of regulatory requirements, to include the issuance of requests for information, subpoenas, and civil actions consistent with section 2244.

b. Information on protections for reporting entities under section 2245.

c. Any other policies, procedures, or requirements that it would benefit the regulated community for CISA to address in the proposed rule.

CISA notes that this RFI is issued solely for information and program-planning purposes. Responses to this RFI do not bind CISA to any further actions.

Jennie M. Easterly,

Director, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2022–19551 Filed 9–9–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7056–N–35]

60-Day Notice of Proposed Information Collection: Lender Qualifications for Multifamily Accelerated Processing (MAP) Guide (MAP Guide, 4430.G); OMB Control No: 2502–0541

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60-days of public comment.

DATES: *Comments Due Date:* November 14, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, PDR, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, PDR, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Multifamily Accelerated Processing (MAP) Guide.

OMB Approval Number: 2502–0541.

OMB Expiration Date: December 31, 2020.

Type of Request: Revision.

Form Number: Guidebook 4430.G.

Description of the need for the information and proposed use: Multifamily Accelerated Processing (MAP) is designed to establish uniform national standards for Federal Housing Administration (FHA) approved lenders to prepare, process and submit loan applications for FHA multifamily mortgage insurance. The MAP Guide provides—in one volume with appendices—guidance for HUD staff, lenders, third party consultants, borrowers, and other industry participants. Topics include mortgage insurance program descriptions, borrower and lender eligibility requirements, application requirements, underwriting standards for all technical disciplines and construction loan administration requirements. The MAP Guide applies only to FHA multifamily mortgage insurance programs. Except to the extent lender monitoring or enforcement activities overlap, Section 232 and other programs administered by the Office of Healthcare Programs are not addressed by the MAP Guide.

The Guide has been updated to reflect various organizational, policy and processing changes implemented since the last edition was published in 2016. Examples include electronic submission of data in a standardized format, the consolidation of HUD Field Offices to Regional Centers and Satellite Offices, workload sharing, and a ''risk-based'' underwriting approach. The goal of MAP is to provide a consistent, expedited mortgage insurance application process at each HUD Multifamily Regional Center or Satellite Office. All MAP eligible projects must be submitted using MAP processing unless a waiver is granted to process under Traditional Application Processing (TAP). Such waiver approval authority is retained by HUD Headquarters' Director of Multifamily Production. Additionally, two new chapters were added to this edition of the Guide: The ''*Water and Energy Conservation*'' chapter and the ''*Closing Guide*''.

Respondents: FHA Approved MAP Lenders.

Estimated Number of Respondents: 86.

Estimated Number of Responses: 344.

Frequency of Response: 1.

Average Hours per Response: 30 hours [121 hrs/4 = 30.25 hrs].

Total Estimated Burden: 10,406.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Nathan Shultz,

Acting Chief of Staff, Office of Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2022–19638 Filed 9–9–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–N–49]

30-Day Notice of Proposed Information Collection: Family Options Study 12-Year Follow-Up: Survey Data Collection—Phase II; OMB Control No.: 2528–0259

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* October 12, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.* Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email her at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 26, 2022, at 87 FR 24572.

A. Overview of Information Collection

Title of Information Collection: Family Options Study 12-Year Follow-up: Survey Data Collection—Phase II.

OMB Approval Number: 2528–0259.

Type of Request: Revision of a currently approved collection.

Form Number: N/A.

Description of the Need for the Information and Proposed Use: The purpose of this proposed information collection is to administer a 12-Year Follow-up Survey with the families that enrolled in the U.S. Department of Housing and Urban Development's (HUD) Family Options Study between September 2010 and January 2012.

The Family Options Study is a multi-site experiment designed to test the impacts of different housing and service interventions on homeless families in five key domains: housing stability, family preservation, adult well-being, child well-being, and self-sufficiency. Both the design and the scale of the study provide a strong basis for conclusions about the relative impacts of the interventions over time, and data collected at two previous points in time, twenty (20) months after random assignment and thirty-seven (37) months after random assignment, yielded powerful evidence regarding the positive impact of providing a non-time-limited housing subsidy to a family experiencing homelessness. It is possible, though, that some effects of the various interventions might change over time or take longer to emerge, particularly for child well-being. Therefore, HUD plans to conduct a follow up survey of study families roughly twelve years after enrollment into the study. The 12-Year Follow-up Survey will attempt to collect information from three separate samples: (1) the 2,241 heads of household who originally enrolled in the study, (2) a sample of 2,220 young children between the ages of 10–17 who currently reside with the head of households, and (3) a new sample of 1,831 ''adult children'' who consist of the young adults who were minor children during the base study period, but who have aged into adulthood over the past twelve years.

ANNUALIZED BURDEN TABLE

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
Adult Head of Household Survey and Supporting Materials							
Adult Head of Household Advance Letter (Appendix A)	2,241	1	2,241	.05	112.05	$10.15	$1,137.31
Adult Head of Household Outreach E-mail (Appendix B)	2,241	1	2,241	.05	112.05	10.15	1,137.31
Adult Head of Household Outreach Flyer (Appendix C)	2,241	1	2,241	.05	112.05	10.15	1,137.31
Consent to Participate—Adult Respondent (Appendix D)	2,241	1	2,241	.17	388.97	10.15	3,866.85
Adult Head of Household Survey (Appendix E)	2,241	1	2,241	1	2,241	10.15	22,746.15
Child (10–17) Survey and Supporting Materials							
Parent Permission Form (Appendix F)	2,241	1	2,241	.17	380.97	10.15	3,866.85
Child Assent Form (Appendix G)	2,220	1	2,220	.17	377.4	NA	
Child Survey (Appendix H)	2,220	1	2,220	.5	1,110	NA	
Adult Child (18–30) Survey and Supporting Materials							
Adult Child Enrollment Call (Appendix I)	1,831	1	1,831	.17	311.27	10.15	3,159.70
Consent to Participate—Adult Child (Appendix J)	1,831	1	1,831	.17	311.27	10.15	3,159.70
Adult Child Information Release Form (Appendix K)	1,831	1	1,831	.17	311.27	10.15	3,159.70
Adult Child E-mail Invitation (Appendix L)	1,831	1	1,831	.05	91.55	10.15	929.23
Adult Child Survey (Appendix M)	1,831	1	1,831	.25	457.75	10.15	4,646.16
Total					6,309.60		48,946.56

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) If the information will be processed and used in a timely manner;

(3) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(4) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(5) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Data Officer.

[FR Doc. 2022–19595 Filed 9–9–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAKC001030/A0A501010.999900]

Draft Environmental Impact Statement for the Proposed Yahthumb Solar Project, Clark County, Nevada

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as the lead Federal agency, with the Bureau of Land Management (BLM), Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), Nevada Department of Wildlife (NDOW), Clark County, and the Moapa Band of Paiute Indians (Moapa Band) as cooperating agencies, intends to file a draft environmental impact statement (DEIS) with the EPA for the proposed Yahthumb Solar Project (Project). The DEIS evaluates a photovoltaic (PV) solar energy generation and storage project on the Moapa River Indian Reservation (Reservation) and a generation interconnection (gen-tie) line along with the use of existing access roads located on the Reservation, Reservation lands managed by BLM, BLM lands, and private land. This notice also announces that the DEIS is now available for public review and that public meetings will be held to solicit comments on the DEIS.

DATES: The dates and times of the virtual public meetings will be published in the *Las Vegas Review-Journal* and *Moapa Valley Progress* and on the following website 15 days before the public meetings: *www.YahthumbSolarProjectEIS.com.* In order to be fully considered, written comments on the DEIS must arrive no later than 45 days after EPA publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: You may mail, email, hand carry or telefax written comments to Mr. Chip Lewis, Regional Environmental Protection Officer, BIA Western Regional Office, Branch of Environmental Quality Services, 2600 North Central Avenue, 4th Floor Mail Room, Phoenix, Arizona 85004–3008. Comment may also be sent via email to: *chip.lewis@bia.gov* or on the Projects website at *www.YahthumbSolarProjectEIS.com.* Please see the **SUPPLEMENTARY INFORMATION** section of this notice for directions on submitting comments. The public meetings can be joined online through the Projects website at *www.YahthumbSolarProjectEIS.com.*

FOR FURTHER INFORMATION CONTACT: Mr. Chip Lewis, BIA Western Regional Office, Branch of Environmental Quality Services at (602) 379–6750 or Mr. Garry Cantley at (602) 379–6750. 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: The proposed Federal action, taken under 25 U.S.C. 415, is the BIA's approval of a solar energy ground lease and associated agreements entered into by the Moapa Band with Yahthumb Solar Project, LLC (Applicant). The agreements provide for construction, operation and maintenance (O&M), and eventual decommissioning of a PV electricity generation and battery storage facilities located entirely on the Reservation and specifically on lands held in trust for the Moapa Band, in Clark County Nevada.

The PV electricity generation and battery storage facilities would be located on up to 1,400 acres within a 1,695-acre lease area on tribal trust land and would have a capacity of up to 138 megawatts (MW). The solar field and associated facilities would be in parts of Sections 29, 30, 31, and 32 in Township 15 South, Range 65 East; Section 1 in Township 16 South, Range 64 East; and Section 6 in Township 16 South, Range 65, East Mount Diablo Base Meridian.

Construction of the Project would take up to 14 months. The electricity generation and storage facilities are expected to be operated for up to 56.5 years under the terms of the lease, with time for construction and decommissioning.

Major onsite facilities include multiple blocks of solar PV panels mounted on fixed tilt or tracking systems, pad mounted inverters and transformers, battery storage, access roads, and O&M facilities. A gen-tie line approximately 8.5 to 10 miles long would interconnect the Project to the regional electrical grid at the existing Reid-Gardner Substation. This line would be built within the designated utility corridor on the Reservation that is managed by BLM, on BLM-managed federal land, and on private land near the existing substation. Water will be needed during construction for dust control and a minimal amount will be needed during operations for administrative and sanitary water use and for panel washing. The water supply required for the Project would be leased from the Moapa Band, drawn from the Band's existing water rights, and delivered to the site via temporary water pipeline or by truck. Access to the Project will be provided via I–15 to the existing Ute Road on the Reservation that would be upgraded as needed. Secondary access would be provided via an existing road within the designated utility corridor that would also be upgraded as needed.

The purposes of the proposed Project are, among other things, to: (1) provide a long-term, diverse, and viable economic revenue base and job opportunities for the Moapa Band; (2) assist Nevada to meet their State renewable energy needs; and (3) allow the Moapa Band, in partnership with the Applicant, to optimize the use of the lease site while maximizing the potential economic benefit to the Band.

The BIA and BLM will use the EIS to make decisions on the land lease and right-of-way applications under their respective jurisdiction; the EPA may use the document to make decisions under its authorities; the Moapa Band may use the DEIS to make decisions under its

Environmental Policy Ordinance; and the USFWS may use the DEIS to support its decision under the Endangered Species Act.

Directions for Submitting Comments: Please include your name, return address and the caption: ''DEIS Comments, Proposed Yahthumb Solar Project'' on the first page of your written comments. You may also submit comments verbally during one of the virtual public meeting presentations or provide written comments to the address listed above in the **ADDRESSES** section.

To help protect the public and limit the spread of the COVID–19 virus, virtual public meetings will be held, where team members will provide a short presentation and remain available to discuss and answer questions. The PowerPoint presentation will be posted to the project website prior to the virtual meetings. Those who cannot live stream the presentation would be able to access the meeting presentation on the website and could join by telephone. Additionally, the live presentation will be recorded and made accessible for viewing throughout the comment period. The first public meeting will be held in the afternoon and the second public meeting will be held in the evening both by video and telephone conference. The dates, times, and access information for the virtual meetings will be included in notices to be published in the *Las Vegas Review-Journal* and *Moapa Valley Progress* and on the project website at *www.YahthumbSolarProjectEIS.com* 15 days before the meetings.

Locations Where the DEIS is Available for Review: The DEIS will be available for review at: BIA Western Regional Office, 2600 North Central Avenue, 12th Floor, Suite 210, Phoenix, Arizona; BIA Southern Paiute Agency, 180 North 200 East, Suite 111, St. George, Utah; and the BLM Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada. The DEIS is also available online at: *www.YahthumbSolarProjectEIS.com.*

To obtain an electronic copy of the DEIS, please provide your name and address in writing or by voicemail to Mr. Chip Lewis or Mr. Garry Cantley. Their contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Individual paper copies of the DEIS will be provided only upon request.

Public Comment Availability: Written comments, including names and addresses of respondents, will be available for public review at the BIA Western Regional Office, at the mailing address shown in the **ADDRESSES** section during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 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. 2022–19586 Filed 9–9–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–BSD–CONC–NPS0034075; 222P103601, PPMVSCS1Y.Y00000, PPWOBSADC0 (222); OMB Control Number 1024–0268]

Agency Information Collection Activities; Commercial Use Authorizations

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 14, 2022.

ADDRESSES: Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS–242) Reston, VA 20191 (mail); or *phadrea_ponds@nps.gov* (email). Please reference OMB Control Number 1024–0268 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Samantha Towery, National Park Service, 12795 West Alameda Parkway, Lakewood, CO 80228; or by email at *Samantha_Towery@nps.gov;* or by telephone at 303–987–6908. Please reference OMB Control Number 1024–0268 in the subject line of your comments. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request

to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Section 418, Public Law 105–391 (54 U.S.C. 101925) gives the Secretary of the Interior the authority to authorize a private person, corporation, or other entity to provide services to visitors in units of the National Park System through a Commercial Use Authorization (CUA). The NPS authorizes commercial operations that originate and operate entirely within a park (in-park); commercial operations that provide services originating and terminating outside of the park boundaries; noncommercial organized children's camps, outdoor clubs, and nonprofit institutions; and other uses as the Secretary determines appropriate. The NPS Commercial Use Authorization Program uses forms 10–550, 10–550s, 10–660, and 10–660A to:

- Manage the program and operations.
- Determine the qualifications and abilities of the commercial operators to provide high quality, safe, and enjoyable experience for park visitors.
- Determine the impact on the park's natural and cultural resources.
- Manage the use and impact of multiple operators.

The information is used to evaluate requests and determine the suitability of the applicants to safely and effectively provide an appropriate service to the visiting public.

Title of Collection: Commercial Use Authorizations.

OMB Control Number: 1024–0268.

Form Number: NPS Forms 10–550, 10–550s, 10–660, and 10–660A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals or small businesses that wish to provide a commercial service to visitors in areas of the National Park System.

Total Estimated Number of Annual Respondents: 17,000.

Total Estimated Number of Annual Responses: 64,000.

Estimated Completion Time per Response: 58 minutes.

Total Estimated Number of Annual Burden Hours: 61,280.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $1,500,000.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2022–19576 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034483; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kodiak Historical Society, Kodiak, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Kodiak Historical Society (operating as the Kodiak History Museum) has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Kodiak Historical Society. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Kodiak Historical Society at the address in this notice by October 12, 2022.

FOR FURTHER INFORMATION CONTACT: Margaret Greutert, Collections Manager, Kodiak Historical Society dba Kodiak History Museum, 101 E Marine Way, Kodiak, AK 99615, telephone (907) 486–5917, email *collections@kodiakhistorymuseum.org* or *director@kodiakhistorymuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Kodiak Historical Society, Kodiak, AK. The human remains were removed from Kizhuyak in Kodiak Island, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Kodiak Historical Society professional staff in consultation with representatives of the Native Village of Afognak; Native Village of Ouzinkie; Native Village of Port Lions; and the Sun'aq Tribe of Kodiak (*previously* listed as Shoonaq' Tribe of Kodiak) (hereafter referred to as ''The Consulted Villages'').

History and Description of the Remains

In 1959, human remains representing, at minimum, two individuals were removed from the Kizhuyak site in Kodiak Island, AK, by archeologist Donald Clark during an archeological excavation funded by the Kodiak Historical Society. The fragmentary and incomplete skeletal remains are from a prehistoric archeological context and were found with artifacts that represent late prehistoric Alutiiq culture, ca. 2000–400 years BP. As such, these are almost certainly the human remains of Alutiiq ancestors from the period before the Russian arrival. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Kodiak Historical Society

Professional staff of the Kodiak Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Native Village of Afognak; Native Village of Ouzinkie; and the Native Village of Port Lions (hereafter referred to as ''The Villages'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kodiak Historical Society dba Kodiak History Museum, 101 E Marine Way, Kodiak, AK 99615, telephone (907) 486–5917, email *collections@kodiakhistorymuseum.org* or *director@kodiakhistorymuseum.org,* by October 12, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Villages may proceed. The Kodiak Historical Society is responsible for notifying The Consulted Villages that this notice has been published.

Dated: September 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–19620 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034482; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Berkeley; Berkeley, CA, and California Department of Parks and Recreation, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of California, Berkeley and the California Department of Parks and Recreation have completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and have determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of California, Berkeley. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of California, Berkeley at the address in this notice by October 12, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas Torma, The University of California, Berkeley; 50 University Hall, 2199 Addison Street, Berkeley, CA 94720, telephone (510) 672–5388, email *t.torma@berkeley.edu* or Dr. Leslie L. Hartzell, NAGPRA Coordinator, California Department of Parks and Recreation, P.O. Box 942896, Sacramento, CA 94296–0001, telephone (916) 653–5910, email *Leslie.Hartzell@parks.ca.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects that are, variously, under the control of the University of California, Berkeley, Berkeley, CA, and the California Department of Parks and Recreation, Sacramento, CA. The human remains and associated funerary objects were removed from Marin County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of California, Berkeley and the California Department of Parks and Recreation professional staff in consultation with representatives of the Federated Indians of Graton Rancheria, California and the Guidiville Rancheria of California.

History and Description of the Remains

In March of 1955, human remains representing, at minimum, 43 individuals were removed from sites CA–MRN–80 and CA–MRN–78 in Marin County, CA, by Adam Treganza. These actions appear to have been undertaken at the behest of Robert Power, a restaurateur and collector. Power divided the collection from these sites between California State Parks and the Lowie Museum, now the Phoebe A. Hearst Museum of Anthropology. There is no record of whether the collection was intended to be managed by each recipient separately or by both parties jointly. Additional collections from CA–MRN–80 were made by Fritz A. Riddell on December 29, 1955, and by Albert B. Elsasser in the spring of 1956. No known individuals were identified. No associated funerary objects are present.

In 1952 and 1953, human remains representing, at minimum, 12 individuals were removed from site CA–MRN–284, located in Tomales Bay State Park, Marin County, CA, under the auspices of the University of California Archaeological Survey, by Aubrey Neasham and Clement W. Meighan. No known individuals were identified. The 21 associated funerary objects are one lot of beads, one lot of buttons, one lot of cartridge shells, one lot of charmstones and charmstone fragments, one lot of crystals, one lot of faunal remains, one lot of figurines and figurine fragments, one lot of glass fragments, one lot of metal fragments, one lot of mortars and pestles, one lot of nails, one lot of pendants, one lot of pestles, one lot of pipe fragments, one lot of plant matter, one lot of porcelain fragments, one lot of saws, one lot of shells, one lot of sinkers, one lot of stones, and one lot of worked stones and stone tools/objects.

On February 15, 1955, human remains representing, at minimum, one individual were removed from an unknown location on Angel Island in Marin County, CA, by Adán Eduardo Treganza and Albert B. Elsasser. No known individuals were identified. The two associated funerary objects are one lot of buttons and one lot of wood fragments.

Marin County has been the ancestral territory of the Coast Miwok since time immemorial. Based on geographical, kinship, archeological, linguistic, folkloric, oral traditional, and historical information evidence, the present-day Federated Indians of Graton Rancheria are culturally affiliated with the Coast Miwok in Marin County.

Determinations Made by the University of California, Berkeley and California Department of Parks and Recreation

Officials of the University of California, Berkeley and California Department of Parks and Recreation have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 56

individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 23 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Federated Indians of Graton Rancheria, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Thomas Torma, The University of California, Berkeley; 50 University Hall, 2199 Addison Street, Berkeley, CA 94720, telephone (510) 672–5388, email *t.torma@berkeley.edu,* or Dr. Leslie L. Hartzell, NAGPRA Coordinator, California Department of Parks and Recreation, P.O. Box 942896, Sacramento, CA 94296–0001, telephone (916) 653–5910, email *Leslie.Hartzell@parks.ca.gov,* by October 12, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Federated Indians of Graton Rancheria, California may proceed.

The University of California, Berkeley and the California Department of Parks and Recreation are responsible for notifying the Federated Indians of Graton Rancheria, California and the Guidiville Rancheria of California that this notice has been published.

Dated: September 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–19619 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034485; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Charleston Museum, Charleston, SC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Charleston Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to The Charleston Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to The Charleston Museum at the address in this notice by October 12, 2022.

FOR FURTHER INFORMATION CONTACT: Martha Zierden, The Charleston Museum, 360 Meeting Street, Charleston, SC 29403, telephone (843) 722–2996 Ext. 225, email *mzierden@charlestonmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of The Charleston Museum, Charleston, SC. The human remains and associated funerary objects were removed from ''Mounds near Pioneer'' in West Carroll Parish, LA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by The Charleston Museum professional staff, Dr. Suzanne Abel of the Charleston County Coroner's Office, and Dr. Wolf Bueschgen, a forensic dentist, in consultation with representatives of the Apache Tribe of Oklahoma; Coushatta Tribe of Louisiana; Jena Band of Choctaw Indians; Quapaw Nation (*previously* listed as The Quapaw Tribe of Indians); The Choctaw Nation of Oklahoma; and The Muscogee (Creek) Nation (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

In 1925, human remains representing, at minimum, one individual were removed from unidentified ''mounds near Pioneer'' in West Carroll Parish, LA. Subsequently, they were given to the Louisiana State Museum. In 1926, the Louisiana State Museum, under Director Robert Glenk, donated the human remains and associated cultural items to The Charleston Museum, where they have been curated since March of 1926. The human remains, consisting of four skeletal elements, were examined in 2019 by Dr. Suzanne Abel in consultation with The Choctaw Nation of Oklahoma. Dr. Abel determined that these human remains probably belong to a single individual. No known individual was identified. The 37 associated funerary objects are five clay poverty point objects, 16 pottery fragments, three portions of pottery vessels, six stone tools or projectile points, four stone plummets or gorget fragments, one stone net sinker, and two rubbing stones.

Based on consultation with the Office of State Archaeologist for Louisiana, the clay objects and plummets are typical Poverty Point period cultural materials (1700–1300 BC). Seven pottery sherds are likely from a single engraved, shell-tempered vessel, probably Plaquemine or Mississippian in age (after A.D. 1000). Eight sherds, Coles Creek Incised or Mazique Incised, are dated A.D. 800–1200. Three grog-tempered sherds probably date to after A.D. 700. A nearly complete shell tempered vessel, the neck of a water bottle, and a partial hybrid Coles Creek vessel all date to sometime after A.D. 1000.

Information on the actual site location and collection history is limited to a single letter to The Charleston Museum from the Louisiana State Museum in 1926. Determination of the cultural affiliation of the human remains and associated funerary objects is based upon geographical, kinship, biological, archeological, linguistic, oral traditional, and historic information.

Determinations Made by The Charleston Museum

Officials of The Charleston Museum have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 37 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Choctaw Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Martha Zierden, The Charleston Museum, 360 Meeting Street, Charleston, SC 29403, telephone (843) 722–2996 Ext. 225, email *mzierden@charlestonmuseum.org,* by October 12, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Choctaw Nation of Oklahoma may proceed.

The Charleston Museum is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: September 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–19614 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–PCE–LWCF–NPS0034077; PPWOSLAD00 PGWS1S181.Y00000 XXXP503581 PS.SSLAD0R21.00.1 (222); OMB Control Number 1024–0031]

Agency Information Collection Activities; Land and Water Conservation Fund State Assistance Program

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 14, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS –242) Reston, VA 20191 (mail); or by email at *phadrea_ponds@nps.gov* (email). Please reference Office of Management and Budget (OMB) Control Number 1024–0031 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Elisabeth Fondriest, Recreation Grant Programs Chief by email at *elisabeth_fondriest@nps.gov;* or by telephone at 202–354–6916. Please reference OMB Control Number 1024–0031 in the subject line of your comments. 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 Paperwork Reduction Act of 1995, (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Land and Water Conservation Fund Act of 1965, as amended (LWCF Act) (54 U.S.C. 200301 et. seq.) was enacted to help preserve, develop, and ensure access for the public to outdoor recreation opportunities. Among other programs, the LWCF Act provides funds for and authorizes federal assistance to the States for planning, acquisition, and development of needed land and water areas and facilities for outdoor recreation purposes. In accordance with the LWCF Act, the National Park Service (we, NPS) administers the LWCF State Assistance Program, which provides matching grants to States.

LWCF grants are provided to states (including the 50 states; the Commonwealths of Puerto Rico and the Northern Mariana Islands; the District of Columbia; and the Territories of Guam, the U.S. Virgin Islands, and American Samoa) on a matching basis for up to 50 percent of the total project-related allowable costs. Grants to eligible insular areas may be for 100 percent assistance. Payments for all projects are made to the state organization that is authorized to accept and administer funds paid for approved projects. Local units of government participate in the program as sub-grantees of the state with the state retaining primary grant compliance responsibility.

Title of Collection: Land and Water Conservation Fund State Assistance Program.

OMB Control Number: 1024–0031.

Form Number: NPS Forms 10–902A, 10–903, 10–904, 10–904A, and 10–905.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: States Governments; the Commonwealths of Puerto Rico and the Northern Mariana

Islands; the District of Columbia; and the territories of Guam, U.S. Virgin Islands, and American Samoa.

Total Estimated Number of Annual Respondents: 423.

Total Estimated Number of Annual Responses: 7,105.

Total Estimated Number of Annual Burden Hours: 52,467.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2022–19573 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NRSS–GRD–NPS0034109; MO# 4311H2; OMB Control Number 1024–0064]

Agency Information Collection Activities; Mining and Mining Claims and Non-Federal Oil and Gas Rights

AGENCY: National Park Service, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before October 12, 2022.

ADDRESSES: Written comments and suggestions on the information collection requirements should be submitted by the date specified above in **DATES** to *http://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS–242) Reston, VA 20191 (mail); or *phadrea_ponds@nps.gov* (email). Please include ''1024–0064'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Stephen Simon, Policy and Regulatory Specialist, Energy and Minerals Branch, Geologic Resources Division, National Park Service, P.O. Box 25287, Lakewood, Colorado 80225; or by email at *Stephen_Simon@nps.gov.* Please reference OMB Control Number 1024–0064 in the subject line of your comments. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On January 12, 2022, we published a **Federal Register** notice soliciting comments on this collection of information for 60 days, (87 FR 1782) ending on March 14, 2022. No comments were received.

We are again soliciting comments on the proposed ICR described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS 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 personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Organic Act of 1916 (NPS Organic Act) (54 U.S.C. 100101) authorizes the Secretary of the Interior to develop regulations for units of the national park system (System units) under the Department's jurisdiction. The Mining in the Parks Act (54 U.S.C. 100731 *et seq.*) directs the Secretary of the Interior to regulate all operations in System units in connection with the exercise of mineral rights on patented and unpatented mining claims.

The regulations codified in 36 CFR part 9, subparts A and B, ensure that mining and non-Federal oil and gas activities in System units are conducted in a manner consistent with conserving each System unit for the benefit of present and future generations. The information required by Subpart A identifies the claim, claimant, and operator (the claimant and operator are often the same) and details how the operator intends to access and develop the minerals associated with the claim. It also identifies the steps the operator intends to take to minimize any adverse impacts of the mining operations on park resources and values. No information, except claim ownership information, is submitted unless the claimant wishes to conduct mining operations. The information required by Subpart B identifies the owner and operator (the owner and operator are often the same) and details how the operator intends to access and develop the oil and gas rights. It also identifies the steps the operator intends to take to minimize any adverse impacts on park resources and values. No information is submitted unless the owner wishes to conduct oil and gas operations. The information collected is used to evaluate proposed operations, ensure that all necessary mitigation measures are employed to protect park resources and values, and ensure compliance with all applicable laws and regulations.

Title of Collection: Mining and Mining Claims and Non-Federal Oil and Gas Rights, 36 CFR part 9, subparts A and B.

OMB Control Number: 1024–0064.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses.

