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Title 3—

The President

Proclamation 10453 of September 23, 2022

National Hunting and Fishing Day, 2022

By the President of the United States of America

A Proclamation

Every year, tens of millions of Americans take to the great outdoors to hunt and fish. These time-honored traditions offer opportunities for sport and leisure, put food on our tables, and bring families and friends together. They embody the American spirit of adventure and resourcefulness and inspire gratitude for the beauty and bounty of our natural world. On National Hunting and Fishing Day, we celebrate America's hunters and anglers for strengthening our communities and recommit ourselves to conserving lands and waters so future generations can enjoy these beloved pastimes.

Hunting and fishing are more than just hobbies—they also sustain livelihoods. They contribute billions of dollars annually to our Nation's economy and support over a million jobs in the United States. They bring important tourism dollars to communities and create new business opportunities for local entrepreneurs. To strengthen these industries, my Administration expanded hunting and fishing opportunities on 2.1 million acres of public lands last year, one of the largest increases in recent history. We have also proposed additional expansions to the number of Federal land and water units within the National Wildlife Refuge System where hunting and fishing are permitted.

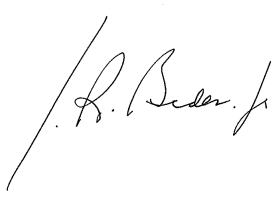
The future of hunting and fishing depends on our ability to conserve America's public lands and natural spaces. Over the years, the twin crises of biodiversity loss and climate change have made healthy fish and game harder to find. Hunters and anglers have been some of our Nation's earliest conservation leaders, and they continue to be an integral part of the solution. Additionally, for nearly a century, Federal programs that direct revenue from equipment and license sales have funded State and local conservation efforts throughout the country, bringing in more than $25.5 billion to date. To bolster the impact of these programs, my Administration recently announced a record investment of $1.5 billion in annual funding to support State and local wildlife and habitat conservation efforts and outdoor recreation. We also established the Federal Interagency Council on Outdoor Recreation to coordinate efforts between the Departments of the Interior, Agriculture, Defense-Civil Works, and Commerce to strengthen the outdoor recreation economy. And my Administration's America the Beautiful Initiative set a national goal of conserving at least 30 percent of our Nation's lands and waters by 2030, launching a decade-long effort to support locally led and voluntary conservation and restoration projects. This work is tied to our fight against the climate crisis, our pledge to drastically reduce emissions, and our duty to build a better, healthier world.

As we reflect on the long-cherished traditions and cultural heritage of hunting and fishing, we recognize America's hunters and anglers in their pursuit of adventure and commitment to conserve our natural world. We recommit to strengthening the hunting and fishing industries in a responsible and sustainable way while supporting the people whose livelihoods depend on them. And we renew our efforts to build partnerships with hunters and anglers; agricultural and forest landowners; outdoor enthusiasts; Tribal

Nations, States, and territories; local officials; and other important stakeholders to make public lands accessible to all Americans and keep our outdoor spaces healthy and resilient for generations to come.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 24, 2022, as National Hunting and Fishing Day. I call upon all Americans to observe this day with appropriate programs and activities.

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



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Presidential Documents

Proclamation 10454 of September 23, 2022

National Public Lands Day, 2022

By the President of the United States of America

A Proclamation

On National Public Lands Day, we give thanks for the precious public lands that are the birthright of every American and at the heart of our national pride. From national parks to monuments, conservation areas, wildlife refuges, forests, grasslands, marine sanctuaries, reservoirs, and lakes—these lands provide endless opportunities for adventure, education, and respite. They are the ancestral homelands of Tribal Nations and Indigenous peoples—sacred sites with rich heritage. They sustain the outdoor recreation industry and strengthen our economy. They protect biodiversity, help mitigate climate change, and make communities more resilient to extreme weather events and natural disasters. On this day, we acknowledge our responsibility to make our public lands accessible to all Americans and recommit ourselves to conserving these spaces for generations to come.

Since 1994, volunteers across our country have joined together on this day to perform acts of service and help safeguard public lands. From the Colorado River to the Superior National Forest, participants clean waterways, maintain trails, reforest land, and learn about the value of conservation. The theme of this year's National Public Lands Day is ''Giving Back Together,'' an acknowledgement of the many ways public lands enrich our lives and a reminder of the power they have to unite us around a common appreciation for the natural world. I encourage everyone to visit blm.gov/national-public-lands-day and seek out volunteer opportunities near you.

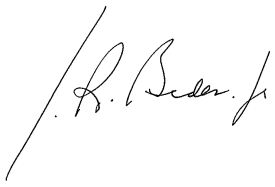
My Administration is committed to helping protect and restore America's cherished public lands. With our Inflation Reduction Act and historic funding from the Congress, we will tackle the climate crises by investing in clean energy, securing funding for climate-friendly jobs, strengthening wildfire resilience, and combatting deforestation. We will redouble our efforts to protect old-growth forests, reestablish the boundaries of treasured monuments, and reassert protections for wildlife. Through the Civilian Climate Corps, we hope to put Americans to work conserving public lands across our Nation. And with our America the Beautiful Initiative, my Administration is working with State, local, and Tribal governments, as well as private landowners, to voluntarily conserve 30 percent of our Nation's lands and waters by 2030.

Additionally, we are working to ensure that our public lands—central to our Nation's heritage—tell the full story of America and remain accessible to all Americans. That is why I signed the Amache National Historic Site Act to acknowledge the unjust incarceration of thousands of civilians of Japanese ancestry at Amache during World War II. I restored protections for the Bears Ears, Grand Staircase-Escalante, and Northeast Canyons and Seamounts National Monuments to safeguard the ancestral homelands of Tribal Nations, preserve vital cultural and archaeological artifacts, and honor the history of those who stewarded these grounds since time immemorial. Public lands reflect our past and create opportunities for commemoration and healing for the future. It is essential that we continue to make public lands accessible to all Americans so that everyone can benefit and derive meaning from their splendor and the histories they tell.

Today, federally managed public lands will offer free admission to all visitors, and I encourage Americans to explore these locations. I also invite everyone to express gratitude to the dedicated staff and volunteers who work hard to preserve our public lands and safeguard these national treasures for all Americans to enjoy.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 24, 2022, as National Public Lands Day. I invite all Americans to join me in a day of service for our public lands.

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



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Presidential Documents

Proclamation 10455 of September 23, 2022

Gold Star Mother's and Family's Day, 2022

By the President of the United States of America

A Proclamation

Today and always, we honor the families of American service members who made the ultimate sacrifice to protect our lives and our liberties. Let us remember the heroes they lost, share in their grief, and support them as they navigate life without their loved ones by their sides.

The world teaches us time and again that peace is never guaranteed and that the blessings of a free society can never be taken for granted. As we again see the advance of authoritarianism around the globe, our Nation's service members continue to preserve and defend an idea rooted in freedom and democracy: the idea of the United States of America. They answer duty's call, prepared to sacrifice everything to keep our country safe and our fundamental principles strong and secure.

At every step, the families of these patriots share in the sacrifice—their service too often unseen, their heroism too often unsung. Military service often requires loved ones to celebrate life's milestones apart, parents to raise children alone, and partners to forgo each other's wisdom, comfort, and love when it is needed most. Deployments can bring uncertainty and fear—something my family has experienced firsthand. And for those who receive that devastating news—that their loved one is not returning home—life is never the same.

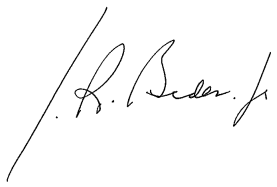
No words can fill the hole left in the heart of each of our Nation's Gold Star families. No ceremonies can replace the missing pieces of their souls. But we must never fail to recognize all these families have given for our Nation. We will uphold our fundamental duty to remember the lives of our fallen warriors and honor our sacred obligation to stand by their surviving families—always. And through my Administration's Joining Forces initiative, we will ensure that all military and veteran families, caregivers, and survivors have what they need to begin healing.

On Gold Star Mother's and Family's Day, our country renews its pledge to ensure that these heroes' families have the resources and the support they need in their loved ones' absences. We honor the Gold Star families who are there for one another even in their own grief, bringing solace to others who understand their pain. And on behalf of a grateful Nation, we thank these families for their service and their sacrifice. May God bless our troops and may God bless our Gold Star families.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895 as amended), has designated the last Sunday in September as ''Gold Star Mother's Day.''

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, September 25, 2022, as Gold Star Mother's and Family's Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation's gratitude and respect for our Gold Star Mothers and Families.

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



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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. No. AMS–CN–22–0003]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2022 Amendments)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the Cotton Board Rules and Regulations, increasing the value assigned to imported cotton for the purposes of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. This amendment is required each year to ensure that assessments collected on imported cotton and the cotton content of imported products will be the same as those paid on domestically produced cotton. In addition, AMS is updating the Harmonized Tariff Schedule (HTS) statistical reporting numbers that were amended since the last assessment adjustment in 2021.

DATES: This direct rule is effective November 28, 2022, without further action or notice, unless significant adverse comment is received by October 28, 2022. If significant adverse comment is received, AMS will publish a timely withdrawal of the amendment in the **Federal Register**.

ADDRESSES: Interested persons are invited to submit written comments concerning this direct final rule. Comments may be submitted by mail or hand delivery to Cotton Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406 or via the internet at: *https://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this direct final rule will be included in the record and will be made available to the public and can be viewed at: *https://www.regulations.gov.* Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Shethir M. Riva, Director, Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406, telephone (540) 361–2726, facsimile (540) 361–1199, or email at *CottonRP@usda.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Amendments to the Cotton Research and Promotion Act (7 U.S.C. 2101–2118) (Act) were enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101–624, 104 Stat. 3909, November 28, 1990). These amendments contained two provisions that authorized changes in the funding procedures for the Cotton Research and Promotion Program. These provisions provided for: (1) the assessment of imported cotton and cotton products; and (2) termination of refunds to cotton producers. (Prior to the 1990 amendments to the Act, producers could request assessment refunds.)

As amended, the Cotton Research and Promotion Order (7 CFR part 1205) (Order) was approved by producers and importers voting in a referendum held July 17–26, 1991, and the amended Order was published in the **Federal Register** on December 10, 1991, (56 FR 64470). A proposed rule implementing the amended Order was published in the **Federal Register** on December 17, 1991, (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

This direct final rule would amend the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510(b)(2)) that is used to determine the Cotton Research and Promotion assessment on imported cotton and cotton products. The total value of assessment levied on cotton imports is the sum of two parts. The first part of the assessment is based on the weight of cotton imported—levied at a rate of $1 per bale of cotton, which is equivalent to 500 pounds, or $1 per 226.8 kilograms of cotton. The second part of the import assessment (referred to as the supplemental assessment) is based on the value of imported cotton lint or the cotton contained in imported cotton products—levied at a rate of five-tenths of one percent of the value of domestically produced cotton.

Section 1205.510(b)(2) of the Cotton Board Rules and Regulations provides for assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products is the same. The source for the average price statistic is *Agricultural Prices,* a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products will yield an assessment that is the same as assessments paid on domestically produced cotton.

The current value of imported cotton as published in 2021 in the **Federal Register** (86 FR 47541) for the purpose of calculating assessments on imported cotton is $0.011136 per kilogram. Using the average weighted price received by U.S. farmers for Upland cotton for the calendar year 2021, this direct final rule would amend the new value of imported cotton to $0.013215 per kilogram to reflect the price received by U.S. farmers for Upland cotton during 2021.

An example of the complete assessment formula and how the figures are obtained is as follows: [1]

One bale is equal to 500 pounds.

One kilogram equals 2.2046 pounds.

One pound equals 0.453597 kilograms.

One Dollar per Bale Assessment Converted to Kilograms

A 500-pound bale equals 226.8 kg. (500×0.453597).

$1 per bale assessment equals $0.002000 per pound or 0.2000 cents

[1] Results are rounded for ease of presentation. Totals may not sum due to rounding.

per pound (1/500) or $0.004409 per kg or 0.4409 cents per kg. (1/226.8).

Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms

The 2021 calendar year weighted average price received by producers for Upland cotton is $0.799 per pound or $1.761 per kg. (0.799 × 2.2046).

Five tenths of one percent of the average price equals $0.008806 per kg. (1.761 × 0.005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the $1 per bale equivalent assessment of $0.004409 per kg. and the supplemental assessment $0.008806 per kg., which equals $0.013215 per kg.

The current assessment on imported cotton is $0.011136 per kilogram of imported cotton. The revised assessment in this direct final rule is $0.013215, an increase of $0.002079 per kilogram. This reflects the increase in the average weighted price of Upland cotton received by U.S. farmers during the period January through December 2021.

The Import Assessment Table in section 1205.510(b)(3) of the Order indicates the total assessment rate ($ per kilogram) due for each Harmonized Tariff Schedule (HTS) number that is subject to assessment. This table must be revised each year to reflect changes in supplemental assessment rates and any changes to the HTS numbers. In this direct final rule, AMS is amending the Import Assessment Table.

AMS believes that these amendments are necessary to ensure that assessments collected on imported cotton and the cotton content of imported products are the same as those paid on domestically produced cotton. Accordingly, changes reflected in this rule should be adopted and implemented as soon as possible since it is required by regulation.

As described in this **Federal Register** document, the amendment to the value used to determine the Cotton Research and Promotion Program importer assessment will be updated to reflect the assessment already paid by U.S. farmers. For the reasons mentioned above, AMS finds that publishing a proposed rule and seeking public comment is unnecessary because the change is required annually by regulation in 7 CFR 1205.510.

Also, this direct-final rulemaking furthers the objectives of Executive Order 13563, which requires that the regulatory process ''promote predictability and reduce uncertainty'' and ''identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends.''

AMS has used the direct rule rulemaking process since 2013 and has not received any adverse comments; however, if AMS does receives significant adverse comments during the comment period, it will publish, in a timely manner, a document in the **Federal Register** withdrawing this direct final rule. AMS will then address public comments in a subsequent proposed rule and final rule based on the proposed rule.

B. Rulemaking Analyses

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 12 of the Act, any person subject to an order may file with the Secretary of Agriculture (Secretary) a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of the Secretary's ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has examined the economic impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be unduly or disproportionately burdened. The Small Business Administration defines, in 13 CFR 121.201, a small cotton farming business as those having annual receipts of no more than $2,750,000 and small ''Other Farm Product Raw Material Merchant Wholesalers'' (cotton merchants/importers) as having no more than 100 employees. The Cotton Board estimates approximately 40,000 importers are subject to the rules and regulations issued pursuant to the Cotton Research and Promotion Order. According to the United States Census Bureau's ''2019 Survey of SUSB Annual Data Tables by Establishment Industry,'' most importers are considered small entities as defined by the Small Business Administration (13 CFR 121.201). This rule would only affect importers of cotton and cotton-containing products and would increase the assessments paid by the importers under the Cotton Research and Promotion Order. The current assessment on imported cotton is $0.011136 per kilogram of imported cotton. The amended assessment would be $0.013215, which was calculated based on the 12-month weighted average of price received by U.S. cotton farmers in 2021. Section 1205.510 of the Order, ''Levy of assessments'', provides ''The rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States.'' In addition, section 1205.510 provides that the 12-month weighted average of prices received by U.S. farmers will be used as the value of imported cotton for the

purpose of levying the supplemental assessment on imported cotton.

Under the Cotton Research and Promotion Program, assessments are used by the Cotton Board to finance research and promotion programs designed to increase consumer demand for Upland cotton in the United States and international markets. In 2021, producer assessments totaled $40.1 million and importer assessments totaled $44.2 million. According to the Cotton Board, should the volume of cotton products imported into the U.S. remain at the same level in 2022, one could expect an increase of assessments by approximately $8,268,674.

Imported organic cotton and products may be exempt from assessment if eligible under section 1205.519 of the Order.

There are no Federal rules that duplicate, overlap, or conflict with this rule. In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581–0093, National Research, Promotion, and Consumer Information Programs. This rule does not result in a change to the information collection and recordkeeping requirements previously approved.

A 30-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because an amendment is required to adjust the assessments collected on imported cotton and the cotton content of imported products to be the same as those paid on domestically produced cotton.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 1205 as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

■ 1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118; 7 U.S.C. 7401.

■ 2. In § 1205.510, paragraph (b)(2) and the table in paragraph (b)(3) are revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *

(2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment is $1.3215 cents per kilogram.

(3) * * *

IMPORT ASSESSMENT TABLE

[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5007106010	0.2713	0.3585230
5007106020	0.2713	0.3585230
5007906010	0.2713	0.3585230
5007906020	0.2713	0.3585230
5112904000	0.1085	0.1433828
5112905000	0.1085	0.1433828
5112909010	0.1085	0.1433828
5112909090	0.1085	0.1433828
5201000500	1	1.3215000
5201001200	1	1.3215000
5201001400	1	1.3215000
5201001800	1	1.3215000
5201002200	1	1.3215000
5201002400	1	1.3215000
5201002800	1	1.3215000
5201003400	1	1.3215000
5201003800	1	1.3215000
5204110000	1.0526	1.3910109
5204190000	0.6316	0.8346594
5204200000	1.0526	1.3910109
5205111000	1	1.3215000
5205112000	1	1.3215000
5205121000	1	1.3215000
5205122000	1	1.3215000
5205131000	1	1.3215000
5205132000	1	1.3215000
5205141000	1	1.3215000
5205142000	1	1.3215000
5205151000	1	1.3215000
5205152000	1	1.3215000
5205210020	1.044	1.3796460
5205210090	1.044	1.3796460
5205220020	1.044	1.3796460
5205220090	1.044	1.3796460
5205230020	1.044	1.3796460
5205230090	1.044	1.3796460
5205240020	1.044	1.3796460
5205240090	1.044	1.3796460
5205260020	1.044	1.3796460
5205260090	1.044	1.3796460
5205270020	1.044	1.3796460
5205270090	1.044	1.3796460
5205280020	1.044	1.3796460
5205280090	1.044	1.3796460
5205310000	1	1.3215000
5205320000	1	1.3215000
5205330000	1	1.3215000
5205340000	1	1.3215000
5205350000	1	1.3215000
5205410020	1.044	1.3796460
5205410090	1.044	1.3796460
5205420021	1.044	1.3796460
5205420029	1.044	1.3796460

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5205420090	1.044	1.3796460
5205430021	1.044	1.3796460
5205430029	1.044	1.3796460
5205430090	1.044	1.3796460
5205440021	1.044	1.3796460
5205440029	1.044	1.3796460
5205440090	1.044	1.3796460
5205460021	1.044	1.3796460
5205460029	1.044	1.3796460
5205460090	1.044	1.3796460
5205470021	1.044	1.3796460
5205470029	1.044	1.3796460
5205470090	1.044	1.3796460
5205480020	1.044	1.3796460
5205480090	1.044	1.3796460
5206110000	0.7368	0.9736812
5206120000	0.7368	0.9736812
5206130000	0.7368	0.9736812
5206140000	0.7368	0.9736812
5206150000	0.7368	0.9736812
5206210000	0.7692	1.0164978
5206220000	0.7692	1.0164978
5206230000	0.7692	1.0164978
5206240000	0.7692	1.0164978
5206250000	0.7692	1.0164978
5206310000	0.7368	0.9736812
5206320000	0.7368	0.9736812
5206330000	0.7368	0.9736812
5206340000	0.7368	0.9736812
5206350000	0.7368	0.9736812
5206410000	0.7692	1.0164978
5206420000	0.7692	1.0164978
5206430000	0.7692	1.0164978
5206440000	0.7692	1.0164978
5206450000	0.7692	1.0164978
5207100000	0.9474	1.2519891
5207900000	0.6316	0.8346594
5208112020	1.0852	1.4340918
5208112040	1.0852	1.4340918
5208112090	1.0852	1.4340918
5208114020	1.0852	1.4340918
5208114040	1.0852	1.4340918
5208114060	1.0852	1.4340918
5208114090	1.0852	1.4340918
5208116000	1.0852	1.4340918
5208118020	1.0852	1.4340918
5208118090	1.0852	1.4340918
5208124020	1.0852	1.4340918
5208124040	1.0852	1.4340918
5208124090	1.0852	1.4340918
5208126020	1.0852	1.4340918
5208126040	1.0852	1.4340918
5208126060	1.0852	1.4340918
5208126090	1.0852	1.4340918
5208128020	1.0852	1.4340918
5208128090	1.0852	1.4340918
5208130000	1.0852	1.4340918
5208192020	1.0852	1.4340918
5208192090	1.0852	1.4340918
5208194020	1.0852	1.4340918
5208194090	1.0852	1.4340918
5208196020	1.0852	1.4340918
5208196090	1.0852	1.4340918
5208198020	1.0852	1.4340918
5208198090	1.0852	1.4340918
5208212020	1.0852	1.4340918
5208212040	1.0852	1.4340918
5208212090	1.0852	1.4340918
5208214020	1.0852	1.4340918

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5208214040	1.0852	1.4340918
5208214060	1.0852	1.4340918
5208214090	1.0852	1.4340918
5208216020	1.0852	1.4340918
5208216090	1.0852	1.4340918
5208224020	1.0852	1.4340918
5208224040	1.0852	1.4340918
5208224090	1.0852	1.4340918
5208226020	1.0852	1.4340918
5208226040	1.0852	1.4340918
5208226060	1.0852	1.4340918
5208226090	1.0852	1.4340918
5208228020	1.0852	1.4340918
5208228090	1.0852	1.4340918
5208230000	1.0852	1.4340918
5208292020	1.0852	1.4340918
5208292090	1.0852	1.4340918
5208294020	1.0852	1.4340918
5208294090	1.0852	1.4340918
5208296020	1.0852	1.4340918
5208296090	1.0852	1.4340918
5208298020	1.0852	1.4340918
5208298090	1.0852	1.4340918
5208312000	1.0852	1.4340918
5208314020	1.0852	1.4340918
5208314040	1.0852	1.4340918
5208314090	1.0852	1.4340918
5208316020	1.0852	1.4340918
5208316040	1.0852	1.4340918
5208316060	1.0852	1.4340918
5208316090	1.0852	1.4340918
5208318020	1.0852	1.4340918
5208318090	1.0852	1.4340918
5208321000	1.0852	1.4340918
5208323020	1.0852	1.4340918
5208323040	1.0852	1.4340918
5208323090	1.0852	1.4340918
5208324020	1.0852	1.4340918
5208324040	1.0852	1.4340918
5208324060	1.0852	1.4340918
5208324090	1.0852	1.4340918
5208325020	1.0852	1.4340918
5208325090	1.0852	1.4340918
5208330000	1.0852	1.4340918
5208392020	1.0852	1.4340918
5208392090	1.0852	1.4340918
5208394020	1.0852	1.4340918
5208394090	1.0852	1.4340918
5208396020	1.0852	1.4340918
5208396090	1.0852	1.4340918
5208398020	1.0852	1.4340918
5208398090	1.0852	1.4340918
5208412000	1.0852	1.4340918
5208414000	1.0852	1.4340918
5208416000	1.0852	1.4340918
5208418000	1.0852	1.4340918
5208421000	1.0852	1.4340918
5208423000	1.0852	1.4340918
5208424000	1.0852	1.4340918
5208425000	1.0852	1.4340918
5208430000	1.0852	1.4340918
5208492000	1.0852	1.4340918
5208494010	1.0852	1.4340918
5208494020	1.0852	1.4340918
5208494090	1.0852	1.4340918
5208496010	1.0852	1.4340918
5208496020	1.0852	1.4340918
5208496030	1.0852	1.4340918
5208496090	1.0852	1.4340918

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5208498020	1.0852	1.4340918
5208498090	1.0852	1.4340918
5208512000	1.0852	1.4340918
5208514020	1.0852	1.4340918
5208514040	1.0852	1.4340918
5208514090	1.0852	1.4340918
5208516020	1.0852	1.4340918
5208516040	1.0852	1.4340918
5208516060	1.0852	1.4340918
5208516090	1.0852	1.4340918
5208518020	1.0852	1.4340918
5208518090	1.0852	1.4340918
5208521000	1.0852	1.4340918
5208523020	1.0852	1.4340918
5208523035	1.0852	1.4340918
5208523045	1.0852	1.4340918
5208523090	1.0852	1.4340918
5208524020	1.0852	1.4340918
5208524035	1.0852	1.4340918
5208524045	1.0852	1.4340918
5208524055	1.0852	1.4340918
5208524065	1.0852	1.4340918
5208524090	1.0852	1.4340918
5208525020	1.0852	1.4340918
5208525090	1.0852	1.4340918
5208591000	1.0852	1.4340918
5208592015	1.0852	1.4340918
5208592025	1.0852	1.4340918
5208592085	1.0852	1.4340918
5208592095	1.0852	1.4340918
5208594020	1.0852	1.4340918
5208594090	1.0852	1.4340918
5208596020	1.0852	1.4340918
5208596090	1.0852	1.4340918
5208598020	1.0852	1.4340918
5208598090	1.0852	1.4340918
5209110020	1.0309	1.3623344
5209110025	1.0309	1.3623344
5209110035	1.0309	1.3623344
5209110050	1.0309	1.3623344
5209110090	1.0309	1.3623344
5209120020	1.0309	1.3623344
5209120040	1.0309	1.3623344
5209190020	1.0309	1.3623344
5209190040	1.0309	1.3623344
5209190060	1.0309	1.3623344
5209190090	1.0309	1.3623344
5209210020	1.0309	1.3623344
5209210025	1.0309	1.3623344
5209210035	1.0309	1.3623344
5209210050	1.0309	1.3623344
5209210090	1.0309	1.3623344
5209220020	1.0309	1.3623344
5209220040	1.0309	1.3623344
5209290020	1.0309	1.3623344
5209290040	1.0309	1.3623344
5209290060	1.0309	1.3623344
5209290090	1.0309	1.3623344
5209313000	1.0309	1.3623344
5209316020	1.0309	1.3623344
5209316025	1.0309	1.3623344
5209316035	1.0309	1.3623344
5209316050	1.0309	1.3623344
5209316090	1.0309	1.3623344
5209320020	1.0309	1.3623344
5209320040	1.0309	1.3623344
5209390020	1.0309	1.3623344
5209390040	1.0309	1.3623344
5209390060	1.0309	1.3623344