Total Estimated Number of Annual Respondents: 1,451.

Estimated Completion Time per Response: Varies per activity.

Total Estimated Number of Annual Burden Hours: 10,752 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: For ongoing monitoring of operations is estimated to be $128,000 ($250 × 512 wells).

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2022–19574 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–VRP–OPH–NPS0034076; PPWOVPADH0, PPMPRHS1Y.Y00000 (222); OMB Control Number 1024–0286]

Agency Information Collection Activities; Office of Public Health Disease Reporting and Surveillance Forms

AGENCY: National Park Service, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 14, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS–242) Reston, VA 20191 (mail); or by email at *phadrea_ponds@nps.gov* (email). Please reference Office of Management and Budget (OMB) Control Number 1024–0286 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Dr. Maria Said, Branch Chief, U.S. Public Health Service Epidemiology, Office of Public Health, National Park Service, Washington, DC 20240 (mail) or at *maria_said@nps.gov* (email). Please reference OMB Control Number 1024–0286 in the subject line of your comments. 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 Paperwork Reduction Act of 1995, (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The National Park Service Protection, Interpretation, and Research in System (54 U.S.C. 100101 *et seq.*), and the Public Health Service Act (42 U.S. Code Chapter 6A) give the NPS Office of Public Health (OPH) broad authority to collect public health data using NPS Forms 10–685—*Concession Employee Illness Report* and 10–686—*Tour Vehicle Passenger Illness Report.* The forms collect information on the symptoms, duration, and location of illness which allows public health workers to respond rapidly and appropriately to address health and safety incidents within the park system.

The Disease Reporting and Surveillance System (DRSS) provides data on the symptoms, duration, and location of illness, which allows public health workers to work rapidly and appropriately to address the incidents. This data provides parks, OPH staff, managers of park concessioners, and park clinic concessioners with an early warning system for potential outbreaks to inform public health interventions.

Title of Collection: Office of Public Health Disease Reporting and Surveillance Forms.

OMB Control Number: 1024–0286.

Form Number: NPS Forms 10–685 and 10–686.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households and private sector.

Total Estimated Number of Annual Respondents: 390.

Total Estimated Number of Annual Responses: 390.

Estimated Completion Time per Response: Concession Employee Illness: 10 minutes; Tour Vehicle Passenger Illness: 15 minutes.

Total Estimated Number of Annual Burden Hours: 73.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2022–19578 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034488; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wickliffe Mounds State Historic Site, Kentucky Department of Parks, Wickliffe, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wickliffe Mounds State Historic Site, Kentucky Department of Parks has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Wickliffe Mounds State Historic Site. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Wickliffe Mounds State Historic Site at the address in this notice by October 12, 2022.

FOR FURTHER INFORMATION CONTACT: Carla Hildebrand, Wickliffe Mounds State Historic Site, 94 Green Street, P.O. Box 155, Wickliffe, KY 42087, telephone (270) 335–3681, email *carla.hildebrand@ky.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Wickliffe Mounds State Historic Site, Kentucky Department of Parks, Wickliffe, KY. The human remains were removed from a ''Mound in Kentucky,'' reasonably believed to be the Wickliffe Mounds archeological site 15BA4 in Ballard County, KY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wickliffe Mounds State Historic Site professional staff in consultation with representatives of the Miami Tribe of Oklahoma; Quapaw Nation (*previously* listed as The Quapaw Tribe of Indians); Shawnee Tribe; The Chickasaw Nation; and The Osage Nation (*previously* listed as Osage Tribe) (hereafter referred to as ''The Tribes'').

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from a site reasonably believed to be the Wickliffe Mounds site (15BA4) in Ballard County, KY, based on the information provided when the human remains were donated to the Wickliffe Mounds State Historic Site, on August 25, 2021. The human remains are comprised of a skull and rib bone. No known individual was identified. No associated funerary objects are present.

Determinations Made by the Wickliffe Mounds State Historic Site, Kentucky Department of Parks

Officials of the Wickliffe Mounds State Historic Site, Kentucky Department of Parks have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on comparison to other known Native American skulls and teeth, and by the narrative provided to the museum by the donor.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Quapaw Nation (*previously* listed as The Quapaw Tribe of Indians); The Chickasaw Nation; and The Osage Nation (*previously* listed as Osage Tribe) (hereafter referred to as ''The Tribes'').
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Carla Hildebrand, Wickliffe Mounds State Historic Site, 94 Green Street, P.O. Box 155, Wickliffe, KY 42087, telephone (270) 335–3681, email *carla.hildebrand@ky.gov,* by October 12, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Wickliffe Mounds State Historic Site, Kentucky Department of Parks is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: September 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–19615 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034492; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Peabody Museum of Archaeology and Ethnology, Harvard University, has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary object and Indian Tribes or Native Hawaiian organizations in this notice. The associated funerary object was removed from Barnstable County, MA.

DATES: Repatriation of the associated funerary object in this notice may occur on or after October 12, 2022.

ADDRESSES: Patricia Capone, Curator and NAGPRA Director, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496–3702, email *pcapone@fas.harvard.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Peabody Museum of Archaeology and Ethnology, Harvard University. The National Park Service is not responsible for the determinations in this notice. Additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records held by the Peabody Museum of Archaeology and Ethnology, Harvard University.

Description

The human remains associated with this funerary object were included in a Notice of Inventory Completion published in the **Federal Register** on August 14, 2003 (68 FR 48626–48634, August 14, 2003). Subsequently, these human remains were transferred to the Wampanoag Tribe of Gay Head (Aquinnah).

In 1891, one associated funerary object was removed from North Truro in Barnstable County, MA, during a Peabody Museum of Archaeology and Ethnology expedition led by Marshall H. Saville. The one associated funerary object is a small, likely shell-tempered ceramic sherd.

Cultural Affiliation

The associated funerary object in this notice is connected to one or more identifiable earlier groups, tribes, peoples, or cultures. There is a relationship of shared group identity between the identifiable earlier groups, tribes, peoples, or cultures and one or more Indian Tribes or Native Hawaiian organizations. The following types of information were used to reasonably trace the relationship: archeological, geographical, historical, and oral traditional.

Determinations

Pursuant to NAGPRA and its implementing regulations, and after consultation with the appropriate Indian Tribes and Native Hawaiian organizations, the Peabody Museum of Archaeology and Ethnology, Harvard University has determined that:

- The one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a relationship of shared group identity that can be reasonably traced between the associated funerary object described in this notice and the Mashpee Wampanoag Tribe (*previously* listed as Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah), who are the present-day Indian Tribes that represent people of Wampanoag descent.

Requests for Repatriation

Written requests for repatriation of the associated funerary object in this notice must be sent to the Responsible Official identified in **ADDRESSES.** Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the associated funerary object in this notice to a requestor may occur on or after October 12, 2022. If competing requests for repatriation are received, the Peabody Museum of Archaeology and Ethnology, Harvard University, must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary object are considered a single request and not competing requests. The Peabody Museum of Archaeology and Ethnology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.9, § 10.10, and § 10.14.

Dated: August 31, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–19618 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–VRP–USPP–NPS0034074; PPWOUSPPS5, PPMPRLE02.YC0000 (222); OMB Control Number 1024–0245]

Agency Information Collection Activities; United States Park Police Pre-Employment Suitability Determination Process

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 14, 2022.

ADDRESSES: Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS—242) Reston, VA 20191 (mail); or *phadrea_ponds@nps.gov* (email). Please reference OMB Control Number 1024–0245 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Captain Scott H. Brecht, 1100 Ohio Dr. SW, Washington, DC 20242; or by email at *scott_brecht@nps.gov;* or by telephone at 202–610–7088. Please reference OMB Control Number 1024–0245 in the subject line of your comments. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS 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 personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The United States Park Police (USPP) is authorized by Title 5, Code of Federal Regulations, Section 5.2, ''Investigation and evaluations,'' to collect this information as required in the USPP Pre-employment Suitability Process. All USPP candidates are required to complete and pass competitive written examinations, oral interviews, medical examinations, psychological evaluations, and a battery of physical fitness and agility tests. The following forms are used to collect information:

Form 10–2201, ''Personal Qualifications Statement''—provides information on the personal history of the candidate.

Form 10–2201A, ''Information Release Form''—authorizes the release of all personal and confidential records, including medical records concerning physical and mental health.

Form 10–2201B, ''Release to Obtain a Credit Report''—authorizes the release of information from consumer reporting agencies.

Form 10–2201C, ''Lautenberg Certification''—requires information and certification by the applicant regarding a conviction of a misdemeanor crime of domestic violence.

Form 10–2201D, ''Physical Efficiency Battery (PEB) Waiver''—requires the candidate to provide information regarding medical conditions which may impede their ability to meet the minimum efficiency score on the Physical Efficiency Battery (PEB).

Form 10–2201E, ''Physician Consent Form''—requires physician certification for the candidate to participate in the PEB.

Form 10–2201F, ''Applicant Documentation Form''—required to be completed by the applicant when declining or deferring employment with the USPP.

Title of Collection: United States Park Police Pre-Employment Suitability Determination Process.

OMB Control Number: 1024–0245.

Form Numbers: NPS Forms 10–2201, 10–2201A through 10–2201F.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Candidates for employment as a United States Park Police Officer.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $238,752 (printing, notarizing, and providing supporting documentation).

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2022–19575 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–WMRI–NPS0034038; PPWOWMADH2 199 PPMPSAS1Y.YH0000 (222); OMB Control Number 1024–0282]

Agency Information Collection Activities; National Park Service Background Clearance Initiation Request

AGENCY: National Park Service, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 14, 2022.

ADDRESSES: Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 12201 Sunrise Valley Drive, (MS –242) Reston, VA 20191 (mail); or *phadrea_ponds@nps.gov* (email). Please reference OMB Control Number 1024–0282 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Byron Hill, Security Officer, National Park Service, Snellville, GA 30078 (mail) or *byron_hill@nps.gov* (email). Please reference OMB Control Number 1024–0282 in the subject line of your comments. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Authorized by Executive Order 10450, the Homeland Security Presidential Directive (HSPD–12), regulations mandated by the U.S. Office of Personnel Management OPM, and the Department of the Interior (DOI), the National Park Service (NPS) collects information from all applicants for Federal employment and non-Federal personnel requiring access to NPS property.

The NPS uses Form 10–152, ''*Background Clearance Initiation Request*'' to collect information from all applicants to determine their suitability to receive DOI credentials. The Electronic Questionnaires for Investigations Processing (e-QIP), is used to create accounts necessary to initiate background investigations for all individuals requiring access to NPS property and/or to receive a DOIAccess Personal Identification Verification (PIV) badge. The information collected is protected by the Privacy Act and maintained in a secure system of records (Interior-DOI–45, ''Personnel Security Files—Interior'', 47 FR 11036).

Title of Collection: National Park Service Background Clearance Initiation Request.

OMB Control Number: 1024–0282.

Form Number: NPS Form 10–152, ''Background Clearance Initiation Request.''

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Applicants for Federal employment and non-Federal personnel proposed to work under a contract and/or agreement who require access to NPS property and/or a DOIAccess PIV badge.

Total Estimated Number of Annual Respondents: 6,500.

Total Estimated Number of Annual Responses: 6,500.

Estimated Completion Time per Response: 7 minutes.

Total Estimated Number of Annual Burden Hours: 758.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2022–19577 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034484; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kodiak Historical Society, Kodiak, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Kodiak Historical Society (operating as the Kodiak History Museum) has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Kodiak Historical Society. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Kodiak Historical Society at the address in this notice by October 12, 2022.

FOR FURTHER INFORMATION CONTACT: Margaret Greutert, Collections Manager, Kodiak Historical Society dba Kodiak History Museum, 101 E. Marine Way, Kodiak, AK 99615, telephone (907) 486–5917, email *collections@kodiakhistorymuseum.org* or *director@kodiakhistorymuseum.org*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Kodiak Historical Society, Kodiak, AK. The human remains were removed from Monashka Bay in Kodiak Island, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Kodiak Historical Society professional staff in consultation with representatives of the Native Village of Afognak; Native Village of Ouzinkie; Native Village of Port Lions; and the Sun'aq Tribe of Kodiak (*previously* listed as Shoonaq' Tribe of Kodiak) (hereafter referred to as ''The Consulted Villages'').

History and Description of the Remains

During 1961–1962, human remains representing, at minimum, one individual were removed from the Monashka Bay site in Kodiak Island, AK, by archeologist Donald Clark during an archeological excavation funded by the Kodiak Historical Society. The fragmentary and incomplete skeletal remains are from a prehistoric archeological context found with artifacts that represent late prehistoric Alutiiq culture, ca. 2000–400 years BP. As such, these are almost certainly the remains of Alutiiq ancestors from the period before Russian arrival. No known individual was identified. No associated funerary objects are present.

Determinations Made by the Kodiak Historical Society

Professional staff of the Kodiak Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human

remains and the Native Village of Ouzinkie and the Sun'aq Tribe of Kodiak (*previously* listed as Shoonaq' Tribe of Kodiak) (hereafter referred to as ''The Villages'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kodiak Historical Society dba Kodiak History Museum, 101 E. Marine Way, Kodiak, AK 99615, telephone (907) 486–5917, email *collections@kodiakhistorymuseum.org* or *director@kodiakhistorymuseum.org,* by October 12, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Villages may proceed. The Kodiak Historical Society is responsible for notifying The Consulted Villages that this notice has been published.

Dated: September 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–19613 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034491; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, Cornell University, Ithaca, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology, Cornell University has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Department of Anthropology, Cornell University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Department of Anthropology, Cornell University at the address in this notice by October 12, 2022.

FOR FURTHER INFORMATION CONTACT: Matthew Velasco, Department of Anthropology, Cornell University, 261 McGraw Hall, Ithaca, NY 14853, telephone (607) 255–5137, email *mcv47@cornell.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Department of Anthropology, Cornell University, Ithaca, NY. The human remains and associated funerary objects were removed from Broome County, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology, Cornell University professional staff in consultation with the Haudenosaunee Standing Committee on Burial Rules and Regulations and representatives of the Oneida Indian Nation (*previously* listed as Oneida Nation of New York); Onondaga Nation; Saint Regis Mohawk Tribe (*previously* listed as St. Regis Band of Mohawk Indians of New York); and the Tuscarora Nation.

History and Description of the Remains

In August of 1964, human remains representing, at minimum, three individuals were removed near the site of Onaquaga in Broome County, NY, during the digging of a waterline ditch. The property owner, Harry Springsteen, notified the local sheriff. Subsequently, Professor Kenneth A. R. Kennedy of Cornell University was asked to provide a forensic identification of the human remains. By September 8, 1964, Kennedy had completed a report that concluded the human remains belonged to a young adult male of Native American ancestry. Whether the human remains were transferred to Kennedy's laboratory immediately after their removal or were temporarily held by the Old Onaquaga Historical Society (OOHS) is unclear, but correspondence between R. Leone Jacob, then president of the OOHS, and Kennedy in May of 1966 concluded that the human remains would remain at Cornell University. After Kennedy's death in 2014, the human remains were transferred to the Department of Anthropology. Kennedy's original description of the human remains did not note the presence of additional skeletal remains belonging to two subadults of indeterminate sex, one of whom (represented by fragmentary postcranial remains) was less than 20 years old and the other (represented by a single bone) 4 years old or younger. No known individuals were identified. The 22 associated funerary objects are three pottery sherds (two of which are sand-tempered and cord-impressed), one piece of leather, one deer first phalanx, one deer radius fragment, one large mammal skull fragment, one large bird vertebra, one turtle scapula, one acorn, one black walnut, five unidentified seeds, two fragments of a plaster-like material, and four fragments of concrete or mortar.

Based on physical analysis and burial location, the human remains are determined to be Native American. The site of Onaquaga was a large multinational settlement located on the banks of the Susquehanna River near present-day Windsor, NY, in the traditional territory of the Oneida Indian Nation. Historical evidence indicates that members of many Nations, including the Oneidas, Tuscaroras, and Mohawks, frequented this village, and that other peoples likely took refuge there, too. The Oneidas were the primary occupants of Onaquaga in the 1600s and early 1700s, after which Tuscaroras began to arrive in greater numbers, followed by Mohawks. From the available evidence, it is not possible to conclusively determine the age of the human remains relative to the historical occupation of Onaquaga. The association of cord-impressed ceramic sherds, along with the presence of a rock covering over the grave (noted in a local news article at the time of removal), present the possibility that the

human remains significantly predate A.D. 1700. Although the human remains from Onaquaga cannot be associated with a particular tribal group, given the geographic location of Onaquaga and the history of settlement there, they can be reasonably culturally affiliated with the Oneida Indian Nation (*previously* listed as Oneida Nation of New York); Onondaga Nation; Saint Regis Mohawk Tribe (*previously* listed as St. Regis Band of Mohawk Indians of New York); and Tuscarora Nation.

Determinations Made by the Department of Anthropology, Cornell University

Officials of the Department of Anthropology, Cornell University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 22 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Oneida Indian Nation (*previously* listed as Oneida Nation of New York); Onondaga Nation; Saint Regis Mohawk Tribe (*previously* listed as St. Regis Band of Mohawk Indians of New York); and the Tuscarora Nation (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Matthew Velasco, Department of Anthropology, Cornell University, 261 McGraw Hall, Ithaca, NY 14853, telephone (607) 255–5137, email *mcv47@cornell.edu,* by October 12, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Department of Anthropology, Cornell University is responsible for notifying The Tribes that this notice has been published.

Dated: September 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–19617 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0034489; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, Formerly Colorado Historical Society, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: History Colorado, formerly Colorado Historical Society, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to History Colorado. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to History Colorado at the address in this notice by October 12, 2022.

FOR FURTHER INFORMATION CONTACT: Glenys Echavarri, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *glenys.echavarri@state.co.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of History Colorado, Denver, CO. The human remains and associated funerary objects were removed from site 5LP.2223 in La Plata County, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by History Colorado professional staff in consultation with representatives of the Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico, & Utah; Ohkay Owingeh, New Mexico (*previously* listed as Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Santo Domingo Pueblo (*previously* listed as Kewa Pueblo, New Mexico, and as Pueblo of Santo Domingo); Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Ute Tribe (*previously* listed as Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, & Utah); and the Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Remains

From 2018 to 2020, human remains representing, at minimum, 19 individuals were removed from archeological site 5LP.2223 in La Plata County, CO, by Alpine Archaeological Consultants, during archeological monitoring and excavations as part of the US 550/160 South Connection project, a highway construction project jointly undertaken by the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA). The site is in

the CDOT right of way. Under the Colorado Unmarked Human Graves Statute (Colo. Rev. Stat. sections 24–80–1301–1305), Native American human remains found on state or private land in Colorado fall under the jurisdiction of the Office of the State Archaeologist. This matter was assigned Office of Archaeology and Historic Preservation Case Number 340. No known individuals were identified. The 12 associated funerary objects are one deer phalanx, two lots of fish bones, one lot of shell bead fragments, and eight lots of ceramics.

In 2002, consultation regarding the US 550/160 project was initiated by CDOT with representatives of The Consulted Tribes with an established interest in La Plata County, CO. The Hopi Tribe of Arizona; Pueblo of Laguna, New Mexico; and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado indicated their cultural affiliation with the proposed areas of construction and entered into agreements with CDOT, FHWA, the Advisory Council on Historic Preservation, and the Colorado State Historic Preservation Office. During these consultations, it was determined that inadvertently discovered human remains from this project would be culturally affiliated with the Hopi Tribe of Arizona; Pueblo of Laguna, New Mexico; and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado (hereafter referred to as ''The Tribes'').

Determinations Made by History Colorado

Officials of History Colorado have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 19 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 12 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Glenys Echavarri, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *glenys.echavarri@state.co.us,* by October 12, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

History Colorado is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: September 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–19616 Filed 9–9–22; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1082–1083 (Third Review)]

Chlorinated Isocyanurates From China and Spain; Revised Schedule for Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: September 6, 2022.

FOR FURTHER INFORMATION CONTACT: Keysha Martinez (202–205–2136), 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.*

SUPPLEMENTARY INFORMATION: On May 31, 2022, the Commission established a schedule for the conduct of the full five-year reviews (87 FR 34298). The Commission is revising its schedule.

The Commission's revised dates in the schedule are as follows: the Commission will make its final release of information on November 15, 2022; and final party comments are due on November 17, 2022 (final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules).

For further information concerning this proceeding see the Commission's notice cited above and 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).

Authority: These reviews are 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: September 6, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–19585 Filed 9–9–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1271]

Certain Silicon Photovoltaic Cells and Modules with Nanostructures, and Products Containing the Same; Notice of Request for Submissions on the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on September 1, 2022, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of the Tariff Act of 1930. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. 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: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically, a limited exclusion order and cease and desist orders. The recommended limited exclusion order is directed to certain silicon photovoltaic cells and modules with nanostructures, and products containing the same imported, sold for importation, and/or sold after importation by respondents (1) Canadian Solar International Limited of Hong Kong, People's Republic of China; (2) Canadian Solar Manufacturing (Thailand) Co. Ltd. of Chon Buri, Kingdom of Thailand; (3) Canadian Solar Manufacturing Vietnam Co. Ltd. of Hai Phong City, Socialist Republic of Vietnam; (4) Canadian Solar (USA) Inc. of Walnut Creek, California; (5) Recurrent Energy SH Proco LLC of Walnut Creek, California; (6) Hanwha Q Cells Malaysia Sdn. Bhd. of Selangor, Malaysia; (7) Hanwha Solutions Corporation of Seoul, Republic of Korea; (8) Hanwha Q Cell EPC USA LLC of Irvine, California; (9) Hanwha Q Cells America Inc. of Irvine, California; (10) Hanwha Q Cells USA Inc. of Dalton, Georgia; (11) Boviet Solar Technology Co., Ltd., of Bac Giang Province, Socialist Republic of Vietnam; (12) Ningbo Boway Alloy Material Co., Ltd., of Zhejiang Province, People's Republic of China; (13) Boviet Renewable Power LLC of San Jose, California; and (14) Boviet Solar USA Ltd. of San Jose, California. The recommended cease and desist orders are directed to respondents (1) Canadian Solar International Limited; (2) Canadian Solar Manufacturing (Thailand) Co. Ltd.; (3) Canadian Solar Manufacturing Vietnam Co. Ltd.; (4) Canadian Solar (USA) Inc.; and (5) Recurrent Energy SH Proco LLC. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on September 1, 2022. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on October 3, 2022.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1271'') in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of 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: September 6, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–19547 Filed 9–9–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Consortium for NASGRO, Development and Support

Notice is hereby given that, on July 14, 2022, pursuant to section 6(a) of the

National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute: Cooperative Research Group on Consortium for NASGRO Development and Support (''NASGRO'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Lockheed Martin Corporation, Bethesda, MD; Airbus Canada Limited Partnership, Quebec, CANADA; and The Aerospace Corporation, El Segundo, CA have been added as parties to this venture.

Also, Triumph Aerostructures, LLC, Arlington, TX has withdrawn as a party to this venture.

Additionally, Hamilton Sundstrand Corporation and Goodrich Corporation, both subsidiaries of UTC Aerospace Systems Company, have changed their names to Raytheon Technologies Corporation, Waltham, MA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NASGRO intends to file additional written notifications disclosing all changes in membership.

On October 3, 2001, NASGRO filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 22, 2002 (67 FR 2910).

The last notification was filed with the Department on February 6, 2020. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 27, 2020 (85 FR 11392).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–19653 Filed 9–9–22; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 22–071]

Name of Information Collection: Financial Assistance Awards/Grants and Cooperative Agreements

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection renewal.

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

DATES: Comments are due by October 12, 2022.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review-Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Bill Edwards-Bodmer, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546, 757–864–3292 or *b.edwards-bodmer@nasa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request to renew OMB control number 2700–0092. This collection is required to ensure proper accounting of Federal funds and property provided under financial assistance awards (grants and cooperative agreements) per 2 CFR 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. 2 CFR 200, subparts A through F, applies to all NASA award recipients except for for-profit organizations. Only subparts A through D of 2 CFR 200 apply to for-profit organizations. Reporting and recordkeeping are prescribed at 2 CFR part 1800—Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. The requirements in 2 CFR part 1800 are applicable to awards that NASA issues to non-Federal entities, government, for-profit organization, and foreign organizations as allowed by 2 CFR 200.101, Applicability.

II. Methods of Collection

Grant and cooperative agreement proposals are submitted electronically through the NASA Solicitation and Proposal Integrated Review and Evaluation System (NSPIRES) or *Grants.gov*. The use of these systems reduces the need for proposers to submit multiple copies to the agency. Proposers may submit multiple proposals and notices of intent to different funding announcements without registering in NSPIRES each time.

Basis of Estimate

Approximately 7000 NASA financial assistance awards are open at any one time. It is estimated that out of the 9,900 proposals received each year, NASA awards approximately 1,977 new awards. The period of performance for each financial assistance award is usually three to five years. Performance reports are filed annually, and historical records indicate that, on average, 1,625 changes to these reports are submitted annually. The total number of respondents is based on the average number of proposals that are received each year and the average number of active grants and cooperative agreements that are managed each year. The total number of hours spent on each task was estimated through historical records and experience of former recipients. Using past calculations, the total cost was estimated using the average salary (wages and benefits) for a GS–12 step 5.

III. Data

Title: Financial Assistance Awards/ Grants and Cooperative Agreements.

OMB Number: 2700–0092.

Type of review: Renewal of a previously approved information collection.

Affected Public: Non-profits, institutions of higher educations, government, and for-profit entities.

Estimated Annual Number of Activities: 300.

Estimated Number of Respondents per Activity: 36.

Annual Responses: 10,800.

Estimated Time per Response: 120 hours.

Estimated Total Annual Burden Hours: 1,296,000 hours.

Estimated Total Annual Cost: $47,952,000.00.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2022–19587 Filed 9–9–22; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0022]

Information Collection: NRC Form 361, Reactor Plant Event Notification Worksheet; NRC Form 361A, Fuel Cycle and Materials Event Notification Worksheet; NRC Form 361N, Non-Power Reactor Event Notification Worksheet

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''NRC Form 361, Reactor Plant Event Notification Worksheet; NRC Form 361A, Fuel Cycle and Materials Event Notification Worksheet; NRC Form 361N, Non-Power Reactor Event Notification Worksheet.''

DATES: Submit comments by October 12, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: David C. Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0022 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0022.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession Nos. ML22195A180, ML22195A189, and ML22195A194. The final supporting statement is available in ADAMS under Accession No. ML22189A146.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''NRC Form 361, Reactor Plant Event Notification Worksheet; NRC Form 361A, Fuel Cycle and Materials Event Notification Worksheet; NRC Form 361N, Non-Power Reactor Event Notification Worksheet.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 27, 2022 (87 FR 25056).

1. *The title of the information collection:* ''NRC Form 361, Reactor Plant Event Notification Worksheet; NRC Form 361A, Fuel Cycle and Materials Event Notification Worksheet; NRC Form 361N, Non-Power Reactor Event Notification Worksheet.''
2. *OMB approval number:* 3150–0238.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* NRC Form 361, Form 361A, Form 361N.
5. *How often the collection is required or requested:* On occasion, as defined, NRC licensee events are reportable when they occur.
6. *Who will be required or asked to respond:* Holders of NRC licenses for commercial nuclear power plants, fuel cycle facilities, NRC material licensees, and non-power reactors.
7. *The estimated number of annual responses:* 556.

8. *The estimated number of annual respondents:* 2930.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 278.

10. *Abstract:* The NRC requires its licensees to report by telephone certain reactor events and emergencies that have potential impact to public health and safety. In order to efficiently process the information received through such reports for reactors, the NRC created Forms 361 to provide a templated worksheet for recording the information. NRC licensees are not required to fill out or submit the worksheet, but the form provides the usual order of questions and discussion to enable a licensee to prepare answers for a more clear and complete telephonic notification. Without the templated format of the NRC Forms 361, the information exchange between licensees and NRC Headquarters Operations Officers via telephone could result in delays as well as unnecessary transposition errors.

Dated: September 7, 2022.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2022–19641 Filed 9–9–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 12, 19, 26, October 3, 10, 17, 2022. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public and closed.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of September 12, 2022

There are no meetings scheduled for the week of September 12, 2022.

Week of September 19, 2022—Tentative

Monday, September 19, 2022

10:00 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Week of September 26, 2022—Tentative

There are no meetings scheduled for the week of September 26, 2022.

Week of October 3, 2022—Tentative

There are no meetings scheduled for the week of October 3, 2022.

Week of October 10, 2022—Tentative

Tuesday, October 11, 2022

10:00 a.m. NRC All Employees Meeting (Public Meeting); (Contact: Anthony DeJesus: 301–287–9219)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

Thursday, October 13, 2022

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines (Public Meeting); (Contact: Jennie Rankin, 301–415–1530)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

Week of October 17, 2022—Tentative

There are no meetings scheduled for the week of October 17, 2022.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: September 8, 2022.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2022–19753 Filed 9–8–22; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. N2022–2; Order No. 6268]

Service Standard Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is acknowledging a recently filed Postal Service request for an advisory opinion regarding planned changes to the Critical Entry Time (CET) changes for certain Periodicals. This document invites public comments on the request and addresses several related procedural steps.

DATES: *Notices of intervention are due:* September 14, 2022; *Live WebEx Technical Conference:* September 12, 2022, at 1 p.m., eastern daylight time, Virtual.

ADDRESSES: Submit notices of intervention electronically via the Commission's Filing Online system at *http://www.prc.gov.* Persons interested in intervening who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Pre-Filing Issues
III. The Request
IV. Initial Administrative Actions
V. Ordering Paragraphs

I. Introduction

On September 2, 2022, the Postal Service filed a request for an advisory opinion from the Commission regarding planned changes to the Critical Entry Times (CETs) for certain Periodicals.[1] A

[1] United States Postal Service's Request for an Advisory Opinion on Changes in the Nature of Postal Services, September 2, 2022 (Request). The Postal Service filed the instant Request at the direction of the Commission, following the Postal Service's initial presentation of these proposed changes as part of revisions to the Market Dominant Service Performance Measurement Plan. *See* Docket No. PI2022–3, Order Directing the Postal Service to Request an Advisory Opinion Prior to Implementing Its Proposed Change to the Critical Entry Times for Periodicals and Approving the

CET is the last time of day that a mailpiece can be tendered to the Postal Service and have that day count when measuring its expected service standard.[2] The Postal Service plans to standardize four of the five CETs (*i.e.,* CETs for all non-palletized) Periodicals mail by moving them to the current earliest Periodicals Mail CET of 0800 (where previously those CETs ranged from 0800–1400). *Id.* at 2–4. The Postal Service avers that this change would ''promote simplification of mail processing operations, and hence more effective allocation and use of processing personnel and equipment.'' *Id.* at 4–5.

The intended effective date of the Postal Service's planned changes is no earlier than 90 days after the filing of the Request. *Id.* at 4. The Request was filed pursuant to 39 U.S.C. 3661 and 39 CFR part 3020. Before issuing its advisory opinion, the Commission shall accord an opportunity for a formal, on-the-record hearing pursuant to 5 U.S.C. 556 and 557. 39 U.S.C. 3661(c). This Order provides information on the Postal Service's planned changes, explains and establishes the process for the on-the-record hearing, and lays out the procedural schedule to be followed in this case.

II. Pre-Filing Issues

On August 12, 2022, the Postal Service filed a notice of its intent to conduct a pre-filing conference regarding its proposed changes to CETs for certain Periodicals.[3] Notice at 1.

On August 16, 2022, the Commission issued Order No. 6251, which established Docket No. N2022–2 to consider the Postal Service's proposed changes, notified the public concerning the Postal Service's pre-filing conference, and appointed a Public Representative.[4] The Postal Service held its pre-filing conference virtually on August 25, 2022, from 12:30 p.m. to 1:30 p.m. eastern daylight time (EDT). *See* Request at 6. The Postal Service certifies that it has made a good faith effort to address concerns of interested persons about the Postal Service's proposal raised at the pre-filing conference. *See id.*

III. The Request

A. The Postal Service's Planned Changes

Currently, CETs for non-palletized Periodicals Mail range from 0800 (for Bundle Sort Required 3-Digit and Up Container) to 1400 (for No Bundle Sort Required 5-Digit/Scheme Container). *Id.* at 3. CETs for this mail would move to 0800. *Id.* Currently palletized Periodicals Mail (No Bundle Sort Required Pure Carrier Route Pallet) has a CET of 1700. *Id.* The CET for this mail would remain 1700. *Id.* Table 1 details the current and proposed CETs for Periodicals Mail.

TABLE 1—CURRENT AND PLANNED CETS FOR PERIODICALS MAIL

Periodicals mail (origin and destination)	Current CET	Planned CET
Flat Sequencing System (FSS)		
No Bundle Sort Required 5-Digit/Scheme Container	1100	0800
Bundle Sort Required 3-Digit and Up Container	0800	0800
Non-FSS		
No Bundle Sort Required 5-Digit/Scheme Container	1400	0800
No Bundle Sort Required Pure Carrier Route Pallet	1700	1700
Bundle Sort Required 3-Digit and Up Container	1100	0800

Source: Id. at 3.

B. The Postal Service's Position

The Postal Service asserts that existing CETs for Periodicals Mail: constrain its ability to effectively allocate staff and utilize available processing equipment; result in inconsistent and unreliable service due to challenges to meet applicable service standards; and result in ineffective processing operations (including non-Periodicals Mail impacted by the issues identified above). *Id.* at 2–4. The proposed CETs, according to the Postal Service, would promote simplification of processing operations and more effective allocation of processing personnel and equipment and be consistent with the requirement that the Postal Service maintain an integrated network for the delivery of market-dominant and competitive products since it enables more effective use of equipment and resources for both flat-shaped pieces and packages. *Id.* at 4–5.

Overall, according to the Postal Service, the changes are intended to align Periodicals Mail CETs with the expected arrival time of like-shaped products in order to improve service reliability for all like-shaped products. *Id.* at 5.

C. The Postal Service's Direct Case

The Postal Service is required to file its direct case along with the Request. *See* 39 CFR 3020.114. The Postal Service's direct case includes all of the prepared evidence and testimony upon which the Postal Service proposes to rely on in order to establish that its proposal accords with and conforms to the policies of title 39, United States Code. *See id.* The Postal Service provides the direct testimony of two witnesses and identifies a third individual to serve as its institutional witness and provide information relevant to the Postal Service's proposal that is not provided by other Postal Service witnesses. *See* Request at 4–7. Table 2 below details the Postal Service's direct case, organized by witness.

TABLE 2—POSTAL SERVICE WITNESSES

Witness	Topic(s)	Designation
1. Jake R. Campbell	• Description of current Periodicals Mail CETs	USPS–T–1

Other Proposed Revisions to Market Dominant Service Performance Measurement Plan, July 18, 2022 (Order No. 6232).

[2] Request at 2. For example, when a mailpiece is tendered prior to a CET on a Monday with a two-day standard, the piece would have an expected delivery on Wednesday, and when it is tendered after the CET, it would have an expected delivery on Thursday.

[3] Notice of Pre-Filing Conference, August 12, 2022, at 1.

[4] Notice and Order Concerning the Postal Service's Pre-Filing Conference, August 16, 2022 (Order No. 6251).

TABLE 2—POSTAL SERVICE WITNESSES—Continued

Witness	Topic(s)	Designation
2. Thomas J. Foti	• Identification of challenges with CETs. • Impact on other like-shaped products. • Anticipated improvements in service and reliability as a result of changing the CETs. • Description of Periodicals Mail as it pertains to proposed CET changes • Assessment of the impact of the proposed CET changes on Periodicals Mailers. • Summary of mitigation strategies for such impacts.	USPS–T–2
3. Sharon Owens	• Institutional witness capable of providing information relevant to the Postal Service's proposal that is not provided by other Postal Service witnesses.	None filed

Source: Request at 4–7.

Additionally, the Postal Service filed four library references, three of which are available to the public and one of which is designated as non-public material.

TABLE 3—POSTAL SERVICE LIBRARY REFERENCES

Designation	Title	Sponsoring witness
USPS–LR–N2022–2–1	Periodicals Mail Versus Flats Mail Comparison	Jake R. Campbell
USPS–LR–N2022–2–2	Estimated Impacts to Periodicals Mail	Jake R. Campbell
USPS–LR–N2022–2–3	Runtime Benefits of Bundle Sorting with 0800 Periodical CETs	Jake R. Campbell
USPS–LR–N2022–2–NP1	Data Used to Calculate Runtime Benefits of Bundle Sorting with 0800 Periodical CETs.	Jake R. Campbell

Note: The Postal Service filed the non-public library reference under seal (shaded in the above table), asserting it consists of commercially sensitive information, specifically granular processing information that is analogous to the same information for competitive products. *See* Notice of United States Postal Service of Filing of Library References and Application for Non-Public Treatment, September 2, 2022, Application of the United States Postal Service for Non-Public Treatment at 4–5.

Source: Notice of United States Postal Service of Filing of Library References and Application for Non-Public Treatment, September 2, 2022.

IV. Initial Administrative Actions

A. General Procedures

The procedural rules in 39 CFR part 3020 apply to Docket No. N2022–2. Before issuing its advisory opinion, the Commission shall accord an opportunity for a formal, on-the-record hearing pursuant to 5 U.S.C. 556 and 557. 39 U.S.C. 3661(c). The Commission will sit *en banc* for Docket No. N2022–2. *See* 39 CFR 3020.122(b). Due to the COVID–19 pandemic and the convenience of parties outside the immediate area that may wish to participate, the Commission is conducting all business, including any hearing or public meeting for Docket No. N2022–2 virtually and not in person.

B. Scope

Docket No. N2022–2 is limited in scope to the specific changes proposed by the Postal Service in its Request. *See* 39 CFR 3020.102(b). To the extent that participants raise alternative proposals and present reasons why those alternatives may be superior to the Postal Service's proposal, the Commission would interpret such discussion as critiquing the specific changes proposed by the Postal Service in its Request.[5] However, the Commission would not evaluate or opine on the merits of such alternative proposals in its advisory opinion. *See* Order No. 2080 at 18. Pursuant to its discretion, the Commission may undertake evaluation of alternatives or other issues raised by participants in separate proceedings (such as special studies or public inquires). *See* 39 CFR 3020.102(b). Moreover, any interested person may petition the Commission to initiate a separate proceeding (such as a rulemaking or public inquiry) at any time. *See* 39 CFR 3010.201(b) (initiation of notice and comment proceedings).

C. Designation of Presiding Officer

Pursuant to 39 CFR 3010.106 and 3020.122(b), the Commission appoints Commissioner Ashley E. Poling to serve as presiding officer in Docket No. N2022–2, effective immediately. In addition to the authority delegated to the presiding officer under 39 CFR 3010.106(c), the Commission expands the presiding officer's authority to allow her to propound formal discovery requests upon any party, at her discretion. The numerical limitation on interrogatories appearing in 39 CFR 3020.117(a) shall not apply to the presiding officer. The Commission also authorizes Commissioner Poling to rule on procedural issues such as motions for late acceptance and discovery-related matters such as motions to be excused from answering discovery requests. Commissioner Poling shall have authority to issue any ruling in this docket not otherwise specifically reserved to the Commission by 39 CFR 3020 and 3010.106.

D. Procedural Schedule

The Commission establishes a procedural schedule, which appears below the signature of this Order as Attachment 1. *See* 39 CFR 3010.151, 3020.110; *see also* 39 CFR part 3020 appendix A. These dates may be changed only if good cause is shown, if the Commission later determines that the Request is incomplete, if the Commission determines that the Postal Service has significantly modified the Request, or for other reasons as determined by the Commission. *See* 39 CFR 3020.110(b) and (c).

E. How To Access Material Filed in This Proceeding

1. Using the Commission's Website

The public portions of the Postal Service's filing are available for review

[5] *See* Docket No. RM2012–4, Order Adopting Amended Rules of Procedure for Nature of Service Proceedings Under 39 U.S.C. 3661, May 20, 2014, at 18 (Order No. 2080).

on the Commission's website (*http://www.prc.gov*). The Postal Service's electronic filing of the Request and prepared direct evidence effectively serves the persons who participated in the pre-filing conference. *See* 39 CFR 3020.104. Other material filed in this proceeding will be available for review on the Commission's website, unless the information contained therein is subject to an application for non-public treatment.

2. Using Methods Other Than the Commission's Website

The Postal Service must serve hard copies of its Request and prepared direct evidence ''only upon those persons who have notified the Postal Service, in writing, during the pre-filing conference(s), that they do not have access to the Commission's website.'' 39 CFR 3020.104. If you demonstrate that you are unable to effectively use the Commission's Filing Online system or are unable to access the internet, then the Secretary of the Commission will serve material filed in Docket No. N2022–2 upon you via First-Class Mail. *See* 39 CFR 3010.127(b) and (c). You may request physical service by mailing a document demonstrating your need to the Office of Secretary and Administration, Postal Regulatory Commission, 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001. Service may be delayed due to the impact of the COVID–19 pandemic. Pursuant to 39 CFR 3010.127(c), the Secretary shall maintain a service list identifying no more than two individuals designated for physical service of documents for each party intervening in this proceeding. Accordingly, each party must ensure that its listing is accurate and should promptly notify the Secretary of any errors or changes. *See* 39 CFR 3010.127(c).

3. Non-Public Material

The Commission's rules on how to file and access non-public material appear in 39 CFR part 3011. Each individual seeking non-public access must familiarize themselves with these provisions, including the rules governing eligibility for access; non-dissemination, use, and care of the non-public material; sanctions for violations of protective conditions; and how to terminate or amend access. *See* 39 CFR 3011.300, 3011.302–.304. Any person seeking access to non-public material must file a motion with the Commission containing the information required by 39 CFR 3011.301(b)(1)–(4). Each motion must attach a description of the protective conditions and a certification to comply with protective conditions executed by each person or entity (and each individual working on behalf of the person or entity) seeking access. 39 CFR 3011.301(b)(5)–(6). To facilitate compliance with 39 CFR 3011.301(b)(5)–(6), a template Protective Conditions Statement and Certification to Comply with Protective Conditions appears below the signature of this Order as Attachment 2, for completion and attachment to a motion for access. *See* 39 CFR part 3011 subpart C, appendix A. Persons seeking access to non-public material are advised that actual notice provided to the Postal Service pursuant to 39 CFR 3011.301(b)(4) will expedite resolution of the motion, particularly if the motion for access is uncontested by the Postal Service.

Non-public information must be redacted from filings submitted through the Commission's website; instead, non-public information must be filed under seal as required by 39 CFR part 3011 subpart B.

F. How To File Material in This Proceeding

1. Using the Commission's Filing Online System

Except as provided in 39 CFR 3010.120(a), all material filed with the Commission shall be submitted in electronic format using the Filing Online system, which is available over the internet through the Commission's website. The Commission's website accepts filings during the Commission's regular business hours, which are from 8 a.m. through 4:30 p.m. EDT, except for Saturdays, Sundays, and Federal holidays. A guide to using the Filing Online system, including how to create an account, is available at *https://www.prc.gov/how-to-participate.* If you have questions about how to use the Filing Online system, please contact the dockets clerk by email at *dockets@prc.gov* or telephone at (202) 789–6847. Please be advised that the dockets clerk can only answer procedural questions but may not provide legal advice or recommendations.

2. Using Methods Other Than the Commission's Filing Online System

Material may be filed using a method other than the Commission's website only if at least one of the following exceptions applies:

- The material cannot reasonably be converted to electronic format,
- The material contains non-public information (*see* 39 CFR part 3011),
- The filer is unable to effectively use the Commission's Filing Online system and the document is 10 pages or fewer, or
- The Secretary has approved an exception to the requirements to use the Commission's Filing Online system based on a showing of good cause.

39 CFR 3010.120(a).

Material subject to these exceptions may be filed by mail to the Office of Secretary and Administration, Postal Regulatory Commission, 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001. Due to the agency's virtual status, posting mailed materials to the Commission's website may be delayed. Accordingly, before mailing materials, it is strongly recommended that individuals contact the dockets clerk by email at *dockets@prc.gov* or telephone at (202) 789–6847.

G. Technical Conference

1. Date and Purpose

A technical conference will be held live via WebEx on September 12, 2022, at 1 p.m. EDT. The technical conference is an informal, off-the-record opportunity to clarify technical issues as well as to identify and request information relevant to evaluating the Postal Service's proposed changes. *See* 39 CFR 3020.115(c). The technical conference will be limited to information publicly available in the Request. Any non-public information, including information in non-public library references attached to the Request, should not be raised at the technical conference. At the technical conference, the Postal Service will make available for questioning its two witnesses whose direct testimony was filed along with the Request and a third individual to serve as its institutional witness, who will provide information relevant to the Postal Service's proposal that is not provided by other Postal Service witnesses. *See* Request at 10; *see also* 39 CFR 3020.113(b)(6)–(7), 3020.115(b). The names and topics to which these three individuals are prepared to address are summarized above in section III.C., table 1, *infra.*

2. How To Livestream the Technical Conference

The technical conference will be broadcast to the public via livestream, which will allow the public to view and listen to the technical conference, as it is occurring and after. To view and listen to the livestream, on or after 1 p.m. EDT on September 12, 2022, an individual must click on the internet link that will be identified on the Commission's YouTube Channel, which is available at *https://www.youtube.com/channel/UCbHvK-*

S8CJFT5yNQe4MkTiQ. Individuals do not have to register in advance to access the livestream. Please note that the livestream is a broadcast; therefore, there is a brief delay (several seconds) between the technical conference being captured on camera and being displayed to viewers of the livestream. Additionally, please note that clicking on the livestream link will not allow an individual the opportunity to question the Postal Service's three witnesses. Details on how to participate in the live WebEx (and have the opportunity to question the Postal Service's three witnesses) follow.

3. How To Participate in the Technical Conference

To participate in this live technical conference and have the opportunity to ask questions of the Postal Service's three witnesses, an individual need not formally intervene in this docket, but must register in advance as follows. Each individual seeking to participate in the live WebEx using an individual device (*e.g.,* a desktop computer, laptop, tablet, or smart phone) must register by sending an email to *Registration@prc.gov,* with the subject line ''N2022–2 Conference Registration'' by September 8, 2022. In order to facilitate orderly public participation, this email shall provide the following information:

- your first and last name;
- your email address (to receive the WebEx link);
- the name(s) of the Postal Service witness(es) you would like to question and/or the topic(s) of your question(s); and
- your affiliation (if you are participating in your capacity as an employee, officer, or member of an entity such as a corporation, association, or government agency).

The *Registration@prc.gov* email address is established solely for the exchange of information relating to the logistics of registering for, and participating in, the technical conference.[6] No information related to the substance of the Postal Service's Request shall be communicated, nor shall any information provided by participants apart from the list identified above be reviewed or considered. Only documents filed with the Commission's docket system will be considered by the Commission. Before the technical conference, the Commission will email each identified individual a WebEx link, an explanation of how to connect to the technical conference, and information regarding the schedule and procedures to be followed.

4. Availability of Materials and Recording

To facilitate discussion of the matters to be explored at the technical conference, the Postal Service shall, if necessary, file with the Commission any materials not already filed in Docket No. N2022–2 (such as PowerPoint presentations or Excel spreadsheets) that the Postal Service expects to present at the technical conference by September 9, 2022. Doing so will foster an orderly discussion of the matters under consideration and facilitate the ability of individuals to access these materials should technical issues arise for any participants during the live WebEx. If feasible, the recording will be available on the Commission's YouTube Channel at *https://www.youtube.com/channel/UCbHvK-S8CJFT5yNQe4MkTiQ.*

Participants in the WebEx, by participating, consent to such recording and posting. Information obtained during the technical conference or as a result of the technical conference is not part of the decisional record, unless admitted under the standards of 39 CFR 3010.322. *See* 39 CFR 3020.115(e).

The Commission reserves the right to cancel the technical conference should no parties register an intent to question the Postal Service's three witnesses.

H. How To Intervene (Become a Party to This Proceeding)

To become a party to this proceeding, a person or entity must file a notice of intervention by September 14, 2022.[7] This filing must clearly and concisely state: the nature and extent of the intervenor's interest in the issues (including the postal services used), the intervenor's position on the proposed changes in services (to the extent known), whether or not the intervenor requests a hearing, and whether or not the intervenor intends to actively participate in the hearing. *See* 39 CFR 3010.142(b). Page one of this filing shall contain the name and full mailing address of no more than two persons who are to receive service, when necessary, of any documents relating to this proceeding. *See id.* A party may participate in discovery; file testimony and evidence; conduct written examination of witnesses; conduct limited oral cross-examination; file briefs, motions, and objections; and present argument before the Commission or the presiding officer. *See id.* sections 3010.142(a); 3020.122(e). An opposition to a notice of intervention is due within 3 days after the notice of intervention is filed. *See id.* section 3010.142(d)(2).

I. Discovery

1. Generally Applicable Discovery Procedures

Discovery requests may be propounded upon filing a notice of intervention. Discovery that is reasonably calculated to lead to admissible evidence is allowed. *See* 39 CFR 3020.116(a). Each party must familiarize themselves with the Commission's rules appearing in 39 CFR part 3020, including the rules for discovery in N-dockets generally and specific to interrogatories, requests for the production of documents, and requests for admissions. *See* 39 CFR 3020.116–3020.119. No party may propound more than a total of 25 interrogatories (including both initial and follow-up interrogatories) without prior approval by the Commission or presiding officer.[8]

Each answer to a discovery request is due within 7 days after the discovery request is filed.[9] Any motion seeking to be excused from answering any discovery request is due within 3 days after the discovery request is filed. *See* 39 CFR 3020.105(b)(1). Any response to such motion is due within 2 days after the motion is filed. *See id.* section 3020.105(b)(2). The Commission expects parties to make judicious use of discovery, objections, and motions practice, and encourages parties to make every effort to confer to resolve disputes informally before bringing disputes to the Commission to resolve.

2. Discovery Deadlines for the Postal Service's Direct Case

All discovery requests regarding the Postal Service's direct case must be filed by September 29, 2022. All discovery answers by the Postal Service must be filed by October 6, 2022. The parties are urged to initiate discovery promptly, rather than to defer filing requests and answers to the end of the period established by the Commission.

J. Rebuttal Case Deadlines

A rebuttal case is any evidence and testimony offered to disprove or

[6] Please refer to the Commission's privacy policy which is available at *https://www.prc.gov/privacy.*

[7] Neither the Public Representative nor the Postal Service must file a notice of intervention; both are automatically deemed parties to this proceeding. *See* 39 CFR 3010.142(a).

[8] *See* 39 CFR 3020.117(a); Order No. 2080 at 42; *see also* Docket No. N2021–1, Order Affirming Presiding Officer's Ruling No. N2021–1/9, May 26, 2021, at 9 (Order No. 5901).

[9] *See* 39 CFR 3020.117(b)(4), 3020.118(b)(1), 3020.119(b)(1). Filing an opposition to a notice of intervention shall not delay this deadline. *See* 39 CFR 3010.142(d)(3).

contradict the evidence and testimony submitted by the Postal Service. A rebuttal case does not include cross-examination of the Postal Service's witnesses or argument submitted via a brief or statement of position. Any party that intends to file a rebuttal case must file a notice confirming its intent to do so by October 7, 2022. Any rebuttal case, consisting of any testimony and all materials in support of the case, must be filed by October 12, 2022.

K. Surrebuttal Case Deadlines

A surrebuttal case is any evidence and testimony offered to disprove or contradict the evidence and testimony submitted by the rebutting party. A surrebuttal case does not include cross-examination of the rebutting party's witnesses or argument submitted via a brief or statement of position. Any party that intends to file a surrebuttal case must obtain the Commission's prior approval and must bear the burden of demonstrating exceptional circumstances that would warrant granting the motion. *See* 39 CFR 3020.121(b). Any motion for leave to file a surrebuttal case is due October 14, 2022. Any response to such motion is due October 17, 2022. Any surrebuttal case, consisting of any testimony and all materials in support of the case, must be filed by October 19, 2022.

L. Hearing Dates

The Commission expects that this case will require no more than 1 or 2 business days for hearing, but reserves 3 business days out of an abundance of caution and consistent with the pro forma schedule set forth in appendix A of 39 CFR part 3020. If no party files a notice of intent to file a rebuttal case by October 7, 2022, then the hearing of the Postal Service's direct case shall begin October 12, 2022, with additional days reserved on October 13, 2022, and October 14, 2022. If any party files a notice of intent to file a rebuttal case by October 7, 2022 but no surrebuttal testimony will be presented, then the hearing of the Postal Service's direct case shall begin October 19, 2022, with additional days reserved on October 20, 2022, and October 21, 2022. If any party files a notice of intent to file a rebuttal case by October 7, 2022, and the Commission approves the presentation of surrebuttal testimony, then the hearing of the Postal Service's direct case shall begin October 26, 2022, and the hearing of the surrebuttal case shall end October 28, 2022.

M. Presentation of Evidence and Testimony

Evidence and testimony shall be in writing and may be accompanied by a trial brief or legal memoranda. 39 CFR 3020.122(e)(1). Whenever possible and particularly for factual or statistical evidence, written cross-examination will be used in lieu of oral cross-examination. *Id.* section 3020.122(e)(2).

Oral cross-examination will be allowed to clarify written cross-examination and/or to test assumptions, conclusions, or other opinion evidence. *Id.* section 3020.122(e)(3). Assuming that no rebuttal case is filed, any party that intends to conduct oral cross-examination shall file a notice of intent to do so by October 6, 2022. The notice must include an estimate of the amount of time requested for each witness.

In lieu of submitting hard copy documents to the Commission as contemplated by 39 CFR 3020.122(e)(2), each party shall file a single document titled ''Notice of Designations'' containing a list for each witness that identifies the materials to be designated (without the responses). The filing party shall arrange its list for each witness in alphabetical order by the name of the party propounding the interrogatory followed by numerical order of the interrogatory. For example:

Designations for Witness One

ABC/USPS–T1–1
ABC/USPS–T1–3
DEF/USPS–T1–1
GHI/USPS–T1–3
JKL/USPS–T1–2

Designations for Witness Two

DEF/USPS–T2–4
GHI/USPS–T2–2

Assuming that no rebuttal case is filed, each party shall file its Notice of Designations by October 7, 2022.

Assuming that no rebuttal case is filed, on October 11, 2022, the Postal Service shall file a ''Notice of Designated Materials'' identifying any corrections to the testimony or designated materials for each witness sponsored by the Postal Service. Attached to that notice shall be an Adobe PDF file that contains the witness's designated written responses in alphabetical order by the name of the party propounding the interrogatory followed by numerical order of the interrogatory (with any corrections to the responses highlighted). The Postal Service shall also contemporaneously file any corrections to testimony (with those corrections highlighted).

N. Presentation of Argument

1. General Procedures

Any person that has intervened in Docket No. N2022–2 (and thereby formally became a party to this proceeding) may submit written argument by filing a brief or a statement of position; they also may request to present oral argument at the hearing. *See* 39 CFR 3020.123; *see also* 39 CFR 3010.142(a). Any person that has not intervened in Docket No. N2022–2 may submit written argument by filing a statement of position. *See* 39 CFR 3020.123(g); *see also* 39 CFR 3010.142(a).

2. Presentation of Written Argument

A brief is a written document that addresses relevant legal and evidentiary issues for the Commission to consider and must adhere to the requirements of 39 CFR 3020.123(a)–(f). A statement of position is a less formal version of a brief that describes the filer's position on the Request and the information on the existing record in support of that position. *See* 39 CFR 3020.123(g).

a. Briefing Deadlines

Assuming that no rebuttal case is filed, initial briefs are due October 21, 2022, and reply briefs are due October 27, 2022. If any party files a notice confirming its intent to file a rebuttal case by October 7, 2022, then the briefing schedule may be revised.

b. Deadline for Statement of Position

Any interested person, including anyone that has not filed a notice of intervention and become a party to this proceeding, may file a statement of position. *See* 39 CFR 3020.123(g); *see also* 39 CFR 3010.142(a). A statement of position is limited to the existing record and may not include any new evidentiary material. *See* 39 CFR 3020.123(g). Filings styled as a brief or comments, conforming with the content and timing requirements, shall be deemed statements of positions. Any statement of position is due October 21, 2022.