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5209390080	1.0309	1.3623344
5209390090	1.0309	1.3623344
5209413000	1.0309	1.3623344
5209416020	1.0309	1.3623344
5209416040	1.0309	1.3623344
5209420020	0.9767	1.2907091
5209420040	0.9767	1.2907091
5209420060	0.9767	1.2907091
5209420080	0.9767	1.2907091
5209430030	1.0309	1.3623344
5209430050	1.0309	1.3623344
5209490020	1.0309	1.3623344
5209490040	1.0309	1.3623344
5209490090	1.0309	1.3623344
5209513000	1.0309	1.3623344
5209516015	1.0852	1.4340918
5209516025	1.0852	1.4340918
5209516032	1.0852	1.4340918
5209516035	1.0852	1.4340918
5209516050	1.0852	1.4340918
5209516090	1.0852	1.4340918
5209520020	1.0852	1.4340918
5209520040	1.0852	1.4340918
5209590015	1.0852	1.4340918
5209590025	1.0852	1.4340918
5209590040	1.0852	1.4340918
5209590060	1.0852	1.4340918
5209590090	1.0852	1.4340918
5210114020	0.6511	0.8604287
5210114040	0.6511	0.8604287
5210114090	0.6511	0.8604287
5210116020	0.6511	0.8604287
5210116040	0.6511	0.8604287
5210116060	0.6511	0.8604287
5210116090	0.6511	0.8604287
5210118020	0.6511	0.8604287
5210118090	0.6511	0.8604287
5210191000	0.6511	0.8604287
5210192020	0.6511	0.8604287
5210192090	0.6511	0.8604287
5210194020	0.6511	0.8604287
5210194090	0.6511	0.8604287
5210196020	0.6511	0.8604287
5210196090	0.6511	0.8604287
5210198020	0.6511	0.8604287
5210198090	0.6511	0.8604287
5210214020	0.6511	0.8604287
5210214040	0.6511	0.8604287
5210214090	0.6511	0.8604287
5210216020	0.6511	0.8604287
5210216040	0.6511	0.8604287
5210216060	0.6511	0.8604287
5210216090	0.6511	0.8604287
5210218020	0.6511	0.8604287
5210218090	0.6511	0.8604287
5210291000	0.6511	0.8604287
5210292020	0.6511	0.8604287
5210292090	0.6511	0.8604287
5210294020	0.6511	0.8604287
5210294090	0.6511	0.8604287
5210296020	0.6511	0.8604287
5210296090	0.6511	0.8604287
5210298020	0.6511	0.8604287
5210298090	0.6511	0.8604287
5210314020	0.6511	0.8604287
5210314040	0.6511	0.8604287
5210314090	0.6511	0.8604287
5210316020	0.6511	0.8604287
5210316040	0.6511	0.8604287

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5210316060	0.6511	0.8604287
5210316090	0.6511	0.8604287
5210318020	0.6511	0.8604287
5210318090	0.6511	0.8604287
5210320000	0.6511	0.8604287
5210392020	0.6511	0.8604287
5210392090	0.6511	0.8604287
5210394020	0.6511	0.8604287
5210394090	0.6511	0.8604287
5210396020	0.6511	0.8604287
5210396090	0.6511	0.8604287
5210398020	0.6511	0.8604287
5210398090	0.6511	0.8604287
5210414000	0.6511	0.8604287
5210416000	0.6511	0.8604287
5210418000	0.6511	0.8604287
5210491000	0.6511	0.8604287
5210492000	0.6511	0.8604287
5210494010	0.6511	0.8604287
5210494020	0.6511	0.8604287
5210494090	0.6511	0.8604287
5210496010	0.6511	0.8604287
5210496020	0.6511	0.8604287
5210496090	0.6511	0.8604287
5210498020	0.6511	0.8604287
5210498090	0.6511	0.8604287
5210514020	0.6511	0.8604287
5210514040	0.6511	0.8604287
5210514090	0.6511	0.8604287
5210516020	0.6511	0.8604287
5210516040	0.6511	0.8604287
5210516060	0.6511	0.8604287
5210516090	0.6511	0.8604287
5210518020	0.6511	0.8604287
5210518090	0.6511	0.8604287
5210591000	0.6511	0.8604287
5210592020	0.6511	0.8604287
5210592090	0.6511	0.8604287
5210594020	0.6511	0.8604287
5210594090	0.6511	0.8604287
5210596020	0.6511	0.8604287
5210596090	0.6511	0.8604287
5210598020	0.6511	0.8604287
5210598090	0.6511	0.8604287
5211110020	0.6511	0.8604287
5211110025	0.6511	0.8604287
5211110035	0.6511	0.8604287
5211110050	0.6511	0.8604287
5211110090	0.6511	0.8604287
5211120020	0.6511	0.8604287
5211120040	0.6511	0.8604287
5211190020	0.6511	0.8604287
5211190040	0.6511	0.8604287
5211190060	0.6511	0.8604287
5211190090	0.6511	0.8604287
5211202120	0.6511	0.8604287
5211202125	0.6511	0.8604287
5211202135	0.6511	0.8604287
5211202150	0.6511	0.8604287
5211202190	0.6511	0.8604287
5211202220	0.6511	0.8604287
5211202240	0.6511	0.8604287
5211202920	0.6511	0.8604287
5211202940	0.6511	0.8604287
5211202960	0.6511	0.8604287
5211202990	0.6511	0.8604287
5211310020	0.6511	0.8604287
5211310025	0.6511	0.8604287
5211310035	0.6511	0.8604287

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5211310050	0.6511	0.8604287
5211310090	0.6511	0.8604287
5211320020	0.6511	0.8604287
5211320040	0.6511	0.8604287
5211390020	0.6511	0.8604287
5211390040	0.6511	0.8604287
5211390060	0.6511	0.8604287
5211390090	0.6511	0.8604287
5211410020	0.6511	0.8604287
5211410040	0.6511	0.8604287
5211420020	0.7054	0.9321861
5211420040	0.7054	0.9321861
5211420060	0.6511	0.8604287
5211420080	0.6511	0.8604287
5211430030	0.6511	0.8604287
5211430050	0.6511	0.8604287
5211490020	0.6511	0.8604287
5211490090	0.6511	0.8604287
5211510020	0.6511	0.8604287
5211510030	0.6511	0.8604287
5211510050	0.6511	0.8604287
5211510090	0.6511	0.8604287
5211520020	0.6511	0.8604287
5211520040	0.6511	0.8604287
5211590015	0.6511	0.8604287
5211590025	0.6511	0.8604287
5211590040	0.6511	0.8604287
5211590060	0.6511	0.8604287
5211590090	0.6511	0.8604287
5212111010	0.5845	0.7724168
5212111020	0.6231	0.8234267
5212116010	0.8681	1.1471942
5212116020	0.8681	1.1471942
5212116030	0.8681	1.1471942
5212116040	0.8681	1.1471942
5212116050	0.8681	1.1471942
5212116060	0.8681	1.1471942
5212116070	0.8681	1.1471942
5212116080	0.8681	1.1471942
5212116090	0.8681	1.1471942
5212121010	0.5845	0.7724168
5212121020	0.6231	0.8234267
5212126010	0.8681	1.1471942
5212126020	0.8681	1.1471942
5212126030	0.8681	1.1471942
5212126040	0.8681	1.1471942
5212126050	0.8681	1.1471942
5212126060	0.8681	1.1471942
5212126070	0.8681	1.1471942
5212126080	0.8681	1.1471942
5212126090	0.8681	1.1471942
5212131010	0.5845	0.7724168
5212131020	0.6231	0.8234267
5212136010	0.8681	1.1471942
5212136020	0.8681	1.1471942
5212136030	0.8681	1.1471942
5212136040	0.8681	1.1471942
5212136050	0.8681	1.1471942
5212136060	0.8681	1.1471942
5212136070	0.8681	1.1471942
5212136080	0.8681	1.1471942
5212136090	0.8681	1.1471942
5212141010	0.5845	0.7724168
5212141020	0.6231	0.8234267
5212146010	0.8681	1.1471942
5212146020	0.8681	1.1471942
5212146030	0.8681	1.1471942
5212146090	0.8681	1.1471942
5212151010	0.5845	0.7724168

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5212151020	0.6231	0.8234267
5212156010	0.8681	1.1471942
5212156020	0.8681	1.1471942
5212156030	0.8681	1.1471942
5212156040	0.8681	1.1471942
5212156050	0.8681	1.1471942
5212156060	0.8681	1.1471942
5212156070	0.8681	1.1471942
5212156080	0.8681	1.1471942
5212156090	0.8681	1.1471942
5212211010	0.5845	0.7724168
5212211020	0.6231	0.8234267
5212216010	0.8681	1.1471942
5212216020	0.8681	1.1471942
5212216030	0.8681	1.1471942
5212216040	0.8681	1.1471942
5212216050	0.8681	1.1471942
5212216060	0.8681	1.1471942
5212216090	0.8681	1.1471942
5212221010	0.5845	0.7724168
5212221020	0.6231	0.8234267
5212226010	0.8681	1.1471942
5212226020	0.8681	1.1471942
5212226030	0.8681	1.1471942
5212226040	0.8681	1.1471942
5212226050	0.8681	1.1471942
5212226060	0.8681	1.1471942
5212226090	0.8681	1.1471942
5212231010	0.5845	0.7724168
5212231020	0.6231	0.8234267
5212236010	0.8681	1.1471942
5212236020	0.8681	1.1471942
5212236030	0.8681	1.1471942
5212236040	0.8681	1.1471942
5212236050	0.8681	1.1471942
5212236060	0.8681	1.1471942
5212236090	0.8681	1.1471942
5212241010	0.5845	0.7724168
5212241020	0.6231	0.8234267
5212246010	0.8681	1.1471942
5212246020	0.7054	0.9321861
5212246030	0.8681	1.1471942
5212246040	0.8681	1.1471942
5212246090	0.8681	1.1471942
5212251010	0.5845	0.7724168
5212251020	0.6231	0.8234267
5212256010	0.8681	1.1471942
5212256020	0.8681	1.1471942
5212256030	0.8681	1.1471942
5212256040	0.8681	1.1471942
5212256050	0.8681	1.1471942
5212256060	0.8681	1.1471942
5212256090	0.8681	1.1471942
5309213005	0.5426	0.7170459
5309213010	0.5426	0.7170459
5309213015	0.5426	0.7170459
5309213020	0.5426	0.7170459
5309214010	0.2713	0.3585230
5309214090	0.2713	0.3585230
5309293005	0.5426	0.7170459
5309293010	0.5426	0.7170459
5309293015	0.5426	0.7170459
5309293020	0.5426	0.7170459
5309294010	0.2713	0.3585230
5309294090	0.2713	0.3585230
5311003005	0.5426	0.7170459
5311003010	0.5426	0.7170459
5311003015	0.5426	0.7170459
5311003020	0.5426	0.7170459

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5311004010	0.8681	1.1471942
5311004020	0.8681	1.1471942
5407810010	0.5426	0.7170459
5407810020	0.5426	0.7170459
5407810030	0.5426	0.7170459
5407810040	0.5426	0.7170459
5407810090	0.5426	0.7170459
5407820010	0.5426	0.7170459
5407820020	0.5426	0.7170459
5407820030	0.5426	0.7170459
5407820040	0.5426	0.7170459
5407820090	0.5426	0.7170459
5407830010	0.5426	0.7170459
5407830020	0.5426	0.7170459
5407830030	0.5426	0.7170459
5407830040	0.5426	0.7170459
5407830090	0.5426	0.7170459
5407840010	0.5426	0.7170459
5407840020	0.5426	0.7170459
5407840030	0.5426	0.7170459
5407840040	0.5426	0.7170459
5407840090	0.5426	0.7170459
5509210000	0.1053	0.1391540
5509220010	0.1053	0.1391540
5509220090	0.1053	0.1391540
5509530030	0.3158	0.4173297
5509530060	0.3158	0.4173297
5509620000	0.5263	0.6955055
5509920000	0.5263	0.6955055
5510300000	0.3684	0.4868406
5511200000	0.3158	0.4173297
5512110010	0.1085	0.1433828
5512110022	0.1085	0.1433828
5512110027	0.1085	0.1433828
5512110030	0.1085	0.1433828
5512110040	0.1085	0.1433828
5512110050	0.1085	0.1433828
5512110060	0.1085	0.1433828
5512110070	0.1085	0.1433828
5512110090	0.1085	0.1433828
5512190005	0.1085	0.1433828
5512190010	0.1085	0.1433828
5512190015	0.1085	0.1433828
5512190022	0.1085	0.1433828
5512190027	0.1085	0.1433828
5512190030	0.1085	0.1433828
5512190035	0.1085	0.1433828
5512190040	0.1085	0.1433828
5512190045	0.1085	0.1433828
5512190050	0.1085	0.1433828
5512190090	0.1085	0.1433828
5512210010	0.0326	0.0430809
5512210020	0.0326	0.0430809
5512210030	0.0326	0.0430809
5512210040	0.0326	0.0430809
5512210060	0.0326	0.0430809
5512210070	0.0326	0.0430809
5512210090	0.0326	0.0430809
5512290010	0.217	0.2867655
5512910010	0.0543	0.0717575
5512990005	0.0543	0.0717575
5512990010	0.0543	0.0717575
5512990015	0.0543	0.0717575
5512990020	0.0543	0.0717575
5512990025	0.0543	0.0717575
5512990030	0.0543	0.0717575
5512990035	0.0543	0.0717575
5512990040	0.0543	0.0717575
5512990045	0.0543	0.0717575

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5512990090	0.0543	0.0717575
5513110020	0.3581	0.4732292
5513110040	0.3581	0.4732292
5513110060	0.3581	0.4732292
5513110090	0.3581	0.4732292
5513120000	0.3581	0.4732292
5513130020	0.3581	0.4732292
5513130040	0.3581	0.4732292
5513130090	0.3581	0.4732292
5513190010	0.3581	0.4732292
5513190020	0.3581	0.4732292
5513190030	0.3581	0.4732292
5513190040	0.3581	0.4732292
5513190050	0.3581	0.4732292
5513190060	0.3581	0.4732292
5513190090	0.3581	0.4732292
5513210020	0.3581	0.4732292
5513210040	0.3581	0.4732292
5513210060	0.3581	0.4732292
5513210090	0.3581	0.4732292
5513230121	0.3581	0.4732292
5513230141	0.3581	0.4732292
5513230191	0.3581	0.4732292
5513290010	0.3581	0.4732292
5513290020	0.3581	0.4732292
5513290030	0.3581	0.4732292
5513290040	0.3581	0.4732292
5513290050	0.3581	0.4732292
5513290060	0.3581	0.4732292
5513290090	0.3581	0.4732292
5513310000	0.3581	0.4732292
5513390111	0.3581	0.4732292
5513390115	0.3581	0.4732292
5513390191	0.3581	0.4732292
5513410020	0.3581	0.4732292
5513410040	0.3581	0.4732292
5513410060	0.3581	0.4732292
5513410090	0.3581	0.4732292
5513491000	0.3581	0.4732292
5513492020	0.3581	0.4732292
5513492040	0.3581	0.4732292
5513492090	0.3581	0.4732292
5513499010	0.3581	0.4732292
5513499020	0.3581	0.4732292
5513499030	0.3581	0.4732292
5513499040	0.3581	0.4732292
5513499050	0.3581	0.4732292
5513499060	0.3581	0.4732292
5513499090	0.3581	0.4732292
5514110020	0.4341	0.5736632
5514110030	0.4341	0.5736632
5514110050	0.4341	0.5736632
5514110090	0.4341	0.5736632
5514120020	0.4341	0.5736632
5514120040	0.4341	0.5736632
5514191020	0.4341	0.5736632
5514191040	0.4341	0.5736632
5514191090	0.4341	0.5736632
5514199010	0.4341	0.5736632
5514199020	0.4341	0.5736632
5514199030	0.4341	0.5736632
5514199040	0.4341	0.5736632
5514199090	0.4341	0.5736632
5514210020	0.4341	0.5736632
5514210030	0.4341	0.5736632
5514210050	0.4341	0.5736632
5514210090	0.4341	0.5736632
5514220020	0.4341	0.5736632
5514220040	0.4341	0.5736632

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5514230020	0.4341	0.5736632
5514230040	0.4341	0.5736632
5514230090	0.4341	0.5736632
5514290010	0.4341	0.5736632
5514290020	0.4341	0.5736632
5514290030	0.4341	0.5736632
5514290040	0.4341	0.5736632
5514290090	0.4341	0.5736632
5514303100	0.4341	0.5736632
5514303210	0.4341	0.5736632
5514303215	0.4341	0.5736632
5514303280	0.4341	0.5736632
5514303310	0.4341	0.5736632
5514303390	0.4341	0.5736632
5514303910	0.4341	0.5736632
5514303920	0.4341	0.5736632
5514303990	0.4341	0.5736632
5514410020	0.4341	0.5736632
5514410030	0.4341	0.5736632
5514410050	0.4341	0.5736632
5514410090	0.4341	0.5736632
5514420020	0.4341	0.5736632
5514420040	0.4341	0.5736632
5514430020	0.4341	0.5736632
5514430040	0.4341	0.5736632
5514430090	0.4341	0.5736632
5514490010	0.4341	0.5736632
5514490020	0.4341	0.5736632
5514490030	0.4341	0.5736632
5514490040	0.4341	0.5736632
5514490090	0.4341	0.5736632
5515110005	0.1085	0.1433828
5515110010	0.1085	0.1433828
5515110015	0.1085	0.1433828
5515110020	0.1085	0.1433828
5515110025	0.1085	0.1433828
5515110030	0.1085	0.1433828
5515110035	0.1085	0.1433828
5515110040	0.1085	0.1433828
5515110045	0.1085	0.1433828
5515110090	0.1085	0.1433828
5515120010	0.1085	0.1433828
5515120022	0.1085	0.1433828
5515120027	0.1085	0.1433828
5515120030	0.1085	0.1433828
5515120040	0.1085	0.1433828
5515120090	0.1085	0.1433828
5515190005	0.1085	0.1433828
5515190010	0.1085	0.1433828
5515190015	0.1085	0.1433828
5515190020	0.1085	0.1433828
5515190025	0.1085	0.1433828
5515190030	0.1085	0.1433828
5515190035	0.1085	0.1433828
5515190040	0.1085	0.1433828
5515190045	0.1085	0.1433828
5515190090	0.1085	0.1433828
5515290005	0.1085	0.1433828
5515290010	0.1085	0.1433828
5515290015	0.1085	0.1433828
5515290020	0.1085	0.1433828
5515290025	0.1085	0.1433828
5515290030	0.1085	0.1433828
5515290035	0.1085	0.1433828
5515290040	0.1085	0.1433828
5515290045	0.1085	0.1433828
5515290090	0.1085	0.1433828
5515999005	0.1085	0.1433828
5515999010	0.1085	0.1433828

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5515999015	0.1085	0.1433828
5515999020	0.1085	0.1433828
5515999025	0.1085	0.1433828
5515999030	0.1085	0.1433828
5515999035	0.1085	0.1433828
5515999040	0.1085	0.1433828
5515999045	0.1085	0.1433828
5515999090	0.1085	0.1433828
5516210010	0.1085	0.1433828
5516210020	0.1085	0.1433828
5516210030	0.1085	0.1433828
5516210040	0.1085	0.1433828
5516210090	0.1085	0.1433828
5516220010	0.1085	0.1433828
5516220020	0.1085	0.1433828
5516220030	0.1085	0.1433828
5516220040	0.1085	0.1433828
5516220090	0.1085	0.1433828
5516230010	0.1085	0.1433828
5516230020	0.1085	0.1433828
5516230030	0.1085	0.1433828
5516230040	0.1085	0.1433828
5516230090	0.1085	0.1433828
5516240010	0.1085	0.1433828
5516240020	0.1085	0.1433828
5516240030	0.1085	0.1433828
5516240040	0.1085	0.1433828
5516240085	0.1085	0.1433828
5516240095	0.1085	0.1433828
5516410010	0.3798	0.5019057
5516410022	0.3798	0.5019057
5516410027	0.3798	0.5019057
5516410030	0.3798	0.5019057
5516410040	0.3798	0.5019057
5516410050	0.3798	0.5019057
5516410060	0.3798	0.5019057
5516410070	0.3798	0.5019057
5516410090	0.3798	0.5019057
5516420010	0.3798	0.5019057
5516420022	0.3798	0.5019057
5516420027	0.3798	0.5019057
5516420030	0.3798	0.5019057
5516420040	0.3798	0.5019057
5516420050	0.3798	0.5019057
5516420060	0.3798	0.5019057
5516420070	0.3798	0.5019057
5516420090	0.3798	0.5019057
5516430010	0.217	0.2867655
5516430015	0.3798	0.5019057
5516430020	0.3798	0.5019057
5516430035	0.3798	0.5019057
5516430080	0.3798	0.5019057
5516440010	0.3798	0.5019057
5516440022	0.3798	0.5019057
5516440027	0.3798	0.5019057
5516440030	0.3798	0.5019057
5516440040	0.3798	0.5019057
5516440050	0.3798	0.5019057
5516440060	0.3798	0.5019057
5516440070	0.3798	0.5019057
5516440090	0.3798	0.5019057
5516910010	0.0543	0.0717575
5516910020	0.0543	0.0717575
5516910030	0.0543	0.0717575
5516910040	0.0543	0.0717575
5516910050	0.0543	0.0717575
5516910060	0.0543	0.0717575
5516910070	0.0543	0.0717575
5516910090	0.0543	0.0717575

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5516920010	0.0543	0.0717575
5516920020	0.0543	0.0717575
5516920030	0.0543	0.0717575
5516920040	0.0543	0.0717575
5516920050	0.0543	0.0717575
5516920060	0.0543	0.0717575
5516920070	0.0543	0.0717575
5516920090	0.0543	0.0717575
5516930010	0.0543	0.0717575
5516930020	0.0543	0.0717575
5516930090	0.0543	0.0717575
5516940010	0.0543	0.0717575
5516940020	0.0543	0.0717575
5516940030	0.0543	0.0717575
5516940040	0.0543	0.0717575
5516940050	0.0543	0.0717575
5516940060	0.0543	0.0717575
5516940070	0.0543	0.0717575
5516940090	0.0543	0.0717575
5601210010	0.9767	1.2907091
5601210090	0.9767	1.2907091
5601220010	0.1085	0.1433828
5601220050	0.1085	0.1433828
5601220091	0.1085	0.1433828
5601300000	0.3256	0.4302804
5602101000	0.0543	0.0717575
5602109090	0.4341	0.5736632
5602290000	0.4341	0.5736632
5602909000	0.3256	0.4302804
5603143000	0.2713	0.3585230
5603910010	0.0217	0.0286766
5603910090	0.0651	0.0860297
5603920010	0.0217	0.0286766
5603920090	0.0651	0.0860297
5603930010	0.0217	0.0286766
5603930090	0.0651	0.0860297
5603941090	0.3256	0.4302804
5603943000	0.1628	0.2151402
5603949010	0.0326	0.0430809
5604100000	0.2632	0.3478188
5604909000	0.2105	0.2781758
5605009000	0.1579	0.2086649
5606000010	0.1263	0.1669055
5606000090	0.1263	0.1669055
5607502500	0.1684	0.2225406
5607909000	0.8421	1.1128352
5608901000	1.0526	1.3910109
5608902300	0.6316	0.8346594
5608902700	0.6316	0.8346594
5608903000	0.3158	0.4173297
5609001000	0.8421	1.1128352
5609004000	0.2105	0.2781758
5701101300	0.0526	0.0695109
5701101600	0.0526	0.0695109
5701104000	0.0526	0.0695109
5701109000	0.0526	0.0695109
5701901010	1	1.3215000
5701901020	1	1.3215000
5701901030	0.0526	0.0695109
5701901090	0.0526	0.0695109
5701902010	0.9474	1.2519891
5701902020	0.9474	1.2519891
5701902030	0.0526	0.0695109
5701902090	0.0526	0.0695109
5702101000	0.0447	0.0590711
5702109010	0.0447	0.0590711
5702109020	0.85	1.1232750
5702109030	0.0447	0.0590711
5702109090	0.0447	0.0590711