3. Request To Present Oral Argument

Oral argument has not historically been part of N-cases; the Commission would only grant a request to present oral argument upon an appropriate showing of need by the presenting party. *See* Order No. 2080 at 53. Assuming that no rebuttal case is filed, any party may file a request to present oral argument by October 11, 2022.

O. The Commission's Advisory Opinion

Unless there is a determination of good cause for extension, the Commission shall issue its advisory opinion within 90 days of the filing of the Request. *See* 39 CFR 3020.102(a). Therefore, absent a determination of good cause for extension, the Commission shall issue its advisory opinion in this proceeding by December 1, 2022. ''The opinion shall be in writing and shall include a certification by each Commissioner agreeing with the opinion that in his [or her] judgment the opinion conforms to the policies established under [title 39, United States Code].'' 39 U.S.C. 3661(c). The advisory opinion shall address the specific changes proposed by the Postal Service in the nature of postal services. *See* 39 CFR 3020.102(b).

P. Public Representative

Pursuant to 39 U.S.C. 3661(c), Katrina R. Martinez shall continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding. *See* Order No. 6251 at 3.

V. Ordering Paragraphs

It is ordered:

1. The procedural schedule for this proceeding is set forth below the signature of this Order.

2. Pursuant to 39 CFR 3010.106 and 3020.122(b), the Commission appoints Commissioner Ashley E. Poling to serve as presiding officer in Docket No. N2022–2, effective immediately.

3. Commissioner Poling is authorized to propound formal discovery requests upon any party, at her discretion. The numerical limitation on interrogatories appearing in 39 CFR 3020.117(a) shall not apply to the Presiding Officer.

4. Commissioner Poling is authorized to rule on procedural issues such as motions for late acceptance and discovery-related matters such as motions to be excused from answering discovery requests.

5. Commissioner Poling is authorized to make other rulings in this Docket not otherwise specifically reserved to the Commission according to 39 CFR 3020 and 3010.106.

6. Pursuant to 39 U.S.C. 3661(c), Katrina R. Martinez shall continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

7. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

PROCEDURAL SCHEDULE FOR DOCKET NO. N2022–2

[Established by the Commission, September 6, 2022]

Technical Conference Dates:	
Deadline to Email *Registration@prc.gov* to Register to Participate in the Live Technical Conference via WebEx.	September 8, 2022.
Filing of the Postal Service's Materials (if any) for the Technical Conference	September 9, 2022.
Technical Conference (live via WebEx)	September 12, 2022, at 1:00 p.m. Eastern Daylight Time.
Intervention Deadline:	
Filing of Notice of Intervention	September 14, 2022.
Discovery Deadlines for the Postal Service's Direct Case:	
Last Filing of Discovery Requests	September 29, 2022.
Filing of the Postal Service's Answers to Discovery	October 6, 2022.
Deadlines in Preparation for Hearing (assuming no rebuttal case):	
Filing of Notice Confirming Intent to Oral Conduct Cross-Examination	October 6, 2022.
Filing of Notice of Designations (Parties)	October 7, 2022.
Filing of Request to Present Oral Argument	October 11, 2022.
Filing of Notices of Designated Materials (Postal Service)	October 11, 2022.
Rebuttal Case Deadlines (if applicable):	
Filing of Notice Confirming Intent to File a Rebuttal Case	October 7, 2022.
Filing of Rebuttal Case	October 12, 2022.
Surrebuttal Case Deadlines (if applicable):	
Filing of Motion for Leave to File Surrebuttal Case	October 14, 2022.
Filing of Response to Motion for Leave to File Surrebuttal Case	October 17, 2022.
Filing of Surrebuttal Case (if authorized)	October 19, 2022.
Hearing Dates:	
Hearings (with no Rebuttal Case)	October 12 to 14, 2022.
Hearings (with Rebuttal Case, but no authorized Surrebuttal Case)	October 19 to 21, 2022.
Hearings (with Rebuttal Case and authorized Surrebuttal Case)	October 26 to 28, 2022.
Briefing Deadlines:	
Filing of Initial Briefs (with no Rebuttal Case)	October 21, 2022.
Filing of Reply Briefs (with no Rebuttal Case)	October 27, 2022.
Statement of Position Deadline:	
Filing of Statement of Position (with no Rebuttal Case)	October 21, 2022.
Advisory Opinion Deadline:	
Filing of Advisory Opinion (absent determination of good cause for extension)	December 1, 2022.

Docket N2022–2 Template To Attach to Motion for Access to Non-Public Material Protective Conditions Statement

The Postal Service requests confidential treatment of non-public materials identified as _____ (non-confidential description of non-public materials) (hereinafter ''these materials'') in Commission Docket No. N2022–2. _____ (name of participant filing motion) (hereinafter ''the movant'') requests access to these materials related to Commission Docket No. N2022–2 (hereinafter ''this matter'').

The movant has provided to each person seeking access to these materials:

○ This Protective Conditions Statement;

○ The Certification to Comply with Protective Conditions;

○ The Certification of Compliance with Protective Conditions and Termination of Access; and

○ The Commission's rules applicable to access to non-public materials filed in Commission proceedings (subpart C of part 3011 of the U.S. Code of Federal Regulations).

Each person (and any individual working on behalf of that person) seeking access to these materials has executed a Certification to Comply with Protective Conditions by signing in ink or by typing /s/ before his or her name in the signature block. The movant attaches the Protective Conditions Statement and the executed Certification(s) to Comply with Protective Conditions to the motion for access filed with the Commission.

The movant and each person seeking access to these materials agree to comply with the following protective conditions:

1. In accordance with 39 CFR 3011.303, the Commission may impose sanctions on any person who violates these protective conditions, the persons or entities on whose behalf the person was acting, or both.

2. In accordance with 39 CFR 3011.300(b), no person involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials shall be granted access to these materials. Involved in competitive decision-making includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with an individual or entity having a proprietary interest in the protected material.

3. In accordance with 39 CFR 3011.302(a), a person granted access to these materials may not disseminate these materials in whole or in part to any person not allowed access pursuant to 39 CFR 3011.300(a) (Commission and court personnel) or 3011.301 (other persons granted access by Commission order) except in compliance with:

a. Specific Commission order,

b. Subpart B of 39 CFR 3011 (procedure for filing these materials in Commission proceedings), or

c. 39 CFR 3011.305 (production of these materials in a court or other administrative proceeding).

4. In accordance with 39 CFR 3011.302(b) and (c), all persons granted access to these materials:

a. Must use these materials only related to this matter; and

b. Must protect these materials from any person not authorized to obtain access under 39 CFR 3011.300 or 3011.301 by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of these materials as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.

5. The duties of each person granted access to these materials apply to all:

a. Disclosures or duplications of these materials in writing, orally, electronically, or otherwise, by any means, format, or medium;

b. Excerpts from, parts of, or the entirety of these materials;

c. Written materials that quote or contain these materials; and

d. Revised, amended, or supplemental versions of these materials.

6. All copies of these materials will be clearly marked as ''Confidential'' and bear the name of the person granted access.

7. Immediately after access has terminated pursuant to 39 CFR 3011.304(a)(1), each person (and any individual working on behalf of that person) who has obtained a copy of these materials must execute the Certification of Compliance with Protective Conditions and Termination of Access. In compliance with 39 CFR 3011.304(a)(2), the movant will attach the executed Certification(s) of Compliance with Protective Conditions and Termination of Access to the notice of termination of access filed with the Commission.

8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.

Respectfully submitted,

/s/_____
(signature of representative)
(print name of representative)
(address line 1 of representative)
(address line 2 of representative)
(telephone number of representative)
(email address of representative)
(choose the appropriate response)
Attorney/Non-Attorney Representative
for (name of the movant)

You may delete the instructional text to complete this form. This form may be filed as an attachment to the motion for access to non-public materials under 39 CFR 3011.301(b)(5).

Certification To Comply With Protective Conditions

The Postal Service requests confidential treatment of non-public materials identified as _____ (non-confidential description of non-public materials) (hereinafter ''these materials'') filed in Commission Docket No. N2022–2.

_____ (name of participant filing motion) requests that the Commission grant me access to these materials to use related to Docket No. N2022–2 (hereinafter ''this matter'').

I certify that:

○ I have read and understand the Protective Conditions Statement and this Certification to Comply with Protective Conditions;

○ I am eligible to receive access to these materials because I am not involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials; and

○ I will comply with all protective conditions established by the Commission.

/s/_____
(signature of individual receiving access)
(print name of individual receiving access)
(title of individual receiving access)
(employer of individual receiving access)
(name of the participant filing the motion)
(date)

You may delete the instructional text to complete this form. This form may be filed as an attachment to the motion for access to non-public materials under 39 CFR 3011.301(b)(6).

[FR Doc. 2022–19635 Filed 9–9–22; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95676; File No. SR–BX–2022–014]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Enhance the BX Retail Price Improvement Program

September 6, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 24, 2022, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Equity 4, Rule 4780 to enhance the BX Retail Price Improvement Program, as described further below. The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Equity 4, Rule 4780[3] to enhance the BX Retail Price Improvement Program in a manner that will attract more liquidity providers to participate in the Program. Specifically, the Exchange proposes to amend paragraph (e) of Rule 4780 to provide Participants a choice whether to disseminate the Retail Liquidity Identifier (defined below) when submitting Retail Price Improvement interest to the Exchange.

Retail Price Improvement Program (''RPI Program'')

In June 2019, the Commission approved making permanent the Exchange's pilot RPI Program.[4] The RPI Program is designed to attract retail order flow to the Exchange and allow such order flow to receive potential price improvement. The RPI Program is limited to trades occurring at prices equal to or greater than $1.00 per share. Under the RPI Program, Retail Member Organizations are eligible to submit Retail Orders to the Exchange. BX members (''Members'') are permitted to provide potential price improvement for Retail Orders in the form of non-displayed interest that is priced more aggressively than the Protected National Best Bid or Offer (''Protected NBBO'').[5] The Exchange publishes a price improvement indicator notifying market participants that such price improving liquidity is available.

The SEC approved making the RPI Program permanent, in part, because it concluded, ''the Exchange's Program data and analysis about price improvement for retail investors . . . supports the Exchange's conclusion that the program provides meaningful price improvement to retail investors on a regulated exchange venue and has not demonstrably caused harm to the broader market.'' [6] In approving the pilot RPI Program, the Commission found that ''while the Program would treat retail order flow differently from order flow submitted by other market participants, such segmentation would not be inconsistent with Section 6(b)(5) of the Act, which requires that the rules of an exchange are not designed to permit unfair discrimination.'' [7] As the SEC acknowledged, the retail order segmentation was designed to create greater competition for retail investor orders thereby creating more competition for these orders on transparent and well-regulated exchanges. This would help to ensure that retail investors benefit from competitive price improvement that exchange-based liquidity providers provide.

Retail Liquidity Identifier

Currently, the Exchange disseminates an identifier when RPI interest priced at least $0.001 better than the Exchange's Protected Bid or Protected Offer for a particular security is available in the System (the ''Retail Liquidity Identifier''). The Retail Liquidity Identifier is disseminated through consolidated data streams (*i.e.,* pursuant to the Consolidated Tape Association Plan/Consolidated Quotation System, or CTA/CQS, for Tape A and Tape B securities, and The Nasdaq Stock Market, LLC (''Nasdaq'') UTP Plan for Tape C securities) as well as through proprietary Exchange data feeds.[8] The Retail Liquidity Identifier reflects the symbol and the side (buy or sell) of the RPI interest, but does not include the price or size of the RPI interest. In particular, CQS and UTP quoting outputs include a field for codes related to the Retail Liquidity Identifier. The codes indicate RPI interest that is priced better than the Exchange's Protected Bid or Protected Offer by at least the minimum level of price improvement as required by the RPI Program.

The Exchange proposes to amend Rule 4780(e) to enable Participants that send Retail Price Improvement Orders to elect whether to disseminate the Retail Liquidity Identifier. The Exchange believes that providing Participants with the option to opt out of dissemination of the Retail Liquidity Identifier is appropriate in order to increase liquidity in the RPI Program and improve price improvement for retail investors. The Exchange believes that the mandatory use of the Retail Liquidity Identifier discourages some firms from providing liquidity to the RPI Program due to concerns around signaling to the market. The Exchange is confident that, by allowing firms to opt out of displaying the Retail Liquidity

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Hereinafter, references to the Rule 4000 Series shall mean the Rule Series set forth in Equity 4 of the Exchange's Rulebook.

[4] Securities Exchange Act Release No. 86194 (June 25, 2019), 84 FR 31385 (July 1, 2019) (SR–BX–2019–011) (''RPI Approval Order''). In addition to approving the proposal to make the RPI Program permanent, the Commission granted the Exchange's request for limited exemptive relief from Rule 612 of Regulation NMS, 17 CFR 242.612 (''Sub-Penny Rule''), which among other things prohibits a national securities exchange from accepting or ranking orders priced greater than $1.00 per share in an increment smaller than $0.01. *See id.*

[5] The term Protected Quotation is defined in Equity 1, Section 1(a)(16) and has the same meaning as is set forth in Regulation NMS Rule 600. The Protected NBBO is the best-priced protected bid and offer. Generally, the Protected NBBO and the national best bid and offer (''NBBO'') will be the same. However, a market center is not required to route to the NBBO if that market center is subject to an exception under Regulation NMS Rule 611(b)(1) or if such NBBO is otherwise not available for an automatic execution. In such case, the Protected NBBO would be the best-priced protected bid or offer to which a market center must route interest pursuant to Regulation NMS Rule 611.

[6] *See* RPI Approval Order, *supra* note 4 at 31387.

[7] Securities Exchange Act Release No. 73702 (November 28, 2014), 79 FR 72049, 72051 (December 4, 2014) (SR–BX–2014–048).

[8] The Exchange notes that the Retail Liquidity Identifier for Tape A and Tape B securities are disseminated pursuant to the CTA/CQS Plan. The identifier is also available through the consolidated public market data stream for Tape C securities. The processor for the Nasdaq UTP quotation stream disseminates the Retail Liquidity Identifier and analogous identifiers from other market centers that operate programs similar to the RPI Program.

Identifier, the Exchange would be able to increase participation in the RPI Program and generate additional price improvement to orders of retail investors.

Although the Exchange expects that the proposed optionality relating to the Retail Liquidity Identifier would increase liquidity to the RPI Program, the Exchange also recognizes the value of the Retail Liquidity Identifier, which makes it clear that there is price improving liquidity available. Therefore, the Exchange will monitor the program in light of the change and, if necessary, propose modifications aimed at ensuring the program continues to operate consistent with its design and objectives.

Implementation Date

The Exchange intends to introduce this new functionality no later than the Fourth Quarter of 2022. In any event, the Exchange will issue an Equities Trader Alert not less than 7 days prior to introducing the new functionality.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by promoting competition for retail order flow among execution venues and providing the potential for meaningful price improvement to orders of retail investors. The proposal would allow Participants to choose whether to disseminate the Retail Liquidity Identifier when Participants submit Retail Price Improvement Orders to the Exchange. By providing an option to opt out of disseminating the Retail Liquidity Identifier, the Exchange could attract more liquidity providers to interact with retail order flow.

A significant percentage of retail order flow is executed off-exchanges. The Exchange believes that it is appropriate to continue to improve the RPI Program to encourage on-exchange interaction with retail investor orders. The proposed changes to the RPI Program would increase competition among execution venues, encourage additional liquidity, and offer potential price improvement to retail investors. Increased competition for retail order flow could also lead to increased investor interest in trading securities and innovation within the market, thereby increasing the quality of the national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that, by allowing Participants to choose whether to disseminate the Retail Liquidity Identifier, the proposed rule change would enhance competition for retail order flow among execution venues. This change would encourage expansion of the RPI Program, thereby creating additional price improvement opportunities for retail orders and increasing competition between execution venues. All Participants would have the option to opt out of displaying the Retail Liquidity Identifier.

The Exchange believes that the proposed rule changes would increase competitive interaction with retail investor orders which should lead to increased retail investor order activity on transparent and well-regulated exchanges. This would help to ensure that retail investors benefit from competitive price improvement that exchange-based liquidity providers provide. The Exchange operates in a highly competitive market in which market participants can easily direct their orders to competing venues, including off-exchange venues. In such an environment, the Exchange must continually review and consider adjusting the services it offers and the requirements it imposes to remain competitive with other venues. Therefore, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2022–014 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–BX–2022–014. 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

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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 offices 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–BX–2022–014, and should be submitted on or before October 3, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–19580 Filed 9–9–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95679; File No. SR–PEARL–2022–34]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 2614, Orders and Order Instructions, To Adopt the Primary Peg Order Type

September 6, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 26, 2022 MIAX PEARL, LLC (''MIAX Pearl'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposed rule change to amend Exchange Rule 2614, Orders and Order Instructions, to adopt the Primary Peg Order Type.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently offers one type of pegging order on its equity trading platform (''MIAX Pearl Equities''), the Midpoint Peg Order, which is automatically re-priced in response to changes in the Protected Best Bid or Offer (''PBBO'').[3] Exchange Rule 2614(a)(3) sets forth the operation of the Midpoint Peg Order and, in sum, defines it as a ''non-displayed Limit Order that is assigned a working price pegged to the midpoint of the PBBO.''

The Exchange now proposes to adopt a second type of pegging order, the Primary Peg Order. In sum, a Primary Peg Order would be a Limit Order[4] that is assigned a working price pegged to the Protected Best Bid (''PBB''),[5] for a buy order, or the Protected Best Offer (''PBO''),[6] for a sell order. The proposed operation of the Primary Peg Order is well established in the equity markets and is based on similar functionality offered at other exchanges.[7]

Some characteristics of the Primary Peg Order would be identical to the Midpoint Peg Order, such as its operation during a locked or crossed market, and each of these identical characteristics are described below. Rather than describe identical behavior separately under different rules, and to ensure its rules are concise, thorough, and easy to understand, the Exchange proposes to amend Exchange Rule 2614(a)(3) to describe ''Pegged Orders'' generally as a standalone order type category and describe the operation of the existing Midpoint Peg Order and proposed Primary Peg Order. The Exchange proposes to amend certain provisions of Exchange Rule 2614(a)(3) to cover identical characteristics shared by both Primary Peg and Midpoint Peg Orders.[8]

Exchange Rule 2614(a)(3) would define a Pegged Order as ''an order that is automatically re-priced in response to changes in the PBBO.'' [9] Both the existing Midpoint Peg Order and proposed Primary Peg Order would be described under Exchange Rule 2614(a)(3)(A), which would be titled ''Types of Pegged Orders''. The description of the Midpoint Peg Order under current Exchange Rule 2614(a)(3) would now be under Exchange Rule 2614(a)(3)(A)(i) with one change. Exchange Rule 2614(a)(3) currently provides that ''[a] Midpoint Peg Order receives a new timestamp each time its working price changes in response to changes to the midpoint of the PBBO.'' A Primary Peg Order would also receive a new timestamp each time its working price changes in response to changes in the PBBO. Therefore, the Exchange proposes to replace this provision with a general provision under Exchange Rule 2614(a)(3) that would cover all Pegged Orders and would state, ''[a] Pegged Order receives a new timestamp each time its working price changes in response to changes in the PBBO.'' [10]

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1901 (stating ''the term 'Protected NBB' or 'PBB' shall mean the national best bid that is a Protected Quotation, the term 'Protected NBO' or 'PBO' shall mean the national best offer that is a Protected Quotation, and the term 'Protected NBBO' or 'PBBO' shall mean the national best bid and offer that is a Protected Quotation.'').

[4] *See* Exchange Rule 2614(a)(1) (describing the operation of a Limit Order).

[5] *See* Exchange Rule 1901, *supra* note 3.

[6] *Id.*

[7] *See, e.g.,* Cboe BYX Exchange, Inc. (''BYX'') *and* Cboe BZX Exchange, Inc. (''BZX'') Rules 11.9(c)(8)(a), Cboe EDGA Exchange, Inc. (''EDGA'') *and* Cboe EDGX Exchange, Inc. (''EDGX'', collectively with BYX, BZX, and EDGA, the ''Cboe Equity Exchanges'') Rules 11.6(j)(2), New York Stock Exchange LLC (''NYSE'') Rule 7.31(h), NYSE Arca, Inc. (''NYSE Arca'') Rule 7.31–E(h)(1), Investors Exchange, Inc. (''IEX'') Rule 11.190(a)(3), The NASDAQ Stock Market LLC (''NASDAQ'') Rule 4703(d), *and* MEMX LLC (''MEMX'') Rule 11.6(h).

[8] The Exchange notes that other exchanges have described pegged order functionality similarly within their rules and have combined the description of the various pegged order types they offer under the same rule. *See, e.g.,* IEX Rule 11.190(a)(3), *and* NASDAQ Rule 4703(d). The Exchange also proposes to renumber certain provisions in Exchange Rule 2614(a)(3) as a result of this change.

[9] This is consistent with similar provisions in other exchanges' rules regarding pegged orders. *See, e.g.,* MEMX Rule 11.6(h), EDGA *and* EGDX Rules 11.6(j).

[10] This is consistent with similar provisions in other exchanges' rules regarding pegged orders. *See,*

The operation of the Primary Peg Order would be described under Exchange Rule 2614(a)(3)(A)(ii) and provide that a Primary Peg Order would be a Limit Order and include a limit price. In this case, the limit price would function like a cap on the price at which the Primary Peg Order may be pegged or executed. Exchange Rule 2614(a)(3)(A)(ii) would define a Primary Peg Order as ''[a] Limit Order to buy (sell) that is assigned a working price pegged to the PBB (PBO), subject to its limit price.'' The Exchange proposes to not allow the working price of a Primary Peg Order to buy (sell) to be pegged to a displayed Primary Peg Order to buy (sell) resting on the MIAX Pearl Equities Book.[11] Therefore, Exchange Rule 2614(a)(3)(A)(ii) would further provide that for purposes of determining the working price of a Primary Peg Order to buy (sell), the Exchange will not take into account a displayed Primary Peg Order to buy (sell) resting on the MIAX Pearl Equities Book.

Exchange Rule 2614(a)(3)(A)(ii)(a) and (b) would further describe the operation of a Primary Peg Order's limit price. Exchange Rule 2614(a)(3)(A)(ii)(a) would provide that a Primary Peg Order to buy (sell) with a limit price that is equal to or higher (lower) than its pegged price will be assigned a working price equal to its pegged price and may execute up (down) to and including its pegged price subject to its limit price. Exchange Rule 2614(a)(3)(A)(ii)(a) would further provide that a Primary Peg Order to buy (sell) with a limit price that is lower (higher) than its pegged price will be assigned a working price equal to its limit price and may execute up (down) to its limit price.

Exchange Rule 2614(a)(3)(A)(ii)(b) would provide that an Aggressing Primary Peg Order[12] to buy (sell) will trade with resting orders to sell (buy) with a working price at or below (above) its working price. A resting Primary Peg Order to buy (sell) will trade at its working price against all Aggressing Orders to sell (buy) priced at or below (above) its working price.

Primary Peg Orders may be displayed or non-displayed on the MIAX Pearl Equities Book. The Exchange proposes to allow Primary Peg Orders to include an offset, which would allow a Primary Peg Order to be pegged to a price that is away from the PBB or PBO that it is pegged to. Exchange Rule 2614(a)(3)(A)(ii)(c) would provide that a User[13] may, but is not required to, select an offset equal to or greater than one minimum price variation (''MPV'') for the security, as defined in Exchange Rule 2612.[14] The offset would be referred to as the Primary Offset Amount.[15]

Non-displayed would be the default behavior for a Primary Peg Order.[16] Therefore, Exchange Rule 2614(a)(3)(A)(ii)(d) would provide that ''[a] Primary Peg Order will be non-displayed on the MIAX Pearl Equities Book, unless the User elects that the order be displayed.'' Exchange Rule 2614(a)(3)(A)(ii)(d) would further provide that ''[a] displayed Primary Peg Order may be designated as Attributable.'' In such case, the Exchange would include the User's Market Participant Identifier (''MPID'') with the displayed Primary Peg Order or identify such order as Retail on an Exchange proprietary data feed.[17]

The direction of the Primary Offset Amount would depend on whether the Primary Peg Order was displayed or non-displayed. Exchange Rule 2614(a)(3)(A)(ii)(c) would, therefore, describe the Primary Offset Amount behavior for non-displayed Primary Peg Orders and provide that the Primary Offset Amount for a non-displayed Primary Peg Order may be above or below the PBB or PBO that the order is pegged to. Exchange Rule 2614(a)(3)(A)(ii)(c) would also describe the Primary Offset Amount behavior for displayed Primary Peg Orders and further provide that the Primary Offset Amount for a displayed Primary Peg Order to buy (sell) must result in the working price of such order being inferior to or equal to the PBB (PBO).[18] Conversely, the Primary Offset Amount for a non-displayed order will have no such requirement and may result in the working price of a Primary Peg Order to buy (sell) being superior or better than the PBB (PBO). Lastly with regard to Primary Offset Amounts, the Exchange proposes to engage in standard rounding where the Primary Offset Amounts are not in an applicable MPV. Therefore, Exchange Rule 2614(a)(3)(A)(ii)(c) would provide that the Primary Offset Amount for an order to buy (sell) that is not in the applicable MPV for the security will be rounded down (up) to the nearest price at the applicable MPV.[19]

Re-Pricing for Regulatory Compliance

As stated above, a Primary Peg Order would be a Limit Order. Therefore, Primary Peg Orders would be subject to the same existing re-pricing processes that apply to Limit Orders to comply with certain regulatory requirements, such as Rule 610 of Regulation NMS's prohibition on locked or crossed markets, Rule 201 of Regulation SHO's price requirements, and the Limit-Up Limit-Down Plan.[20] The Exchange

e.g., NASDAQ Rule 4703(d), *and* EDGA *and* EGDX Rules 11.6(j).

[11] This is similar to the treatment of Pegged Orders, including Primary Peg Orders, on EDGA and EDGX. *See* EDGA *and* EDGX Rules 11.6(j)(2) (providing that ''[f]or purposes of the Pegged instruction, the System's calculation of the NBBO does not take into account any orders with Pegged instructions that are resting on the EDGX Book'').

[12] *See* Exchange Rule 1901 (stating that ''[a]n 'Aggressing Order' is an order to buy (sell) that is or becomes marketable against sell (buy) interest on the MIAX Pearl Equities Book. A resting order may become an Aggressing Order if its working price changes, if the PBBO or NBBO is updated, because of changes to other orders on the MIAX Pearl Equities Book, or when processing inbound messages'').

[13] *See* Exchange Rule 1901 (stating the ''term 'User' shall mean any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Exchange Rule 2602'').

[14] Exchange Rule 2612 provides that ''(a) [b]ids, offers, orders or indications of interests in securities traded on the Exchange shall not be made in an increment smaller than: (1) $0.01 if those bids, offers or indications of interests are priced equal to or greater than $1.00 per share; or (2) $0.0001 if those bids, offers or indications of interests are priced less than $1.00 per share and the security is an NMS stock pursuant to Rule 600(b)(48) of Regulation NMS and is trading on the Exchange; or (3) Any other increment established by the Commission for any security which has been granted an exemption from the minimum price increments requirements of Rule 612(a) or 612(b) of Regulation NMS.''

[15] This is consistent with similar provisions in other exchanges' rules regarding Primary Peg Orders. *See, e.g.,* EDGA and EDGX Rules 11.6(j)(2).

[16] This is consistent with similar provisions in other exchanges' rules regarding Primary Peg Orders. *See, e.g.,* IEX Rule 11.190(a)(3).

[17] *See* Exchange Rule 2614(c)(5) (describing the term ''Attributable'' as ''[a]n instruction to include the User's MPID with an order that is designated for display (price and size) on an Exchange proprietary data feed''). *See also* Exchange Rule 2626(f) (providing, in sum, that ''[a] Retail Member Organization may designate a Retail Order to be identified as Retail on the Exchange's proprietary data feeds . . .'').

[18] This is consistent with similar provisions in other exchange's rules regarding Primary Peg Orders. *See, e.g.,* BYX and BYX Rules 11.9(c)(8)(a), and EDGA and EDGX Rules 11.6(j)(2).

[19] This is consistent with similar provisions in the Exchange's Rules regarding rounding. *See* Exchange Rules 2614(a)(1)(I)(iv) (providing that ''Limit Order Price Protection thresholds for an order to buy (sell) that is not in the minimum price variation ('MPV') for the security, as defined in Exchange Rule 2616, will be rounded down (up) to the nearest price at the applicable MPV''); *and* 2618(b)(1)(C) (providing that ''[t]he Trading Collar Price for an order to buy (sell) that is not in the minimum price variation ('MPV') for the security, as defined in Exchange Rule 2612, will be rounded down (up) to the nearest price at the applicable MPV''). The Exchange notes that for securities priced at or above $1.00, a Primary Offset Amount that is not in the applicable MPV for the security could result in the Primary Offset Amount being rounded to zero when zero is the nearest price at the applicable MPV.

[20] This is consistent with similar provisions in other exchanges' rules regarding Primary Peg Orders. *See, e.g.,* NASDAQ's Price to Comply Order, Price To Display Order, Non-Displayed Order, and Post Only Order under NASDAQ Rule 4702, all of

Continued

proposes to set forth these requirements under Exchange Rule 2614(a)(3)(A)(ii)(e) through (h) for clarity and to ensure the Exchange's Rules fully describe the operation of Primary Peg Orders.

Proposed Exchange Rule 2614(a)(3)(A)(ii)(e) would link the re-pricing of Primary Peg Orders to avoid a locked and crossed market in compliance with Rule 610 of Regulation NMS to the Exchange's Displayed Price Sliding Process described under Exchange Rule 2614(g)(1). One example of when a Primary Peg Order would be re-priced pursuant to the Exchange's Displayed Price Sliding Process is when the market is locked upon entry or becomes locked when the Primary Peg Order is resting on the MIAX Pearl Equities Book, the Exchange is not displaying an order to buy (sell) at the PBB (PBO), and the Primary Peg Order is eligible for execution during a locked market. In this scenario, a Primary Peg Order to buy (sell) would normally be pegged to the PBB (PBO) of an away market that is displaying an order at the locking price. However, the Exchange would not peg the Primary Peg Order to its pegged price as that would result in the Primary Peg Order joining the locked market. The order would instead be re-priced pursuant to the Exchange's Displayed Price Sliding Process.

The re-pricing would be identical to that for Limit Orders with two differences.[21] Exchange Rule 2614(g)(1)(A) provides that ''[t]he working and displayed prices of an order subject to the Display Price Sliding Process may be adjusted once or multiple times depending upon the instructions of a User and changes to the prevailing PBBO.'' Primary Peg Orders that are re-priced pursuant to the Display Price Sliding Process would have their working and displayed prices adjusted multiple times in response to changes to the PBBO. The Exchange believes this behavior is appropriate given that Primary Peg Orders by their nature are to be re-priced multiple times. Specifically, a Primary Peg Order to buy (sell) would have its working price adjusted each time there is a change to the PBB (PBO) when not being re-priced pursuant to the Display Price Sliding Process. Unlike for Limit Orders, the Exchange does not propose to allow Users to instruct the Exchange to cancel their orders if the order is to be re-priced pursuant to the Displayed Price Sliding Process because such orders are not eligible for execution when the market is crossed and, when elected by the User, not eligible for execution when the market is locked. A User may cancel their order at any time, including when the market is locked or crossed. The Exchange also believes these differences are consistent with Equity Members' [22] expectations and with the operation of Primary Peg Orders that are to be continuously re-priced in response to changes in the PBBO. The Exchange also understands Equity Members are likely not to elect automatic cancellation. These differences are also consistent with the treatment of Primary Peg Orders on other equity exchanges.[23] To codify this behavior, proposed Exchange Rule 2614(a)(3)(A)(ii)(e) would provide that ''[a] Primary Peg Order to buy (sell) that, if displayed at its pegged price on the MIAX Pearl Equities Book, would lock or cross the PBO (PBB) of an away Trading Center will be re-priced multiple times pursuant to the Display Price Sliding Process.''

Next, proposed Exchange Rule 2614(a)(3)(A)(ii)(f) would link the re-pricing of Primary Peg Orders to the Exchange's Short Sale Price Sliding Process designed to comply with Rule 201 of Regulation SHO described under Exchange Rule 2614(g)(3) during a time when a short sale price test restriction under Rule 201 of Regulation SHO is in effect (''Short Sale Period''). An example of when a displayed Primary Peg Order would be re-priced pursuant to the Exchange's Short Sale Price Sliding Process upon entry [24] is when the market is locked and the Primary Peg Order is eligible for execution during a locked market and its pegged price would result in its being executed or displayed at a price equal to the PBB. Another example of when a Primary Peg Order would be re-priced pursuant to the Exchange's Short Sale Price Sliding Process when resting on the MIAX Pearl Equities Book is when the Primary Peg Order to sell is non-displayed and includes a Primary Offset Amount that would result in its being executable at a price equal to or below the PBB. The re-pricing would be identical to that for Limit Orders with one difference.[25] Unlike for Limit Orders, the Exchange does not propose to allow Users to instruct the Exchange to cancel their orders if the order is to be re-priced pursuant to the Short Sale Price Sliding Process. The Exchange believes this difference is consistent with Equity Members' expectations and with the operation of Primary Peg Orders that are to be continuously re-priced in response to changes in the PBBO. The Exchange also understands Equity Members are likely not to elect automatic cancellation. It is also consistent with the proposed treatment of Primary Peg Orders that are to be re-priced pursuant to the Displayed Price Sliding Process described above. The Exchange notes that a User may cancel their order at any time, including during a Short Sale Period. Proposed Exchange Rule 2614(a)(3)(A)(ii)(f) would provide that ''[d]uring a Short Sale Period, as defined in Exchange Rule 2614(g)(3)(A), a Primary Peg Order to sell that is designated as short and cannot be executed or displayed on the MIAX Pearl Equities Book at its pegged price pursuant to Rule 201 of Regulation SHO will be re-priced multiple times to a Permitted Price, as defined in Exchange Rule 2614(g)(3)(A), pursuant to the Short Sale Price Sliding Process.''

Next, proposed Exchange Rule 2614(a)(3)(A)(ii)(g) would link the re-pricing of non-displayed Primary Peg Orders to the Exchange's Non-Displayed Price Sliding Process described under Exchange Rule 2614(g)(2). An example of when a Primary Peg Order would be re-priced pursuant to the Exchange's Non-Displayed Price Sliding Process is when a non-displayed Primary Peg

which may include a Primary Pegging instruction and require that the order be re-priced in compliance with Rule 610 of Regulation NMS or to avoid a non-displayed internally crossed book. *See also* NASDAQ Rule 4702 (providing that ''[a]ll Orders are also subject to cancellation and/or repricing and reentry onto the NASDAQ Book in the circumstances described in Rule 4120(a)(12) (providing for compliance with Plan to Address Extraordinary Market Volatility) and Rule 4763 (providing for compliance with Regulation SHO)''). *See, e.g.,* EDGA and EDGX Rules 11.6(j)(2) (providing that when their book ''is crossed by another market, an order with a Primary Peg instruction will be automatically adjusted to the current NBO (for bids) or the current NBB (for offers)'').

[21] *See* Exchange Rule 2614(a)(1)(E).

[22] The term ''Equity Member'' is a Member authorized by the Exchange to transact business on MIAX Pearl Equities. *See* Exchange Rule 1901.

[23] *See, e.g.,* EDGX Rule 11.6(j)(2) (providing for re-pricing each time the price of the Primary Peg Order locks or crosses an away market and not including a provision allowing for the automatic cancellation of a Primary Peg Order when it is to be re-priced). This is consistent with similar provisions in other exchanges' rules regarding Primary Peg Orders. *See also, e.g.,* NASDAQ's Price to Comply Order which may include a Primary Pegging instruction under NASDAQ Rule 4702(b)(1)(B) (providing that ''[i]f the entered limit price of the Price to Comply Order locked or crossed a Protected Quotation and the NBBO changes, the displayed and non-displayed price of the Price to Comply Order will be adjusted repeatedly in accordance with changes to the NBBO'').

[24] A displayed Primary Peg Order resting on the MIAX Pearl Equities Book would stand its ground and not be re-priced pursuant to the Exchange's Short Sale Price Sliding Process if the PBB changes so that it would be priced below the PBB. *See* Exchange Rule 2614(g)(3)(C) (providing that ''[d]uring a Short Sale Period, a short sale order will be executed and displayed without regard to price if, at the time of initial display of the short sale order, the order was at a price above the then current National Best Bid'').

[25] *See* Exchange Rule 2614(a)(1)(F).

Order to buy (sell) contains a Primary Offset Amount that would result in the Primary Peg Order crossing a displayed sell (buy) order of an away market. In such case, the Primary Peg Order would be re-priced to the locking price. The re-pricing would be identical to that for non-displayed Limit Orders with no differences.[26] Proposed Exchange Rule 2614(a)(3)(A)(ii)(g) would provide that ''[a] non-displayed Primary Peg Order to buy (sell) that, if posted to the MIAX Pearl Equities Book, would cross the PBO (PBB) of an away Trading Center will be re-priced pursuant to the Non-Displayed Order Price Sliding Process.''

Lastly with regard to re-pricing, proposed Exchange Rule 2614(a)(3)(A)(ii)(h) would link the re-pricing of Primary Peg Orders to the Exchange's re-pricing to comply with the Limit-Up Limit-Down Plan described under Exchange Rule 2622(h). The re-pricing would be identical to that for Limit Orders with one difference.[27] Unlike for Limit Orders, the Exchange does not propose to allow Users to instruct the Exchange to cancel their orders if the order is to be re-priced pursuant to Exchange Rule 2622(h). The Exchange believes this difference is consistent with Equity Members' expectations and with the operation of Primary Peg Orders that are to be continuously re-priced in response to changes in the PBBO. The Exchange also understands Equity Members are likely not to elect automatic cancellation. It is also consistent with the proposed treatment of Primary Peg Orders that are to be re-priced pursuant to the Displayed Price Sliding and Short Sale Price Sliding Processes described above. The Exchange notes that a User may cancel their order at any time, including when the order is re-priced pursuant to Exchange Rule 2622(h). Proposed Exchange Rule 2614(a)(3)(A)(ii)(h) would provide that ''[a] Primary Peg Order to buy (sell) that is priced above (below) the Upper (Lower) Price Band shall be re-priced pursuant to Exchange Rule 2622(h).''

Other Proposed Changes to Exchange Rules 2614(a)(3)

The Exchange also proposes a series of changes to Exchange Rules 2614(a)(3)(C) through (F) that apply to Midpoint Peg Orders to include proposed behavior for Primary Peg Orders that would be similar or identical to that of Midpoint Peg Orders and, where appropriate, to apply to Pegged Orders generally. The Exchange also proposes to renumber these paragraphs due to the proposal to describe both Primary Peg Orders and Midpoint Peg Orders under the same rule.

Exchange Rule 2614(a)(3)(C) currently discusses the handling of Midpoint Peg Orders when the PBB and/or PBO is unavailable and when the PBBO is locked or crossed. Primary Peg Orders would be treated similarly when the PBB and/or PBO is unavailable and when the PBBO is locked or crossed. Therefore, the Exchange proposes to amend Exchange Rule 2614(a)(3)(C) to also cover Primary Peg Orders as follows. First, Exchange Rule 2614(a)(3)(C) currently provides that a Midpoint Peg Order will be accepted but will not be eligible for execution when the PBB and/or PBO is not available.[28] Similarly, the Exchange proposes to amend Exchange Rule 2614(a)(3)(C) to further provide that a Primary Peg Order will be accepted but will not be eligible for execution when the PBB or PBO it is pegged to is not available.[29]

Next, Exchange Rule 2614(a)(3)(C) currently provides that a Midpoint Peg Order will be accepted but will not be eligible for execution when the PBBO is crossed and, if instructed by the User, when the PBBO is locked. This would also be true for Primary Peg Orders. Therefore, the Exchange proposes to amend this portion of Exchange Rule 2614(a)(3)(C) to apply to Pegged Orders generally, which would include both Midpoint Peg and Primary Peg Orders, and provide that all Pegged Orders will be accepted but will not be eligible for execution when the PBBO is crossed, and, if instructed by the User, when the PBBO is locked.

Next, Exchange Rule 2614(a)(3)(C) currently provides a Midpoint Peg Order that is eligible for execution when the PBBO is locked will be executable at the locking price. This would also be true for Primary Peg Orders that are eligible for execution during a locked market. Therefore, the Exchange proposes to amend this portion of Exchange Rule 2614(a)(3)(C) to apply to Pegged Orders generally by replacing ''Midpoint Peg Orders'' with ''Pegged Orders.''

Next, Exchange Rule 2614(a)(3)(C) currently provides a Midpoint Peg Order will become eligible for execution and receive a new timestamp when the PBB and/or PBO both become available, or the PBBO unlocks [30] or uncrosses and a new midpoint of the PBBO is established. This would also be true for Primary Peg Orders, other than the requirement that a new midpoint of the PBBO be established following when the market unlocks or uncrosses because this requirement is unique to the operation of Midpoint Peg Orders whose working price is pegged to the midpoint of the PBBO. Therefore, the Exchange proposes to amend this portion of Exchange Rule 2614(a)(3)(C) to apply to Pegged Orders generally by replacing ''Midpoint Peg Orders'' with ''Pegged Orders'' and retain the requirement for Midpoint Peg Orders to provide that a Pegged Order will become eligible for execution and receive a new timestamp when the PBBO or [sic] uncrosses and to further specify when a Pegged Order would receive a new timestamp. Exchange Rule 2614(a)(3)(C) would specify that a Pegged Order that was not eligible for execution during a locked market will become eligible for execution and receive a new timestamp when the PBBO unlocks.[31] Exchange Rule 2614(a)(3)(C) would further specify that a Primary Peg Order will become eligible for execution and receive a new timestamp when the PBB or PBO it is pegged to becomes available and that a Midpoint Peg Order will become eligible for execution and receive a new timestamp when a new midpoint of the PBBO is established.

Lastly, Exchange Rule 2614(a)(3)(C) further provides that in such case, pursuant to Exchange Rule 2616, all such Midpoint Peg Orders will retain their priority as compared to each other based upon the time priority of such orders immediately prior to being deemed not eligible for execution as set forth in this subparagraph (C). Again, the same would be true for Primary Peg Orders. Therefore, the Exchange proposes to amend this portion of Exchange Rule 2614(a)(3)(C) to apply to Pegged Orders generally by replacing ''Midpoint Peg Orders'' with ''Pegged Orders'' and to specify that this provision would apply to each of the scenarios set forth in the preceding paragraph. The Exchange also proposes to renumber Exchange Rule 2614(a)(3)(C) as Exchange Rule 2614(a)(3)(B) and update a cross-reference within this paragraph.

[26] *See* Exchange Rule 2614(a)(1)(G). The Exchange notes that Exchange Rule 2614(a)(1)(G) does not provide that the User may affirmatively elect to cancel their order where it is to be re-priced pursuant to the Non-Displayed Price Sliding Process.

[27] *See* Exchange Rule 2614(a)(1)(H).

[28] A Primary Peg Order to buy (sell) with a time-in-force of IOC will be cancelled if received during a time when the PBB (PBO) is not available.

[29] This is consistent with similar provisions in other exchanges' rules regarding Primary Peg Orders. *See, e.g.,* EDGA and EDGX Rules 11.6(j)(2).

[30] This would apply to a Midpoint Peg Order and Primary Peg Order that the User elects not be eligible for execution when the PBBO is locked.

[31] The Exchange notes that a Primary Peg Order that is eligible for execution when the PBBO is locked will not receive a new timestamp.

Exchange Rule 2614(a)(3)(D) sets forth which time-in-force instructions may be included for a Midpoint Peg Order. Specifically, Exchange Rule 2614(a)(3)(D) provides that Midpoint Peg Order may include a time-in-force of Immediate-or-Cancel (''IOC'') [32] or Regular Hours Only (''RHO'') [33] and that a Midpoint Peg Order with a time-in-force of RHO is eligible to participate in the Opening Process under Exchange Rule 2615. Exchange Rule 2614(a)(3)(D) further provides that a Midpoint Peg Order is eligible to participate in the Regular Trading Session. Each of these above provisions would be true for Primary Peg Orders.[34] Therefore, the Exchange proposes to amend Exchange Rule 2614(a)(3)(D) to apply to Pegged Orders generally by replacing ''Midpoint Peg Orders'' with ''Pegged Orders.'' The Exchange also proposes to renumber Exchange Rule 2614(a)(3)(D) as Exchange Rule 2614(a)(3)(C).

Exchange Rule 2614(a)(3)(E) provides that a Midpoint Peg Order may be entered as an odd lot, round lot, or mixed lot. Again, the same would be true for Primary Peg Orders. Therefore, the Exchange proposes to amend this portion of Exchange Rule 2614(a)(3)(E) to apply to Pegged Orders generally by replacing ''Midpoint Peg Orders'' with ''Pegged Orders.'' Exchange Rule 2614(a)(3)(E) further provides that a Midpoint Peg Order may include a Minimum Execution Quantity [35] instruction. Midpoint Peg Orders are non-displayed and the Minimum Execution Quantity instruction is only available to non-displayed orders. The Minimum Execution Quantity instruction would, likewise, be available to a non-displayed Primary Peg Order. Therefore, the Exchange proposes to amend this portion of Exchange Rule 2614(a)(3)(E) to apply to non-displayed Pegged Orders generally by replacing ''Midpoint Peg Orders'' with ''non-displayed Pegged Orders'', which would include both Midpoint Peg and non-displayed Primary Peg Orders. The Exchange also proposes to renumber Exchange Rule 2614(a)(3)(E) as Exchange Rule 2614(a)(3)(D).

Finally, Exchange Rule 2614(a)(3)(F) provides that Midpoint Peg Orders are not eligible for routing pursuant to Exchange Rule 2617(b) and Midpoint Peg Orders may be designated as Post Only. Again, both would be true for Primary Peg Orders. Therefore, the Exchange proposes to amend Exchange Rule 2614(a)(3)(F) to apply to Pegged Orders generally by replacing ''Midpoint Peg Orders'' with ''Pegged Orders.'' The Exchange also proposes to renumber Exchange Rule 2614(a)(3)(F) as Exchange Rule 2614(a)(3)(E).

Priority

MIAX Pearl Equities provides a price/time priority execution model under which all non-marketable orders resting on the MIAX Pearl Equities Book are ranked and maintained based in following manner: (1) price; (2) priority category; (3) time; and (4) ranking restrictions applicable to an order or modifier condition. As such, trading interest within a priority category is executed in price/time priority, meaning all trading interest at the best price level within a priority category is executed in time sequence before executing trading interest within the next priority category. The Exchange maintains two priority categories, displayed and non-displayed orders, where a displayed Limit Order at its displayed price has priority over a non-displayed Limit Order at that same price. As discussed above, Primary Peg Orders would be Limit Orders and, therefore, subject to the same priority treatment. A displayed Primary Peg Order would be provided displayed priority pursuant to Exchange Rule 2616(a)(2)(A)(i) and a non-displayed Primary Peg Order would be provided non-displayed priority pursuant to Exchange Rule 2616(a)(2)(A)(ii). The Exchange does not propose to make any changes to Exchange Rule 2616 regarding the priority of displayed and non-displayed orders and simply seeks to provide clarity in this proposal regarding the priority treatment of Primary Peg Orders.

Implementation

Due to the technological changes associated with this proposed change, the Exchange will issue a trading alert publicly announcing the implementation date of this proposed rule change. The Exchange anticipates that the implementation date will be in either the fourth quarter of 2022 or first quarter of 2023.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[36] in general, and furthers the objectives of Section 6(b)(5),[37] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change would remove impediments to and promote just and equitable principles of trade because it would provide market participants with optional functionality that would provide them with better control over their orders. The proposed Primary Peg Order would allow Equity Members to rest passively on the MIAX Pearl Equities Book at or near the same-side of the PBBO and remain available to execute against an incoming order seeking to cross the spread and execute at prices equal to or more aggressive (from the taker's perspective) than such quote. The proposed Primary Peg Order would also provide price improvement opportunities to incoming orders where the Primary Peg Order is non-displayed and included a Primary Offset Amount superior to the PBB or PBO it is pegged to. The Exchange believes that adding a Primary Peg Order would incentivize Equity Members and their customers to post more passive resting liquidity on the Exchange that is priced to execute at or near the primary quote, and consequently may result in greater execution opportunities at the far side quote for Equity Members entering spread crossing orders. Therefore, the Exchange believes the proposal promotes just and equitable principles of trade, removes impediments to and perfect the mechanism of a free and open market and a national market system.

Because the Exchange does not have this functionality, the Exchange believes that market participants have avoided sending order flow to the Exchange in favor of other equity exchanges that provide Primary Peg Order functionality. In this regard, the

[32] *See* Exchange Rule 2614(b)(1) (describing IOC as ''[a]n order that is to be executed in whole or in part as soon as such order is received. The portion not executed immediately on the Exchange or another Trading Center is treated as cancelled and is not posted to the MIAX Pearl Equities Book'').

[33] *See* Exchange Rule 2614(b)(2) (describing RHO as ''[a]n order that is designated for execution only during Regular Trading Hours, which includes the Opening Process for equity securities'').

[34] A Primary Peg Order would be treated like a Limit Order during the Opening Process and would be executable at the midpoint of the PBBO subject to its limit price. Primary Peg Orders with a time-in-force of RHO and a Post Only or Minimum Execution Quantity instruction would not be eligible to participate in the Opening Process. *See* Exchange Rule 2615(a)(1).

[35] *See* Exchange Rule 2614(c)(11) (describing Minimum Execution Quantity as ''[a]n instruction a User may attach to a non-displayed order requiring the System to execute the order only to the extent that a minimum quantity can be satisfied'').

[36] 15 U.S.C. 78f(b).

[37] 15 U.S.C. 78f(b)(5).

Exchange notes that the proposed new optional Primary Peg Order may improve the Exchange's market by attracting more order flow. Such new order flow will further enhance the depth and liquidity on the Exchange, which supports just and equitable principles of trade and benefits all market participants. Furthermore, the proposed Primary Peg Order is consistent with providing market participants with greater flexibility over their orders so that they may achieve their trading goals and improve the quality of their executions.

Lastly, the Exchange believes its proposal promotes just and equitable principles of trade because the proposed operation of the Primary Peg Order presents no new or novel issues because this order type is well established in the equity markets and its proposed operation is based on the same order type offered by other exchanges.[38] The Exchange does not propose to include any unique functionality as part of its proposed Primary Peg Order. For example, the Exchange does not propose any unique priority treatment for Primary Peg Orders as they are considered Limit Orders and will be provided the same priority treatment under existing Exchange Rule 2616(a). As described throughout the proposal, all portions of the proposed rule text are based on existing Exchange Rules regarding Midpoint Peg Orders and the rules of other equity exchanges. To the extent the Exchange proposes to include a provision that is not included in another equity exchanges' rules, it proposes to do so simply to align the behavior with the existing Midpoint Peg Order handling or to provide additional transparency while not deviating from functionality offered by other equity exchanges, but perhaps not fully described in their rules. Therefore, the Exchange believes the proposed rule change is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In fact, the Exchange believes that the proposal may have a positive effect on competition because it will enable the Exchange to offer functionality substantially similar to that offered by the Cboe Equity Exchanges, the NYSE Exchanges, NASDAQ, MEMX, and IEX.[39] As noted above, the Exchange believes its lack of this functionality has put it at a competitive disadvantage as market participants have avoided sending passively priced resting orders to the Exchange. This proposal is designed to allow the Exchange to directly compete with other exchanges that offer similar Primary Peg Order functionality. The Exchange believes that its proposal promotes competition because it is designed to attract liquidity to the Exchange by incentivizing Equity Members and their customers to post more passive resting liquidity on the Exchange that is priced to execute at the primary quote, and consequently may result in greater execution opportunities at the far side quote for Equity Members entering spread crossing orders. The proposed Primary Peg Order would have no unfair impact on intra-market competition because it would be available to all Equity Members equally.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[40] and Rule 19b-4(f)(6)[41] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2022–34 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–PEARL–2022–34. 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–PEARL–2022–34 and should be submitted on or before October 3, 2022.

[38] *See supra* note 7.

[39] *Id.*

[40] 15 U.S.C. 78s(b)(3)(A).

[41] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[42]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–19581 Filed 9–9–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, September 14, 2022 at 10:00 a.m. (ET)

PLACE: The meeting will be webcast on the Commission's website at *www.sec.gov*.

STATUS: This meeting will begin at 10:00 a.m. (ET) and will be open to the public via webcast on the Commission's website at *www.sec.gov*.

MATTERS TO BE CONSIDERED:

1. The Commission will consider whether to propose amendments to the standards applicable to covered agencies of the U.S. Treasury securities regarding their membership requirements and risk management and whether to propose amendments to the broker-dealer customer protection rule regarding margin held at covered clearing agencies of U.S. Treasury securities.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

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

Dated: September 7, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–19691 Filed 9–8–22; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, September 15, 2022.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov*.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

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

Dated: September 8, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–19738 Filed 9–8–22; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95674; File No. SR–LCH SA–2022–007]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating To Providing Clearing Services for Additional Index and Single Name CDS

September 6, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 29, 2022, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change (''Proposed Rule Change'') described in Items I, II and III below, which Items have been primarily prepared by LCH SA. The Commission is publishing this notice to solicit comments on the Proposed Rule Change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to expand its CDSClear service to provide clearing services for additional index and single name credit default swaps (''CDS''). Specifically, LCH SA is proposing to provide clearing services with regard to the iTraxx Asia ex Japan Index, the Markit CDX Emerging Markets (''CDX.EM'') Index and the single names that comprise each index, as well as a list of additional sovereign single names which are not constituent of an index (all together the ''New Products''). To expand its clearing services in this way, LCH SA is proposing to amend its CDS Clearing Supplement (the ''Supplement'') and Section 2 of the CDS Clearing Procedures (the ''Procedures'') to accommodate these additional indices and single names. LCH SA is further proposing to amend its CDS Margin Framework and CDS Default Fund Methodology (Guide Stress Testing) to reflect the addition of the New Products in the scope of instruments eligible for clearing by members of LCH SA CDSClear service.

The text of the Proposed Rule Change is in Exhibit 5.[3]

The launch of the various initiatives reflected in the Proposed Rule Change will be contingent upon LCH SA's receipt of all necessary regulatory approvals, including the approval by the Commission of the Proposed Rule Change described herein.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA included statements concerning the purpose of and basis for the Proposed Rule Change and discussed

[42] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used but not defined herein shall have the meaning specified in the CDS Clearing Rule Book or the Clearing Supplement, as applicable.

any comments it received on the Proposed Rule Change. The text of these statements may be examined at the places specified in Item IV below. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Proposed Rule change is being adopted to expand LCH SA's CDSClear service to provide clearing services for additional index and single name CDS. Specifically, LCH SA is proposing to provide clearing services with regard to the iTraxx Asia ex Japan Index, the CDX.EM Index and the single names that comprise each index, as well as a list of additional sovereign single names which are not constituent of an index.

LCH SA has determined that the existing CDSClear risk model currently appropriately takes into account the risk associated with the New Products but is proposing to amend both its CDS Margin Framework and CDS Default Fund Methodology (Guide Stress testing) in order to reflect the addition of the New Products to the list of instruments eligible for clearing. To accommodate the New Products, LCH SA is further proposing to amend the Supplement and Section 2 of the Procedures.

(a) The CDS Clearing Supplement

To accommodate the New Products, LCH SA is proposing to amend the following definitions set out in Section 1.2 of Part B of the Supplement: (i) ''Compression Cut-off Date''; (ii) ''Novation Cut-off Date''; (iii) ''Index Cleared Transaction Confirmation''; and (iv) ''Transaction Business Day''.

Specifically, the definitions of ''Compression Cut-off Date'' and ''Novation Cut-off Date'' are each being amended to add two additional credit events that are taken into consideration in determining the ''Compression Cut-off Date'' and ''Novation Cut-off Date'': (i) the ''Obligation Acceleration Credit Event''; and (ii) the ''Repudiation/Moratorium Credit Event''. These credit events, which are both standard under the 2014 ISDA Credit Derivatives Definitions, are not credit events that apply to any of the transaction types referenced by CDS that are currently eligible for clearing at LCH SA and, therefore, did not previously need to be addressed in the Supplement. These credit events apply to certain transaction types for sovereigns, and are proposed to be added as a result of index comprising of and single name CDS referencing sovereign reference entities becoming eligible for clearing.