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5702201000	0.0447	0.0590711
5702311000	0.0447	0.0590711
5702312000	0.0895	0.1182743
5702322000	0.0895	0.1182743
5702391000	0.0895	0.1182743
5702392010	0.8053	1.0642040
5702392090	0.0447	0.0590711
5702411000	0.0447	0.0590711
5702412000	0.0447	0.0590711
5702421000	0.0895	0.1182743
5702422020	0.0895	0.1182743
5702422080	0.0895	0.1182743
5702491020	0.8947	1.1823461
5702491080	0.8947	1.1823461
5702492000	0.0895	0.1182743
5702502000	0.0895	0.1182743
5702504000	0.0447	0.0590711
5702505200	0.0895	0.1182743
5702505600	0.85	1.1232750
5702912000	0.0447	0.0590711
5702913000	0.0447	0.0590711
5702914000	0.0447	0.0590711
5702921000	0.0447	0.0590711
5702929000	0.0447	0.0590711
5702990500	0.8947	1.1823461
5702991500	0.8947	1.1823461
5703291000	0.0452	0.0597318
5703292010	0.0452	0.0597318
5703391000	0.0452	0.0597318
5703900000	0.3615	0.4777223
5705001000	0.0452	0.0597318
5705002005	0.0452	0.0597318
5705002015	0.0452	0.0597318
5705002020	0.7682	1.0151763
5705002030	0.0452	0.0597318
5705002090	0.1808	0.2389272
5801210000	0.9767	1.2907091
5801221000	0.9767	1.2907091
5801229000	0.9767	1.2907091
5801230000	0.9767	1.2907091
5801260010	0.7596	1.0038114
5801260020	0.7596	1.0038114
5801271000	0.9767	1.2907091
5801275010	1.0852	1.4340918
5801275020	0.9767	1.2907091
5801310000	0.217	0.2867655
5801320000	0.217	0.2867655
5801330000	0.217	0.2867655
5801360010	0.217	0.2867655
5801360020	0.217	0.2867655
5802101000	1.0309	1.3623344
5802109000	1.0309	1.3623344
5802200020	0.1085	0.1433828
5802200090	0.3256	0.4302804
5802300030	0.4341	0.5736632
5802300090	0.1085	0.1433828
5803001000	1.0852	1.4340918
5803002000	0.8681	1.1471942
5803003000	0.8681	1.1471942
5803005000	0.3256	0.4302804
5804101000	0.4341	0.5736632
5804109090	0.2193	0.2898050
5804291000	0.8772	1.1592198
5804300020	0.3256	0.4302804
5805001000	0.1085	0.1433828
5805003000	1.0852	1.4340918
5806101000	0.8681	1.1471942
5806103090	0.217	0.2867655
5806200010	0.2577	0.3405506

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
5806200090	0.2577	0.3405506
5806310000	0.8681	1.1471942
5806393080	0.217	0.2867655
5806400000	0.0814	0.1075701
5807100510	0.8681	1.1471942
5807102010	0.8681	1.1471942
5807900510	0.8681	1.1471942
5807902010	0.8681	1.1471942
5808104000	0.217	0.2867655
5808107000	0.217	0.2867655
5808900010	0.4341	0.5736632
5810100000	0.3256	0.4302804
5810910010	0.7596	1.0038114
5810910020	0.7596	1.0038114
5810921000	0.217	0.2867655
5810929030	0.217	0.2867655
5810929050	0.217	0.2867655
5810929080	0.217	0.2867655
5811002000	0.8681	1.1471942
5901102000	0.5643	0.7457225
5901904000	0.8139	1.0755689
5903101000	0.4341	0.5736632
5903103000	0.1085	0.1433828
5903201000	0.4341	0.5736632
5903203090	0.1085	0.1433828
5903901000	0.4341	0.5736632
5903903090	0.1085	0.1433828
5904901000	0.0326	0.0430809
5905001000	0.1085	0.1433828
5905009000	0.1085	0.1433828
5906100000	0.4341	0.5736632
5906911000	0.4341	0.5736632
5906913000	0.1085	0.1433828
5906991000	0.4341	0.5736632
5906993000	0.1085	0.1433828
5907002500	0.3798	0.5019057
5907003500	0.3798	0.5019057
5907008090	0.3798	0.5019057
5908000000	0.7813	1.0324880
5909001000	0.6837	0.9035096
5909002000	0.4883	0.6452885
5910001010	0.3798	0.5019057
5910001020	0.3798	0.5019057
5910001030	0.3798	0.5019057
5910001060	0.3798	0.5019057
5910001070	0.3798	0.5019057
5910001090	0.6837	0.9035096
5910009000	0.5697	0.7528586
5911101000	0.1736	0.2294124
5911102000	0.0434	0.0573531
5911201000	0.4341	0.5736632
5911310010	0.4341	0.5736632
5911310020	0.4341	0.5736632
5911310030	0.4341	0.5736632
5911310080	0.4341	0.5736632
5911320010	0.4341	0.5736632
5911320020	0.4341	0.5736632
5911320030	0.4341	0.5736632
5911320080	0.4341	0.5736632
5911400100	0.5426	0.7170459
5911900040	0.3158	0.4173297
5911900080	0.2105	0.2781758
6001106000	0.1096	0.1448364
6001210000	0.9868	1.3040562
6001220000	0.1096	0.1448364
6001290000	0.1096	0.1448364
6001910010	0.8772	1.1592198
6001910020	0.8772	1.1592198
6001920010	0.0548	0.0724182

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6001920020	0.0548	0.0724182
6001920030	0.0548	0.0724182
6001920040	0.0548	0.0724182
6001999000	0.1096	0.1448364
6002404000	0.7401	0.9780422
6002408020	0.1974	0.2608641
6002408080	0.1974	0.2608641
6002904000	0.7895	1.0433243
6002908020	0.1974	0.2608641
6002908080	0.1974	0.2608641
6003201000	0.8772	1.1592198
6003203000	0.8772	1.1592198
6003301000	0.1096	0.1448364
6003306000	0.1096	0.1448364
6003401000	0.1096	0.1448364
6003406000	0.1096	0.1448364
6003901000	0.1096	0.1448364
6003909000	0.1096	0.1448364
6004100010	0.2961	0.3912962
6004100025	0.2961	0.3912962
6004100085	0.2961	0.3912962
6004902010	0.2961	0.3912962
6004902025	0.2961	0.3912962
6004902085	0.2961	0.3912962
6004909000	0.2961	0.3912962
6005210000	0.7127	0.9418331
6005220000	0.7127	0.9418331
6005230000	0.7127	0.9418331
6005240000	0.7127	0.9418331
6005360010	0.1096	0.1448364
6005360080	0.1096	0.1448364
6005370010	0.1096	0.1448364
6005370080	0.1096	0.1448364
6005380010	0.1096	0.1448364
6005380080	0.1096	0.1448364
6005390010	0.1096	0.1448364
6005390080	0.1096	0.1448364
6005410010	0.1096	0.1448364
6005410080	0.1096	0.1448364
6005420010	0.1096	0.1448364
6005420080	0.1096	0.1448364
6005430010	0.1096	0.1448364
6005430080	0.1096	0.1448364
6005440010	0.1096	0.1448364
6005440080	0.1096	0.1448364
6005909000	0.1096	0.1448364
6006211000	1.0965	1.4490248
6006219020	0.7675	1.0142513
6006219080	0.7675	1.0142513
6006221000	1.0965	1.4490248
6006229020	0.7675	1.0142513
6006229080	0.7675	1.0142513
6006231000	1.0965	1.4490248
6006239020	0.7675	1.0142513
6006239080	0.7675	1.0142513
6006241000	1.0965	1.4490248
6006249020	0.7675	1.0142513
6006249080	0.7675	1.0142513
6006310020	0.3289	0.4346414
6006310040	0.3289	0.4346414
6006310060	0.3289	0.4346414
6006310080	0.3289	0.4346414
6006320020	0.3289	0.4346414
6006320040	0.3289	0.4346414
6006320060	0.3289	0.4346414
6006320080	0.3289	0.4346414
6006330020	0.3289	0.4346414
6006330040	0.3289	0.4346414
6006330060	0.3289	0.4346414

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6006330080	0.3289	0.4346414
6006340020	0.3289	0.4346414
6006340040	0.3289	0.4346414
6006340060	0.3289	0.4346414
6006340080	0.3289	0.4346414
6006410025	0.3289	0.4346414
6006410085	0.3289	0.4346414
6006420025	0.3289	0.4346414
6006420085	0.3289	0.4346414
6006430025	0.3289	0.4346414
6006430085	0.3289	0.4346414
6006440025	0.3289	0.4346414
6006440085	0.3289	0.4346414
6006909000	0.1096	0.1448364
6101200010	1.02	1.3479300
6101200020	1.02	1.3479300
6101301000	0.2072	0.2738148
6101900500	0.1912	0.2526708
6101909010	0.5737	0.7581446
6101909030	0.51	0.6739650
6101909060	0.255	0.3369825
6102100000	0.255	0.3369825
6102200010	0.9562	1.2636183
6102200020	0.9562	1.2636183
6102300500	0.1785	0.2358878
6102909005	0.5737	0.7581446
6102909015	0.4462	0.5896533
6102909030	0.255	0.3369825
6103101000	0.0637	0.0841796
6103104000	0.1218	0.1609587
6103105000	0.1218	0.1609587
6103106010	0.8528	1.1269752
6103106015	0.8528	1.1269752
6103106030	0.8528	1.1269752
6103109010	0.5482	0.7244463
6103109020	0.5482	0.7244463
6103109030	0.5482	0.7244463
6103109040	0.1218	0.1609587
6103109050	0.1218	0.1609587
6103109080	0.1827	0.2414381
6103320000	0.8722	1.1526123
6103398010	0.7476	0.9879534
6103398030	0.3738	0.4939767
6103398060	0.2492	0.3293178
6103411010	0.3576	0.4725684
6103411020	0.3576	0.4725684
6103412000	0.3576	0.4725684
6103421020	0.8343	1.1025275
6103421035	0.8343	1.1025275
6103421040	0.8343	1.1025275
6103421050	0.8343	1.1025275
6103421065	0.8343	1.1025275
6103421070	0.8343	1.1025275
6103422010	0.8343	1.1025275
6103422015	0.8343	1.1025275
6103422025	0.8343	1.1025275
6103431520	0.2384	0.3150456
6103431535	0.2384	0.3150456
6103431540	0.2384	0.3150456
6103431550	0.2384	0.3150456
6103431565	0.2384	0.3150456
6103431570	0.2384	0.3150456
6103432020	0.2384	0.3150456
6103432025	0.2384	0.3150456
6103491020	0.2437	0.3220496
6103491060	0.2437	0.3220496
6103492000	0.2437	0.3220496
6103498010	0.5482	0.7244463
6103498014	0.3655	0.4830083

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6103498024	0.2437	0.3220496
6103498026	0.2437	0.3220496
6103498034	0.5482	0.7244463
6103498038	0.3655	0.4830083
6103498060	0.2437	0.3220496
6104196010	0.8722	1.1526123
6104196020	0.8722	1.1526123
6104196030	0.8722	1.1526123
6104196040	0.8722	1.1526123
6104198010	0.5607	0.7409651
6104198020	0.5607	0.7409651
6104198030	0.5607	0.7409651
6104198040	0.5607	0.7409651
6104198060	0.3738	0.4939767
6104198090	0.2492	0.3293178
6104320000	0.8722	1.1526123
6104392010	0.5607	0.7409651
6104392030	0.3738	0.4939767
6104392090	0.2492	0.3293178
6104420010	0.8528	1.1269752
6104420020	0.8528	1.1269752
6104499010	0.5482	0.7244463
6104499030	0.3655	0.4830083
6104499060	0.2437	0.3220496
6104520010	0.8822	1.1658273
6104520020	0.8822	1.1658273
6104598010	0.5672	0.7495548
6104598030	0.3781	0.4996592
6104598090	0.2521	0.3331502
6104610010	0.2384	0.3150456
6104610020	0.2384	0.3150456
6104610030	0.2384	0.3150456
6104621010	0.7509	0.9923144
6104621020	0.8343	1.1025275
6104621030	0.8343	1.1025275
6104622006	0.7151	0.9450047
6104622011	0.8343	1.1025275
6104622016	0.7151	0.9450047
6104622021	0.8343	1.1025275
6104622026	0.7151	0.9450047
6104622028	0.8343	1.1025275
6104622030	0.8343	1.1025275
6104622050	0.8343	1.1025275
6104622060	0.8343	1.1025275
6104631020	0.2384	0.3150456
6104631030	0.2384	0.3150456
6104632006	0.8343	1.1025275
6104632011	0.8343	1.1025275
6104632016	0.7151	0.9450047
6104632021	0.8343	1.1025275
6104632026	0.3576	0.4725684
6104632028	0.3576	0.4725684
6104632030	0.3576	0.4725684
6104632050	0.7151	0.9450047
6104632060	0.3576	0.4725684
6104691000	0.3655	0.4830083
6104692030	0.3655	0.4830083
6104692060	0.3655	0.4830083
6104698010	0.5482	0.7244463
6104698014	0.3655	0.4830083
6104698020	0.2437	0.3220496
6104698022	0.5482	0.7244463
6104698026	0.3655	0.4830083
6104698038	0.2437	0.3220496
6104698040	0.2437	0.3220496
6105100010	0.9332	1.2332238
6105100020	0.9332	1.2332238
6105100030	0.9332	1.2332238
6105202010	0.2916	0.3853494
6105202020	0.2916	0.3853494
6105202030	0.2916	0.3853494
6105908010	0.5249	0.6936554
6105908030	0.3499	0.4623929
6105908060	0.2333	0.3083060
6106100010	0.9332	1.2332238
6106100020	0.9332	1.2332238
6106100030	0.9332	1.2332238
6106202010	0.2916	0.3853494
6106202020	0.4666	0.6166119
6106202030	0.2916	0.3853494
6106901500	0.0583	0.0770435
6106902510	0.5249	0.6936554
6106902530	0.3499	0.4623929
6106902550	0.2916	0.3853494
6106903010	0.5249	0.6936554
6106903030	0.3499	0.4623929
6106903040	0.2916	0.3853494
6107110010	1.0727	1.4175731
6107110020	1.0727	1.4175731
6107120010	0.4767	0.6299591
6107120020	0.4767	0.6299591
6107191000	0.1192	0.1575228
6107210010	0.8343	1.1025275
6107210020	0.7151	0.9450047
6107220010	0.3576	0.4725684
6107220015	0.1192	0.1575228
6107220025	0.2384	0.3150456
6107299000	0.1788	0.2362842
6107910030	1.1918	1.5749637
6107910040	1.1918	1.5749637
6107910090	0.9535	1.2600503
6107991030	0.3576	0.4725684
6107991040	0.3576	0.4725684
6107991090	0.3576	0.4725684
6107999000	0.1192	0.1575228
6108199010	1.0611	1.4022437
6108199030	0.2358	0.3116097
6108210010	1.179	1.5580485
6108210020	1.179	1.5580485
6108299000	0.3537	0.4674146
6108310010	1.0611	1.4022437
6108310020	1.0611	1.4022437
6108320010	0.2358	0.3116097
6108320015	0.2358	0.3116097
6108320025	0.2358	0.3116097
6108398000	0.3537	0.4674146
6108910005	1.179	1.5580485
6108910015	1.179	1.5580485
6108910025	1.179	1.5580485
6108910030	1.179	1.5580485
6108910040	1.179	1.5580485
6108920005	0.2358	0.3116097
6108920015	0.2358	0.3116097
6108920025	0.2358	0.3116097
6108920030	0.2358	0.3116097
6108920040	0.2358	0.3116097
6108999000	0.3537	0.4674146
6109100004	1.0022	1.3244073
6109100007	1.0022	1.3244073
6109100011	1.0022	1.3244073
6109100012	1.0022	1.3244073
6109100014	1.0022	1.3244073
6109100018	1.0022	1.3244073
6109100023	1.0022	1.3244073
6109100027	1.0022	1.3244073
6109100037	1.0022	1.3244073
6109100040	1.0022	1.3244073
6109100045	1.0022	1.3244073
6109100060	1.0022	1.3244073
6109100065	1.0022	1.3244073
6109100070	1.0022	1.3244073
6109901007	0.2948	0.3895782
6109901009	0.2948	0.3895782
6109901013	0.2948	0.3895782
6109901025	0.2948	0.3895782
6109901047	0.2948	0.3895782
6109901049	0.2948	0.3895782
6109901050	0.2948	0.3895782
6109901060	0.2948	0.3895782
6109901065	0.2948	0.3895782
6109901070	0.2948	0.3895782
6109901075	0.2948	0.3895782
6109901090	0.2948	0.3895782
6109908010	0.3499	0.4623929
6109908030	0.2333	0.3083060
6110201010	0.7476	0.9879534
6110201020	0.7476	0.9879534
6110201022	0.7476	0.9879534
6110201024	0.7476	0.9879534
6110201026	0.7476	0.9879534
6110201029	0.7476	0.9879534
6110201031	0.7476	0.9879534
6110201033	0.7476	0.9879534
6110202005	1.1214	1.4819301
6110202010	1.1214	1.4819301
6110202015	1.1214	1.4819301
6110202020	1.1214	1.4819301
6110202025	1.1214	1.4819301
6110202030	1.1214	1.4819301
6110202035	1.1214	1.4819301
6110202041	1.0965	1.4490248
6110202044	1.0965	1.4490248
6110202046	1.0965	1.4490248
6110202049	1.0965	1.4490248
6110202067	1.0965	1.4490248
6110202069	1.0965	1.4490248
6110202077	1.0965	1.4490248
6110202079	1.0965	1.4490248
6110909010	0.5607	0.7409651
6110909012	0.1246	0.1646589
6110909014	0.3738	0.4939767
6110909026	0.5607	0.7409651
6110909028	0.1869	0.2469884
6110909030	0.3738	0.4939767
6110909044	0.5607	0.7409651
6110909046	0.5607	0.7409651
6110909052	0.3738	0.4939767
6110909054	0.3738	0.4939767
6110909064	0.2492	0.3293178
6110909066	0.2492	0.3293178
6110909067	0.5607	0.7409651
6110909069	0.5607	0.7409651
6110909071	0.5607	0.7409651
6110909073	0.5607	0.7409651
6110909079	0.3738	0.4939767
6110909080	0.3738	0.4939767
6110909081	0.3738	0.4939767
6110909082	0.3738	0.4939767
6110909088	0.2492	0.3293178
6110909090	0.2492	0.3293178
6111201000	1.1918	1.5749637
6111202000	1.1918	1.5749637
6111203000	0.9535	1.2600503
6111204000	0.9535	1.2600503
6111205000	0.9535	1.2600503
6111206010	0.9535	1.2600503
6111206020	0.9535	1.2600503

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6111206030	0.9535	1.2600503
6111206050	0.9535	1.2600503
6111206070	0.9535	1.2600503
6111301000	0.2384	0.3150456
6111302000	0.2384	0.3150456
6111303000	0.2384	0.3150456
6111304000	0.2384	0.3150456
6111305010	0.2384	0.3150456
6111305015	0.2384	0.3150456
6111305020	0.2384	0.3150456
6111305030	0.2384	0.3150456
6111305050	0.2384	0.3150456
6111305070	0.2384	0.3150456
6111901000	0.2384	0.3150456
6111902000	0.2384	0.3150456
6111903000	0.2384	0.3150456
6111904000	0.2384	0.3150456
6111905010	0.2384	0.3150456
6111905020	0.2384	0.3150456
6111905030	0.2384	0.3150456
6111905050	0.2384	0.3150456
6111905070	0.2384	0.3150456
6112110010	0.9535	1.2600503
6112110020	0.9535	1.2600503
6112110030	0.9535	1.2600503
6112110040	0.9535	1.2600503
6112110050	0.9535	1.2600503
6112110060	0.9535	1.2600503
6112120010	0.2384	0.3150456
6112120020	0.2384	0.3150456
6112120030	0.2384	0.3150456
6112120040	0.2384	0.3150456
6112120050	0.2384	0.3150456
6112120060	0.2384	0.3150456
6112191010	0.2492	0.3293178
6112191020	0.2492	0.3293178
6112191030	0.2492	0.3293178
6112191040	0.2492	0.3293178
6112191050	0.2492	0.3293178
6112191060	0.2492	0.3293178
6112201060	0.2492	0.3293178
6112201070	0.2492	0.3293178
6112201080	0.2492	0.3293178
6112201090	0.2492	0.3293178
6112202010	0.8722	1.1526123
6112202020	0.3738	0.4939767
6112202030	0.2492	0.3293178
6112310010	0.1192	0.1575228
6112310020	0.1192	0.1575228
6112390010	1.0727	1.4175731
6112410010	0.1192	0.1575228
6112410020	0.1192	0.1575228
6112410030	0.1192	0.1575228
6112410040	0.1192	0.1575228
6112490010	0.8939	1.1812889
6113001005	0.1246	0.1646589
6113001010	0.1246	0.1646589
6113001012	0.1246	0.1646589
6113009015	0.3489	0.4610714
6113009020	0.3489	0.4610714
6113009038	0.3489	0.4610714
6113009042	0.3489	0.4610714
6113009055	0.3489	0.4610714
6113009060	0.3489	0.4610714
6113009074	0.3489	0.4610714
6113009082	0.3489	0.4610714
6114200005	0.9747	1.2880661
6114200010	0.9747	1.2880661
6114200015	0.8528	1.1269752

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6114200020	0.8528	1.1269752
6114200035	0.8528	1.1269752
6114200040	0.8528	1.1269752
6114200042	0.3655	0.4830083
6114200044	0.8528	1.1269752
6114200046	0.8528	1.1269752
6114200048	0.8528	1.1269752
6114200052	0.8528	1.1269752
6114200055	0.8528	1.1269752
6114200060	0.8528	1.1269752
6114301010	0.2437	0.3220496
6114301020	0.2437	0.3220496
6114302060	0.1218	0.1609587
6114303014	0.2437	0.3220496
6114303020	0.2437	0.3220496
6114303030	0.2437	0.3220496
6114303042	0.2437	0.3220496
6114303044	0.2437	0.3220496
6114303052	0.2437	0.3220496
6114303054	0.2437	0.3220496
6114303060	0.2437	0.3220496
6114303070	0.2437	0.3220496
6114909045	0.5482	0.7244463
6114909055	0.3655	0.4830083
6114909070	0.3655	0.4830083
6115100500	0.4386	0.5796099
6115101510	1.0965	1.4490248
6115103000	0.9868	1.3040562
6115106000	0.1096	0.1448364
6115298010	1.0965	1.4490248
6115309030	0.7675	1.0142513
6115956000	0.9868	1.3040562
6115959000	0.9868	1.3040562
6115966020	0.2193	0.2898050
6115991420	0.2193	0.2898050
6115991920	0.2193	0.2898050
6115999000	0.1096	0.1448364
6116101300	0.3463	0.4576355
6116101720	0.8079	1.0676399
6116104810	0.4444	0.5872746
6116105510	0.6464	0.8542176
6116107510	0.6464	0.8542176
6116109500	0.1616	0.2135544
6116920500	0.8079	1.0676399
6116920800	0.8079	1.0676399
6116926410	1.0388	1.3727742
6116926420	1.0388	1.3727742
6116926430	1.1542	1.5252753
6116926440	1.0388	1.3727742
6116927450	1.0388	1.3727742
6116927460	1.1542	1.5252753
6116927470	1.0388	1.3727742
6116928800	1.0388	1.3727742
6116929400	1.0388	1.3727742
6116938800	0.1154	0.1525011
6116939400	0.1154	0.1525011
6116994800	0.1154	0.1525011
6116995400	0.1154	0.1525011
6116999510	0.4617	0.6101366
6116999530	0.3463	0.4576355
6117106010	0.9234	1.2202731
6117106020	0.2308	0.3050022
6117808500	0.9234	1.2202731
6117808710	1.1542	1.5252753
6117808770	0.1731	0.2287517
6117809510	0.9234	1.2202731
6117809540	0.3463	0.4576355
6117809570	0.1731	0.2287517
6117909003	1.1542	1.5252753