In addition, the definition of ''Index Cleared Transaction Confirmation'' is proposed to be revised to provide that: (i) with regard to any index cleared transaction that references a Markit iTraxx ex Japan Index Series [27] or above, the confirmation will be the form of confirmation that incorporates the iTraxx Asia/Pacific Untranched Standard Terms Supplement; and (ii) with regard to any index cleared transaction that references a Markit CDX.EM Index Series [27] or above, the form of confirmation that incorporates the CDX Emerging Markets Untranched Transactions Standard Terms Supplement, in each case being the latest version in force as published by Markit North America, Inc.

The definition of a ''Transaction Business Day'' is currently defined to mean a ''Business Day'', as defined in the Index Cleared Transaction Confirmation or the Single Name Cleared Transaction Confirmation, as applicable. This term is proposed to be amended to take into account the situation where such confirmations could include different definitions of the term ''Business Day'' depending on the circumstances by providing that, ''if the relevant Index Cleared Transaction Confirmation or Single Name Cleared Transaction Confirmation defines such term differently depending upon its use, such distinction shall also apply to the use of the term Transaction Business Day herein.''

In Section 2 of Part B of the Supplement, LCH SA is proposing to amend Section 2.2 (*Index Cleared Transaction Confirmation*) which specifies the manner in which an Index Cleared Transaction Confirmation is amended, supplemented and completed depending on the index CDS that is cleared to include, in addition to the indices currently set out in the section, the iTraxx Asia ex Japan Index and the CDX.EM Index and provide for the necessary amendments to be made to the relevant confirmations depending on the index. Section 2.2 is also proposed to be amended to provide that ''*The applicable Physical Settlement Matrix is the version of the Physical Settlement Matrix which is in force on the Clearing Day on which the Index Cleared Transaction is registered by LCH SA*'' in a new indent (i) of paragraph (f). The purpose of this amendment is to ensure that the Additional Provisions for Certain Russian Entities published by ISDA on March 25, 2022 will apply to the relevant cleared trades, including the trades submitted through the backloading cycle that could have been entered into before the implementation date of these Additional Provisions and updated Physical Settlement Matrix and for which one of the parties, or both, did not adhere to the ISDA 2022 Russia Additional Provisions Protocol published by ISDA on March 29, 2022.

In Section 4 of Part B of the Supplement, LCH SA is proposing to amend Section 4.1(b) to add a ''Repudiation/Moratorium Extension Notice'' to the types of notices that neither LCH SA nor a clearing member is entitled to deliver with regard to an M(M)R Restructuring in accordance with the terms of any Restructuring Cleared Transaction. As above, a ''Repudiation/Moratorium Extension Notice'' is standard under the 2014 ISDA Credit Derivatives Definitions and is being proposed to be added as a result of index comprising of and single name CDS referencing sovereigns becoming eligible for clearing.[4]

In Section 6 of Part B of the Supplement, Section 6.5(c) is proposed to be amended to add ''Package Observable Bond'' to the types of asset packages that can be identified in a Notice of Physical Settlement (''NOPS'') or a NOPS Amendment Notice. The Package Observable Bond provisions in the 2014 ISDA Credit Derivatives Definitions only apply to transactions referencing sovereigns. As a result, they did not previously need to be referenced in the Supplement.

LCH SA is also proposing to add a new section 6.8(c) entitled ''Buy-in of Bonds—Cap on Settlement'' for the purposes of clarifying how the ''60 Business Day Cap on Settlement'', which is relevant for transactions derived from the CDX EM Index amongst others, will apply to CCM Client Transactions in respect of the Matched Contracts of a Settlement Matched Pair. This proposed amendments consist in making an adjustment as to the manner in which Section 9.10 of the 2014 ISDA Credit Derivatives Definitions works between Matched Buyer and Matched Seller to ensure that the extension of the Termination Date provided for by Section 9.10 will apply when there has been a notice delivered to Matched Seller by its client under a CCM Client Transaction. This is to ensure that the Termination Date of the Cleared

[4] For the same reason, ''Repudiation/Moratorium Extension Notice'' is proposed to be added to Section 5(b) of Appendix XIII of Part B of the Supplement (*CCM Client Transaction Requirements*).

Transactions and related CCM Client Transaction is the same.[5]

(b) Section 2 of the Procedures

LCH SA is also proposing to make one minor technical amendment to Section 2 of the Procedures (*Margin, NPV Payment and Price Alignment*). Specifically, the initial sentence of Section 2.7(c) currently provides, *inter alia,* that, where a Clearing Member is acting as a CDS Seller, Short Charge Margin will be required to cover the risk that the Clearing Member is subject to an event of default at the same time that a credit event occurs ''with respect to a Reference Entity''. Recognizing that a credit event may occur with respect to more than one Reference Entity, this sentence is proposed to be revised to refer to ''one or more Reference Entities''.

(c) The Reference Guide: CDS Margin Framework

LCH SA is proposing to amend the Margin Framework to reflect the addition of the new single names. For example, Section 3.4.5, Portfolio Margining, which, *inter alia,* lists the various combinations of instruments that can constitute an index basis package, is proposed to be revised to add to the list (i) the CDX.EM Index vs All Single Names Constituents of the index and (ii) the iTraxx Asia ex Japan vs All Single Names Constituents of the index. In addition, LCH SA is proposing to amend Section 3.1.1, Recovery Rate for Short Charge to note that the recovery rate for state-owned enterprises (''SOE'') is 70 percent. LCH is also proposing to move the provisions of current Section 3.5.2, Short Charge Calculation, to a new Section 3.5.3. A new Section 3.5.2, Sovereign Exposures, is proposed to be added, which notes the high level of correlation between SOEs and their sovereign entities. As a result, an SOE that is more than 50 percent owned by a sovereign entity would be defaulted jointly with its sovereign entity when the positions are not risk reducing. Further, exposures for SOEs will be calculated using a fixed 70 percent recovery rate.

LCH SA is also proposing to amend Section 3.8.1, Offsets inter-region, to expand the regional pairs that LCH SA will consider in calculating wrong way risk to include: (i) Europe/US; (ii) Europe/Australia; (iii) Europe/Asia; (iv) US/Australia; (v) US/Asia; and (vi) Asia/Australia.

LCH SA is proposing to amend Section 4.1.1, Liquidity Charge for Linear Portfolio, to note that the liquidation cost of a sub-portfolio composed of a single 5 year position in the principal on the run index is simply the sum of the macro hedging cost. Further, single names without a parent index are considered a sub-portfolio for which LCH SA charges the cost of unwinding a non-hedged sub-portfolio. Finally, Section 4.1.2, Macro Hedging Phase, which, *inter alia,* sets out a list of sub-portfolios corresponding to indices and their components is proposed to be revised to add: (i) the CDX.EM sub-portfolio; (ii) the iTraxx Asia ex Japan IG sub-portfolio, and (iii) the No parent index sub-portfolio.

LCH SA is proposing to amend Section 4.1.7 to update the existing thresholds and include more cleared indexes in the table for volume thresholds based on calibrations done in December 2021. A dedicated liquidity grid has also been added for sovereign single names in order to reflect their tighter bid-ask spreads and higher liquidity profiles.

LCH SA is also proposing to amend the CDS Default Fund Methodology (Guide Stress Testing) in a number of sections, to reflect the extension of the product offer as well as to introduce a Sovereign Stressed Short Charge component aimed to capture a potential joint default of a member and its country:

—the last paragraph of section 2.2 adds to the list of index families covered to reflect the addition of CDX.EM and iTraxx Asia. It also adds iTraxx Australia, as this should have been updated when introducing that index.
—section 2.4.1 details how State-Owned Entities' exposures should be added to the exposure on the sovereign name only if risk increasing
—section 2.4.2 introduces a Sovereign Stressed Short Charge, considering jointly the top exposure across the portfolio and if relevant the exposure on the sovereign name corresponding to the member's jurisdiction
—section 2.4.3. and 2.7.2 describe the same Sovereign Stressed Short Charge with formulas instead of plain text
—section 2.6.1. and 2.6.3 extend the logic of exercise decisions to consider the Sovereign Stressed Short Charge when relevant

2. Statutory Basis

LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Act[6] and regulations thereunder applicable to it, including Commission Rule 17Ad–22(e).[7] In particular, Section 17A(b)(3)(F) of the Act requires, *inter alia,* that the rules of a clearing agency be designed to ''promote the prompt and accurate clearance and settlement of . . . derivatives agreements, contracts, and transactions.''[8] By proposing to amend its CDS Clearing Supplement to authorize the expansion of LCH SA's CDSClear Service to provide clearing services with regard to the New Products, on the terms and conditions set out in the Proposed Rule Change, LCH SA considers that this would encourage Clearing Members to clear additional indices and single name CDS through its CDSClear service, which, in turn, should promote the prompt and accurate clearance and settlement of those instruments within the meaning of Section 17A(b)(3)(F) of the Act.[9] The Proposed Rule Change, in particular, the amendments to the CDS Clearing Supplement, therefore, are consistent with the requirements of Section 17A(b)(3)(F) of the Act.

Further, from the perspective of financial risk management and margin requirements, the clearing of the New Products would not require changes to LCH SA's existing margin methodology, default management policies and procedures and operational process, as LCH SA determined that the current margin framework for its CDSClear service already appropriately captures the risk associated to the New Products. The New Products would be cleared pursuant to LCH SA's existing clearing arrangements and related financial safeguards, protections and risk management procedures which are consistent with Exchange Act Rule 17Ad–22(e)(17),[10] requiring a covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to manage the covered clearing agency's operational risks by, among other things, identifying the plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls.

Adopting rules to facilitate the clearing of the New Products would also be consistent with other relevant

[5] For the same reason, the provisions of section 6.8(c) are effectively repeated in Section 7.8 and Section 7.18 of Appendix XIII of Part B of the Supplement (*CCM Client Transaction Requirements*). Separately, Section 7.15 of Appendix XIII, Alternative Procedures relating to Loans in respect of Matched Contracts, and Section 7.17 of Appendix XIII, Alternative Procedures relating to Assets Not Delivered, are proposed to be amended to remove as unnecessary the phrase ''for the purposes of the Matched Contracts of the related Settlement Matched Pair'' and also to use the correct defined term ''Settlement Matched Pair''.

[6] 15 U.S.C. 78q–1.

[7] 17 CFR 240.17Ad–22.

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 240.17Ad–22(e)(17).

requirements of Rule 17Ad–22(e),[11] as set forth in the following discussion.

Margin Requirements. Rule 17Ad–22(e)(4) [12] requires LCH SA to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, among other requirements. In terms of financial resources, LCH SA would apply its existing margin methodology to the New Products. LCH SA believes that the proposed rules that would apply this risk model to the New Products will provide sufficient margin requirements to cover its credit exposure to its clearing members from clearing such contracts, consistent with the requirements of Rule 17Ad–22I(4).[13] [sic]

Financial Resources. Rule 17Ad–22I(4)(i) [14] [sic] requires LCH SA to establish, implement, maintain, and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence. To the extent not already maintained pursuant to paragraph (e)(4)(i), Rule 17Ad–22(e)(4)(ii) [15] requires LCH SA's policies and procedures be reasonably designed to maintain additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions. As explained above, LCH SA is proposing to make some changes to its CDS Default Fund Methodology documentation (Guide Stress Testing) in order to reflect the extension of the product list as well as to introduce a Sovereign Stressed Short Charge component aimed to capture a potential joint default of a member and its country. LCH SA believes that with the proposed changes in its stress testing framework, its Default Fund will, together with the required margin, provide sufficient financial resources to support the clearing of the New Products, consistent with the requirements of Rules 17Ad–22(e)(4)(i) and (ii).

Operational Resources. Rule 17Ad–22(e)(3) [16] requires LCH SA to establish, implement, maintain, and enforce written policies and procedures reasonably designed to maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency. LCH SA believes that its existing operational and risk management resources will be sufficient for clearing of the New Products, consistent with the requirements of Rule 17Ad–22(e)(3) [17], as these new contracts are substantially the same from an operational and risk management perspective as the existing CDS contracts cleared by LCH SA CDSClear.

LCH SA will also apply its existing default management policies and procedures for the New Products. As with current CDSClear products with similar risk profile, LCH SA believes that these procedures allow for it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of clearing member insolvencies or defaults in respect of the additional single names, in accordance with Rule 17Ad–22(e)(3).[18]

Exchange Act Rule 17Ad–22(e)(1) [19] requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. As described above, the Proposed Change is also modifying the Supplement to take into account the New Products and provide for a clear and transparent legal basis for LCH SA's CDS Clearing rules consistent with the requirements of Exchange Act Rule 17Ad–22(e)(1).[20]

Credit default swap (CDS) is an over-the-counter (OTC) market on which participants can be active at any time in the context of market stress. The LCH SA CDSClear risk model is considering 5-d moves of unhedged portfolios and the back testing results confirmed that the margins for the New Products were sufficient to cover the exposure in the interval between the last margin collection and the close out of the portfolio a defaulting cleating member which is consistent with the requirements of SEC Rule 17Ad–22(e)(6)(iii).[21]

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[22]

LCH SA does not believe that its proposed clearing of the New Products will adversely affect competition in the trading market for those contracts or CDS generally. By allowing LCH SA to clear the New Products, market participants will have additional choices on where to clear and which products to use for risk management purposes, which, in turn, will promote competition and further the development of CDS for risk management.

In addition, LCH SA will continue to apply its existing fair and open access criteria to the clearing of these additional products and will apply the same criteria to every clearing member or client who proposes to enter into this clearing activity.

Accordingly, LCH SA does not believe that the Proposed Rule Change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

[11] 17 CFR 240.17Ad–22(e).
[12] 17 CFR 240.17Ad–22(e)(4).
[13] 17 CFR 240.17Ad–22(e)4.
[14] 17 CFR 240.17Ad–22(e)(4)(i).
[15] 17 CFR 240.17Ad–22(e)(4)(ii).
[16] 17 CFR 240.17Ad–22(e)(3).
[17] 17 CFR 240.17Ad–22(e)(3).
[18] 17 CFR 240.17Ad–22(e)(3).
[19] 17 CFR 240.17Ad–22(e)(1).
[20] 17 CFR 240.17Ad–22(e)(1).
[21] 17 CFR 240. 17Ad–22(e)(6)(iii).
[22] 15 U.S.C. 78q–1(b)(3)(I).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–LCH SA–2022–007 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–LCH SA–2022–007. 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 LCH SA and on LCH SA's website at: *https://www.lch.com/resources/rulebooks/proposed-rule-changes.*

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–LCH SA–2022–007 and should be submitted on or before October 3, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–19579 Filed 9–9–22; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17616 and #17617; ARIZONA Disaster Number AZ–00086]

Presidential Declaration of a Major Disaster for Public Assistance Only for the Salt River Pima-Maricopa Indian Community in the State of Arizona

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for Salt River Pima-Maricopa Indian Community in the State of Arizona (FEMA–4668–DR), dated 09/02/2022.

Incident: Severe Storms.

Incident Period: 07/17/2022 through 07/18/2022.

DATES: Issued on 09/02/2022.

Physical Loan Application Deadline Date: 11/01/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 06/02/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/02/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Salt River Pima-Maricopa Indian Community.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	1.875
Non-Profit Organizations Without Credit Available Elsewhere	1.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17616 B and for economic injury is 176170.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–19593 Filed 9–9–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17614 and #17615; ARIZONA Disaster Number AZ–00083]

Presidential Declaration of a Major Disaster for the Salt River Pima-Maricopa Indian Community in the State of Arizona

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Salt River Pima-Maricopa Indian Community in the State of Arizona, (FEMA–4668–DR), dated 09/02/2022.

Incident: Severe Storms.

Incident Period: 07/17/2022 through 07/18/2022.

DATES: Issued on 09/02/2022.

Physical Loan Application Deadline Date: 11/01/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 06/02/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/02/2022, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

[23] 17 CFR 200.30–3(a)(12).

Primary Counties (Physical Damage and Economic Injury Loans): Salt River Pima-Maricopa Indian Community

Contiguous Counties (Economic Injury Loans Only):

Arizona: Maricopa

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.375
Homeowners without Credit Available Elsewhere	1.688
Businesses with Credit Available Elsewhere	5.870
Businesses without Credit Available Elsewhere	2.935
Non-Profit Organizations with Credit Available Elsewhere	1.875
Non-Profit Organizations without Credit Available Elsewhere	1.875
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.935
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17614 B and for economic injury is 176150.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–19592 Filed 9–9–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17440 and #17441; NEW MEXICO Disaster Number NM–00080]

Presidential Declaration Amendment of a Major Disaster for the State of New Mexico

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of New Mexico (FEMA–4652–DR), dated 05/04/2022.

Incident: Wildfires, Straight-line Winds, Flooding, Mudflows, and Debris Flows directly related to the Wildfires.

Incident Period: 04/05/2022 through 07/23/2022.

DATES: Issued on 09/06/2022.

Physical Loan Application Deadline Date: 10/07/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 02/06/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of New Mexico, dated 05/04/2022, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 10/07/2022.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–19591 Filed 9–9–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17546 and #17547; KENTUCKY Disaster Number KY–00093]

Presidential Declaration Amendment of a Major Disaster for the State of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Kentucky (FEMA–4663–DR), dated 07/30/2022.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 07/26/2022 through 08/11/2022.

DATES: Issued on 09/06/2022.

Physical Loan Application Deadline Date: 09/28/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/01/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Kentucky, dated 07/30/2022, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Lee

Contiguous Counties (Economic Injury Loans Only):

Kentucky: Estill, Powell

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008.)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–19588 Filed 9–9–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17561 and #17562; KENTUCKY Disaster Number KY–00095]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Kentucky (FEMA–4663–DR), dated 07/29/2022.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 07/26/2022 through 08/11/2022.

DATES: Issued on 09/06/2022.

Physical Loan Application Deadline Date: 09/27/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/01/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Kentucky, dated 07/29/2022, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Casey, Harlan.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–19589 Filed 9–9–22; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2021–0710]

Noise Certification Standards: Matternet Model M2 Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; rule of particular applicability.

SUMMARY: The Federal Aviation Administration (FAA) is promulgating noise certification standards that apply only to the Matternet Model M2 quadcopter unmanned aircraft (UA) because no generally applicable noise standards were available for this aircraft at the time the aircraft was presented for certification. Therefore, to complete the Matternet Model M2's type certification process for noise, the FAA adopts the standards in this rule for the Matternet Model M2.

DATES: This rule of particular applicability is effective September 9, 2022.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How To Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Hua (Bill) He, Federal Aviation Administration, Office of Environment and Energy, 800 Independence Ave. SW, Room 900 West, Washington, DC 20591; telephone (202) 267–3565; email *hua.he@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Authority for This Rulemaking

The FAA's authority to issue rules on 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 447, and section 44715. Section 44715(a)(3) states that an original type certificate for an aircraft may be issued only after the Administrator of the FAA prescribes noise standards and regulations under that section that apply to the aircraft. This regulation is within the scope of that authority.

II. Good Cause

The Administrative Procedure Act (5 U.S.C. 551 *et seq.*) requires the publication or service of any substantive rule not less than 30 days before its effective date, except as otherwise provided by the agency for good cause found and published with the rule. (5 U.S.C. 553(d)). The FAA finds good cause exists to make this rule immediately effective because delaying the effective date is unnecessary. This rule applies to a single certification applicant (Matternet), and no other person will be affected by the requirements. FAA understands that Matternet likely is able to meet the standards when they become effective. The notice that would be provided by delaying the effective date is unnecessary. Moreover, delaying the effective date would negatively impact Matternet, the only party impacted by this rule, by delaying its ability to type certificate the Matternet Model M2, due to the lack of effective noise certification standards. Accordingly, the FAA finds that good cause exists to make this rule effective in less than 30 days.

III. Background

A. Need for This Rulemaking

Section 44704 of Title 49 of the United States Code requires that the FAA issue a type certificate to an applicant that presents a qualified design. Section 44715(a)(3) requires the FAA to prescribe noise standards for an aircraft before a type certificate may be issued.

Matternet applied for type certification of its aircraft on May 18, 2018. The aircraft is a quadcopter design unmanned aircraft (UA) with a maximum takeoff weight of 29 pounds, including a 4-pound payload, and a proposed operating altitude of 400 feet or lower. To fulfill the statutory requirement of section 44715(a)(3), the FAA is adopting the set of noise certification standards described in this rule of particular applicability that will apply only to the Matternet Model M2, as the current noise certification standards cannot be applied effectively to this aircraft.

B. Related Actions

This is the first rule of particular applicability establishing a noise certification basis for a single model of aircraft. At present, the FAA does not have a sufficient database of information about the noise generated by most UA models to establish generally applicable noise standards due to their novelty and variety. The FAA will continue to receive information about noise characteristics as it engages with certification applicants, and expects to use data collected through this rule to inform future rules of particular applicability and generally applicable standards. The FAA will consider similar rulemaking actions for other noise certification applicants while it develops the generally applicable standards for UA.

C. Summary of the NPRM

On August 27, 2021, the FAA published a notice of proposed rulemaking (NPRM) setting out the noise certification test standards and noise limit that would apply to the Matternet Model M2 (86 FR 48281). The NPRM proposed that the requirements of 14 CFR 36.3 and 36.6 would apply to the Matternet Model M2 except as described in the rule, and proposed specific noise limits and testing procedures to be applied to the Matternet Model M2 aircraft. The comment period for the NPRM closed September 27, 2021.

The NPRM was not intended to affect the airworthiness certification of this aircraft model or any operational approvals.[1] The FAA, in accordance with the applicable airworthiness standards and operating rules, makes those findings separately.

IV. Discussion of Comments and Final Rule

The FAA received submissions from 14 commenters. The commenters included five individuals, two engineering firms, four aircraft manufacturers and operators (Bell Textron, Inc., Zipline International, Inc., Ameriflight, LLC, and UPS Flight Forward, Inc.), and three aviation industry trade groups (Commercial Drone Alliance (CDA), Robotic Skies, and the Small UAV Coalition).

The aircraft manufacturers, aircraft operators, and aviation industry trade groups supported the proposed certification standards as being appropriate for the Matternet Model M2. Three individual commenters found the

[1] As is true for all noise certification, this rule neither assesses the environmental impacts of any eventual operation of the subject aircraft, nor constitutes any environmental review that may be required by the FAA before granting operational approval. Any such environmental review would be completed in advance of granting operational approval(s).

proposed noise limit unreasonable but presented no support for their comments or any alternatives. One individual expressed concern about UA noise impacts in general. As discussed in more detail in the following paragraphs, five commenters suggested specific changes in the noise measurement procedures for the Matternet Model M2. Three commenters suggested changes to noise test procedures that should apply to all UA rather than specifically to the Matternet Model M2.

One anonymous commenter suggested changes to the format of the proposed rule.

A. Comments Regarding the Proposed Noise Certification Standards for the Matternet Model M2

1. Noise Limit Objections

Three commenters expressed dissatisfaction regarding the 78 dBA noise limit specified for the Matternet Model M2. These commenters described other noise metrics with lower values, but the metrics suggested were not relevant to the certification of an individual aircraft. In one case, the commenter appeared to reference the sound level applied for compatible land use planning around airports, however, the sound level referenced would not be applicable to an individual aircraft model. This sound level, known as day-night average sound level (DNL) 65 dB, is an average of all flights over a certain area. Although the FAA uses DNL 65 dB as the significance threshold when it performs environmental planning reviews, DNL 65 dB is not the appropriate threshold here because it applies to the average noise of all aircraft in a particular area, as opposed to a single aircraft, the Matternet Model M2. Another commenter suggested a limit of 30 dB, but did not provide justification for the suggestion, or indicate how the limit should be used. The FAA makes no change to the proposed noise limit for the Matternet Model M2 in this final rule.

2. Noise Limit Clarification

One individual commenter expressed concern with the FAA's explanation of the 78 dB noise limit. The FAA clarifies below the approach in setting the limit at 78dB, as the intent is to maintain a consistent noise certification approach that includes aircraft of all sizes, including UA.

In the absence of historical data regarding most models of UA, the FAA began its analysis by using the existing noise limits in the regulations and extrapolating those limits to a lower-weight aircraft tested at a lower altitude. The FAA used established limit data from the appendices (including A and J) to part 36 where practicable, and FAA applied accepted, well-known noise certification principles and adjustment methods in developing this rule. Since the Matternet Model M2 is a quadcopter, the FAA used as its starting point the simplified helicopter noise limit found in part 36 appendix J that applies to smaller helicopters (§ J36.305 (a)(2)). One key assumption of this method is that fundamental rotorcraft physics and associated noise are scalable for lighter-weight UA. For the subject aircraft, the Stage 3 noise limit of appendix J was extrapolated to the maximum takeoff weight (MTOW) to correspond to a 527-pound aircraft. A secondary noise adjustment was applied to account for the adjusted reference altitude of 250 feet for the Matternet Model M2, rather than the 492-foot reference altitude in appendix J. These two adjustments account for the size and the expected operational altitudes of the Matternet Model M2. These adjustments provide the basis for the constant 78 dB limit for the Matternet Model M2. No change was made to this final rule based on this comment.

3. Noise Measurement Procedure—Atmospheric Attenuation Limit in Paragraph (9)(b)

Acoustical Analysis Associates, Inc. stated that the atmospheric absorption limitation of 10 dB per 100 meters at 8 kHz in paragraph (9)(b) is unnecessarily restrictive, because sound propagation paths during the noise test of UA will be shorter than they are for light helicopters tested under appendix J. The commenter suggested that the limit be relaxed to allow atmospheric absorption up to 12dB per 100 meters. Although the FAA proposed the atmospheric absorption limit from appendix J without change, the agency considers the recommended change reasonable as a less stringent and more flexible approach when considering the test environment for UA. Therefore, in this final rule, the FAA has revised paragraph (9)(b) to reflect an atmospheric absorption limitation of 12dB per 100meters.

4. Supplemental Noise Test

The Small UAV Coalition stated that any ''voluntary'' test, in this case the voluntary hover test Matternet agreed to conduct, should not be an element in setting a noise certification basis, and that data from a voluntary test ''should not be an element in setting a noise certification basis.'' [2]

The FAA reiterates that the data collected during the voluntary hover tests will not be used to inform the applicant's airworthiness or type certification basis, or be evaluated against any noise limits or regulatory criteria for noise certification purposes. This supplemental test is designed to gather further information on an aircraft that is capable of hovering. This approach will enable the FAA to create a larger database of UA reference noise data. The FAA is seeking the data so that the agency can understand and more accurately describe relevant factors of UA noise generation, and to use them to inform future rules of general applicability for UA. Finally, as described in the NPRM preamble, Matternet has agreed to conduct another test and give the resulting data to the FAA to inform the larger database of noise experience with UA. No change was made to this final rule based on this comment.

5. Technological Practicability and Economic Reasonableness

The Small UAV Coalition expressed general concern that the test procedures proposed for the Matternet Model M2 were unnecessarily complex, making them costly and ''economically unreasonable'' for many smaller UA manufacturers. Zipline International, Inc. expressed a similar concern. Neither Small UAV Coalition nor Zipline International, Inc. presented any information regarding how the proposed test requirements could be made less complex or less economically burdensome and still meet the requirements for certificating a new aircraft model.

The FAA agrees with comments that the testing requirements should be the simplest, most appropriate means of meeting noise requirements. The FAA's statutory authority requires that the agency consider whether proposed standards are ''economically reasonable, technologically practicable, and appropriate for the applicable aircraft.'' See 49 U.S.C. 44715(b)(4). Thus, in formulating the standards for the Matternet Model M2, the FAA started with the simplest and most appropriate means of noise certification testing established in existing regulation (14 CFR part 36, appendix J), and, as described above, extrapolated down to values appropriate for a much smaller aircraft. The FAA then developed test procedures intended to function more

[2] See Small UAV Coalition comment at p. 2.

closely to the anticipated operating envelope for the Matternet Model M2.

As previously noted, commenters did not present any suggestions for how the proposed test procedures could be made less complex or less economically burdensome and still meet noise certification requirements. Further, these comments express concern regarding standards for future certification projects rather than the Matternet Model M2 standards. Accordingly, no change is made to this final rule based on these comments.

B. Comments Regarding Noise Certification for Unmanned Aircraft: General

1. Elimination of Duration Adjustment

Acoustical Analysis Associates Inc. suggested eliminating the duration adjustment, contained in the data correction procedure (paragraph (27)(c)). The correction procedure compensates for off-reference ambient temperature conditions (also referred to as tip Mach airspeed correction) because this adjustment, originally developed for lighter weighted helicopters in part 36 appendix J, is not well suited to UA designs.

The FAA will consider this suggestion in developing future generally applicable UA noise certification standards as more certification data is collected and the agency's understanding of UA noise propagation is improved. At this time, the FAA concludes that there is insufficient data to justify making the change suggested by the commenter.

2. Use of Ground Microphone

An anonymous commenter and Josephson Engineering suggested either the use of a ground microphone on a hard surface, or the use of an inverted microphone placed on a ground board, as used in appendix G to part 36 (applicable to small airplanes) procedures for noise certification measurement. The proposed standards for the Matternet Model M2 proposed placing the microphone on a tripod or pole at 4 feet above the ground for UA noise certification measurements. The commenter stated that a ground microphone placement would help to reduce measurement uncertainty inherent in the 4-foot microphone placement.

Although the FAA understands the commenter's concerns, a pole-placed microphone is relatively simple and less costly to deploy in noise certification measurement when compared to a ground-plane microphone. In order to develop a testing method more widely applicable to UA noise certification, the FAA will continue to compile data and research results to inform future generally applicable rulemaking for testing procedures for UA noise certification. The FAA may make further changes to these procedures as the research matures. No change was made to this final rule based on this comment.

3. Use of Multiple Microphones for Hover Noise Measurement

Bell Textron, Inc. suggested the use of multiple microphones for hover noise testing to reduce testing time and improve efficiency. The FAA identified such hover test requirements in paragraph (16) of the proposed and final rule as supplemental hover test conditions. The proposed rule was designed to be simpler for UA by using fewer microphones, decreasing the cost and workload associated with using more. If any applicant finds that the use of more microphones has an advantage, the FAA would review and approve their use. No change is made to this final rule based on the comment.

4. Noise Limit Varying With UA Weight

Bell Textron, Inc. commented on the noise limit generally, not specifying a noise limit change specific to the Matternet Model M2. The commenter recommended that the FAA develop a noise limit that would change with the maximum takeoff weight (MTOW) for higher-weight UA. The FAA acknowledges that a noise limit corresponding with weight is a recognized standard convention applied to other aircraft in part 36 and by Annex 16 to the Convention on International Civil Aviation, Environmental Protection, Volume I, Aircraft Noise. As the commenter did not offer any rationale, supporting information, or data for the FAA to consider with regard to UA noise certification for UA at different weights, or the Matternet Model M2's specific weight, the FAA retains the proposed constant 78 dB SEL noise limit for the Matternet Model M2 in this final rule. Until more noise data become available for UA at specific weights, the FAA will continue to extrapolate noise limits on a case-by-case basis.

C. Rule Structure

An anonymous commenter suggested that the FAA revise the proposed rule structure (paragraph numbers 1 to 33) to a shorter and simpler section numbering approach to help the reader, citing appendix J to part 36 as an appropriate example. In choosing a format, the FAA considered the UA applicant's relative inexperience with noise testing. Because the regulations in appendix J are complex, the FAA chose an approach that would allow all noise testing requirements to be contained in a single source. The FAA will consider alternative formatting as experience with the noise certification of UA continues. No change was made to this final rule based on this comment.

D. Corrections for the Final Rule

The FAA identified errors in referencing paragraph numbers in the proposed regulatory text. The following table identifies the paragraphs where the errors occurred and the corrections made in the final rule:

Referenced in paragraph:	NPRM language	Final rule language
(2)	paragraphs (7) through (23)	paragraphs (7) through (22).
(3)	paragraphs (7) through (23)	paragraphs (7) through (24).
(3)(b)	paragraphs (24) through (26)	paragraphs (25) through (27).
(10)(a)	paragraph (17)	paragraph (18).
(10)(b)	paragraph (26)	paragraph (27).
(15)	paragraphs (17) through (21)	paragraphs (17) through (22).
(16)	(a) through (f)	(a) through (g).
(28)	paragraphs (7) through (26)	paragraphs (7) through (27).

In addition, citations in the proposed rule to § 36.6 are not included in this final rule. Section 36.6 contains descriptions of material that has been incorporated by reference (IBR) in part 36. The IBR process is necessary only for rules of general applicability; it, therefore, has no function in this rule. Material referenced in the text of this rule is accepted by the applicant when it uses such material as its means of compliance at the time of certification.

Except for the aforementioned change to paragraph (9)(b), the corrections to certain cross-references in the proposed regulatory text, and the removal of the reference to § 36.6, the NPRM is adopted as proposed.

V. Regulatory Notices and Analyses

A. Regulatory Evaluation

This rule of particular applicability is not subject to review under Executive Order 12866, Regulatory Planning and Review, as that Executive Order applies only to rules of general applicability.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify, and a regulatory flexibility analysis is not required.

This rule only impacts Matternet, which is considered a small business based on the U.S. Small Business Administration (SBA) size standards. The SBA lists small business size standards based on the North American Industry Classification System (NAICS). NAICS code 336411 is titled ''Miscellaneous Aircraft Manufacturing,'' and includes the manufacture of unmanned and robotic aircraft. The SBA defines industries within this code to be small if they employ 1,500 employees or less.

The FAA expects that under this rule of particular applicability Matternet will incur small costs to conduct noise testing and gather data but will benefit Matternet by enabling a noise certification basis for it to complete the type certification it seeks. The FAA expects this rule will not have a significant economic impact on Matternet.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, based on the foregoing discussion, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has determined this rule would not present any obstacle to foreign commerce of the United States. In addition, this rule is not contrary to international standards since no international standards for UA noise certification exist.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 million in lieu of $100 million. This rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this rule of particular applicability.

F. International Compatibility

The FAA remains actively involved in the International Civil Aviation Organization's (ICAO) Committee on Aviation Environmental Protection (CAEP) and CAEP's Working Group 1 that addresses aircraft noise. Working Group 1 began activities to address noise from UA in 2013. There are, at present, no noise or other environmental standards for UA that have been adopted into ICAO Annex 16. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to the rule so as to require conformance.

While the FAA has begun type and noise certification of UA, the European Union Aviation Safety Agency (EASA) has focused on operational regulations. In March 2020, EASA published its Easy Access Rules for Unmanned Aircraft (Regulation 2019/947 and delegated regulation 2019/945), which contain the applicable rules and procedures for the operation of UA in the EU. While the regulations contain some requirements for noise measurement depending on the operating environment of the UA, they are limited to operations in the EU and are not a certification standard as established by this rule.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6 (d) (Categorical Exclusions for Regulatory Actions) for regulations since it is a rulemaking action that proscribes a certification test standard, and would not presume the acceptability of operation of any particular aircraft in any location. No extraordinary circumstances are involved.

VI. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

VII. How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the internet—

1. Search the Federal eRulemaking Portal at *www.regulations.gov;*
2. Visit the FAA's Regulations and Policies web page at *www.faa.gov/regulations_policies;* or
3. Access the Government Printing Office's web page at *www.GovInfo.gov.*

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677.

B. Comments Submitted to the Docket

Comments received may be viewed by going to *https://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

The Noise Certification Basis

In consideration of the foregoing, and under the authority of Title 49 of the United States Code, section 44715(a), the Federal Aviation Administration (FAA) establishes the following standards and procedures as the noise certification basis of the Matternet Model M2 unmanned aircraft (UA).

All statutory references in this Rule of Particular Applicability (rule) refer to Title 49 of the United States Code. All regulatory references refer to Title 14 of the Code of Federal Regulations, part 21 or part 36 and its appendices, unless otherwise cited.

Noise Certification Requirements for the Matternet Model M2

(1) *General:* The requirements and limitations of 14 CFR 36.3 apply to the Matternet Model M2, except as described herein.

(a) *Limitations (Reference § 36.5, as modified):* Pursuant to 49 U.S.C. 44715(b)(4), the noise level in this Rule of Particular Applicability (rule) has been determined to be as low as is economically reasonable, technologically practicable, and appropriate for this aircraft. No determination is made that these noise levels are or should be acceptable or unacceptable for operation at, into, or out of, any airport, landing or launch pad, community, or any other environment that may be impacted or is sensitive to noise.

(b) *Acoustical Change (Reference § 36.9 as modified):* If, after type certification using the requirements stated herein, the aircraft incorporates a change in type design, the changed design is subject to an acoustical change analysis and approval in accordance with § 21.93(b). After such change in design, the aircraft may not subsequently exceed the noise limits specified in this rule.

(2) *Noise Measurement (Reference § 36.801, as modified):* The noise generated by the aircraft must be measured at the noise measuring point and under the test conditions prescribed in paragraphs (7) through (23) of this rule, or using an equivalent procedure approved by the FAA before testing. Any procedure not approved by the FAA before a test is performed is subject to disapproval and may require the aircraft to be retested using an approved procedure.

(3) *Noise Evaluation (Reference § 36.803, as modified):* The noise measurement data required by paragraph (2) of this rule must be obtained using the test procedures in paragraphs (7) through (24) of this rule, and:

(a) Corrected to the reference conditions contained in paragraphs (5) and (6) of this rule; and

(b) Evaluated using the procedures in paragraphs (25) through (27) of this rule, or using an FAA-approved equivalent procedure. Any procedure not approved by the FAA before a test is performed is subject to disapproval and may require the aircraft to be retested using an approved procedure.

(4) *Noise Limits (Reference § 36.805, as modified):* Compliance with the noise limits prescribed in paragraphs (28) and (29) of this rule must be shown for this aircraft for which application for issuance of a type certificate in the special class is made under part 21.

(5) *Reference Conditions—General (Reference part 36 appendix J, section J36.1, as modified):* Paragraphs (6) through (29) of this rule prescribe the noise certification requirements for this aircraft, including:

(a) The conditions under which each noise certification test must be conducted and the measurement procedure that must be used to measure the aircraft noise during the test;

(b) The procedures that must be used to correct the measured data to the reference conditions, and to calculate the noise evaluation quantity designated as the A-weighted Sound Exposure Level (SEL, denoted by symbol L_{AE}); and

(c) The noise limit with which compliance must be shown.

(6) *Reference Conditions—Test (Reference part 36 appendix J, section J36.3, as modified):*

(a) Meteorological Conditions—The following are the noise certification reference atmospheric conditions that are assumed to exist from the surface to the aircraft altitude:

i. Sea level pressure of 2,116 pounds per square foot (76 centimeters of mercury);

ii. Ambient temperature of 77 degrees Fahrenheit (25 degrees Celsius);

iii. Relative humidity of 70 percent; and

iv. Zero wind.

(b) Reference test site. The reference test site is flat and without line-of-sight obstructions, including any area across the flight path that is long enough to encompass the 10 dB down points of the A-weighted time history.

(c) Level flyover reference profile. For UA, the reference flyover profile is a level flight, 250 feet (76.2 meters) above ground level as measured at the noise measuring station. The reference flyover profile has a linear flight track and passes directly over the noise monitoring station. The applicable reference airspeed is stabilized and maintained throughout the measured portion of the flyover. Rotor speed is normal operating RPM throughout the 10 dB-down time interval. For UA, applicable reference airspeeds are:

i. $V_{max} \sim 0.9V_{NE}$, where V_{NE} is the never-exceed airspeed (at empty weight).

ii. $V_{cruise} \sim V_H$, where V_H is the maximum performance airspeed (at maximum certificated takeoff weight (MTOW)),

(d) Two series of flyover tests are required. Each series must be flown at the weight and applicable reference speed conditions as follows:

i. MTOW (inclusive of payload) and V_{cruise}; and

ii. Empty weight (no payload) and V_{max}.

(7) *Noise Measurement Procedures—General (Reference part 36, appendix J, section J36.101(a) as modified):* Paragraphs (8) through (10) of this rule prescribe the conditions under which the aircraft noise certification tests must be conducted, and the measurement procedures that must be used to measure the aircraft noise during each test.

(8) *Test site requirements (Reference: part 36, appendix J, section J36.101(b), as modified):*

(a) The noise measuring station must be surrounded by terrain having no excessive sound absorption characteristics, such as might be caused by thick, matted, or tall grass, shrubs, wooded areas, or loose soil. Grass is acceptable if mowed to 3 inches or less in a 25-foot radius around any sound measuring stations.

(b) During the period when the flyover noise measurement is within 10 dB of the maximum A-weighted sound level, no obstruction that significantly influences the sound field from the aircraft may exist within a conical space above the noise measuring position (the point on the ground vertically below the microphone). The cone is defined by an axis normal to the ground and by half-angle 80 degrees from this axis.

(9) Weather restrictions (Reference: part 36, appendix J, section J36.101(c) as modified): Each test must be conducted under the following atmospheric conditions:

(a) No rain or other precipitation.

(b) Ambient air temperature between 36 degrees and 95 degrees Fahrenheit (2 degrees and 35 degrees Celsius), inclusively, and relative humidity between 20 percent and 95 percent inclusively, except that testing may not take place where combinations of temperature and relative humidity result in a rate of atmospheric attenuation greater than 12 dB per 100 meters (36.6 dB per 1,000 feet) in the one-third octave band centered at 8 kiloHertz.

(c) Wind velocity that does not exceed 10 knots (19 km/h) and a crosswind component that does not exceed 5 knots (9 km/h). The wind must be determined using a continuous averaging process of no greater than 30 seconds.

(d) Measurements of ambient temperature, relative humidity, wind speed, and wind direction must be made between 4 feet (1.2 meters) and 33 feet (10 meters) above the ground. Unless otherwise approved by the FAA, ambient temperature and relative humidity must be measured at the same height above the ground.

(e) No anomalous wind conditions (including turbulence) or other anomalous meteorological conditions that could significantly affect the noise level of the aircraft when the noise is recorded at the noise measuring station.

(f) If the measurement site is within 6,560 feet (2,000 meters) of a fixed meteorological station (such as those found at airports or other facilities), the weather measurements reported at that station may be used for temperature, relative humidity and wind velocity, when approved by the FAA before the test is conducted. The use of measurements reported at a fixed meteorological station, if not approved by the FAA before a test is performed, may cause the test to be disapproved and require that the aircraft be retested.

(10) *Aircraft test procedures (Reference part 36, appendix J, section J36.101(d), as modified):*

(a) The aircraft test procedures and noise measurements must be conducted and processed in a manner that yields the noise evaluation measure designated L_{AE}, as defined in paragraph (18) of this rule.

(b) The aircraft height relative to the noise measurement point sufficient to make corrections required in paragraph (27) of this rule must be determined by an FAA-approved method that is independent of normal flight instrumentation, such as a Differential Global Positioning System (DGPS), or photographic scaling techniques. The aircraft position in three dimensions relative to the microphone must be monitored and recorded at all times during the test and data collection, with correlation via time synchronization to the acoustic noise data collection. The accuracy of the aircraft location system, and all sources of inaccuracy, along with possible error introduction when correlating to measured and recorded noise (inaccuracies of timing devices and methods), must be determined and reported. A description of the aircraft location system and its accuracy must be included as part of the noise test plan required by paragraph (31) of this rule, and approved by the FAA before use.

(c) If an applicant demonstrates that the design characteristics of the aircraft would prevent flight from being conducted in accordance with the reference test conditions prescribed in paragraph (6) of this rule, then the applicant may request a variance in reference test conditions to be used. Any variance from standard reference test conditions is limited to that required for the subject aircraft design characteristics that make compliance with the reference test conditions impossible.

(11) *Flyover Test Conditions (Reference part 36, appendix J, section J36.105(a), as modified):* Paragraphs (12) through (15) of this rule prescribe the flight test conditions and allowable random deviations for flyover noise tests conducted to demonstrate compliance with this rule.

(12) *Level flight height and lateral path tolerances (Reference part 36, appendix J, section J36.105(b), as modified):* A test series must consist of at least six flights. The number of level flights made with a headwind component must be equal to the number of level flights made with a tailwind component over the noise measurement station:

(a) In level flight and in cruise configuration;

(b) At the test height above the ground level over the noise measuring station as defined in paragraph (6) of this rule. For the selected height, the vertical tolerance of this height should be ± 10% value; and

(c) Within ±10 degrees from the zenith.

(13) *Airspeed and Controls (Reference part 36, appendix J, section J36.105(c), as modified):* Each flyover noise test flight must be conducted:

(a) At the reference airspeed specified in paragraph (6)(c) of this rule; and

(b) With the flight controls stabilized during the period when the measured aircraft noise level is within 10 dB of the maximum A-weighted sound level (L_{Amax}).

(14) *Aircraft weight (Reference part 36, appendix J, section J36.105(d), as modified):* For the weight at which noise certification is requested, the aircraft test weight for each flyover test series must be specified for:

(a) MTOW (inclusive of payload); and

(b) Empty weight (no payload).

(15) *Flyover height adjustment (Reference part 36, appendix J, section J36.105(e), as modified):* If ambient noise at the measurement station, measured in accordance with paragraphs (17) through (22) of this rule, is found to be within 15 A-weighted decibels (dB(A)) of the A-weighted

aircraft noise level (L_{Amax}), measured at the same location, the applicant may request the FAA approve an alternate flyover height. If an alternate flyover height is approved, the results must be adjusted to the reference flyover height specified in paragraph (6)(c) of this rule using an FAA-approved method.

(16) *Supplemental hover test conditions*—This is a supplemental test to collect data for assessment of community noise impacts, and to inform later general noise and test standards for UA. This supplemental test does not require compliance with a noise limit and does not affect the noise certification findings for the subject aircraft.

The aircraft is required to hover at different spatial locations relative to the microphone in accordance with subparagraphs (a) through (g) of this paragraph.

(a) The aircraft must be at MTOW, inclusive of maximum payload weight of cargo.

(b) To ensure that the widest dimensional profile of the noise source is captured in the recordings, for each aircraft attitude heading (0, 90, 180 and 270 degrees) relative to the microphone position for hover conditions described in paragraphs (16)(c) and (d) of this rule, stabilize the aircraft in hover and record the sound in accordance with paragraph (16)(f) of this rule.

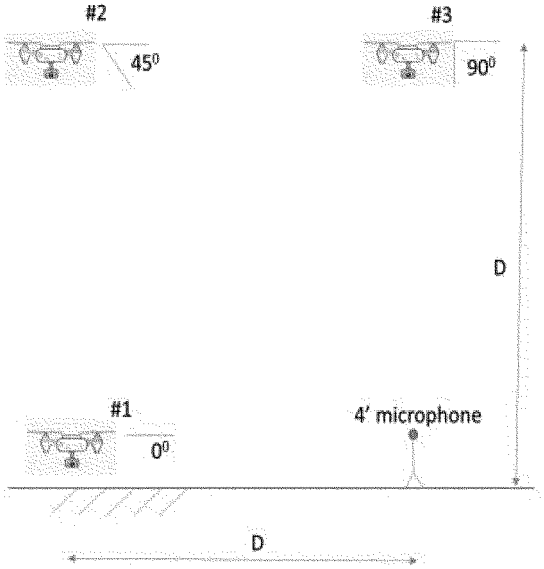
(c) Hover condition #1 (sound elevation angle at zero degrees): The aircraft maintains a hover condition at a lateral distance of 20 feet to the microphone and at 4 feet above ground level (rotors in the same plane as the microphone). Test when the conditions are optimal for minimal influence of wind on the noise recording.

(d) Hover condition #2 (sound elevation angle at 45 degrees): The aircraft maintains a hover condition at a lateral distance of 20 feet to the microphone position and at 20 feet AGL. Test when the conditions are optimal for minimal influence of wind on the noise recording.

(e) Hover condition #3 (overhead, or sound elevation angle at 90 degrees): The aircraft maintains a hover condition at 20 feet AGL and hold centered within a one-foot radial over the microphone location.

(f) For the noise measurements at each hover condition, record the value of the equivalent sound level (Leq) and sound pressure level in ⅓ octave bands for a minimum of 30 seconds for each of the test conditions (paragraphs 16(c) through (e) of this rule).

(g) The tolerance of the hover height or lateral distance is within +/−1 ft., and the tolerance of the headings is within +/−5 degrees.



Sketch of supplemental hover test conditions. D = 20 feet.

(17) *Measurement of aircraft noise received on the ground—General (Reference: part 36, appendix J, section J36.109(a), as modified):* Aircraft noise measurements made for the purpose of noise certification in accordance with the requirements of this rule must be obtained using:

(a) The noise evaluation metric prescribed in paragraph (18) of this rule;

(b) Acoustic equipment that meets the specifications prescribed in paragraphs (19) and (20) of this rule; and

(c) The calibration and measurement procedures prescribed in paragraphs (21) and (22) of this rule.

(18) *Measurement of aircraft noise received on the ground—Noise unit definition (Reference part 36, appendix J, section J36.109(b), as modified):*

(a) The sound exposure level, as expressed in L_{AE}, is defined as the level, in decibels, of the time integral of squared 'A'-weighted sound pressure (P_A) over a given time period or event, with reference to the square of the standard reference sound pressure (P_0) of 20 micropascals and a reference duration of one second.

(b) The sound exposure level in units of decibels (dB) is defined by the expression:

$$L_{AE} = 10\ \log_{10}\frac{1}{T_0}\int_{t_1}^{t_2}\left(\frac{P_A(t)}{P_0}\right)^2 dt\ \ (\text{dB})$$

Where T_0 is the reference integration time of one second and (t_2-t_1) is the integration time interval.

(c) The integral equation of paragraph (18)(b) can also be expressed as:

$$L_{AE} = 10\ \log_{10}\frac{1}{T_0}\int_{t_1}^{t_2} 10^{0.1L_A(t)}dt\ \ (\text{dB})$$

Where $L_A(t)$ is the time varying A-weighted sound level.

(d) The integration time (t_2-t_1) in practice must not be less than the time interval during which $L_A(t)$ first rises to within 10 dB(A) of its maximum value (L_{Amax}) and last falls below 10 dB(A) of its maximum value.

(19) *Measurement of Aircraft Noise Received on the Ground—Measurement System (Reference part 36, appendix J, section J36.109(c), as modified):*

(a) Acoustical measurement system instrumentation must be equivalent to the following and approved by the FAA:

i. A microphone system with frequency response that is compatible with the measurement and analysis system accuracy prescribed in paragraph (20) of this rule;

ii. Tripods or similar microphone mountings that minimize interference with the sound energy being measured; and

iii. Recording and reproducing equipment with characteristics, frequency response, and dynamic range that are compatible with the response and accuracy requirements of paragraph (20) of this rule.

(b) The calibration and checking of measurement systems must be accomplished in accordance with the procedures described in part 36, appendix A, section A36.3.9.

(20) *Measurement of Aircraft Noise Received on the Ground—Sensing, Recording, and Reproducing Equipment (Reference part 36, appendix J, section J36.109(d), as modified):*

(a) The sound pressure time-history (audio) signals obtained from aircraft flyovers under this paragraph must be recorded digitally at a minimum sample rate of 44 kilohertz (kHz) for a minimum bandwidth of 20 hertz (Hz) to 20 kHz, and encoded using a minimum of 16-bit linear pulse code modulation (or equivalent) during analog to digital conversion. Digital audio recording must also meet the additional requirements specified in part 36, appendix A, section A36.3.6 ''Recording and Reproducing Systems.''

(b) The L_{AE} value from each flyover and A-weighed Leq (L_{Aeq}) values from each hover test flight condition may be determined directly from an integrating sound level meter that meets the specifications of International Electrotechnical Commission (IEC) Standard 61672–1 (2013) for a Class 1 instrument set at ''slow'' response.

(c) The acoustic signal from the aircraft, along with the calibration signals specified in paragraph (21) and the background noise signal required by paragraph (22) of this rule, must be recorded in a digital audio format as specified in paragraph (20)(a) of this rule for subsequent analysis for an integrating sound level meter identified in paragraph (20)(b) of this rule. The record/playback system must conform to the requirements prescribed in part 36, appendix A, section A36.3.6 ''Recording and Reproducing Systems.'' The recorder must comply with the specifications of IEC standard 61265 2nd edition (2018).

(d) The characteristics of the complete system must meet the specifications of IEC standard 61672–1 for the microphone, amplifier, and indicating instrument characteristics.

(e) The response of the complete system to a plane, progressive wave of constant amplitude must lie within the tolerance limits specified for Class 1 instruments in IEC standard 61672–1 for weighting curve ''A'' over the frequency range of 45 Hz to 20 kHz.

(f) A windscreen must be used with the microphone during each measurement of the aircraft flyover noise. Correction for any insertion loss produced by the windscreen, as a function of the frequency of the acoustic calibration required by paragraph (21) of this rule, must be applied to the measured data, and each correction applied must be included in the test report.

(21) *Measurement of Aircraft Noise Received on the Ground—Calibrations (Reference part 36, appendix J, section J36.109(e), as modified):*

(a) For the aircraft acoustic signal recorded for subsequent analysis, the measuring system and components of the recording system must be calibrated as prescribed in Title 14 CFR, part 36, appendix A.

(b) If the aircraft acoustic signal is measured directly using an integrating sound level meter:

i. The overall sensitivity of the measuring system must be checked before and after the series of flyover tests and at intervals (not exceeding a two-hour duration) during the flyover tests using an acoustic calibrator generating a sinusoidal signal at a known sound pressure level and at a known frequency.

ii. The performance of equipment in the system is considered satisfactory if, during each day's testing, the variation in the measured value for the acoustic calibrator does not exceed 0.5 dB. The L_{AE} data collected during the flyover tests must be adjusted to account for any variation in the calibration value.

iii. A performance calibration analysis of each piece of calibration equipment, including acoustic calibrators, reference microphones, and voltage insertion devices, must have been made during the six calendar months preceding the beginning of the aircraft flyover series. Each calibration must be traceable to the National Institute of Standards and Technology.

(22) *Measurement of Aircraft Noise Received on the Ground—Noise measurement procedures (Reference part 36, appendix J, section J36.109(f), as modified):*

(a) The microphone must be of a pressure-sensitive capacitive type designed for nearly uniform grazing incidence response. The microphone must be mounted with the center of the sensing element 4 feet (1.2 meters) above the local ground surface and must be oriented for grazing incidence such that the sensing element (diaphragm) is substantially in the plane defined by the nominal flight path of the aircraft and the noise measurement station. A microphone that satisfies the requirements of this paragraph must be used when determining compliance

with the noise limit prescribed in paragraph (29) of this rule.

(b) For each aircraft acoustic signal recorded for subsequent analysis, the frequency response of the electrical system must be determined at a level within 10 dB of the full-scale reading used during the test.

(c) The background noise, including both ambient acoustical sound present at the microphone site and electrical noise of the measurement systems, must be determined in the test area and the system gain set at levels which will be used for aircraft noise measurements. If aircraft sound levels do not exceed the background sound levels by at least 15 dB(A), flyovers at an FAA-approved lower height may be used; the results must be adjusted to the reference measurement point by an FAA-approved method.

(d) When an integrating sound level meter is used to measure the aircraft noise, the instrument operator must monitor the continuous A-weighted (slow response) noise levels throughout each flyover to ensure that the A-weighted sound exposure level (L_{AE}) integration process includes, at minimum, all of the noise signal between the L_{Amax} and the 10 dB down points in the flyover time history. The instrument operator must note the actual dB(A) levels at the start and stop of the L_{AE} integration interval and document these levels along with the value of L_{Amax} and the integration interval (in seconds) for inclusion in the noise data submitted as part of the reporting requirements in paragraph (23) of this rule.

(23) *Data Reporting—General (Reference part 36, appendix J, section J36.111(a), as modified):* Data representing physical measurements, and corrections to that measured data, including corrections to measurements for equipment response deviations, must be recorded in permanent form and appended to the test reports required by this rule. Each correction is subject to FAA approval.