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6117909015	0.2308	0.3050022
6117909020	1.1542	1.5252753
6117909040	1.1542	1.5252753
6117909060	1.1542	1.5252753
6117909080	1.1542	1.5252753
6201301200	0.8981	1.1868392
6201302010	1.0602	1.4010543
6201302020	1.0602	1.4010543
6201302025	1.2473	1.6483070
6201302035	1.2473	1.6483070
6201302050	0.8108	1.0714722
6201302060	0.8108	1.0714722
6201303000	0.6486	0.8571249
6201304000	0.8108	1.0714722
6201305005	0.8108	1.0714722
6201305010	0.8108	1.0714722
6201305021	1.2473	1.6483070
6201305031	1.2473	1.6483070
6201305041	1.2473	1.6483070
6201305051	0.8108	1.0714722
6201305061	0.8108	1.0714722
6201306000	0.6486	0.8571249
6201307000	0.8108	1.0714722
6201308005	0.8108	1.0714722
6201308010	0.8108	1.0714722
6201308021	1.2473	1.6483070
6201308031	1.2473	1.6483070
6201308041	1.2473	1.6483070
6201308051	0.8108	1.0714722
6201308061	0.8108	1.0714722
6201402015	0.2495	0.3297143
6201402020	0.2495	0.3297143
6201402030	0.3118	0.4120437
6201402040	0.3118	0.4120437
6201404500	0.3118	0.4120437
6201405011	0.3118	0.4120437
6201405021	0.3118	0.4120437
6201407000	0.3118	0.4120437
6201407511	0.3118	0.4120437
6201407521	0.3118	0.4120437
6201902910	0.5613	0.7417580
6201902930	0.3742	0.4945053
6201902960	0.3742	0.4945053
6201904910	0.5613	0.7417580
6201904930	0.3742	0.4945053
6201904960	0.3742	0.4945053
6201906910	0.5613	0.7417580
6201906930	0.3742	0.4945053
6201906960	0.3742	0.4945053
6202301200	0.8879	1.1733599
6202302010	1.0482	1.3851963
6202302020	1.0482	1.3851963
6202302025	1.2332	1.6296738
6202302035	1.2332	1.6296738
6202302050	0.8016	1.0593144
6202302060	0.8016	1.0593144
6202303000	0.9865	1.3036598
6202304000	0.9865	1.3036598
6202305010	0.9865	1.3036598
6202305020	0.9865	1.3036598
6202305026	1.2332	1.6296738
6202305031	1.2332	1.6296738
6202305061	0.9865	1.3036598
6202305071	0.9865	1.3036598
6202306000	0.9865	1.3036598
6202307000	0.9865	1.3036598
6202308010	0.9865	1.3036598
6202308020	0.9865	1.3036598
6202308026	1.2332	1.6296738

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6202308031	1.2332	1.6296738
6202308061	0.9865	1.3036598
6202308071	0.9865	1.3036598
6202402005	0.2524	0.3335466
6202402010	0.2524	0.3335466
6202402020	0.3155	0.4169333
6202402030	0.3155	0.4169333
6202402500	0.2960	0.3911640
6202403510	0.2466	0.3258819
6202403520	0.2466	0.3258819
6202405011	0.2466	0.3258819
6202405021	0.2466	0.3258819
6202405500	0.2960	0.3911640
6202406010	0.2466	0.3258819
6202406020	0.2466	0.3258819
6202407511	0.2466	0.3258819
6202407521	0.2466	0.3258819
6202902910	0.5678	0.7503477
6202902930	0.3786	0.5003199
6202902960	0.2524	0.3335466
6202904911	0.5549	0.7333004
6202904931	0.3700	0.4889550
6202904961	0.2466	0.3258819
6202906911	0.5549	0.7333004
6202906931	0.3700	0.4889550
6202906961	0.2466	0.3258819
6203122010	0.1233	0.1629410
6203122020	0.1233	0.1629410
6203191010	0.9865	1.3036598
6203191020	0.9865	1.3036598
6203191030	0.9865	1.3036598
6203199010	0.5549	0.7333004
6203199020	0.5549	0.7333004
6203199030	0.5549	0.7333004
6203199050	0.37	0.4889550
6203199080	0.2466	0.3258819
6203221000	1.2332	1.6296738
6203321000	0.6782	0.8962413
6203322010	1.1715	1.5481373
6203322020	1.1715	1.5481373
6203322030	1.1715	1.5481373
6203322040	1.1715	1.5481373
6203322050	1.1715	1.5481373
6203332010	0.1233	0.1629410
6203332020	0.1233	0.1629410
6203392010	0.1233	0.1629410
6203392020	0.1233	0.1629410
6203399010	0.5549	0.7333004
6203399030	0.37	0.4889550
6203399060	0.2466	0.3258819
6203420300	1.0616	1.4029044
6203420505	0.7077	0.9352256
6203420510	0.9436	1.2469674
6203420525	0.9436	1.2469674
6203420550	0.9436	1.2469674
6203420590	0.9436	1.2469674
6203420703	1.0616	1.4029044
6203420706	1.1796	1.5588414
6203420711	1.1796	1.5588414
6203420716	0.9436	1.2469674
6203420721	1.1796	1.5588414
6203420726	1.1796	1.5588414
6203420731	1.1796	1.5588414
6203420736	1.1796	1.5588414
6203420741	0.9436	1.2469674
6203420746	0.9436	1.2469674
6203420751	0.8752	1.1565768
6203420756	0.8752	1.1565768
6203420761	0.8752	1.1565768

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6203421700	1.0616	1.4029044
6203422505	0.7077	0.9352256
6203422510	0.9436	1.2469674
6203422525	0.9436	1.2469674
6203422550	0.9436	1.2469674
6203422590	0.9436	1.2469674
6203424503	1.0616	1.4029044
6203424506	1.1796	1.5588414
6203424511	1.1796	1.5588414
6203424516	0.9436	1.2469674
6203424521	1.1796	1.5588414
6203424526	1.1796	1.5588414
6203424531	1.1796	1.5588414
6203424536	1.1796	1.5588414
6203424541	0.9436	1.2469674
6203424546	0.9436	1.2469674
6203424551	0.8752	1.1565768
6203424556	0.8752	1.1565768
6203424561	0.8752	1.1565768
6203430100	0.1887	0.2493671
6203430300	0.118	0.1559370
6203430505	0.118	0.1559370
6203430510	0.2359	0.3117419
6203430525	0.2359	0.3117419
6203430550	0.2359	0.3117419
6203430590	0.2359	0.3117419
6203431110	0.059	0.0779685
6203431190	0.059	0.0779685
6203431310	0.1167	0.1542191
6203431315	0.1167	0.1542191
6203431320	0.1167	0.1542191
6203431330	0.1167	0.1542191
6203431335	0.1167	0.1542191
6203431340	0.1167	0.1542191
6203434500	0.1887	0.2493671
6203435500	0.118	0.1559370
6203436005	0.118	0.1559370
6203436010	0.2359	0.3117419
6203436025	0.2359	0.3117419
6203436050	0.2359	0.3117419
6203436090	0.2359	0.3117419
6203436500	0.4128	0.5455152
6203437510	0.059	0.0779685
6203437590	0.059	0.0779685
6203439010	0.1167	0.1542191
6203439015	0.1167	0.1542191
6203439020	0.1167	0.1542191
6203439030	0.1167	0.1542191
6203439035	0.1167	0.1542191
6203439040	0.1167	0.1542191
6203490105	0.118	0.1559370
6203490110	0.2359	0.3117419
6203490125	0.2359	0.3117419
6203490150	0.2359	0.3117419
6203490190	0.2359	0.3117419
6203490515	0.2359	0.3117419
6203490520	0.2359	0.3117419
6203490530	0.118	0.1559370
6203490545	0.118	0.1559370
6203490550	0.118	0.1559370
6203490560	0.118	0.1559370
6203490920	0.5308	0.7014522
6203490930	0.3539	0.4676789
6203490945	0.2359	0.3117419
6203492505	0.118	0.1559370
6203492510	0.2359	0.3117419
6203492525	0.2359	0.3117419
6203492550	0.2359	0.3117419
6203492590	0.2359	0.3117419

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6203493500	0.4128	0.5455152
6203495015	0.2359	0.3117419
6203495020	0.2359	0.3117419
6203495030	0.118	0.1559370
6203495045	0.118	0.1559370
6203495050	0.118	0.1559370
6203495060	0.118	0.1559370
6203499020	0.5308	0.7014522
6203499030	0.3539	0.4676789
6203499045	0.2359	0.3117419
6204110000	0.0617	0.0815366
6204120010	0.9865	1.3036598
6204120020	0.9865	1.3036598
6204120030	0.9865	1.3036598
6204120040	0.9865	1.3036598
6204132010	0.1233	0.1629410
6204132020	0.1233	0.1629410
6204192000	0.1233	0.1629410
6204198010	0.5549	0.7333004
6204198020	0.5549	0.7333004
6204198030	0.5549	0.7333004
6204198040	0.5549	0.7333004
6204198060	0.3083	0.4074185
6204198090	0.2466	0.3258819
6204221000	1.2332	1.6296738
6204321000	0.6782	0.8962413
6204322010	1.1715	1.5481373
6204322020	1.1715	1.5481373
6204322030	0.9865	1.3036598
6204322040	0.9865	1.3036598
6204398010	0.5549	0.7333004
6204398030	0.3083	0.4074185
6204412010	0.0603	0.0796865
6204412020	0.0603	0.0796865
6204421000	1.2058	1.5934647
6204422000	0.6632	0.8764188
6204423010	1.2058	1.5934647
6204423020	1.2058	1.5934647
6204423030	0.9043	1.1950325
6204423040	0.9043	1.1950325
6204423050	0.9043	1.1950325
6204423060	0.9043	1.1950325
6204431000	0.4823	0.6373595
6204432000	0.0603	0.0796865
6204442000	0.4316	0.5703594
6204495010	0.5549	0.7333004
6204495030	0.2466	0.3258819
6204510010	0.0631	0.0833867
6204510020	0.0631	0.0833867
6204521000	1.2618	1.6674687
6204522010	1.1988	1.5842142
6204522020	1.1988	1.5842142
6204522030	1.1988	1.5842142
6204522040	1.1988	1.5842142
6204522070	1.0095	1.3340543
6204522080	1.0095	1.3340543
6204531000	0.4416	0.5835744
6204532010	0.0631	0.0833867
6204532020	0.0631	0.0833867
6204533010	0.2524	0.3335466
6204533020	0.2524	0.3335466
6204591000	0.4416	0.5835744
6204594010	0.5678	0.7503477
6204594030	0.2524	0.3335466
6204594060	0.2524	0.3335466
6204610510	0.059	0.0779685
6204610520	0.059	0.0779685
6204611510	0.059	0.0779685
6204611520	0.059	0.0779685

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6204611530	0.059	0.0779685
6204611540	0.118	0.1559370
6204616010	0.059	0.0779685
6204616020	0.059	0.0779685
6204618010	0.059	0.0779685
6204618020	0.059	0.0779685
6204618030	0.059	0.0779685
6204618040	0.118	0.1559370
6204620300	0.8681	1.1471942
6204620505	0.7077	0.9352256
6204620510	0.9436	1.2469674
6204620525	0.9436	1.2469674
6204620550	0.9436	1.2469674
6204621503	1.0616	1.4029044
6204621506	1.1796	1.5588414
6204621511	1.1796	1.5588414
6204621521	0.9436	1.2469674
6204621526	1.1796	1.5588414
6204621531	1.1796	1.5588414
6204621536	1.1796	1.5588414
6204621541	1.1796	1.5588414
6204621546	0.9436	1.2469674
6204621551	0.9436	1.2469674
6204621556	0.9335	1.2336203
6204621561	0.9335	1.2336203
6204621566	0.9335	1.2336203
6204625000	0.8681	1.1471942
6204626005	0.7077	0.9352256
6204626010	0.9436	1.2469674
6204626025	0.9436	1.2469674
6204626050	0.9436	1.2469674
6204627000	1.1796	1.5588414
6204628003	1.0616	1.4029044
6204628006	1.1796	1.5588414
6204628011	1.1796	1.5588414
6204628021	0.9436	1.2469674
6204628026	1.1796	1.5588414
6204628031	1.1796	1.5588414
6204628036	1.1796	1.5588414
6204628041	1.1796	1.5588414
6204628046	0.9436	1.2469674
6204628051	0.9436	1.2469674
6204628056	0.9335	1.2336203
6204628061	0.9335	1.2336203
6204628066	0.9335	1.2336203
6204630100	0.2019	0.2668109
6204630200	0.118	0.1559370
6204630305	0.118	0.1559370
6204630310	0.2359	0.3117419
6204630325	0.2359	0.3117419
6204630350	0.2359	0.3117419
6204630810	0.059	0.0779685
6204630820	0.059	0.0779685
6204630910	0.0603	0.0796865
6204630990	0.0603	0.0796865
6204631110	0.2412	0.3187458
6204631125	0.2412	0.3187458
6204631130	0.2412	0.3187458
6204631132	0.2309	0.3051344
6204631135	0.2309	0.3051344
6204631140	0.2309	0.3051344
6204635000	0.2019	0.2668109
6204635500	0.118	0.1559370
6204636005	0.118	0.1559370
6204636010	0.2359	0.3117419
6204636025	0.2359	0.3117419
6204636050	0.2359	0.3117419
6204636500	0.4718	0.6234837
6204637010	0.059	0.0779685

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6204637020	0.059	0.0779685
6204637510	0.0603	0.0796865
6204637590	0.0603	0.0796865
6204639010	0.2412	0.3187458
6204639025	0.2412	0.3187458
6204639030	0.2412	0.3187458
6204639032	0.2309	0.3051344
6204639035	0.2309	0.3051344
6204639040	0.2309	0.3051344
6204690105	0.118	0.1559370
6204690110	0.2359	0.3117419
6204690110	0.2359	0.3117419
6204690125	0.2359	0.3117419
6204690150	0.2359	0.3117419
6204690210	0.059	0.0779685
6204690220	0.059	0.0779685
6204690230	0.059	0.0779685
6204690310	0.2359	0.3117419
6204690320	0.2359	0.3117419
6204690330	0.2359	0.3117419
6204690340	0.2309	0.3051344
6204690350	0.2309	0.3051344
6204690360	0.2309	0.3051344
6204690510	0.5308	0.7014522
6204690530	0.2359	0.3117419
6204690570	0.3539	0.4676789
6204690610	0.5308	0.7014522
6204690630	0.2359	0.3117419
6204690644	0.2359	0.3117419
6204690646	0.2359	0.3117419
6204690650	0.3539	0.4676789
6204691505	0.118	0.1559370
6204691510	0.2359	0.3117419
6204691525	0.2359	0.3117419
6204691525	0.2359	0.3117419
6204691550	0.2359	0.3117419
6204692210	0.059	0.0779685
6204692220	0.059	0.0779685
6204692230	0.059	0.0779685
6204692810	0.2359	0.3117419
6204692820	0.2359	0.3117419
6204692830	0.2359	0.3117419
6204692840	0.2309	0.3051344
6204692850	0.2309	0.3051344
6204692860	0.2309	0.3051344
6204696510	0.5308	0.7014522
6204696530	0.2359	0.3117419
6204696570	0.3539	0.4676789
6204698010	0.5308	0.7014522
6204698030	0.2359	0.3117419
6204698044	0.2359	0.3117419
6204698046	0.2359	0.3117419
6204698050	0.3539	0.4676789
6205201000	1.1796	1.5588414
6205202003	0.9436	1.2469674
6205202016	0.9436	1.2469674
6205202021	0.9436	1.2469674
6205202026	0.9436	1.2469674
6205202031	0.9436	1.2469674
6205202036	1.0616	1.4029044
6205202041	1.0616	1.4029044
6205202044	1.0616	1.4029044
6205202047	0.9436	1.2469674
6205202051	0.9436	1.2469674
6205202056	0.9436	1.2469674
6205202061	0.9436	1.2469674
6205202066	0.9436	1.2469674
6205202071	0.9436	1.2469674
6205202076	0.9436	1.2469674

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6205301000	0.4128	0.5455152
6205302010	0.2949	0.3897104
6205302020	0.2949	0.3897104
6205302030	0.2949	0.3897104
6205302040	0.2949	0.3897104
6205302050	0.2949	0.3897104
6205302055	0.2949	0.3897104
6205302060	0.2949	0.3897104
6205302070	0.2949	0.3897104
6205302075	0.2949	0.3897104
6205302080	0.2949	0.3897104
6205900710	0.118	0.1559370
6205900720	0.118	0.1559370
6205901000	0.2359	0.3117419
6205903010	0.5308	0.7014522
6205903030	0.2359	0.3117419
6205903050	0.1769	0.2337734
6205904010	0.5308	0.7014522
6205904030	0.2359	0.3117419
6205904040	0.2359	0.3117419
6206100010	0.5308	0.7014522
6206100030	0.2359	0.3117419
6206100040	0.118	0.1559370
6206100050	0.2359	0.3117419
6206203010	0.059	0.0779685
6206203020	0.059	0.0779685
6206301000	1.1796	1.5588414
6206302000	0.6488	0.8573892
6206303003	0.9436	1.2469674
6206303011	0.9436	1.2469674
6206303021	0.9436	1.2469674
6206303031	0.9436	1.2469674
6206303041	0.9436	1.2469674
6206303051	0.9436	1.2469674
6206303061	0.9436	1.2469674
6206401000	0.4128	0.5455152
6206403010	0.2949	0.3897104
6206403020	0.2949	0.3897104
6206403025	0.2949	0.3897104
6206403030	0.2949	0.3897104
6206403040	0.2949	0.3897104
6206403050	0.2949	0.3897104
6206900010	0.5308	0.7014522
6206900030	0.2359	0.3117419
6206900040	0.1769	0.2337734
6207110000	1.0281	1.3586342
6207199010	0.3427	0.4528781
6207199030	0.4569	0.6037934
6207210010	1.0502	1.3878393
6207210020	1.0502	1.3878393
6207210030	1.0502	1.3878393
6207210040	1.0502	1.3878393
6207220000	0.3501	0.4626572
6207291000	0.1167	0.1542191
6207299030	0.1167	0.1542191
6207911000	1.0852	1.4340918
6207913010	1.0852	1.4340918
6207913020	1.0852	1.4340918
6207997520	0.2412	0.3187458
6207998510	0.2412	0.3187458
6207998520	0.2412	0.3187458
6208110000	0.2412	0.3187458
6208192000	1.0852	1.4340918
6208195000	0.1206	0.1593729
6208199000	0.2412	0.3187458
6208210010	1.0026	1.3249359
6208210020	1.0026	1.3249359
6208210030	1.0026	1.3249359
6208220000	0.118	0.1559370

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6208299030	0.2359	0.3117419
6208911010	1.0852	1.4340918
6208911020	1.0852	1.4340918
6208913010	1.0852	1.4340918
6208913020	1.0852	1.4340918
6208920010	0.1206	0.1593729
6208920020	0.1206	0.1593729
6208920030	0.1206	0.1593729
6208920040	0.1206	0.1593729
6208992010	0.0603	0.0796865
6208992020	0.0603	0.0796865
6208995010	0.2412	0.3187458
6208995020	0.2412	0.3187458
6208998010	0.2412	0.3187458
6208998020	0.2412	0.3187458
6209201000	1.0967	1.4492891
6209202000	1.039	1.3730385
6209203000	0.9236	1.2205374
6209205030	0.9236	1.2205374
6209205035	0.9236	1.2205374
6209205045	0.9236	1.2205374
6209205050	0.9236	1.2205374
6209301000	0.2917	0.3854816
6209302000	0.2917	0.3854816
6209303010	0.2334	0.3084381
6209303020	0.2334	0.3084381
6209303030	0.2334	0.3084381
6209303040	0.2334	0.3084381
6209900500	0.1154	0.1525011
6209901000	0.2917	0.3854816
6209902000	0.2917	0.3854816
6209903010	0.2917	0.3854816
6209903015	0.2917	0.3854816
6209903020	0.2917	0.3854816
6209903030	0.2917	0.3854816
6209903040	0.2917	0.3854816
6210109010	0.217	0.2867655
6210109040	0.217	0.2867655
6210203000	0.0362	0.0478383
6210205000	0.0844	0.1115346
6210205010	0.0844	0.1115346
6210205020	0.4316	0.5703594
6210205029	0.4316	0.5703594
6210207000	0.1809	0.2390594
6210209039	0.1110	0.1466865
6210209049	0.1110	0.1466865
6210303000	0.0362	0.0478383
6210305000	0.0844	0.1115346
6210305010	0.0844	0.1115346
6210305020	0.0863	0.1140455
6210305029	0.0863	0.1140455
6210307000	0.0362	0.0478383
6210309020	0.422	0.5576730
6210309039	0.1480	0.1955820
6210309049	0.1480	0.1955820
6210401500	0.037	0.0488955
6210402531	0.0863	0.1140455
6210402539	0.0863	0.1140455
6210402540	0.4316	0.5703594
6210402550	0.4316	0.5703594
6210402800	0.111	0.1466865
6210402933	0.111	0.1466865
6210402945	0.111	0.1466865
6210402960	0.111	0.1466865
6210403500	0.037	0.0488955
6210405531	0.0863	0.1140455
6210405539	0.0863	0.1140455
6210405540	0.4316	0.5703594
6210405550	0.4316	0.5703594
6210407500	0.111	0.1466865
6210408033	0.111	0.1466865
6210408045	0.111	0.1466865
6210408060	0.111	0.1466865
6210500300	0.037	0.0488955
6210500531	0.0863	0.1140455
6210500539	0.0863	0.1140455
6210500540	0.0863	0.1140455
6210500555	0.0863	0.1140455
6210501200	0.4316	0.5703594
6210502260	0.148	0.1955820
6210502270	0.148	0.1955820
6210502290	0.148	0.1955820
6210503500	0.037	0.0488955
6210505531	0.0863	0.1140455
6210505539	0.0863	0.1140455
6210505540	0.0863	0.1140455
6210505555	0.0863	0.1140455
6210507500	0.4316	0.5703594
6210508060	0.148	0.1955820
6210508070	0.148	0.1955820
6210508090	0.148	0.1955820
6211111010	0.1206	0.1593729
6211111020	0.1206	0.1593729
6211118010	1.0852	1.4340918
6211118020	1.0852	1.4340918
6211118040	0.2412	0.3187458
6211121010	0.0603	0.0796865
6211121020	0.0603	0.0796865
6211128010	1.0852	1.4340918
6211128020	1.0852	1.4340918
6211128030	0.6029	0.7967324
6211200410	0.7717	1.0198016
6211200420	0.0965	0.1275248
6211200430	0.7717	1.0198016
6211200440	0.0965	0.1275248
6211200810	0.3858	0.5098347
6211200820	0.3858	0.5098347
6211201510	0.7615	1.0063223
6211201515	0.2343	0.3096275
6211201520	0.6443	0.8514425
6211201525	0.2929	0.3870674
6211201530	0.7615	1.0063223
6211201535	0.3515	0.4645073
6211201540	0.7615	1.0063223
6211201545	0.2929	0.3870674
6211201550	0.7615	1.0063223
6211201555	0.41	0.5418150
6211201560	0.7615	1.0063223
6211201565	0.2343	0.3096275
6211202400	0.1233	0.1629410
6211202810	0.8016	1.0593144
6211202820	0.2466	0.3258819
6211202830	0.3083	0.4074185
6211203400	0.1233	0.1629410
6211203810	0.8016	1.0593144
6211203820	0.2466	0.3258819
6211203830	0.3083	0.4074185
6211204400	0.1233	0.1629410
6211204815	0.8016	1.0593144
6211204835	0.2466	0.3258819
6211204860	0.3083	0.4074185
6211205400	0.1233	0.1629410
6211205810	0.8016	1.0593144
6211205820	0.2466	0.3258819
6211205830	0.3083	0.4074185
6211206400	0.1233	0.1629410
6211206810	0.8016	1.0593144
6211206820	0.2466	0.3258819
6211206830	0.3083	0.4074185
6211207400	0.1233	0.1629410
6211207810	0.9249	1.2222554
6211207820	0.2466	0.3258819
6211207830	0.3083	0.4074185
6211325003	0.6412	0.8473458
6211325007	0.8016	1.0593144
6211325010	0.9865	1.3036598
6211325015	0.9865	1.3036598
6211325025	0.9865	1.3036598
6211325030	0.9249	1.2222554
6211325040	0.9249	1.2222554
6211325050	0.9249	1.2222554
6211325060	0.9249	1.2222554
6211325070	0.9249	1.2222554
6211325075	0.9249	1.2222554
6211325081	0.9249	1.2222554
6211329003	0.6412	0.8473458
6211329007	0.8016	1.0593144
6211329010	0.9865	1.3036598
6211329015	0.9865	1.3036598
6211329025	0.9865	1.3036598
6211329030	0.9249	1.2222554
6211329040	0.9249	1.2222554
6211329050	0.9249	1.2222554
6211329060	0.9249	1.2222554
6211329070	0.9249	1.2222554
6211329075	0.9249	1.2222554
6211329081	0.9249	1.2222554
6211335003	0.0987	0.1304321
6211335007	0.1233	0.1629410
6211335010	0.3083	0.4074185
6211335015	0.3083	0.4074185
6211335017	0.3083	0.4074185
6211335025	0.37	0.4889550
6211335030	0.37	0.4889550
6211335035	0.37	0.4889550
6211335040	0.37	0.4889550
6211335054	0.37	0.4889550
6211335058	0.37	0.4889550
6211335061	0.37	0.4889550
6211339003	0.0987	0.1304321
6211339007	0.1233	0.1629410
6211339010	0.3083	0.4074185
6211339015	0.3083	0.4074185
6211339017	0.3083	0.4074185
6211339025	0.37	0.4889550
6211339030	0.37	0.4889550
6211339035	0.37	0.4889550
6211339040	0.37	0.4889550
6211339054	0.37	0.4889550
6211339058	0.37	0.4889550
6211339061	0.37	0.4889550
6211390310	0.1233	0.1629410
6211390320	0.1233	0.1629410
6211390330	0.1233	0.1629410
6211390340	0.1233	0.1629410
6211390345	0.1233	0.1629410
6211390351	0.1233	0.1629410
6211391510	0.2466	0.3258819
6211391520	0.2466	0.3258819
6211391530	0.2466	0.3258819
6211391540	0.2466	0.3258819
6211391550	0.2466	0.3258819
6211391560	0.2466	0.3258819
6211391570	0.2466	0.3258819
6211391590	0.2466	0.3258819
6211393010	0.1233	0.1629410
6211393020	0.1233	0.1629410