(24) *Data Submission (Reference part 36, appendix J, section J36.111(b), as modified):* After the completion of all certification tests required by this rule, the following must be submitted to the FAA:

(a) A test report containing the following:

(i) Measured and corrected sound levels obtained with equipment conforming to the standards prescribed in paragraphs (17) through (22) of this rule;

(ii) A description of the equipment and systems used for measurement and analysis of all acoustic, aircraft performance and flight path, and meteorological data;

(iii) The atmospheric environmental data required to demonstrate compliance with this rule, as measured throughout the test period;

(iv) Conditions of local topography, nearby ground cover (if any), or events that may have interfered with a sound recording;

(v) The following aircraft information:

(A) Type, model, and serial numbers, if any, of aircraft, engine(s) and rotor(s) and/or propellers tested;

(B) Gross dimensions of aircraft, location of engines or motors, rotors or propellers, number of blades for each rotor or propeller, and the range of rotational speeds of the rotors;

(C) MTOW at which certification under this rule is requested;

(D) Aircraft configuration, including landing gear positions;

(E) Aircraft Airspeeds: V_{NE} and V_{max} for both empty weight and maximum payload configuration, or for maximum range, whichever is greatest, and applicable as reference and operational airspeeds;

(F) Aircraft gross weight for each test run;

(G) Indicated and true airspeed for each test run; if indicated and true airspeed for each run are not available, then ground speed as measured from a DGPS, or from an alternate method, may be approved by the FAA;

(H) Ground speed, if measured, for each run;

(I) Aircraft engine performance as determined from aircraft instruments and manufacturer's data; and

(J) Aircraft flight path above ground level, referenced to the microphone position of the noise measurement station, in feet, determined using an FAA-approved method that is independent of normal flight instrumentation, such as DGPS or photo scaling techniques at the microphone location;

(vi) Aircraft position and performance data necessary to make the adjustments prescribed in paragraph (27) of this rule and to demonstrate compliance with the performance and position restrictions prescribed in paragraphs (11) through (16) of this rule; and

(vii) The aircraft position in three dimensions and orientation (for hover) relative to the microphone must be monitored and recorded at all times during the test and data collection, with correlation via time synchronization to the acoustic noise data collection.

(b) All of the recorded audio data from all phases of all flight tests used to demonstrate compliance with this rule.

(c) All recordings and data collected during the measurement activity required by paragraph (16) of this rule. These data will not affect the outcome of this certification findings intended to demonstrate compliance with this rule and may be submitted separately from data that affects certification.

(25) *Noise Evaluation and Calculations—Noise Evaluation Expressed in L_{AE} (Reference: part 36, appendix J, section J36.201, as modified):* The noise evaluation measure must be expressed as the L_{AE} in units of dB(A) as prescribed in paragraph (18) of this rule. The L_{AE} value for each flyover may be determined directly using an integrating sound level meter. Specifications for the integrating sound level meter and requirements governing the use of such instrumentation are prescribed in paragraphs (17) through (22) of this rule.

(26) *Noise Evaluation and Calculations—Calculation of Noise Levels (Reference part 36, appendix J, section J36.203, as modified):*

(a) To demonstrate compliance with the noise level limits specified in paragraph (29) of this rule, the L_{AE} noise levels from each valid flyover, corrected as necessary to reference conditions in accordance with paragraph (27) of this rule, must be arithmetically averaged to obtain a single L_{AE} dB(A) mean value for each flyover series. No individual flyover run may be omitted from the averaging process, unless approved by the FAA.

(b) The minimum sample size acceptable for the aircraft flyover certification measurements is six. The number of samples must be sufficient to establish statistically a 90 percent confidence limit that does not exceed ±1.5 dB(A).

(c) All data used and calculations performed under this paragraph, including the calculated 90 percent confidence limits, must be documented and provided in accordance with the data reporting and submission requirements of paragraphs (23) and (24) of this rule.

(27) *Data Correction Procedures (Reference part 36, appendix J, section J36.205, as modified):*

(a) When certification test conditions measured in accordance with paragraphs (7) through (23) of this rule differ from the reference test conditions prescribed in paragraph (6) of this rule, appropriate adjustments must be made to the measured noise data in accordance with the methods set out in paragraphs (27)(b) and (c) of this rule. At minimum, appropriate adjustments in accordance with paragraph (27)(b) of this rule must be made for off-reference altitude and for any difference between reference airspeed and adjusted

reference airspeed in accordance with paragraph (27)(c) of this rule.

(b) The adjustment for off-reference altitude may be approximated from:

$$< delta > J1 = 12.5 \log_{10}(^{H_T}/_{250}) \text{ (dB)}$$

Where <DELTA>J1 is the quantity in decibels that must be algebraically added to the measured L_{AE} noise level to correct for an off-reference flight path, H_T is the height, in feet, of the test aircraft when directly over the noise measurement point, and the constant (12.5) accounts for the effects on spherical spreading and duration from the off-reference altitude.

(c) The adjustment for the difference between reference airspeed and adjusted reference airspeed is calculated from:

$$< delta > J3 = 10 \log_{10}(^{V_{RA}}/_{V_R}) \text{ (dB)};$$

Where <DELTA>J3 is the quantity in decibels that must be algebraically added to the measured L_{AE} noise level to correct for the influence of airspeed on the integration duration of the measured flyover event as received at the noise measurement station; V_R is the reference airspeed as prescribed in paragraph (6)(c) of this rule, and V_{RA} is a speed adjustment applied to the reference airspeed to allow flying at an airspeed that provides the reference tip Mach speed. The reference airspeed must be adjusted for the atmospheric conditions on-site.

(d) All data used and calculations performed under this paragraph must be documented and submitted in accordance with paragraphs (22) and (23).

(28) *Noise Limit Compliance—Noise Measurement, Evaluation, and Calculation (Reference part 36, appendix J, section J36.301, as modified):* In demonstrating compliance with this rule, the aircraft noise levels must be measured, evaluated, and calculated in accordance with paragraphs (7) through (27) of this rule.

(29) *Noise Limit (Reference part 36, appendix J, section J36.305, as modified):* The calculated noise levels of the aircraft, at the measuring point described in paragraphs (7) through (10) of this rule, must be shown to not exceed 78.0 decibels L_{AE} at the reference altitude of 250 feet.

(30) *Manuals, Markings, and Placards (Reference part 36 §§ 36.1501 and 36.1581, as modified):*

(a) All procedures, weights, configurations, and information or data used to obtain the certified noise levels required to demonstrate compliance with this rule, including equivalent procedures used for flight, testing, and analysis, must be approved by the FAA.

(b) Noise levels achieved during type certification must be included in the approved portion of each Unmanned Aircraft Flight Manual for the subject aircraft. If an Unmanned Aircraft Flight Manual is not approved, the procedures and information must be furnished in a combination of manual material, markings, and placards approved by the FAA. The noise level information that must be included is as follows:

i. The noise level information must be one value for flyover as defined and required by these specifications; the value is determined at the maximum reference speed, weight and configuration in accordance with paragraph (6)(c) of this rule. The noise level value must also indicate the series from which it was determined.

ii. If supplemental operational noise level information is included in the approved portion of the Unmanned Aircraft Flight Manual, it must be segregated, identified as information that is provided in addition to the certificated noise levels, and clearly distinguished from the information required by paragraph (30)(b)(i) of this rule.

iii. The following statement must be included in each approved manual near the listed noise level:

No determination has been made by the Federal Aviation Administration that the noise levels of this aircraft are or should be acceptable or unacceptable for operation at, into, or out of any location or environment that may be affected by operational noise.

(31) *Test Plan Preparation and Approval:* Prior to conducting any testing and data collection required by this rule, the applicant must prepare a test plan and obtain FAA approval of it from the FAA's Aircraft Certification Service, Policy & Innovation Division (P&I) (or another FAA employee designated by the P&I division)

(32) *Test Witnessing:* The FAA P&I Division (or another FAA employee designated by the P&I Division) must witness the test and data collection required by this rule for the results to be valid for certification. Other acoustic focals from FAA's Aircraft Certification Office and Acoustic Engineer(s) from the Office of Environment and Energy or US DOT Volpe National Transportation Systems Center may also be present to observe the tests.

(33) *Test Report Preparation and Approval:* The applicant must prepare a report that includes all of the findings and data required under this rule. The report must be approved by the FAA P&I Division (or another FAA employee designated by the P&I division) as a part of the aircraft certification record.

Issued in Washington, DC, on September 7, 2022.

Augustus Bradley Mims,

Deputy Administrator.

[FR Doc. 2022–19639 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0428]

Hours of Service of Drivers: Truck Renting and Leasing Association, Inc. (TRALA); Application for Exemption Renewal

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of provisional renewal of exemption; request for comments.

SUMMARY: FMCSA announces its decision to provisionally renew the Truck Renting and Leasing Association, Inc. (TRALA) exemption from the provisions that require a motor carrier to install and require each of its drivers to use an electronic logging device (ELD) to record the driver's hours-of-service (HOS). The exemption allows drivers of property carrying commercial motor

vehicles (CMVs) rented for 8 days or less, regardless of reason, to not use an ELD in the vehicle. These drivers remain subject to the standard HOS limits and must maintain a paper record of duty status (RODS) if required. The exemption renewal is for 5 years.

DATES: This renewed exemption is effective October 12, 2022, and expires on October 12, 2027. Comments must be received on or before October 12, 2022.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2016–0428 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the Public Participation and Request for Comments section below for further information.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2016–0428) for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL 14 –FDMS, which can be reviewed at *https://www.transportation.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clemente, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA, at (202) 385–2415 or by email at *richard.clemente@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2016–0428), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number (''FMCSA–2016–0428'') in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b)(2) and 49 CFR 381.300(b) to renew an exemption from the Federal Motor Carrier Safety Regulations for a 5-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' TRALA has requested a five-year extension of the current exemption in Docket No. FMCSA–2016–0428.

III. Background

Current Regulatory Requirements

Under FMCSA's electronic logging device (ELD) regulations in 49 CFR 395.8(a)(1)(i) a motor carrier subject to the requirements of part 395 must require each driver used by the motor carrier to record the driver's duty status for each 24-hour period using the method prescribed in § 395.8(a)(1)(i)–(iv), as applicable. Subject to § 395.8(a)(1)(ii) and (iii), a motor carrier operating CMVs must install and require each of its drivers to use an ELD to record the driver's duty status in accordance with 49 CFR part 395, subpart B, no later than December 18, 2017.

Application for Renewal of Exemption

FMCSA published notice of TRALA's initial application for exemption from 49 CFR 395.8(a)(1)(i) on March 22, 2017 (82 FR 14789) describing the nature of TRALA's operations and application. FMCSA published a notice granting TRALA's exemption request on October 11, 2017. TRALA's current exemption will expire on October 11, 2022 (82 FR 47306). In granting the exemption, FMCSA found that TRALA would achieve a level of safety that was equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation.

TRALA requests a renewal of the exemption for a 5-year period.

IV. Equivalent Level of Safety

In granting the original exemption request, FMCSA determined that exempt drivers and motor carriers would likely achieve a level of safety equivalent to, or greater than, the level of safety achieved without the exemption. FMCSA noted in its October 11, 2017, notice that the Agency believed that an exemption period of up to 8 days for drivers of rental CMVs would give most carriers sufficient time to repair or replace their usual vehicles while minimizing any temptation to extend non-ELD operations. The use of paper RODS would not create an undue risk of noncompliance when limited to this short period of time.

The Agency reasoned that the 8-day exemption period coincides with 49 CFR 395.34(d), which allows a driver an 8-day window to use paper RODS when the motor carrier receives or discovers information about an ELD malfunction. Furthermore, while operating under this exemption, drivers would remain subject to the standard HOS limits, maintain a paper RODS if required, and maintain a copy of the rental agreement on the vehicle.

In its June 25, 2022, application for renewal, TRALA describes the technical and practical difficulties of providing rental CMVs with ELDs that are compatible with renters' own systems,

and the problems that would be encountered if the renting motor carrier attempted to use their own ELDs in the rental vehicle. TRALA states that the exemption will not serve as an incentive for motor carriers to use short-term rentals to avoid the ELD requirements generally. Short-term rentals have a substantially higher per day or weekly rental fee than vehicles leased for longer periods, making it significantly more costly for companies to continually rent for 8 days at a time over the long term. TRALA also states that enforcement officers can readily determine that the vehicle is a short-term rental because drivers are required to provide a copy of the rental agreement to the officer on demand.

FMCSA is unaware of any evidence of a degradation of safety attributable to the current exemption for TRALA. There is no indication of an adverse impact on safety while operating under the terms and conditions specified in the initial exemption. FMCSA concludes that provisionally extending the original exemption granted on October 11, 2017, for another five years, under the terms and conditions listed below, will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

V. Exemption Decision

A. Grant of Exemption

FMCSA provisionally renews the exemption for a period of five years subject to the terms and conditions of this decision and the absence of public comments that would cause the Agency to terminate the exemption under Sec. V.F. below. The exemption from the requirements of 49 CFR 395.8(a)(1)(i), is otherwise effective October 12, 2022, through October 12, 2027, 11:59 p.m. local time, unless renewed or rescinded.

B. Applicability of Exemption

The exemption excuses motor carriers and drivers of property-carrying CMVs rented for a period of eight days or fewer from the requirement to install and use an ELD to record the driver's RODS. This exemption covers a rental period of eight days or fewer, regardless of reason for the rental.

C. Terms and Conditions

When operating under this exemption, TRALA and its member company drivers are subject to the following terms and conditions:

(1) TRALA and its drivers must comply with all other applicable Federal Motor Carrier Safety Regulations (49 CFR part 350–399).

(2) Evidence that a carrier has replaced one rental CMV with another on eight-day cycles or attempted to renew a rental agreement for the same CMV for an additional eight days will be regarded as a violation of the exemption and subject the carrier and driver to the penalties for failure to use an ELD.

(3) Drivers must have a copy of this notice in their possession while operating under the terms of the exemption. The exemption document must be presented to law enforcement officials upon request.

(4) Drivers must have a copy of the rental agreement in the CMV, and make it available to law enforcement officers on request. The agreement must clearly identify the parties to the agreement, the vehicle, and the dates of the rental period.

(5) Drivers must possess copies of their RODS for the current day and the prior seven days, if required on those days.

D. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

E. Notification to FMCSA

Carriers operating under this exemption must notify FMCSA within five business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's drivers operating under the terms of this exemption. The notification must include the following information:

(a) Identity of Exemption: ''TRALA''

(b) Date of the accident,

(c) City or town, and State, in which the accident occurred, or closest to the accident scene,

(d) Driver's name and license number,

(e) Co-driver's name and license number,

(f) Vehicle number and State license number,

(g) Number of individuals suffering physical injury,

(h) Number of fatalities,

(i) The police-reported cause of the accident,

(j) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and

(k) The total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@dot.gov.*

F. Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. The exemption will be rescinded if: (1) Motor carriers and drivers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objects of 49 U.S.C. 31136(e) and 31315.

VI. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on TRALA's application for an exemption from the provisions in 49 CFR 395.8(a)(1)(i) that require a motor carrier to install and require each of its drivers to use an ELD to record the driver's HOS. The exemption allows drivers of property carrying CMVs rented for 8 days or less, regardless of reason, to not use an ELD in the vehicle. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Robin Hutcheson,

Deputy Administrator.

[FR Doc. 2022–19556 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2010–0056]

BNSF Railway Company's Request To Amend Its Positive Train Control Safety Plan and Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on September 2, 2022, BNSF Railway Company (BNSF) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP). As this RFA may involve a request for FRA's approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTCSP.

DATES: FRA will consider comments received by October 3, 2022. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES: *Comments:* Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0056. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal and train control system. Accordingly, this notice informs the public that, on September 2, 2022, BNSF submitted an RFA to its PTCSP for its Interoperable Electronic Train Management System (I–ETMS) and that RFA is available in Docket No. FRA–2010–0056.

Interested parties are invited to comment on BNSF's RFA to its PTCSP by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.* To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2022–19636 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2022–0002–N–15]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On April 28, 2022, FRA published a notice providing a 60-day period for public comment on the ICR.

DATES: Interested persons are invited to submit comments on or before October 12, 2022.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find the particular ICR by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Hodan Wells, Information Collection Clearance Officer, at email: *Hodan.Wells@dot.gov* or telephone: (202) 868–9412.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On April 28, 2022, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. *See* 87 FR 25342. FRA received no comments related to the proposed collection of information.

Before OMB decides whether to approve the proposed collection of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(a); *see also* 60 FR 44978, 44983 (Aug. 29, 1995). OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the

information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: System for Telephonic Notification of Unsafe Conditions at Highway-Rail and Pathway Grade Crossings.

OMB Control Number: 2130–0591.

Abstract: The collection of information set forth under 49 CFR part 234 is used by FRA to ensure that the Congressional mandate [1] to require railroad carriers to establish and maintain a toll-free telephone service to report unsafe conditions at highway-rail and pathway grade crossings is carried out. This information is used by railroads to investigate and respond to unsafe conditions and thereby reduce the risk of accidents/incidents and corresponding casualties and property damage at such crossings. Additionally, law enforcement authorities use the information to direct vehicular traffic or carry out other activities to maintain safety at the highway-rail grade crossing or pathway grade crossing.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 621 railroads.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 163,996.

Total Estimated Annual Burden: 13,649 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $985,062.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

[1] Section 205 of the Rail Safety Improvement Act of 2008, Public Law 110–432, Division A (October 16, 2008).

Authority: 4 U.S.C. 3501–3520.

Brett A. Jortland,

Deputy Chief Counsel.

[FR Doc. 2022–19594 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[PHMSA–2019–0098]

Lithium Battery Air Safety Advisory Committee; Notice of Public Meeting

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the Lithium Battery Air Safety Advisory Committee (Committee).

DATES: The meeting will be held on October 20, 2022, from 9:00 a.m. to 5:30 p.m. Eastern Daylight Time. Requests to attend the meeting must be sent by October 5, 2022, to the point of contact identified in the **FOR FURTHER INFORMATION CONTACT** section. Persons requesting to speak during the meeting must submit a written copy of their remarks to DOT by October 5, 2022. Requests to submit written materials to be reviewed during the meeting must be received no later than October 5, 2022.

ADDRESSES: The meeting will be held during the Federal Aviation Administration (FAA) hosted Tenth Triennial International Fire & Cabin Safety Research Conference in Atlantic City, NJ.[1] A virtual attendance option will also be available. Specific details on location and access to this hybrid meeting will be posted on the Committee website located at: *https://www.phmsa.dot.gov/hazmat/rulemakings/lithium-battery-safety-advisory-committee.* The E-Gov website is located at *https://www.regulations.gov*. Mailed written comments intended for the Committee should be sent to Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Steven Webb or Aaron Wiener, PHMSA, U.S. Department of Transportation. Telephone: (202) 366–8553. Email: *lithiumbatteryFACA@dot.gov.* Any committee-related request should be sent to the email address listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The Lithium Battery Air Safety Advisory Committee was created under the Federal Advisory Committee Act (FACA, Pub. L. 92–463), in accordance with Section 333(d) of the FAA Reauthorization Act of 2018 (Pub. L. 115–254).

II. Agenda

The meeting agenda will address the following duties of the Committee as specifically outlined in Section 333(d) of the FAA Reauthorization Act:

(a) Facilitate communication among manufacturers of lithium batteries and products containing lithium batteries, air carriers, and the federal government.

(b) Discuss the effectiveness and the economic and social impacts of lithium battery transportation regulations.

(c) Provide the Secretary with information regarding new technologies and transportation safety practices.

(d) Provide a forum to discuss Departmental activities related to lithium battery transportation safety.

(e) Advise and recommend activities to improve the global enforcement of air transportation of lithium batteries, and the effectiveness of those regulations.

(f) Provide a forum for feedback on potential U.S. positions to be taken at international forums.

(g) Guide activities to increase awareness of relevant requirements.

(h) Review methods to decrease the risk posed by undeclared hazardous materials.

A final agenda will be posted on the Lithium Battery Air Safety Advisory Committee website at least 15 days in advance of the meeting.

III. Public Participation

The meeting will be open to the public. DOT is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than October 5, 2022.

To accommodate as many speakers as possible, time for each commenter may be limited. There will be five minutes allotted for oral comments from members of the public joining the meeting. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name,

[1] *https://www.fire.tc.faa.gov/2022Conference/conference.asp.*

address, and organizational affiliation of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, PHMSA may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to Lithium Battery Air Safety Advisory Committee members. All prepared remarks submitted on time will be accepted and considered as part of the record. Any member of the public may present a written statement to the committee at any time.

Copies of the meeting minutes and committee presentations will be available on the Lithium Battery Air Safety Advisory Committee website. Presentations will also be posted on the E-Gov website in docket number [PHMSA–2019–0098], within 30 days following the meeting.

Written comments: Persons who wish to submit written comments on the meetings may submit them to docket [PHMSA–2019–0098] in the following ways:

1. E-Gov Website: This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

2. Mail

Instructions: Identify the docket number [PHMSA–2019–0098] at the beginning of your comments. Note that all comments received will be posted without change to the E-Gov website, including any personal information provided. Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, consider reviewing DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477), or view the Privacy Notice on the E-Gov website before submitting comments.

Docket: For docket access or to read background documents or comments, go to the E-Gov website at any time or visit the DOT dockets facility listed in the **ADDRESSES** category, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on [PHMSA–2019–0098].'' The docket clerk will date stamp the postcard prior to returning it to you via U.S. mail.

Privacy Act Statement

DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to the E-Gov website, as described in the system of records notice (DOT/ALL–14 FDMS).

Issued in Washington, DC, on September 7, 2022.

William S. Schoonover,

Associate Administrator.

[FR Doc. 2022–19610 Filed 9–9–22; 8:45 am]

BILLING CODE 4910–9X–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act; Meeting

TIME AND DATE: September 15, 2022, 12:00 p.m. to 2:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll) or (ii) 1–877–853–5247 (US Toll Free) or 1–888–788–0099 (US Toll Free), Meeting ID: 972 2434 0076, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is *https://kellen.zoom.us/meeting/register/tJMvde2rqjsqHdKLTShpozx2TVrpEqvpG1HG*.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Education and Training Subcommittee (the ''Subcommittee'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—Subcommittee Chair

The Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Subcommittee Agenda will be reviewed and the Subcommittee will consider adoption.

Ground Rules

➢ Subcommittee action only to be taken in designated areas on agenda.

IV. Review and Approval of Subcommittee Minutes From the August 18, 2022 Subcommittee Meeting—Subcommittee Chair

For Discussion and Possible Subcommittee Action

Draft minutes from the August 18, 2022, Subcommittee meeting via teleconference will be reviewed. The Subcommittee will consider action to approve.

V. Roadside Enforcement Module Video Update—Subcommittee Chair

The Subcommittee Chair will provide a final update on the Roadside Enforcement Module that describes the steps a roadside law enforcement officer would use to enforce UCR.

VI. UCR Education and E-Certificate Strategy—Subcommittee Chair

The Subcommittee Chair will discuss the UCR E-Certificate and assign Audit Module II videos to Subcommittee members.

VII. UCR Volunteer Training Module—UCR Chief Staff Executive

The UCR Chief Staff Executive will discuss the UCR Volunteer Training Module.

VIII. Other Business—Subcommittee Chair

The Subcommittee Chair will call for any other items Subcommittee members would like to discuss.

IX. Adjournment—Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, September 7, 2022 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2022–19735 Filed 9–8–22; 11:15 am]

BILLING CODE 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0718]

Agency Information Collection Activity Under OMB Review: Yellow Ribbon Program Agreement and Principles of Excellence for Educational Institutions

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection revision should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0718.

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. 2900–0718'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Title 38 United States Code (U.S.C.) 3317 and Executive Order 13607.

Title: Yellow Ribbon Program Agreement and Principles of Excellence for Educational Institutions, VA Form 22–0839 and VA Form 22–10275.

OMB Control Number: 2900–0718.

Type of Review: Revision of a currently approved collection.

Abstract: These forms will be used to satisfy requirements as outlined. VA Form 22–0839, Yellow Ribbon Program Agreement, is sanctioned by Public Law 110–252 which authorized the Department of Veterans Affairs (VA) to administer an education benefit program known as the Post-9/11 GI Bill. Section 3317 of title 38, United States Code, established the Yellow Ribbon G.I. Enhancement Program, referred to as the ''Yellow Ribbon Program''. The Yellow Ribbon Program allows Institutions of Higher Learning (IHLs) to voluntarily enter into an agreement with VA to commit to contributing towards the outstanding amount of tuition and fees not otherwise covered under the Post-9/11 GI Bill. VA will match the contribution made by the IHL not to exceed fifty percent of the total outstanding amount of tuition and fees. IHLs wishing to participate in the Yellow Ribbon Program are required to submit the Yellow Ribbon Program Agreement (VA Form 22–0839) indicating the maximum number of students that can receive this additional benefit under the program, the maximum contribution towards outstanding tuition and fees for each student based on student status (*i.e.,* undergraduate, graduate, doctoral) or sub-element (*i.e.* college or professional school). Title 38 U.S.C 3317 necessitates this collection of information. VA Form 22–10275, Principles of Excellence for Educational Institution is authorized by Executive Order 13607. Participating schools commit to voluntarily follow the guidelines outlined in Executive Order 13607 intended to promote transparency and student success. Currently, the VA Form 22–0839 includes the Principles of Excellence (POE) application, but because only degree granting schools can participate in the Yellow Ribbon Program, non-degree granting schools are disadvantaged. Further the Yellow Ribbon Program Participation is only solicited during an annual 'open season' from March to May, POE participation is further restricted. VA Form 22–10275 will be made available year-round. Executive Order 13607 necessitates this collection of information. A respondent need only file a Yellow Ribbon Agreement once therefore the burden cannot be decreased further. If the information is not collected, VA will not be able to administer the provisions of the Yellow Ribbon Program as mandated by statute. Similarly, a respondent needs only a single form to elect to participate in the Principles of Excellence.

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 39161 on June 30, 2022, Pages 39161 and 39162.

Affected Public: Individuals or Households.

Estimated Annual Burden: 25,928 total hours.

Estimated Average Burden Time per Respondent: 14 hours.

Frequency of Response: Once per form type.

Estimated Number of Respondents: 1,852.

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. 2022–19066 Filed 9–9–22; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 87 Monday,
No. 175 September 12, 2022

Part II

The President

Notice of September 9, 2022—Continuation of the National Emergency With Respect to Certain Terrorist Attacks
Notice of September 9, 2022—Continuation of the National Emergency With Respect to Ethiopia

Federal Register
Vol. 87, No. 175
Monday, September 12, 2022

Presidential Documents

Title 3—

The President

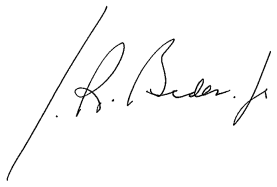
Notice of September 9, 2022

Continuation of the National Emergency With Respect to Certain Terrorist Attacks

Consistent with section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), I am continuing for 1 year the national emergency previously declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks of September 11, 2001, and the continuing and immediate threat of further attacks on the United States.

Because the terrorist threat continues, the national emergency declared on September 14, 2001, and the powers and authorities adopted to deal with that emergency must continue in effect beyond September 14, 2022. Therefore, I am continuing in effect for an additional year the national emergency that was declared on September 14, 2001, with respect to the terrorist threat.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
September 9, 2022.

[FR Doc. 2022–19861
Filed 9–9–22; 11:15 am]
Billing code 3395–F2–P

Presidential Documents

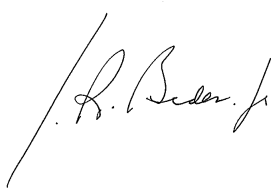
Notice of September 9, 2022

Continuation of the National Emergency With Respect to Ethiopia

On September 17, 2021, by Executive Order 14046, I declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in and in relation to northern Ethiopia.

The situation in and in relation to northern Ethiopia, which has been marked by activities that threaten the peace, security, and stability of Ethiopia and the greater Horn of Africa region—in particular, widespread violence, atrocities, and serious human rights abuses, including those involving ethnic-based violence, rape and other forms of gender-based violence, and obstruction of humanitarian operations—continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 14046 of September 17, 2021, must continue in effect beyond September 17, 2022. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 14046 with respect to Ethiopia.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
September 9, 2022.

[FR Doc. 2022–19863
Filed 9–9–22; 11:15 am]
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