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6211393030	0.1233	0.1629410
6211393040	0.1233	0.1629410
6211393045	0.1233	0.1629410
6211393051	0.1233	0.1629410
6211398010	0.2466	0.3258819
6211398020	0.2466	0.3258819
6211398030	0.2466	0.3258819
6211398040	0.2466	0.3258819
6211398050	0.2466	0.3258819
6211398060	0.2466	0.3258819
6211398070	0.2466	0.3258819
6211398090	0.2466	0.3258819
6211420503	0.6412	0.8473458
6211420507	0.8016	1.0593144
6211420510	0.9865	1.3036598
6211420520	0.9865	1.3036598
6211420525	1.1099	1.4667329
6211420530	0.8632	1.1407188
6211420540	0.9865	1.3036598
6211420554	1.1099	1.4667329
6211420556	1.1099	1.4667329
6211420560	0.9865	1.3036598
6211420570	1.1099	1.4667329
6211420575	1.1099	1.4667329
6211420581	1.1099	1.4667329
6211421003	0.6412	0.8473458
6211421007	0.8016	1.0593144
6211421010	0.9865	1.3036598
6211421020	0.9865	1.3036598
6211421025	1.1099	1.4667329
6211421030	0.8632	1.1407188
6211421040	0.9865	1.3036598
6211421054	1.1099	1.4667329
6211421056	1.1099	1.4667329
6211421060	0.9865	1.3036598
6211421070	1.1099	1.4667329
6211421075	1.1099	1.4667329
6211421081	1.1099	1.4667329
6211430503	0.0987	0.1304321
6211430507	0.1233	0.1629410
6211430510	0.2466	0.3258819
6211430520	0.2466	0.3258819
6211430530	0.2466	0.3258819
6211430540	0.2466	0.3258819
6211430550	0.2466	0.3258819
6211430560	0.2466	0.3258819
6211430564	0.3083	0.4074185
6211430566	0.2466	0.3258819
6211430574	0.3083	0.4074185
6211430576	0.37	0.4889550
6211430578	0.37	0.4889550
6211430591	0.2466	0.3258819
6211431003	0.0987	0.1304321
6211431007	0.1233	0.1629410
6211431010	0.2466	0.3258819
6211431020	0.2466	0.3258819
6211431030	0.2466	0.3258819
6211431040	0.2466	0.3258819
6211431050	0.2466	0.3258819
6211431060	0.2466	0.3258819
6211431064	0.3083	0.4074185
6211431066	0.2466	0.3258819
6211431074	0.3083	0.4074185
6211431076	0.37	0.4889550
6211431078	0.37	0.4889550
6211431091	0.2466	0.3258819
6211492510	0.2466	0.3258819
6211492520	0.2466	0.3258819
6211492530	0.2466	0.3258819

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6211492540	0.2466	0.3258819
6211492550	0.2466	0.3258819
6211492560	0.2466	0.3258819
6211492570	0.2466	0.3258819
6211492580	0.2466	0.3258819
6211492590	0.2466	0.3258819
6211498010	0.2466	0.3258819
6211498020	0.2466	0.3258819
6211498030	0.2466	0.3258819
6211498040	0.2466	0.3258819
6211498050	0.2466	0.3258819
6211498060	0.2466	0.3258819
6211498070	0.2466	0.3258819
6211498080	0.2466	0.3258819
6211498090	0.2466	0.3258819
6212105010	0.9138	1.2075867
6212105020	0.2285	0.3019628
6212105030	0.2285	0.3019628
6212109010	0.9138	1.2075867
6212109020	0.2285	0.3019628
6212109040	0.2285	0.3019628
6212200010	0.6854	0.9057561
6212200020	0.2856	0.3774204
6212200030	0.1142	0.1509153
6212300010	0.6854	0.9057561
6212300020	0.2856	0.3774204
6212300030	0.1142	0.1509153
6212900010	0.1828	0.2415702
6212900020	0.1828	0.2415702
6212900030	0.1828	0.2415702
6212900050	0.0914	0.1207851
6212900090	0.4112	0.5434008
6213201000	1.1187	1.4783621
6213202000	1.0069	1.3306184
6213900700	0.4475	0.5913713
6213901000	0.4475	0.5913713
6213902000	0.3356	0.4434954
6214300000	0.1142	0.1509153
6214400000	0.1142	0.1509153
6214900010	0.8567	1.1321291
6214900090	0.2285	0.3019628
6215100025	0.1142	0.1509153
6215200000	0.1142	0.1509153
6215900015	1.0281	1.3586342
6216000800	0.0685	0.0905228
6216001300	0.3427	0.4528781
6216001720	0.6397	0.8453636
6216001730	0.1599	0.2113079
6216001900	0.3427	0.4528781
6216002110	0.578	0.7638270
6216002120	0.2477	0.3273356
6216002410	0.6605	0.8728508
6216002425	0.1651	0.2181797
6216002600	0.1651	0.2181797
6216002910	0.6605	0.8728508
6216002925	0.1651	0.2181797
6216003100	0.1651	0.2181797
6216003300	0.5898	0.7794207
6216003500	0.5898	0.7794207
6216003800	1.1796	1.5588414
6216004100	1.1796	1.5588414
6217109510	0.9646	1.2747189
6217109520	0.1809	0.2390594
6217109530	0.2412	0.3187458
6217909003	0.9646	1.2747189
6217909005	0.1809	0.2390594
6217909010	0.2412	0.3187458
6217909025	0.9646	1.2747189
6217909030	0.1809	0.2390594

IMPORT ASSESSMENT TABLE—Continued
[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6217909035	0.2412	0.3187458
6217909050	0.9646	1.2747189
6217909055	0.1809	0.2390594
6217909060	0.2412	0.3187458
6217909075	0.9646	1.2747189
6217909080	0.1809	0.2390594
6217909085	0.2412	0.3187458
6301300010	0.8305	1.0975058
6301300020	0.8305	1.0975058
6301900030	0.2215	0.2927123
6302100005	1.1073	1.4632970
6302100008	1.1073	1.4632970
6302100015	1.1073	1.4632970
6302213010	1.1073	1.4632970
6302213020	1.1073	1.4632970
6302213030	1.1073	1.4632970
6302213040	1.1073	1.4632970
6302213050	1.1073	1.4632970
6302215010	0.7751	1.0242947
6302215020	0.7751	1.0242947
6302215030	0.7751	1.0242947
6302215040	0.7751	1.0242947
6302215050	0.7751	1.0242947
6302217010	1.1073	1.4632970
6302217020	1.1073	1.4632970
6302217030	1.1073	1.4632970
6302217040	1.1073	1.4632970
6302217050	1.1073	1.4632970
6302219010	0.7751	1.0242947
6302219020	0.7751	1.0242947
6302219030	0.7751	1.0242947
6302219040	0.7751	1.0242947
6302219050	0.7751	1.0242947
6302221010	0.5537	0.7317146
6302221020	0.3876	0.5122134
6302221030	0.5537	0.7317146
6302221040	0.3876	0.5122134
6302221050	0.3876	0.5122134
6302221060	0.3876	0.5122134
6302222010	0.3876	0.5122134
6302222020	0.3876	0.5122134
6302222030	0.3876	0.5122134
6302290020	0.2215	0.2927123
6302313010	1.1073	1.4632970
6302313020	1.1073	1.4632970
6302313030	1.1073	1.4632970
6302313040	1.1073	1.4632970
6302313050	1.1073	1.4632970
6302315010	0.7751	1.0242947
6302315020	0.7751	1.0242947
6302315030	0.7751	1.0242947
6302315040	0.7751	1.0242947
6302315050	0.7751	1.0242947
6302317010	1.1073	1.4632970
6302317020	1.1073	1.4632970
6302317030	1.1073	1.4632970
6302317040	1.1073	1.4632970
6302317050	1.1073	1.4632970
6302319010	0.7751	1.0242947
6302319020	0.7751	1.0242947
6302319030	0.7751	1.0242947
6302319040	0.7751	1.0242947
6302319050	0.7751	1.0242947
6302321010	0.5537	0.7317146
6302321020	0.3876	0.5122134
6302321030	0.5537	0.7317146
6302321040	0.3876	0.5122134
6302321050	0.3876	0.5122134
6302321060	0.3876	0.5122134

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
6302322010	0.5537	0.7317146
6302322020	0.3876	0.5122134
6302322030	0.5537	0.7317146
6302322040	0.3876	0.5122134
6302322050	0.3876	0.5122134
6302322060	0.3876	0.5122134
6302390030	0.2215	0.2927123
6302402010	0.9412	1.2437958
6302511000	0.5537	0.7317146
6302512000	0.8305	1.0975058
6302513000	0.5537	0.7317146
6302514000	0.7751	1.0242947
6302593020	0.5537	0.7317146
6302600010	1.1073	1.4632970
6302600020	0.9966	1.3170069
6302600030	0.9966	1.3170069
6302910005	0.9966	1.3170069
6302910015	1.1073	1.4632970
6302910025	0.9966	1.3170069
6302910035	0.9966	1.3170069
6302910045	0.9966	1.3170069
6302910050	0.9966	1.3170069
6302910060	0.9966	1.3170069
6302931000	0.4429	0.5852924
6302932000	0.4429	0.5852924
6302992000	0.2215	0.2927123
6303191100	0.8859	1.1707169
6303910010	0.609	0.8047935
6303910020	0.609	0.8047935
6303921000	0.2768	0.3657912
6303922010	0.2768	0.3657912
6303922030	0.2768	0.3657912
6303922050	0.2768	0.3657912
6303990010	0.2768	0.3657912
6304111000	0.9966	1.3170069
6304113000	0.1107	0.1462901
6304190500	0.9966	1.3170069
6304191000	1.1073	1.4632970
6304191500	0.3876	0.5122134
6304192000	0.3876	0.5122134
6304193060	0.2215	0.2927123
6304200020	0.8859	1.1707169
6304200070	0.2215	0.2927123
6304910120	0.8859	1.1707169
6304910170	0.2215	0.2927123
6304920000	0.8859	1.1707169
6304996040	0.2215	0.2927123
6505001515	1.1189	1.4786264
6505001525	0.5594	0.7392471
6505001540	1.1189	1.4786264
6505002030	0.9412	1.2437958
6505002060	0.9412	1.2437958
6505002545	0.5537	0.7317146
6507000000	0.3986	0.5267499
9404401000	0.9966	1.3170069
9404409005	0.6644	0.8780046
9404409036	0.0997	0.1317536
9404901000	0.2104	0.2780436
9404908100	0.9966	1.3170069
9619002100	0.8681	1.1471942
9619002500	0.1085	0.1433828
9619003100	0.9535	1.2600503
9619003300	1.1545	1.5256718
9619004100	0.2384	0.3150456
9619004300	0.2384	0.3150456
9619006100	0.8528	1.1269752
9619006400	0.2437	0.3220496
9619006800	0.3655	0.4830083
9619007100	1.1099	1.4667329

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor.	Cents/kg.
9619007400	0.2466	0.3258819
9619007800	0.2466	0.3258819
9619007900	0.2466	0.3258819

* * * * *

Authority: 7 U.S.C. 2101–2118.

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 129

Changes to the International Aviation Safety Assessment (IASA) Program

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

ACTION: Policy statement.

SUMMARY: This document describes policy changes, clarification, or restatement to the FAA's International Aviation Safety Assessment (IASA) program to enhance engagement with civil aviation authorities (CAAs) through pre- and post-IASA assessment and to promote greater transparency. The FAA is making these changes to IASA policy to better meet the FAA's mission and safety expectations of the U.S. traveling public; better mitigate international civil aviation safety risks; strengthen international relationships with CAAs toward sustained success in maintaining or obtaining proper safety oversight; and improve effectiveness, integration, and efficiency in executing the IASA process. This docuent modifies the IASA policies previously announced by the FAA.

DATES: This policy modification is effective September 28, 2022.

FOR FURTHER INFORMATION CONTACT: Rolandos Lazaris, Division Manager, International Program Division (AFS–50), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; (202) 267–3719, *Rolandos.lazaris@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The IASA program is the means by which the FAA determines whether another country's oversight of its air carriers that operate, or seek to operate, into the U.S., or code-share with a U.S. air carrier, complies with safety standards established by the International Civil Aviation Organization (ICAO). The published IASA results of Category 1 or Category 2 is notification to the U.S. traveling public of safety issues. Public notification of the IASA program was established by a **Federal Register** (FR) notification. As with this recent **Federal Register** document, subsequent milestones in the evolution of the program were also published in the **Federal Register**. These notifications are as follows:

- August 24, 1992—established the FAA Procedures for Examining and Monitoring Foreign Air Carriers (57 FR 38342).
- September 8, 1994—established the Public Disclosure of the Results of Foreign Civil Aviation Authority Assessments, through a three-category numbered rating system. (59 FR 46332).
- October 31, 1995—DOT notice Clarification Concerning Examination of Foreign Carriers' Request for Expanded Economic Authority, clarified the Department's licensing policy regarding requests for expanded economic authority from foreign air carriers whose CAA's safety oversight capability has been assessed by the FAA as conditional (Category II) or unacceptable (Category III) (60 FR 55408).
- May 25, 2000—Changes to the International Aviation Safety Assessment Program removed the Category 3 rating and combined it with Category 2 (65 FR 33751).
- March 8, 2013—Changes to the International Aviation Safety Assessment Program removed inactive countries (countries with no air carrier operations to the United States or code-shares with U.S. operators for four years and no significant interaction between the country's CAA and the FAA) from the IASA Category list (78 FR 14912).

Through its IASA program, the FAA seeks continuous improvement to achieve even greater global aviation safety levels. As noted in the above-referenced **Federal Register** notification of September 8, 1994, initial IASA assessments found that two-thirds of the CAAs assessed had deficiencies in safety oversight obligations under the Convention on International Civil Aviation. As broad evidence of the program's effectiveness, now 90% of countries with an IASA rating achieved Category 1 and meet ICAO standards. The following changes are intended to further enhance the IASA program and strenghthen safety oversight worldwide.

IASA Program Policy Changes, Clarification, or Restatement

The following paragraphs describe policy changes, clarification, or restatement to the FAA's IASA program to enhance engagement with CAAs through pre- and post-IASA assessment and to promote greater transparency.

Clarification of Definition of What the IASA Categories Mean

The FAA is clarifying the IASA Category definitions to align them with the types of operations that require an IASA Category rating and therefore demonstrate the need for FAA oversight. The notification, published on March 8, 2013,[1] states the definitions as, ''Category 1 means that the FAA has found that the country meets ICAO standards for safety oversight of civil aviation. Category 2 means that the FAA has found that the country does not meet those standards.'' The notification further states that ''the IASA category rating applies only to services to and from the United States and to code-share operations when the code of a U.S. air carrier is placed on a foreign carrier flight. The category ratings do not apply to a foreign carrier's domestic flights or to flights by that carrier between its homeland and a third country. The assessment team looks at those flights only to the extent that they reflect on the country's oversight of operations to and from the United States and to code-share operations where a U.S. air carrier code is placed on a flight conducted by a foreign operator.'' Not combining this applicability into the Category definitions has given the public a mistaken perception of the FAA oversight of all operators in that country. The FAA exercises oversight authority of foreign operators with direct service to the United States through issuance and oversight of operations specifications (OpSpecs) issued to 14 CFR part 129 operators. This requires the FAA to engage in regular contact with the relevant foreign CAA as to various aspects of these operations. When a U.S. operator places its code on a foreign operator's flight, part 129 OpSpecs are not required, but those code-share arrangements are subject to regular audits accceptable to the U.S. Department of Transportation (U.S. DOT) under the U.S. Code-Share Program Guidelines. The FAA has no oversight authority for other air operator operations of the applicable CAA outside of these two instances. Therefore, the FAA is clarifying its IASA Category definitions as follows:

[1] 78 FR 14912.

- *Category 1, Does Comply with ICAO Standards:* The FAA has found that the country meets ICAO standards for safety oversight of civil aviation. Pursuant to category 1, a country's operators may pursue direct service to the United States or code-sharing partnership with U.S. air carriers where a U.S. air carrier places its codes on flights operated by a foreign carrier(s).
- *Category 2, Does Not Comply with ICAO Standards:* The FAA has found that the country does not meet those standards for safety oversight.

Change in the Criteria for Country Removal From the IASA List for Inactivity

The policy, established in the March 8, 2013 **Federal Register** notification, allows for the removal of a country from the IASA category listing after four years of inactivity. The three criteria for removal are: a country has no air carrier providing air transport service to the United States; the country has no air carrier that participates in a code-share arrangement with U.S. air carriers; and the CAA does not interact significantly with the FAA. The FAA experience and analysis indicate that IASA information is not reliable two years after an initial assessment or reassessment without the safety oversight interaction between the FAA and foreign CAA, such as when there is an operator conducting U.S. air service and holding FAA OpSpecs under part 129, when a U.S. operator places its code on a foreign operator's flights, or when the FAA is providing technical assistance based on identified areas of non-compliance to international standards for safety oversight. Absent such interaction, any other engagement between the FAA and a foreign CAA is not a reliable indicator of the CAA's safety oversight capabilities in accordance with ICAO standards.

The removal criteria published in 2013 no longer meet the need for timeliness and accuracy of information on the IASA Category Rating list. The 2013 criteria leave Category 1 countries on the list for an extended period of time and may give the U.S. traveling public a false sense of safety. Also, leaving Category 2 countries on the list for an extended period of time can be perceived as unfairly penalizing those countries when there has been no activity since the Category 2 rating was issued. As a result, the FAA will reduce the removal benchmark from four years to two years absent the interaction described above.

Clarification as to When an IASA Will Be Performed in a Country With No IASA Category Rating

The FAA will perform an IASA of countries with no IASA Category rating after an operator from that country files an economic authority application with the U.S. DOT for either direct U.S. service with its own aircraft and crew, or a code-share that involves the foreign operator displaying the code of a U.S. operator.In many requests for an IASA, the country either does not have an operator or its operator may not yet have the aircraft type needed to provide service to the United States. This clarification in policy is intended to ensure that an initial IASA is used for its intended purpose of ensuring that the CAA and its operator(s) have each taken the necessary measures to manage and oversee such operations in accordance with ICAO standards, and also to maintain the accuracy of the IASA Category Rating list by not listing countries with no operations that meet the IASA applicability criteria.

Explanation of the Risk Analysis Process Used to Determine Countries of High Risk for IASA Reassessment

Risk Analysis To Determine IASA Category 1 Countries for Reassessment

The FAA uses a risk analysis process to identify IASA Category 1 countries for reassessment. The risk analysis is performed, at least annually and whenever new safety information is obtained, on each country on the IASA Category Rating list to determine countries of highest risk to the U.S. National Airspace System (NAS) and the U.S. traveling public. The risk analysis was developed by FAA experts in this field, and is comprised of individual risk elements and grouped into the following five major IASA risk categories:

1. DOT Economic Authority—New or existing U.S. DOT economic authority; U.S. service under part 129; new or current code-share involving display of U.S. operator code on foreign operator flights; and any USDOT administrative emphasis items and initiatives.

2. Governance and Safety Culture—Areas of interest include: contracting of safety oversight functions; carrier wet lease to airlines of other countries; safety items identified by the CAA remain unresolved or not addressed; complaints received by FAA from other CAAs, operators, manufacturers, and the traveling public.

3. IASA Information—Time passed since the last IASA, and other factors that indicate the Category 1 rating may no longer be valid.

4. ICAO Requirements—Risk concerns include: negative ICAO Universal Safety Oversight Audit Program (USOAP) findings indicating noncompliance with one or more of the eight critical elements of safety oversight; ICAO reports indicating noncompliance with Standards and Recommended Practices (SARPs); inaction with respect to ICAO action plans; ICAO USOAP information over two years old thus limiting its value.

5. FAA Information—FAA has safety concerns about the oversight provided by the CAA, which include the areas of: FAA and foreign ramp inspections; safety-related complaints about carrier(s) from other CAAs; active technical assistance activities; compliance issues are present in FAA certificated or approved entities in the country; Congressional inquiries; and existing bilateral agreement implementation procedures.

Change To Introduce a New, Informal Process for Engagement With CAAs Identified for IASA Reassessment

In support of the FAA's objective of improving communications with CAAs of IASA Category 1 countries identified as priorities through the FAA's risk analysis, the FAA will exercise discretion to provide CAAs with informal notification of safety concerns and request discussions with CAAs prior to the initiation of the formal IASA process. If such safety concerns have not been satisfactorily addressed, the FAA will begin the formal IASA notification process. The FAA will retain its ability to initiate immediate IASA category changes or IASA assessments when justified based on available safety information. The discretion to engage informally is to make CAAs aware of potential defiencies in safety oversight to enable more efficient resolution.

Change To Introduce New Risk Mitigation Measures When Countries Have Been Notified of High Risk Concerns That Would Trigger an IASA Reassessment

This mitigation is twofold and involves limits to foreign operations to the United States and code-share arrangements with operators from countries for which the FAA has identified safety oversight concerns and limits on certain bilateral agreements. These changes will provide the U.S. traveling public and the U.S. air transportation system with an added measure of safety mitigation and freedom from external pressures to delay safety oversight responsibilities.

• *Limitations on foreign operations to the United States and code-share arrangements.* Upon FAA notification to a CAA of the FAA's safety concern and identification for an IASA reassessment, the FAA will limit the direct service to the United States and the display of U.S. operators' codes on foreign operators of that country to current levels.

• *Limits on certain bilateral agreements.* The FAA will communicate to the CAA that the FAA will cease reciprocal acceptance of any approvals or certifications under existing Bilateral Aviation Safety Agreement (BASA) implementation procedures (IP) for which the CAA may be responsible for issuing. These risk mitigation actions will increase transparency during the time between informal notification of the potential need for an IASA and the conclusion of the formal IASA process.

CAA Completion of the IASA Checklist Prior to an Assessment or Reassessment

The FAA currently requests that the CAA provide a completed IASA checklist (available on the FAA website) prior to the FAA conducting an IASA; however, the FAA has not explicitly identified this step in past IASA policy statements. While not mandatory, it is in the CAA's best interest to complete the checklist in preparation for safety oversight discussions. The CAA's provision of a completed IASA checklist in advance of the assessment, whether initial assessment or reassessment, will facilitate an efficient and effective assessment review.

Transmittal of IASA Results

This is a restatement of current policy. Once an IASA has been completed, the FAA will provide any findings of noncompliance with ICAO standards. Subsequently, the FAA will provide the results of the assessment to the CAA through an established cable process. If there are no findings of noncompliance with ICAO standards in the IASA report, the cable will reflect that the country will receive an IASA Category 1 rating. If there have been any findings of noncompliance with applicable ICAO standards, the FAA will provide the CAA with the opportunity to provide evidence to the FAA of the actions it has taken since the IASA to correct any findings of noncompliance.

IASA Final Discussions

This is a restatement of current policy. During the final discussions, the FAA will review each IASA finding of noncompliance with the CAA, the CAA's corrective action since the IASA, and the status of the finding as either open or closed. This will be documented in a Record of Discussions, and the record will be signed by both the FAA and the CAA. The final assignment of an IASA Category rating will be transmitted to the CAA through the cable process.

Incorporation of FAA and CAA Development of a Corrective Action Plan (CAP) Upon Notification of an IASA Category 2 Rating

For additional communication and support for a country downgraded to an IASA Category 2 rating, the FAA will provide the CAA with a CAP to address its safety oversight deficiencies and will conduct a virtual meeting with the CAA to establish timelines for completion. This will allow the CAA to begin work on its safety oversight findings at the conclusion of the IASA process without delay. Should the CAA request FAA technical assistance implementation of its CAP, this would require a government-to-government agreement.

Restatement of the Current Practice Regarding Reassessment of IASA Category 2 Countries

To restate current FAA policy, a country with an IASA Category 2 rating may request a reassessment in an attempt to obtain a Category 1 rating. A CAP, as discussed above, showing the CAA's action on resolving the identified safety oversight items is one way of providing evidence of CAA readiness for an IASA reassessment.

Issued in Washington, DC, on September 23, 2022.

Jodi L. Baker,

Deputy Administrator for Aviation Safety.

[FR Doc. 2022–21085 Filed 9–26–22; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 22–24]

RIN 1515–AE76

Extension of Import Restrictions on Archaeological and Ecclesiastical Ethnological Materials From Guatemala

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection

(CBP) regulations to reflect an extension of import restrictions on certain categories of archaeological and ecclesiastical ethnological materials from Guatemala to fulfill the terms of the new agreement, titled ''Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Categories Of Archaeological and Ethnological Material of Guatemala.'' CBP Dec. 12–17, which contains the Designated List of archaeological and ecclesiastical ethnological material from Guatemala to which the restrictions apply, is being extended for an additional five years by this final rule.

DATES: Effective September 29, 2022.

FOR FURTHER INFORMATION CONTACT: For legal aspects, W. Richmond Beevers, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0084, *ototrrculturalproperty@cbp.dhs.gov*. For operational aspects, Julie L. Stoeber, Chief, 1USG Branch, Trade Policy and Programs, Office of Trade, (202) 945–7064, *1USGBranch@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the Convention on Cultural Property Implementation Act, Public Law 97–446, 19 U.S.C. 2601 *et seq.,* which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)), the United States entered into a memorandum of understanding (MOU) with the Republic of Guatemala (Guatemala) on September 29, 1997, concerning the imposition of import restrictions on archaeological material from the Pre-Columbian cultures of Guatemala (the 1997 MOU). The 1997 MOU included among the materials covered by the restrictions, the archaeological materials from the Peten Region of Guatemala, then subject to the emergency restrictions imposed by the former U.S. Customs Service (U.S. Customs and Border Protection's (CBP) predecessor agency) in Treasury Decision (T.D.) 91–34 (56 FR 15181 (April 15, 1991)). These emergency import restrictions were imposed pursuant to 19 U.S.C. 2603(c) and 19 CFR 12.104g(b) and effective for a period of five years. They were subsequently extended pursuant to 19 U.S.C. 2603(c)(3), for a three-year period by publication of T.D. 94–84 in the **Federal Register** (59 FR 54817 (November 2, 1994)).

On October 3, 1997, the former U.S. Customs Service published T.D. 97–81 in the **Federal Register** (62 FR 51771), which amended 19 CFR 12.104g(a) to reflect the imposition of restrictions on these materials and included a list designating the types of archaeological materials covered by the restrictions.

Import restrictions listed at 19 CFR 12.104g(a) are effective for no more than five years beginning on the date on which an agreement enters into force with respect to the United States. This period may be extended for additional periods of no more than five years if it is determined that the factors which justified the agreement still pertain and no cause for suspension of the agreement exists. *See* 19 CFR 12.104g(a).

Since the initial final rule was published on October 3, 1997, the import restrictions were subsequently extended and/or amended four (4) times. First, on September 30, 2002, the former U.S. Customs Service published a final rule (T.D. 02–56) in the **Federal Register** (67 FR 61259) to extend the import restrictions for an additional five-year period.

Second, on September 26, 2007, CBP published a final rule (CBP Dec. 07–79) in the **Federal Register** (72 FR 54538) to extend the import restrictions for an additional five-year period.

Third, on September 28, 2012, CBP published a final rule (CBP Dec. 12–17) in the **Federal Register** (77 FR 59541) amending the CBP regulations to reflect the extension of import restrictions on archaeological materials and the addition of ecclesiastical ethnological materials of the Conquest and Colonial Periods of Guatemala, c. A.D. 1524 to 1821.

Fourth and lastly, on September 28, 2017, CBP published a final rule (CBP Dec. 17–14) in the **Federal Register** (82 FR 45178) to extend the import restrictions for an additional five-year period through September 28, 2022.

On January 6, 2022, the United States Department of State proposed in the **Federal Register** (87 FR 792) to extend the 1997 MOU between the United States and Guatemala concerning the import restrictions on certain categories of archaeological and ecclesiastical ethnological material from Guatemala. On May 5, 2022, after considering the views and recommendations of the Cultural Property Advisory Committee, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, determined that the cultural heritage of Guatemala continues to be in jeopardy from pillage of certain archeological and ecclesiastical ethnological materials, and that the import restrictions should be extended for an additional five years, pursuant to 19 U.S.C. 2602(e). Pursuant to the new agreement, the existing import restrictions will remain in effect for an additional five years through September 28, 2027.

Accordingly, CBP is amending 19 CFR 12.104g(a) to reflect the extension of the import restrictions. The restrictions on the importation of archaeological and ecclesiastical ethnological material are to continue to be in effect through September 28, 2027. Importation of such material from Guatemala continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

The Designated List and additional information may also be found at the following website address: *https://eca.state.gov/cultural-heritage-center/cultural-property/current-agreements-and-import-restrictions* by selecting the material for ''Guatemala.''

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury's authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

Chris Magnus, the Commissioner of CBP, having reviewed and approved this document, has delegated the authority to electronically sign this document to Robert F. Altneu, who is the Director of the Regulations and Disclosure Law Division for CBP, for

purposes of publication in the **Federal Register**.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, and Reporting and recordkeeping requirements.

Amendment to the CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

■ 2. In § 12.104g, amend the table in paragraph (a) by revising the entry for Guatemala to read as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

(a) * * *

State party	Cultural property	Decision No.
* *	* * *	* *
Guatemala	Archaeological material, c. 12,000 B.C. to A.D. 1524, and Hispanic period ecclesiastical ethnological material, c. A.D. 1524 to 1821.	CBP Dec. 12–17 extended by CBP Dec. 22–24.
* *	* * *	* *

* * * * *

Robert F. Altneu,

Director, Regulations & Disclosure Law Division, Regulations & Rulings, Office of Trade, U.S. Customs and Border Protection.

Approved:

Thomas C. West, Jr.,

Deputy Assistant Secretary of the Treasury for Tax Policy.

[FR Doc. 2022–20958 Filed 9–27–22; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0736]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Delaware River, Philadelphia, PA; Safety Zone from 8:30 p.m. through 9:15 p.m. on September 30, 2022, to provide for the safety of life on navigable waterways during the Cooper Foundation Gala fireworks display. Our regulation for fireworks displays in the Fifth Coast Guard District identifies the regulated area for this event in Philadelphia, PA. During the enforcement period, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation 33 CFR 165.506 will be enforced for the location identified in entry 10 of table 1 to paragraph (h)(1) from 8:30 p.m. through 9:15 p.m. on September 30, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Dylan Caikowski, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone: (215) 271–4814, Email: *SecDelBayWWM@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 for the Cooper Foundation Gala fireworks display from 8:30 p.m. through 9:15 p.m. on September 30, 2022. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after the fireworks display. Our regulation for safety zones of fireworks displays in the Fifth Coast Guard District, table 1 to paragraph (h)(1) to 33 CFR 165.506, entry 10 specifies the location of the regulated area as all waters of Delaware River, adjacent to Penn's Landing, Philadelphia, PA, within a 500-yard radius of the fireworks barge position. The approximate position for the fireworks barge is latitude 39°56′53″ N, longitude 075°08′03″ W. During the enforcement period, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zone unless authorized by the Captain of the Port or designated Coast Guard patrol personnel on-scene.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via broadcast notice to mariners.

Dated: September 23, 2022.

Kate F. Higgins-Bloom,

Captain, U.S. Coast Guard, Acting Captain of the Port Delaware Bay.

[FR Doc. 2022–21036 Filed 9–27–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2022–0306; FRL–9713–03–R9]

Air Quality State Implementation Plans; Approvals and Promulgations: California; San Diego County Air Pollution Control District; Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve four permitting rules submitted as a revision to the San Diego County Air Pollution Control District (SDAPCD or ''District'') portion of the California State Implementation Plan (SIP). These revisions concern the District's New Source Review (NSR) permitting program for new and modified sources of air pollution under section 110(a)(2)(C) and part D of title I of the Clean Air Act (CAA or ''Act''). This action will update the District's applicable SIP with rules revised to address a deficiency identified in our September 16, 2020 limited disapproval

action. On May 12, 2022, we made an interim final determination that deferred the imposition of CAA sanctions associated with our September 16, 2020 limited disapproval action. This final approval stops all sanction and federal implementation plan clocks started by our September 16, 2020 limited approval and limited disapproval. This action also finalizes regulatory text to clarify that San Diego County is not subject to the Federal Implementation Plan related to protection of visibility from sources in nonattainment areas.

DATES: This rule is effective October 28, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R09–OAR–2022–0306. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3534 or by email at *yannayon.laura@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

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II. Public Comments and EPA Responses
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I. Proposed Action

On May 12, 2022, the EPA proposed to approve the following rules listed in Table 1 into the California SIP and simultaneously made an interim final determination that deferred sanctions triggered by the September 16, 2020 limited disapproval of Rule 20.1.[1] [2] These rules constitute part of the District's current program for preconstruction review and permitting of new or modified stationary sources under its jurisdiction. The rule revisions that are the subject of this action represent an update to the District's preconstruction review and permitting program and are intended to satisfy the requirements under part D of title I of the Act (''Nonattainment NSR'' or ''NNSR'') as well as the general preconstruction review requirements under section 110(a)(2)(C) of the Act (''Minor NSR''). We are approving these rules because we determined that they comply with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.[3]

TABLE 1—SUBMITTED RULES

Rule No.	Rule title	Amended date	Submitted date
11	Exemptions From Rule 10 Permit Requirements	7/8/2020	9/21/2020
20.1	New Source Review—General Provisions	10/14/2021	2/2/2022
20.3*	New Source Review—Major Stationary Sources and PSD Stationary Sources	10/14/2021	2/2/2022
20.4*	New Source Review—Portable Emission Units	10/14/2021	2/2/2022

*The following subsections of the Rules 20.3 and 20.4 were not submitted to the EPA for inclusion in the San Diego SIP: Rule 20.3 Subsections (d)(1)(vi), (d)(2)(i)(B), (d)(2)(v), (d)(2)(vi)(B) and (d)(3); and Rule 20.4 Subsections (b)(2), (b)(3), (d)(1)(iii), (d)(2)(i)(B), (d)(2)(iv), (d)(2)(v)(B), (d)(3) and (d)(5).

The SIP-approved versions of the submitted rules are identified below in Table 2.

TABLE 2—SIP APPROVED RULES

Rule No.	Rule title	SIP approval date	**Federal Register** citation
11	Exemptions	10/4/18	83 FR 50007
20.1	New Source Review—General Provisions	9/16/20	85 FR 57727
20.3	New Source Review—Major Stationary Sources and PSD Stationary Sources	9/16/20	85 FR 57727
20.4	New Source Review—Portable Emission Units	9/16/20	85 FR 57727

The rules listed in Table 2 are being replaced in the SIP by the submitted set of rules listed in Table 1. Additionally, as described in our proposal, the EPA's final approval of Rule 20.1 addresses our September 16, 2020 limited disapproval.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, no comments were submitted on our proposal.

III. EPA Action

No comments were submitted on our proposal. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, the EPA is approving the submitted rules. This action incorporates the

[1] 87 FR 29048, May 12, 2022, Determination To Defer Sanctions; California; San Diego County Air Pollution Control District (Interim Final Determination).

[2] 85 FR 57727, September 16, 2020, Approval and Limited Approval and Limited Disapproval of California Air Plan Revisions; San Diego County Air Pollution Control District; Stationary Source Permits.

[3] 87 FR 29105, May 12, 2022, Air Quality State Implementation Plans; Approvals and Promulgations: California; San Diego County Air Pollution Control District; Permits (Proposed Rule).

submitted rules in the California SIP and replaces the previously submitted rules listed in Table 2. This approval stops all sanction and federal implementation plan clocks started by our September 16, 2020 limited approval and limited disapproval.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the rules described in Section I of this preamble and set forth below in the amendments to 40 CFR part 52. The EPA has made, and will continue to make, these documents available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. 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); and
- 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 Clean Air Act.

The state did not evaluate environmental justice considerations as part of its SIP submittal. 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.

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

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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 28, 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 section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: September 15, 2022.

Deborah Jordan,

Acting Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(488)(i)(A)(*6*), (c)(508)(i)(A)(*10*), (*11*), and (*12*), and (c)(557)(i)(B), adding reserved paragraph (c)(587), and adding paragraph (c)(588) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(488) * * *

(i) * * *

(A) * * *

(*6*) Previously approved on October 4, 2018 in paragraph (c)(488)(i)(A)(*3*) of this section and now deleted with replacement in paragraph (c)(557)(i)(B)(*1*) of this section, Rule 11, ''Exemptions From Rule 10 Permit Requirements,'' revision adopted on July 8, 2020.

* * * * *

(508) * * *

(i) * * *

(A) * * *

(*10*) Previously approved on September 16, 2020 in paragraph (c)(508)(i)(A)(*6*) of this section and now deleted with replacement in paragraph (c)(588)(i)(A)(*1*) of this section, Rule 20.1, ''New Source Review—General Provisions,'' revision adopted on October 14, 2021.

(*11*) Previously approved on September 16, 2020 in paragraph (c)(508)(i)(A)(*8*) of this section and now deleted with replacement in paragraph (c)(588)(i)(A)(*2*) of this section, Rule 20.3, ''New Source Review—Major Stationary Sources and PSD Stationary

Sources'' (except subsections (d)(1)(vi), (d)(2)(i)(B), (d)(2)(v), (d)(2)(vi)(B) and (d)(3)), revision adopted on October 14, 2021.

(*12*) Previously approved on September 16, 2020 in paragraph (c)(508)(i)(A)(*9*) of this section and now deleted with replacement in paragraph (c)(588)(i)(A)(*3*) of this section, Rule 20.4, ''New Source Review—Portable Emission Units'' (except subsections (b)(2), (b)(3), (d)(1)(iii), (d)(2)(i)(B), (d)(2)(iv), (d)(2)(v)(B), (d)(3) and (d)(5)), revision adopted on October 14, 2021.

* * * * *

(557) * * *

(i) * * *

(B) San Diego County Air Pollution Control District.

(*1*) Rule 11 ''Exemptions From Rule 10 Permit Requirements,'' revision adopted on July 8, 2020.

(*2*) [Reserved]

* * * * *

(587) [Reserved]

(588) The following regulations were submitted on February 2, 2022 by the Governor's designee as an attachment to a letter dated January 31, 2022.

(i) *Incorporation by reference.* (A) San Diego County Air Pollution Control District.

(*1*) Rule 20.1 ''New Source Review—General Provisions,'' revision adopted on October 14, 2021.

(*2*) Rule 20.3 ''New Source Review—Major Stationary Sources and PSD Stationary Sources,'' (except subsections (d)(1)(vi), (d)(2)(i)(B), (d)(2)(v), (d)(2)(vi)(B) and (d)(3)), revision adopted on October 14, 2021.

(*3*) Rule 20.4 ''New Source Review—Portable Emission Units,'' (except subsections (b)(2), (b)(3), (d)(1)(iii), (d)(2)(i)(B), (d)(2)(iv), (d)(2)(v)(B), (d)(3) and (d)(5)), revision adopted on October 14, 2021.

(B) [Reserved]

(ii) [Reserved]

■ 3. Section 52.281 is amended by revising paragraph (d) to read as follows:

§ 52.281 Visibility protection.

* * * * *

(d) The provisions of § 52.28 are hereby incorporated and made part of the applicable plan for the State of California, except for the air pollution control districts listed in paragraphs (d)(1) through (6) of this section. The provisions of § 52.28 remain the applicable plan for any Indian reservation lands, and any other area of Indian country where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, located within the State of California, including any such areas located in the air pollution control districts listed in paragraphs (d)(1) through (6) of this section.

(1) Monterey County air pollution control district;

(2) Sacramento County air pollution control district;

(3) Calaveras County air pollution control district;

(4) Mariposa County air pollution control district;

(5) Northern Sierra air quality management district; and

(6) San Diego County air pollution control district.

* * * * *

[FR Doc. 2022–20588 Filed 9–27–22; 8:45 am]

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Proposed Rules

Federal Register
Vol. 87, No. 187
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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 50, 56, and 812

[Docket No. FDA–2021–N–0286]

RIN 0910–AI07

Protection of Human Subjects and Institutional Review Boards

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA or Agency) is proposing to amend its regulations to modernize, simplify, and enhance the current system for oversight of FDA-regulated human subject research. This proposed rule, if finalized, would harmonize certain sections of FDA's regulations on human subject protection and institutional review boards (IRBs), to the extent practicable and consistent with other statutory provisions, with the revised Federal Policy for the Protection of Human Subjects (the revised Common Rule), in accordance with the 21st Century Cures Act (Cures Act). We believe the proposed changes, if finalized, will reduce regulatory burden on IRBs, sponsors, and investigators. In addition, we propose related changes to the investigational device exemption (IDE) regulations to clarify and update the requirements for the submission of progress reports.

DATES: Either electronic or written comments on the proposed rule must be submitted by November 28, 2022. Submit written comments (including recommendations) on the collection of information under the Paperwork Reduction Act of 1995 by November 28, 2022.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 28, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0286 for ''Protection of Human Subjects and Institutional Review Boards.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

Submit comments on information collection issues under the Paperwork Reduction Act of 1995 to the Office of Management and Budget (OMB) at *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 title of this proposed collection is ''Protection of

Human Subjects and Institutional Review Boards—21 CFR parts 50 and 56 (OMB Control Number 0910–0130)''.

FOR FURTHER INFORMATION CONTACT:
With regard to the proposed rule: Sheila Brown, Office of Clinical Policy, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–6523, *Sheila.Brown@fda.hhs.gov.*

With regard to the information collection: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

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I. Executive Summary

A. Purpose of the Proposed Rule

The purpose of this proposed rule is to modernize, simplify, and enhance the current system for oversight of FDA-regulated human subject research. We propose to harmonize certain sections of FDA's regulations on human subject protection (part 50 (21 CFR part 50)) and IRBs (part 56 (21 CFR part 56)), to the extent practicable and consistent with other statutory provisions, with the revised Common Rule,[1] in accordance with section 3023 of the Cures Act (Pub. L. 114–255, enacted December 13, 2016).[2] The rule also proposes to revise FDA's regulations on IDEs (part 812 (21 CFR part 812)) to clarify and update the requirements for submission of progress reports for clinical investigations of devices. We are also proposing minor technical and editorial changes to the regulations for clarity. FDA believes that these proposed changes, if finalized, would help ensure clarity and enhance both human subject protection and the IRB review process. In addition, harmonizing with the revised Common Rule would reduce regulatory burden for IRBs, sponsors, and investigators.

B. Summary of the Major Provisions of the Proposed Rule

This proposed rule, if finalized, would amend parts 50 and 56 of FDA's regulations. Among other things, we are proposing to: (1) revise the content, organization, and presentation of information included in the informed consent form and process to facilitate a prospective subject's decision about whether to participate in the research; (2) add new basic and additional elements of informed consent; (3) add a provision that would allow IRBs to eliminate continuing review of research in certain circumstances; (4) revise the IRB recordkeeping requirements for certain determinations related to the need for continuing review; and (5) add or modify some definitions. We are also proposing to revise one section of part 812 regarding progress reports submitted by investigators and sponsors to a reviewing IRB for consistency with other revisions we are proposing to the continuing review process in part 56.

C. Legal Authority

The provisions under which FDA is proposing to issue this rule include sections 403, 406, 409, 412, 413, 503, 505, 510, 513–515, 520, 531–539, 541–542, 701, and 721 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 343, 346, 348, 350a, 350b, 353, 355, 360, 360c–360e, 360j, 360hh–360pp, 360rr–360ss, 371, and 379e) and section 351 of the Public Health Service Act (PHS Act) (42 U.S.C. 262).

D. Costs and Benefits

The primary quantifiable benefit of the proposed rule is a decreased time burden to IRBs, investigators, and sponsors of clinical trials from increased harmonization with the revised Common Rule. Quantifiable costs include the development of informed consent documents and additional recordkeeping burdens. The estimated annualized cost savings of the proposed rule range from approximately $22 to $103 million in 2018 dollars, with a central estimate of approximately $43 million, discounted at 7 percent over 10 years. At 3 percent, estimates of annualized cost savings range from approximately $22 to $103 million, with a central estimate of approximately $43 million. Estimated annualized costs of the proposed rule range from approximately $0.7 million to $2.3 million, with a central estimate of approximately $1.2 million, discounted at 7 percent. At 3 percent, estimates of annualized costs range from approximately $0.6 million to $2.0 million, with a central estimate of approximately $1.1 million. The impact of the proposed provisions is analyzed in the Preliminary Economic Analysis of Impacts for this proposed rule.

II. Table of Abbreviations/Commonly Used Acronyms in This Document

Abbreviation/acronym	What it means
Cures Act	21st Century Cures Act (Pub. L. 114–255).
FDA	Food and Drug Administration.
IRB	Institutional Review Board.
FD&C Act	Federal Food, Drug, and Cosmetic Act.
FR	Federal Register.
HHS	Department of Health and Human Services.
IDE	Investigational Device Exemption.

[1] For the purposes of this proposed rule, the phrase ''revised Common Rule'' refers to the final rule (82 FR 7149, January 19, 2017), modified by the interim final rule that delayed the effective date and general compliance date (83 FR 2885, January 22, 2018) and the final rule that delayed the general compliance date, while allowing use of three burden-reducing provisions for certain research during the delay period (83 FR 28497, June 19, 2018).

[2] The term ''harmonize,'' as used in this proposed rule means, ''harmonize to the extent practicable and consistent with other statutory provisions,'' consistent with section 3023 of the Cures Act.

Abbreviation/acronym	What it means
IND	Investigational New Drug Application.
LAR	Legally Authorized Representative.
NIH	National Institutes of Health.
OHRP	Office for Human Research Protections.
PRA	Paperwork Reduction Act of 1995.
OMB	Office of Management and Budget.
PHS Act	Public Health Service Act.
SACHRP	Secretary's Advisory Committee on Human Research Protections.
U.S.C	United States Code.
WGS	Whole Genome Sequencing.

III. Background

A. Human Subject Protection Requirements Under the Revised Common Rule

The Federal Policy for the Protection of Human Subjects, codified by the Department of Health and Human Services (HHS) at 45 CFR part 46, subpart A, and generally referred to as the Common Rule, sets forth requirements for the protection of human subjects involved in research that is conducted or supported by HHS. The Common Rule was issued in 1991 [3] and has been adopted by other Federal Departments and Agencies. The purpose of the Common Rule is to promote uniformity, understanding, and compliance with human subject protections and to create a uniform body of regulations across the Federal Departments and Agencies.[4] On January 19, 2017, HHS announced revisions to modernize, strengthen, and make the Common Rule more effective. The revised Common Rule is intended to better protect human subjects involved in research, while facilitating valuable research and reducing burden, delay, and ambiguity for the regulated community.[5]

B. FDA's Current Regulatory Framework

FDA's regulations for the protection of human subjects at parts 50 and 56 apply to clinical investigations, as defined at current §§ 50.3(c) and 56.102(c), regardless of the source of funding. These regulations, which include requirements for informed consent and IRBs, are intended to protect the rights, safety, and welfare of subjects involved in clinical investigations involving FDA-regulated products.

Prior to the most recent revision to the Common Rule, FDA's regulations regarding the protection of human subjects were largely consistent with the requirements in the Common Rule, with a few exceptions generally arising from differences in FDA's mission or statutory authority. FDA-regulated research that is HHS-conducted or HHS-supported is subject to both HHS's and FDA's regulations. Many IRBs review both types of research and must comply with both sets of regulations. FDA and the Office for Human Research Protections (OHRP) have been actively working together for many years to harmonize regulatory requirements and guidance.

C. The Cures Act

On December 13, 2016, the Cures Act was signed into law with its purpose of accelerating the discovery, development, and delivery of 21st century cures.[6] Section 3023 of the Cures Act directs the Secretary of HHS, to the extent practicable and consistent with other statutory provisions, to harmonize differences between the HHS Human Subject Regulations and FDA's Human Subject Regulations.[7] Section 3023 of the Cures Act further directs the Secretary of HHS to, as appropriate, make modifications to those regulations, in order to, among other things, reduce regulatory duplication and unnecessary delays. FDA is working with other HHS Agencies in carrying out this statutory mandate, and this proposed rule is being issued in accordance with this provision.

D. Need for the Regulation

As described above, FDA's regulations governing the protection of human subjects largely have been consistent with the requirements of the Common Rule, with a few exceptions generally due to differences in FDA's mission and statutory authority. The revised Common Rule includes provisions intended to strengthen the effectiveness of the human subject protection regulations, and FDA is proposing to harmonize with certain provisions in the revised Common Rule that are applicable to FDA-regulated clinical investigations. For example, proposed new basic and additional elements of informed consent, along with new requirements for the presentation of information in the consent form, would help facilitate a prospective subject's decision about whether to participate in the research and facilitate the enrollment process. In addition, FDA is proposing to harmonize with the revised Common Rule by adding provisions that reduce burden on IRBs and that are intended to allow IRBs to focus their resources on research that presents higher risk, thereby enhancing human subject protection. Harmonization will also reduce confusion and regulatory burden for the oversight of studies that are subject to both the revised Common Rule and FDA regulations.

This proposed rule does not address all of the provisions contained in the revised Common Rule. The Agency has addressed some of these provisions in a previously issued proposed rule [8] and is also considering how other provisions of the revised Common Rule that are potentially relevant to FDA-regulated research, such as provisions related to single IRB review for cooperative research, posting of informed consent forms, broad consent, limited IRB review, exempt research, and public health surveillance activities, could be applied to FDA-regulated research. FDA plans to take additional steps to harmonize FDA's regulations with the revised Common Rule, to the extent practicable and consistent with statutory provisions.

IV. Legal Authority

FDA is proposing to issue this rule under the Agency's authority to issue regulations regarding the investigational use of drugs under section 505(i) of the FD&C Act, the investigational use of devices under section 520(g) of the FD&C Act, and the investigational use of biological products under section 351(a) of the PHS Act. In addition, IRB review

[3] 56 FR 28001, June 18, 1991.

[4] 80 FR 53933 at 53935, September 8, 2015.

[5] 82 FR 7149, January 19, 2017.

[6] Public Law 114–255.

[7] Public Law 114–255, title III, section 3023, December 13, 2016.

[8] See FDA's notice of proposed rulemaking, ''Institutional Review Board Waiver or Alteration of Informed Consent for Minimal Risk Clinical Investigations,'' 83 FR 57378, November 15, 2018 (*https://www.govinfo.gov/content/pkg/FR-2018-11-15/pdf/2018-24822.pdf*).

helps assure the quality and integrity of data from clinical investigations relied upon in submissions to FDA regarding the safety, effectiveness, and/or marketing of FDA-regulated products, including submissions made pursuant to sections 403, 406, 409, 412, 413, 503, 505, 510, 513–515, 520, 531–539, 541–542, and 721 of the FD&C Act and section 351 of the PHS Act. Requirements for informed consent and IRB review also help protect the rights and welfare of human subjects involved in those clinical investigations. Section 701(a) of the FD&C Act authorizes the Agency to issue regulations for the efficient enforcement of the FD&C Act.

These statutory provisions authorize FDA to issue the proposed revisions to its regulations to enhance protection of human subjects and the IRB review process for FDA-regulated clinical investigations.

V. Description of the Proposed Rule

A. 21 CFR Part 50—Protection of Human Subjects

We propose to revise part 50 by adding new requirements, including revised definitions intended to enhance human subject protections. These proposed revisions would require presentation of information in the informed consent document to be in an organized and understandable manner, and to include a concise and focused presentation of the key information most likely to assist a prospective subject in understanding the reasons why the subject might or might not want to participate in the research. The new proposed provisions also include a new basic element of informed consent and three new additional elements of informed consent. New proposed definitions include the definitions of private information, identifiable private information, and identifiable biospecimen. FDA is also proposing to make grammatical corrections or other editorial changes to provide clarity. Table 1 summarizes the proposed changes to part 50 that would harmonize with the revised Common Rule.

TABLE 1—PROPOSED REVISIONS TO PART 50 TO HARMONIZE WITH THE REVISED COMMON RULE

Section No.	FDA proposes to:	Harmonizes with revised Common Rule section (45 CFR part 46)
50.3(l)	Add a sentence to the definition of legally authorized representative (LAR) to address situations in which there is no applicable State or local law governing who may act as a LAR.	46.102(i).
50.3(t)	Add a definition of ''written or in writing'' that includes both physical and electronic formats	46.102(m).
50.3(u)	Add a definition of ''private information''	46.102(e)(4).
50.3(v)	Add a definition of ''identifiable private information''	46.102(e)(5).
50.3(w)	Add a definition of ''identifiable biospecimen''	46.102(e)(6).
50.20	Add provisions (d) and (e) for organizing and presenting information about the research to subjects; redesignate or make minor editorial changes to other portions of the paragraph.	46.116(a)(1)–(6).
50.25(a)	Add ''or legally authorized representative'' to clarify to whom informed consent information must be provided.	46.116(b).
50.25(a)(9)	Add a basic element of informed consent that would require a description of how information or biospecimens may be used for future research or distributed for future research.	46.116(b)(9).
50.25(b)	Add ''or the legally authorized representative'' to the end of the sentence to clarify to whom informed consent information must be provided.	46.116(c).
50.25(b)(2)	Add ''or legally authorized representative's'' to clarify that the investigator may terminate the research without the consent of the subject or the LAR.	46.116(c)(2).
50.25(b)(7)–(9)	Add three new additional elements of informed consent, including a statement as to how private information or biospecimens collected during the research may be used for commercial profit and whether the subject will or will not share in this commercial profit, whether clinically relevant results will be disclosed to study subjects, and for research involving biospecimens, whether the research involves whole genome sequencing.	46.116(c)(7)–(9).
50.25(d)	Add a reference to tribal law of American Indian or Alaska Native tribes, to clarify that the reference to ''Federal, State, or local law'' is intended to include tribal laws; make minor editorial changes.	46.116(i).
50.25(e)	Add a reference to tribal law of American Indian or Alaska Native tribes, to clarify that the reference to ''Federal, State, or local law'' is intended to include tribal law.	46.116(j).
50.27(a)	Add a parenthetical to provide for consent forms in an electronic format and add ''informed consent'' before ''form''.	46.117(a).
50.27(b)(1)	Add ''or the subject's legally authorized representative'' (to clarify that the subject or LAR shall have the opportunity to read the informed consent form); reorder the sentences and make minor editorial changes.	46.117(b)(1).
50.27(b)(2)	Add a sentence to clarify that when using a short form written informed consent, the key information must be presented first to the subject before other information, if any, is provided, and add ''legally authorized representative'' in three places; reorder sentences and make minor editorial changes.	46.117(b)(2)

1. Definitions

We propose to harmonize our definition of ''legally authorized representative'' at § 50.3(l) with the definition in the revised Common Rule at 45 CFR 46.102(i), by adding a sentence to address situations in which there is no applicable State or local law that authorizes a LAR to provide consent on behalf of a prospective research subject. We propose that in these circumstances, an individual recognized by institutional policy as acceptable for providing consent in the nonresearch context may be considered a LAR for purposes of consenting to the subject's participation in the procedures involved in the research.

In addition, we propose to add several new definitions that are used in the revised Common Rule. At § 50.3(t), we propose to add the definition of ''written or in writing,'' which would harmonize with this definition in the revised Common Rule, at 45 CFR 46.102(m). The definition would include both paper and electronic

formats, the latter of which are increasingly used to fulfill many of the documentation requirements that appear throughout FDA's human subject protection regulations. This definition would help clarify that consent forms and related documentation (*e.g.,* written summaries of what is said to subjects and LARs when a short form consent is used in accordance with § 50.27(b)(2) and IRB findings required under § 50.24) may be in an electronic format.

FDA is proposing to add three new definitions for the terms ''private information,'' ''identifiable private information,'' and ''identifiable biospecimen.'' The terms ''identifiable private information,'' and ''identifiable biospecimen'' and/or references to biospecimens are found in new proposed elements of informed consent at § 50.25(a)(9), (b)(7), and (b)(9), and in the proposed provisions regarding IRB continuing review at § 56.109(g)(1).[9] FDA is proposing to add these new terms and definitions to help modernize our regulations to reflect the changing research landscape involving, for example, access to vast amounts of data from electronic health records and stored biospecimens, the ability to share data and biospecimens for research purposes, and the development of new technologies and analytic capabilities to advance science and the public health.

We propose to add, at § 50.3(u), a definition of ''private information'' that harmonizes with the definition of ''private information'' in the revised Common Rule, at 45 CFR 46.102(e)(4). Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information that has been provided for specific purposes by an individual and that the individual can reasonably expect will not be made public (*e.g.,* a medical record).

We propose to add, at § 50.3(v), a definition of ''identifiable private information'' to harmonize with the revised Common Rule's definition of ''identifiable private information'' at 45 CFR 46.102(e)(5). We propose to define ''identifiable private information'' as private information for which the identity of the subject is or may readily be ascertained by the sponsor or investigator or associated with the information. This definition differs from the text of the revised Common Rule provision by including information for which a subject's identity is or may be readily ascertained by the ''sponsor'' in addition to information that is or may be readily ascertained by the investigator. FDA would consider information for which a subject's identity is or may be readily ascertained by members of the research team conducting the investigation under the supervision of the investigator to be ''identifiable private information'' under this proposed definition.

FDA's regulations define the terms ''sponsor'' and ''investigator,'' and they are used throughout our regulations to describe the responsibilities that apply to certain parties involved in FDA-regulated research. OHRP has stated in guidance that it considers the term ''investigator'' to include ''anyone involved in conducting the research,'' [10] which is broader than the definition of an ''investigator'' under FDA's regulations (see, *e.g.,* § 50.3(d)). FDA believes that information for which a subject's identity is or may readily be ascertained by the sponsor of FDA-regulated research should be considered identifiable; and we believe adopting such an approach will help to harmonize the effects of the two sets of regulations.

We propose to add, at § 50.3(w), a definition of ''identifiable biospecimen,'' to harmonize with the revised Common Rule's definition of ''identifiable biospecimen'' at 45 CFR 46.102(e)(6). For the same reasons described above with respect to the definition of ''identifiable private information'', we propose to define an identifiable biospecimen as a biospecimen for which the identity of the subject is or may readily be ascertained by the sponsor or investigator or associated with the biospecimen.

The revised Common Rule also includes a provision at 45 CFR 46.102(e)(7)(i) that requires the Federal Departments and Agencies implementing the revised Common Rule, upon consultation with appropriate experts, to reexamine the meaning of the terms ''identifiable private information'' and ''identifiable biospecimen'' within 1 year and regularly thereafter (at least every 4 years). That provision further provides that if appropriate and permitted by law, these Federal Departments and Agencies may alter the interpretation of these terms, including through the use of guidance. FDA intends to participate in this effort with HHS and the other Federal Departments and Agencies.

2. General Requirements for Informed Consent

We propose to amend the general requirements for informed consent under § 50.20 to harmonize with the revised Common Rule at 45 CFR 46.116(a)(1) through (6). These requirements address the content, organization, and presentation of information included in the consent form and process to facilitate a prospective subject's decision about whether to participate in the research. To this end, we propose to redesignate our existing requirements as § 50.20(a), (b), (c), and (f) and add new paragraphs (d) and (e). New paragraph (d) would clarify that the prospective subject or the subject's legally authorized representative must be provided with the information that a reasonable person would want to have to make an informed decision about whether to participate and be given an opportunity to discuss that information.

In new § 50.20(e)(1) and (2), we propose to require that informed consent begin with a concise and focused presentation of the key information that is most likely to assist a prospective subject or LAR in understanding the reasons why the subject might or might not want to participate in the research, and that the information be organized and presented in a way that facilitates the subject's or LAR's comprehension.

3. Elements of Informed Consent

We propose to add the phrase ''or legally authorized representative'' to § 50.25(a) and (b), to harmonize with the revised Common Rule at 45 CFR 46.116(b) and (c), and to clarify to whom informed consent information must be provided.

We propose to add a new basic element of informed consent at § 50.25(a)(9) to harmonize with the

[9] We also note that FDA issued a proposed rule on November 15, 2018, that proposed to permit an IRB to approve an informed consent procedure that waives or alters certain informed consent elements or that waives the requirement to obtain informed consent for certain minimal risk studies, when the IRB finds and documents four criteria. The proposed rule invited comment on a fifth criterion for IRB waiver or alteration of informed consent that was added to the revised Common Rule at 45 CFR 46.116(f)(3)(iii) and reads, ''if the research involves using identifiable private information or identifiable biospecimens, the research could not practicably be carried out without using such information or biospecimens in an identifiable format'' (see 83 FR 57378 at 57381). The comment period on the proposed rule is closed, and FDA is in the process of reviewing comments received on this fifth criterion. If the proposed rule is finalized in a form that includes the fifth criterion, the final provision would include references to ''identifiable private information'' and ''identifiable biospecimen''.

[10] See OHRP's 2008 Guidance, ''Coded Private Information or Specimens Use in Research'', *https://www.hhs.gov/ohrp/regulations-and-policy/guidance/research-involving-coded-private-information/index.html* (accessed January 29, 2021).

revised Common Rule at 45 CFR 46.116(b)(9) and enhance human subject protections. While FDA is not proposing to use language verbatim from the revised Common Rule for this new basic element of informed consent at § 50.25(a)(9), our proposal similarly requires the provision of additional information to potential subjects about the possible future use of their information or biospecimens. This information will help subjects make informed decisions about whether to participate in a particular clinical investigation.

The element of informed consent in the revised Common Rule at 45 CFR 46.116(b)(9) requires that subjects be provided with one of two statements that address research that involves the collection of identifiable private information or identifiable biospecimens.[11] Under the revised Common Rule, identifiers could be removed from information or biospecimens collected as part of a study and the information or specimens could then be used for some secondary research without informed consent or IRB review. The element of informed consent at 45 CFR 46.116(b)(9) would inform subjects of that possibility when applicable.

FDA's proposed new element would require a description of how information or biospecimens may be used for future research or distributed to another investigator for future research. While FDA's proposed element is not limited to the two situations addressed by the statements required under the corresponding element of the revised Common Rule, the research community would be able to develop informed consent forms and processes that comply with both sets of regulations. For example, if appropriate, an investigator may use one of the statements provided in the revised Common Rule to satisfy FDA's proposed requirement. When applicable, an investigator would also be required to provide a description that conveys to subjects the possible future use of their identifiable biospecimens or information that may not be stripped of identifiers.

In addition, as noted above, Congress passed the Cures Act with a stated purpose of accelerating the discovery, development, and delivery of 21st century cures. FDA has been working to modernize its approach to evaluating innovative medical products as new technologies and sources of data create new options for generating and analyzing evidence regarding FDA-regulated products. Such technological advances may have the potential to, for example, streamline and improve the efficiency of clinical studies, but they may also raise new questions in the future about the applicability of certain FDA regulatory requirements, including requirements for informed consent. Therefore, we are concerned about the practicability of limiting this proposed element of informed consent to the two situations addressed by the statements required under the Common Rule at this time. FDA's proposal is intended to incorporate flexibility as to the description that an investigator would provide to each subject or the legally authorized representative to help ensure that subjects are informed regarding possible future uses of information and biospecimens collected from their participation in a clinical investigation as the ways in which information and biospecimens are used relevant to FDA-regulated products continue to evolve. We request public comment on whether FDA's proposed new basic element of informed consent at § 50.25(a)(9) would provide adequate notice to potential subjects regarding the possible future research use of their information and biospecimens or whether the Common Rule's provision at 45 CFR 46.116(b)(9) would better inform potential subjects about the possible future use of their information and biospecimens in research. We further request public comment on whether the research community anticipates challenges in implementing FDA's proposed new element and whether an alternative approach could lessen such challenges.

FDA is proposing to add three new additional elements of informed consent, § 50.25(b)(7), (8), and (9), to harmonize with the revised Common Rule at 45 CFR 46.116(c)(7), (8), and (9), respectively. Section 50.25(b)(7) would require a statement that the subject's biospecimens (even if identifiers are removed) may be used for commercial profit and whether the subject will or will not share in this commercial profit. Section 50.25(b)(8) would require a statement on whether clinically relevant research results, including individual research results, will be disclosed to subjects, and if so, under what conditions. Section 50.25(b)(9) pertains to research involving biospecimens and would require that subjects be informed whether the research will (if known), or might, include whole genome sequencing (WGS). The preamble to the revised Common Rule noted that WGS generates an extremely large amount of information about people, including factors that will contribute to their future medical conditions. The Common Rule goes on to state ''Given the unique implications of the information that can be developed through WGS, if it is either known that a specific research study will include this technique, or might include it, we believe that this aspect of the research must be disclosed to prospective subjects as part of the informed consent process.'' [12] FDA agrees that it is important for prospective subjects to be informed when a clinical investigation involves or may involve WGS, and is, therefore, proposing to add this new element.

4. References to Federal, State, or Local Law

We propose to revise § 50.25(d) and (e) by adding a reference to tribal law passed by the official governing body of an American Indian or Alaska Native tribe, to clarify that references to Federal, State, or local law are intended to include tribal law. This proposed change would harmonize FDA regulations with the revised Common Rule at 45 CFR 46.116(i) and (j).

5. Documentation of Informed Consent

We propose to add a parenthetical to § 50.27(a), to clarify that consent forms in an electronic format are an acceptable format and add the term ''informed consent'' before the term ''form'' to harmonize the regulatory text with the revised Common Rule at 45 CFR 46.117(a).

We are proposing to revise § 50.27(b)(1) and (2) to include references to a subject's legally authorized representative. We are proposing to reorder sentences and make other changes in § 50.27(b)(1) to clarify that the subject or legally authorized representative shall have adequate opportunity to read the informed consent form. We are proposing to revise § 50.27(b)(2) to require that the key information required by § 50.20 be presented first when using a short form written informed consent. These changes are being proposed to better inform potential subjects about participation in a clinical investigation, and to

[11] This may be either: (1) a statement that identifiers may be removed from the identifiable private information or identifiable biospecimens, and the information or biospecimens may be used for future research studies or distributed to another investigator for future research studies, without obtaining additional informed consent from the subject or legally authorized representative if this might be a possibility or (2) a statement that the subject's information or biospecimens, even if the identifiers are removed, will not be used or distributed for future research.

[12] 82 FR 7149 at 7216, January 19, 2017.

harmonize with the revised Common Rule at 45 CFR 46.117(b)(1) and (2).

FDA is not proposing to add the new provision found in the revised Common Rule at 45 CFR 46.116(g) at this time. This provision allows IRBs to approve a research proposal for which investigators obtain information or biospecimens without an individual's informed consent for the purpose of screening, recruiting, or determining eligibility of the prospective human subject or LAR if either of the following conditions are met: (1) the investigator will obtain information through oral or written communication with the prospective subject or LAR or (2) the investigator will obtain identifiable private information or identifiable biospecimens by accessing records or stored identifiable biospecimens.

FDA's longstanding policy on preparatory activities to a clinical investigation is that some specific activities are not considered to fall within the definition of a clinical investigation, and therefore do not require IRB review or informed consent under FDA's regulations. For example, we generally have not considered performing a survey of patient records at a site to determine whether the site has a sufficient number of patients with the condition of interest for the clinical investigation to be feasible to require informed consent and IRB review. However, IRB review and informed consent would need to be obtained prior to initiation of any clinical screening procedure that is performed solely for the purpose of determining eligibility for a clinical investigation.[13] We request comment on whether FDA's current policy adequately addresses screening, recruiting, or determining eligibility for an FDA-regulated clinical investigation, or if including the revised Common Rule provision at 45 CFR 46.116(g) would be useful for FDA-regulated clinical investigations. Furthermore, FDA is proposing to make grammatical corrections, updates to statutory references, and other minor editorial changes to part 50. Throughout part 50 a global change has been made to spell out references to ''the act'', to conform to current **Federal Register** format requirements. Table 2 contains a description of amendments that are unrelated to harmonization with the revised Common Rule.

TABLE 2—PROPOSED REVISIONS TO PART 50 UNRELATED TO HARMONIZATION WITH THE REVISED COMMON RULE

Section No.	FDA proposes to:
50.1(a)	Remove specific statutory provisions in final sentence and make minor wording changes.
50.3(b)(20) and 50.3(j)	Update references to certain provisions of the PHS Act.
50.3(b)(16)–(19), (23)	Clarify that citations in this section of the regulatory text are to the FD&C Act.
50.3(i)	Add a sentence to the definition of IRB to state the primary purpose of IRB review is to assure the protection of the rights and welfare of human subjects.
50.24(a)(6)	Revise the citation at the end of the first sentence from ''§ 50.25'' to ''this part'' to simplify the regulatory text and ensure that both the informed consent procedures and document are consistent with part 50.
50.25(c)	Add heading to conform to current **Federal Register** format requirements.

We propose to modify § 50.1(a) to remove the list of statutory provisions in the final sentence because the scope of part 50 is already described in the provision. In addition, removing these provisions will delete certain out of date citations and eliminate the need to update statutory references in the future. Similarly, we propose to modify § 50.3(b)(20) and (j) to remove outdated references to certain provisions of the PHS Act. We propose to clarify that references in § 50.3(b)(16) through (19) and (23) are to sections of the FD&C Act.

We propose to add the following sentence, ''The primary purpose of such review is to assure the protection of the rights and welfare of the human subjects'' to the definition of ''institutional review board'' at § 50.3(i), to be consistent with our current definition of IRB at § 56.102(g).

We propose to revise the citation in § 50.24(a)(6) from ''§ 50.25'' to ''this part,'' to simplify the regulatory text, and to clarify that both the informed consent procedures and documents for studies conducted under § 50.24 must be consistent with part 50.

We also propose to add a heading to § 50.25(c), ''Required statement in informed consent documents for applicable clinical trials,'' to conform to current **Federal Register** format requirements.

B. 21 CFR Part 56—Institutional Review Boards

We propose to revise part 56 to modify provisions related to continuing review, add or modify definitions, and make clarifying editorial changes. FDA believes that these proposed changes will help modernize, clarify, and enhance both human subject protection and the IRB review process. Table 3 identifies sections in which FDA proposes to harmonize our regulatory requirements with language in the revised Common Rule.

TABLE 3—PROPOSED REVISIONS TO PART 56 TO HARMONIZE WITH THE REVISED COMMON RULE

Section No.	FDA Proposes to:	Harmonizes with revised common rule section (45 CFR part 46)
56.102(n)	Add a definition of ''written or in writing'' that includes both physical and electronic formats.	46.102(m).
56.103(c)	Add a reference to tribal law of American Indian or Alaska Native tribes to clarify that the reference to Federal, State, or local laws is intended to include tribal law; make minor editorial changes.	46.101(f).

[13] See FDA's guidance entitled, ''Screening Tests Prior to Study Enrollment, Guidance for Institutional Review Boards and Clinical Investigators,'' January 1998, available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/screening-tests-prior-study-enrollment.*

TABLE 3—PROPOSED REVISIONS TO PART 56 TO HARMONIZE WITH THE REVISED COMMON RULE—Continued

Section No.	FDA Proposes to:	Harmonizes with revised common rule section (45 CFR part 46)
56.107(a)	Make minor changes to characteristics of IRB members and the description of categories of subjects who are considered vulnerable.	46.107(a).
56.107(b)	Delete § 56.107(b) because the requirement for IRB membership diversity would be included in § 56.107(a); redesignate remaining sections—see table 4.	46.107(a).
56.108(a)(2)	Move IRB member list details from § 56.115(a)(5) to 56.108(a)(2) and make minor editorial changes.	46.108(a)(2).
56.108(a)(3)(i)–(iii)	Make editorial changes to the requirements for IRB written procedures	46.108(a)(3)(i), (ii) and (iii).
56.108(a)(4)(i)–(ii), 56.108(b).	Make editorial changes and redesignate the sections	46.108(a)(4).
56.109(b)	Add ''or legally authorized representatives, when appropriate'' to clarify that subjects or LARs must be given informed consent information in accordance with § 50.25.	46.109(b).
56.109(c)(3)	Add a new exception to the requirement for documentation of informed consent in specific circumstances.	46.117(c)(1) and (c)(1)(iii).
56.109(d)	Provide that LARs may also receive written statements, if required by the IRB, when documentation of informed consent is waived.	46.117(c)(2).
56.109(f)	Add reference to § 56.109(g)	46.109(e).
56.109(g)	Eliminate the requirement to conduct continuing review of research under certain circumstances.	46.109(f)(1)(iii).
56.110(b)	Remove parenthetical phrase, ''(of 1 year or less)''	46.110(b)(1)(ii).
56.111(a)(3)	Revise the description of subjects who may be considered vulnerable	46.111(a)(3).
56.111(a)(5)	Delete the phrase ''and to the extent required'' from the requirement to document informed consent in accordance with § 50.27.	46.111(a)(5).
56.111(b)	Revise the description of subjects who are considered vulnerable	46.111(b).
56.115(a)(3)	Add a requirement to retain records of the rationale for continuing review of research that otherwise would not require continuing review under § 56.109(g).	46.115(a)(3).

1. Definitions

We are proposing to add a new definition, ''written or in writing'', at § 56.102(n), which would harmonize with the definition in the revised Common Rule at 45 CFR 46.102(m). The new definition would include both paper and electronic formats, the latter of which are increasingly used to fulfill many of the documentation requirements that appear throughout the IRB and human subject protection regulations. Adding this definition would provide clarity to the regulated community that IRB records may be maintained in electronic formats.

2. Tribal Law and IRB Review

We are proposing to add a reference to tribal law passed by the official governing body of an American Indian or Alaska Native tribe to clarify that the reference to Federal, State, or local laws or regulations, is intended to include tribal law. This proposed revision would also harmonize § 56.103(c) with the revised Common Rule at 45 CFR 46.101(f).

3. IRB Membership

We are proposing to amend § 56.107(a) to harmonize with the revised Common Rule's language at 45 CFR 46.107(a), which describes characteristics of IRB membership. We propose deleting § 56.107(b), which requires IRBs to ensure that their membership not consist entirely of a single gender and prohibits IRB membership from being composed entirely of members of one profession. Section 56.107(b) is no longer necessary because it would be subsumed into proposed § 56.107(a), which would require that an IRB's membership reflects diversity of professional qualifications, and other factors including race, gender, and cultural backgrounds.

4. IRB Functions and Operations

We propose moving the details about IRB membership rosters from § 56.115(a)(5) to § 56.108(a)(2) and making editorial changes to harmonize the language with the revised Common Rule at 45 CFR 46.108(a)(2). We are also proposing editorial and technical revisions to § 56.108, including redesignating some sections, to harmonize with the revised Common Rule.

5. IRB Review of Research

We propose adding ''or legally authorized representative, when appropriate'' to § 56.109(b), to clarify that subjects or legally authorized representatives must be given informed consent information in accordance with § 50.25, and to harmonize with the revised Common Rule at 45 CFR 46.109(b).

We propose adding new § 56.109(c)(3) to add an exception to the requirement for documentation of informed consent, to harmonize with the revised Common Rule at 45 CFR 46.117 (c)(1)(iii). The new provision would allow the IRB to waive documentation of informed consent for a study that presents no more than minimal risk of harm to the subjects, if the subjects or legally authorized representatives are members of a distinct cultural group or community in which signing forms is not the norm, and there is an appropriate alternative mechanism for documenting that informed consent was obtained.

We note that the revised Common Rule also retains an exception to the requirement for documentation of informed consent at 45 CFR 46.117(c)(1)(i) for situations in which the only record linking the subject and the research would be the informed consent form and the principal risk would be potential harm resulting from a breach of confidentiality. FDA's regulations historically have not included this same exception, and we are not proposing to add it in this rulemaking because we do not believe it is relevant to FDA-regulated research. We are, however, requesting comment on whether this provision is relevant to FDA-regulated research and any examples of situations when it would be useful.

We propose adding ''or legally authorized representatives'' to § 56.109(d), to clarify that legally authorized representatives may also

receive written statements about the research, if required by the IRB, when documentation of informed consent is waived, and to harmonize with the revised Common Rule at 45 CFR 46.117(c)(2).

We are proposing new § 56.109(g), which would eliminate the requirement for an IRB to conduct continuing review of research, unless an IRB determines otherwise, that has progressed to the point that it involves only data analysis, including analysis of identifiable private information or identifiable biospecimens, and/or accessing followup clinical data from procedures that subjects would undergo as part of clinical care, to harmonize with the revised Common Rule at 45 CFR 46.109(f)(1)(iii). In these circumstances, FDA believes that requiring continuing review would generally not provide added protection to human subjects, and therefore, would not be necessary. When the only remaining research activities are limited to analysis of data or biospecimens that are part of the IRB-approved study, there is little or no risk to human subjects that would be addressed by requiring continuing review. Furthermore, after all subjects have enrolled and completed the protocol-specified interventions and interactions (including required followup study visits) to support the study's objectives, a protocol may include a long-term followup phase during which subjects continue to be monitored as they undergo clinical care for their medical condition or disease by their healthcare provider. During this continued followup phase, information regarding long-term clinical outcomes may be obtained through accessing clinical data generated during the course of clinical care. This proposed rule would eliminate the requirement for continuing IRB review for this followup portion of the study, unless the IRB determines otherwise.[14] This proposal to eliminate the requirement for continuing IRB review in certain circumstances would apply to FDA-regulated studies that are ongoing on the proposed effective date (see Section VI, Proposed Effective Date below). If any such ongoing studies were federally conducted or supported and also subject to the pre-2018 Requirements (see 45 CFR 46.101(*l*)(1), then the pre-2018 Requirements for continuing review would continue to apply to those studies.

The revised Common Rule contains two other provisions identifying circumstances in which continuing review would not be necessary at 45 CFR 46.109(f)(1)(i) and (ii). We are not proposing to adopt the revised Common Rule provision at 45 CFR 46.109(f)(1)(i), which eliminates the requirement for an IRB to conduct continuing review of research that is eligible for expedited review in accordance with 45 CFR 46.110 unless the IRB determines otherwise. As described below, OHRP has clarified that, in order for research to qualify for expedited review under the current list of research eligible for expedited review referenced in 45 CFR 46.110(a), a determination must still be made by an IRB that the specific circumstances of the proposed research involve no more than minimal risk to human subjects. It is not practicable for FDA to adopt this provision because continuing review for minimal risk FDA-regulated clinical investigations would provide meaningful protections to human subjects participating in such investigations. For example, as a study progresses, the analysis of risks to subjects receiving a FDA-regulated product may change based on adverse events that occur during the course of the study and that do not rise to the level of unanticipated problems involving risks to human subjects or otherwise require reporting to the IRB. Continued IRB oversight of such studies would offer added human subject protection to those participating in such investigations by enabling the IRB to assess whether there are any additional risks that present more than minimal risk to participants and require discussion and/or action. Furthermore, for clinical investigations that are subject to both FDA's human subject regulations and the revised Common Rule, the Common Rule provision at 45 CFR 46.109(f)(1)(i) allows an IRB to determine that continuing review of research eligible for expedited review is required.

Finally, we are not proposing to adopt provisions from the revised Common Rule related to limited IRB review at this time, including 45 CFR 46.109(f)(1)(ii). As we continue to consider how other provisions of the revised Common Rule could be applied to FDA-regulated research, including the revised Common Rule's exemptions, we may take additional steps to harmonize with such provisions at a later time.

In addition, as described below, we are proposing changes to the IDE regulations at § 812.150(a)(3) and (b)(5) to align the IRB progress reporting requirements with these proposed changes to IRB continuing review requirements under part 56.

We propose reordering and redesignating the remaining language in § 56.109(f), and current § 56.109(g) and (h) as § 56.109(g), (h), and (i), respectively.

6. Expedited Review

FDA's current regulations under § 56.110(a) state that FDA has established, and published in the **Federal Register**, a list of categories of research that may be reviewed by the IRB through an expedited review procedure (''expedited review list'').[15] FDA is not proposing any changes to § 56.110(a) at this time, and the categories of research included on the expedited review list referenced in § 56.110(a) are identical to the categories of research included on the expedited review list referenced in 45 CFR 46.110(a) (''HHS Expedited Review List'').[16] The revised Common Rule requires that the Secretary evaluate the HHS expedited review list at least every 8 years and amend it, as appropriate, after consultation with other Federal Departments and Agencies and after publication in the **Federal Register** for public comment (45 CFR 46.110(a)). We intend to participate in this process and will update our own expedited review list, as appropriate for FDA-regulated studies.

As described in the revised Common Rule, an IRB may use the expedited review procedure to review studies that involve activities appearing on the expedited review list, unless the IRB reviewer determines that the studies involve more than minimal risk (see 45 CFR 46.110(b)(1)(i)). OHRP has clarified that until a new list is finalized, the entire 1998 HHS Expedited Review List, including the ''Applicability'' section, remains in effect for studies subject to the revised Common Rule.[17] Under the current wording of the ''Applicability'' section, to be eligible for expedited review research must present no more than minimal risk to subjects. Therefore,

[14] However, FDA would still receive annual reports from sponsors on the progress of such studies in accordance with 21 CFR 312.33 and 812.150(b)(5)).

[15] See ''Protection of Human Subjects: Categories of Research That May Be Reviewed by the Institutional Review Board (IRB) Through an Expedited Review Procedure,'' 63 FR 60353, November 9, 1998.

[16] See ''Protection of Human Subjects: Categories of Research That May Be Reviewed by the Institutional Review Board (IRB) Through an Expedited Review Procedure,'' 63 FR 60364, November 9, 1998.

[17] See OHRP, Revised Common Rule Q&As: After January 21, 2019 (the general compliance date for the revised Common Rule), is the 1998 Expedited Review List still in effect for studies subject to the revised Common Rule?, *https://www.hhs.gov/ohrp/education-and-outreach/revised-common-rule/revised-common-rule-q-and-a/index.html* (accessed August 6, 2019).

application of the 1998 HHS Expedited Review List means that, in order for research to qualify for expedited review under the revised Common Rule, a determination must still be made that the specific circumstances of the proposed research involve no more than minimal risk to human subjects.

Under FDA's current regulations at § 56.110(b)(1), an IRB may use the expedited review procedure to review ''[s]ome or all of the research appearing on the list *and* found by the reviewer(s) to involve no more than minimal risk.'' Because the HHS Expedited Review List, including its ''Applicability'' section, is still in effect and lists the same categories of research as FDA's expedited review list, IRBs will be able to use the same procedures to review research that may be reviewed via expedited review under the revised Common Rule and FDA's current regulations.

We also note that the current expedited review list (63 FR 60353, November 9, 1998) describes categories of research that include FDA-regulated clinical investigations that may involve more than minimal risk. For example, Category 1 from the current expedited review list describes clinical studies of drugs and medical devices that meet certain conditions, including those that do not require an IND or those for which an IDE application is not required. FDA does not believe that all drug and device studies that do not require an IND or an IDE application qualify as minimal risk. Given this, FDA does not presume all clinical investigations of drugs or medical devices that do not require an IND or an IDE application present no more than minimal risk to subjects. Category 4 also describes clinical studies using medical devices that may not qualify as minimal risk. Therefore, FDA is maintaining the requirement that the reviewer determine that the research involves no more than minimal risk and is only proposing a minor change to the regulatory text in current § 56.110(b) at this time. We propose to remove the parenthetical phrase ''(of 1 year or less)'' from § 56.110(b)(2) to harmonize with the revised Common Rule at 45 CFR 46.110(b)(1)(ii) because continuing review would not be required in certain circumstances unless the IRB determines otherwise (see § 56.109(g)).

As HHS evaluates and amends, as appropriate, its current expedited review list as described above and as required under 45 CFR 46.110(a), FDA intends to participate in the process and will update our own expedited review list as appropriate and consider if any related changes to our regulations are necessary.

7. Criteria for IRB Approval of Research

We are proposing to add, at § 56.111(a)(3) and (b), updated language consistent with the revised Common Rule, describing categories of subjects who are considered vulnerable to coercion or undue influence, specifically ''. . . children, prisoners, individuals with impaired decision-making capacity, or economically or educationally disadvantaged persons.'' This proposal, if finalized, also would harmonize these sections with the language in the revised Common Rule at 45 CFR 46.111(a)(3) and (b). To simplify our regulatory text, FDA is also proposing to delete the phrase ''to the extent required by'' from § 56.111(a)(5), so that the requirement would read ''Informed consent will be appropriately documented or appropriately waived, in accordance with § 50.27 of this chapter.'' FDA's proposed revision differs slightly from the revised Common Rule at 45 CFR 46.111(a)(5), which states that informed consent will be appropriately documented or appropriately waived in accordance with 45 CFR 46.117. We are not proposing to include the reference to waiver of documentation as this is addressed under § 50.27.

8. IRB Review of Research

We are proposing to add at § 56.115(a)(3), language that would require the IRB to maintain a record of the rationale for conducting continuing review, if the IRB determines that continuing review of research is necessary (when the research otherwise would not require continuing review under § 56.109(g)). This proposed change would also harmonize the regulations with the language in the revised Common Rule at 45 CFR 46.115(a)(3). The revised Common Rule includes a new recordkeeping requirement at 45 CFR 46.115(a)(8) related to changes made to the regulatory provision at 45 CFR 46.110(b)(1)(i) regarding review of research found on the HHS Expedited Review List. For the reasons described above, FDA is not proposing to make the same change to its expedited review provision at § 56.110(b)(1) and, accordingly, is not proposing to add the related recordkeeping requirement.

We are proposing to revise § 56.115(a)(5) by moving the details about IRB membership rosters from that section to § 56.108(a)(2), to harmonize the language with the revised Common Rule at 45 CFR 46.115(a)(5) and 46.108(a)(2).

Table 4 lists sections that will be moved, redesignated, or divided, with minor editorial changes to the regulatory text in some cases.

TABLE 4—PROPOSED REVISIONS TO NUMBERING FOR REGULATORY TEXT IN PART 56

Current section No.	Proposed revised section No.
56.107(c)	56.107(b).
56.107(d)	56.107(c).
56.107(e)	56.107(d).
56.107(f)	56.107(e).
56.108	Redesignated to begin with 56.108(a).
56.108(a)(1)	56.108(a)(3)(i).
56.108(a)(2)	56.108(a)(3)(ii).
56.108(a)(3)	56.108(a)(3)(iii).
56.108(b)	56.108(a)(4).
56.108(c)	56.108(b).
56.109(f)	Divided into two sections, 56.109(f) and (h).
56.109(g)	56.109(i).
56.109(h)	56.109(j).

FDA also proposes to make minor changes to the current regulatory text and to delete outdated or unnecessary regulatory text from part 56 (see table 5). In addition, throughout part 56 a global change has been made to spell out references to ''the act'', to conform to current **Federal Register** format requirements.

TABLE 5—PROPOSED MINOR CHANGES TO OR DELETION OF REGULATORY TEXT IN PART 56

Section No.	FDA proposes to:
56.102(b)(17)	Remove outdated reference to the PHS Act, add corresponding FD&C Act reference.
56.102(l)	Replace outdated references to sections of the PHS Act.
56.103(a)	Delete the reference to 21 CFR part 813, which was removed from FDA's regulations in 1997.
56.109(h) (now 56.109(j))	Delete the second sentence referring to pediatric studies that were ongoing on April 30, 2001, because it is no longer needed.
56.110(b)	Changed reference to § 56.108(c) to § 56.108(b) because of redesignating of sections.
56.110(c)	Changed ''which'' to ''that'' in two places.
56.115(a)(6)	Revise the citation to written procedure provisions to reflect redesignating.
56.121(c)	Delete ''in the **Federal Register**,'' because notices may now be posted on the FDA website.
56.122	Modify section title from ''revocation'' to ''disqualification,'' and clarify that disqualification of an IRB is also disclosable to the public.

9. Disqualification of an IRB or Institution

We are proposing to revise § 56.121(c) by deleting the phrase ''in the **Federal Register**'' from the last sentence. This proposed change would clarify that FDA is not limited to publishing disqualification notices in the **Federal Register** but may use other available and appropriate methods to apprise the public of IRB disqualification actions. For example, FDA now routinely posts such information on the Agency's website.[18]

10. Public Disclosure of Information Regarding Disqualification

We are proposing to revise § 56.122 by modifying the section title to change ''revocation'' to ''disqualification,'' and clarify that FDA's determination of disqualification of an IRB, as well as an institution, is disclosable to the public under 21 CFR part 20.

C. 21 CFR Part 812—Investigational Device Exemptions

We are proposing to revise § 812.150(a)(3), that requires investigators to submit progress reports on the investigation to the sponsor, the monitor, and the reviewing IRB at regular intervals, but in no event less often than yearly. The proposed revisions would provide that such progress reports must be submitted to the reviewing IRB to the extent that continuing review is required by part 56. Elsewhere in this document, FDA is proposing to revise part 56 to eliminate the requirement for IRB continuing review of research under certain circumstances, and FDA does not believe that submission of progress reports to the IRB remains necessary when continuing review of the research by the IRB is not required. This proposed revision to § 812.150(a)(3) is intended to provide consistency between the continuing review requirements under part 56 and the requirements for submission of IDE progress reports to the IRB.

We also propose revising § 812.150(b)(5), which currently provides, among other things, that sponsors must submit progress reports to all reviewing IRBs at regular intervals, and at least yearly. For the same reasons described above regarding § 812.150(a)(3), FDA is proposing to require sponsors to submit such progress reports to the reviewing IRB to the extent that continuing review is required by part 56. The sponsors of an IDE will continue to submit progress reports to FDA at regular intervals and at least yearly under § 812.150(b)(5), and as may be requested under § 812.150(b)(10), regardless of whether there is continuing IRB review. FDA is proposing to maintain this reporting requirement for continued oversight of investigations that require submission of an IDE application to ensure the Agency receives information regarding the IDE investigation. The proposed rule maintains the requirement that sponsors of treatment IDEs submit semi-annual and annual progress reports to all reviewing IRBs and FDA in accordance with §§ 812.36(f) and 812.150(b)(5).

FDA is not proposing to amend the requirements for treatment IDEs at § 812.36(f), which require semi-annual progress reports to both FDA and the IRB(s) until a marketing application is filed. After filing of a marketing application, § 812.36(f) requires progress reports to be submitted at least annually in accordance with the IDE regulations at § 812.150(b)(5). Our proposed changes to § 812.150(b)(5) would require progress reports to be submitted to reviewing IRBs to the extent that continuing review is required by part 56. As such, after filing of a marketing application, submission of annual progress reports for a treatment IDE to the reviewing IRB would be required only to the extent that continuing review is required under part 56.

VI. Proposed Effective Date

FDA is proposing that the effective date of any final rule that issues based on this proposal would be 180 days from the date of publication of the final rule to allow the regulated community time to prepare to implement the proposed changes. FDA requests comment on this timeframe.

In addition, FDA's goal is to minimize disruption to FDA-regulated studies that are ongoing when the proposed new requirements would become effective, and we are proposing an implementation strategy to address research initially approved by an IRB before the proposed effective date. For these studies, FDA would not intend to enforce compliance with the following proposed provisions:

- proposed new § 50.20(d) through (e), which would, among other things, require informed consent to begin with a concise and focused presentation of ''key information'' and would require informed consent information to be organized and presented in certain ways;
- the proposed new basic and additional elements of informed consent at § 50.25(a)(9) and (b)(7) through (9); and
- the proposed revision to § 50.27(b)(2), which would require the key information required by § 50.20 to be presented first to the subject or the subject's legally authorized representative when informed consent information is provided orally and documented using a short form.

This approach reflects FDA's concern that, for research an IRB has approved before the proposed effective date, revising the already approved informed consent form and process to comply with the provisions identified above could cause unwarranted burden and, in some cases, delay research. However, nothing in this proposal would prevent sponsors and investigators from

[18] *https://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/ComplianceEnforcement/default.htm.*

updating the consent forms for research that was approved before the proposed effective date to comply with the above-listed provisions. We request comment on this proposed approach.

VII. Preliminary Economic Analysis of Impacts

A. Introduction

We have examined the impacts of the proposed rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct us to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). This proposed rule has been designated an economically significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because estimated cost savings of the proposed rule are greater in magnitude than estimated costs, and because we do not expect the effects of the rule to affect entities by size, we propose to certify that the rule, if finalized, will not have a significant economic impact on a substantial number of small entities. However, as discussed in the Preliminary Economic Analysis of Impacts (Ref. 1), there is a lack of high quality, comprehensive data regarding the number of small and very small institutions associated with IRBs, as defined by revenue. We have prepared an initial regulatory flexibility analysis and are seeking comment on the data and assumptions used in that analysis.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $158 million, using the most current (2020) Implicit Price Deflator for the Gross Domestic Product. This proposed rule would not result in an expenditure in any year that meets or exceeds this amount.

B. Summary of Costs and Benefits

If finalized, the proposed rule would: (1) revise content, organization, and presentation of the information included in the informed consent form and process to facilitate a prospective subject's decision about whether to participate in a clinical investigation; (2) add new basic and additional elements of informed consent; (3) add a provision allowing IRBs to eliminate continuing review of some research; (4) revise IRB recordkeeping requirements for certain determinations related to the need for continuing review; and (5) add or modify some definitions. The rule also proposes to revise FDA's regulations IDEs (part 812) to clarify and update the requirements for submission of progress reports for clinical investigations of devices.

The proposed rule would harmonize certain aspects of FDA's regulations on IRBs and informed consent processes, to the extent practicable and consistent with statutory provisions, with the requirements of the revised Common Rule in accordance with section 3023 of the Cures Act. The proposed rule should reduce the costs of conducting clinical investigations by harmonizing informed consent and certain continuing review processes for FDA-regulated research with the revised Common Rule. The proposed rule will also generate costs that we estimate will be relatively smaller than expected cost savings in the form of additional time spent learning the rule, developing new informed consent documents in line with the rule, and revised recordkeeping requirements related to continuing review. We also expect qualitative benefits that we do not estimate explicitly due to data limitations, including increased efficiency of clinical investigations and medical product development and improved human subject knowledge by providing subjects with clearer clinical investigation information. Table 6 summarizes our estimates of the annualized costs and annualized benefits (in the form of cost savings) of the proposed rule.

The benefits of the proposed rule take the form of quantified net cost savings (cost savings minus costs) and qualitative benefits. We estimate that the benefits of the proposed rule are approximately $68 million annually in 2018 dollars, with a lower bound of approximately $22 million and an upper bound of approximately $249 million, discounted at 7 percent over 10 years. When discounted at 3 percent, estimated benefits are approximately $68 million annually, with a lower bound of approximately $22 million and an upper bound of approximately $249 million. We also expect quantitative benefits in the form of cost savings from increased efficiency in medical product innovation and in the form of improved human subject knowledge. We estimate that the costs of the proposed rule are approximately $1.4 million annually in 2018 dollars, with a lower bound of approximately $0.7 million and an upper bound of approximately $3.0 million, discounted at 7 percent over 10 years. When discounted at 3 percent, estimated costs are approximately $1.3 million annually, with a lower bound of approximately $0.6 million and an upper bound of approximately $2.6 million. These estimates are summarized in table 6.

TABLE 6—SUMMARY OF BENEFITS, COSTS AND DISTRIBUTIONAL EFFECTS OF PROPOSED RULE

[millions$]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered	
Benefits:							
Annualized Monetized millions/year	$68	$22	$249	2018	7	10	Benefits are Cost Savings.
	68	22	249	2018	3	10	Benefits are Cost Savings.
Annualized Quantified					7		
					3		

TABLE 6—SUMMARY OF BENEFITS, COSTS AND DISTRIBUTIONAL EFFECTS OF PROPOSED RULE—Continued
[millions$]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered	
Qualitative	Increased efficiency in medical product innovation and improved human subject knowledge by providing subjects with clearer information regarding clinical investigations.						
Costs:							
Annualized Monetized $millions/year	1.4	0.7	3.0	2018	7	10	
	1.3	0.6	2.6	2018	3	10	
Annualized Quantified					7		
					3		
Qualitative							
Transfers:							
Federal Annualized Monetized $millions/year					7		
					3		
From/To	From:			To:			
Other Annualized Monetized $millions/year					7		
					3		
From/To	From:			To:			
Effects:							
State, Local or Tribal Government:							
Small Business:							
Wages:							
Growth:							

We have developed a comprehensive Preliminary Economic Analysis of Impacts that assesses the impacts of the proposed rule. The full preliminary analysis of economic impacts is available in the docket for this proposed rule (Ref. 1) and at *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations.*

VIII. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IX. Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). A description of these provisions is given in the *Description* sections of this document with an estimate of the recordkeeping and third-party disclosure burden associated with the proposed rule. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

A. Protection of Human Subjects and Institutional Review Boards—Parts 50 and 56 (OMB Control Number 0910–0130)

Description: Provisions in part 50 provide for the protection of human subjects involved in FDA-regulated clinical investigations. Provisions in part 56 set forth requirements for the composition, operation, and responsibilities of an IRB. IRBs serve in an oversight capacity by reviewing, among other things, informed consent documents and protocols for FDA-regulated studies to make findings required to approve research and document IRB actions. If finalized, the proposed rule would revise FDA's current regulations in parts 50 and 56 related to informed consent, waiver of documentation of informed consent, and IRB continuing review.

1. Proposed Changes to Informed Consent Requirements (Part 50)

Under FDA's existing regulations at part 50, investigators must obtain informed consent of subjects or their LARs before involving subjects in an FDA-regulated clinical investigation, typically through written consent forms reviewed and approved by an IRB and signed by the subject or LAR. FDA's current regulations at §§ 50.23 and 50.24 provide for exceptions from the requirement to obtain informed consent in certain narrow circumstances. The information collections associated with development, IRB approval, and documentation of informed consent in compliance with FDA's existing regulations at §§ 50.25 and 50.27 are currently approved under OMB control number 0910–0130.

The proposed rule, if finalized, would revise provisions at §§ 50.20, 50.25, and 50.27 regarding the content, organization, and presentation of information in the informed consent. Proposed § 50.20(e) would require informed consent to begin with a concise and focused presentation of the key information that is most likely to assist a prospective subject or legally authorized representative in understanding the reasons why one might or might not want to participate in the research. This part of informed consent would have to be organized and presented in a way that facilitates comprehension. The proposed rule would also add a new basic element of informed consent at proposed § 50.25(a)(9) and three new additional elements of informed consent at proposed § 50.25(b)(7) through (9). Finally, the proposed rule would revise § 50.27(b)(2) to clarify that when a short form is used to document that the required elements of informed consent have been presented orally to the subject or LAR, the key information required by proposed § 50.20 must be presented first to the subject or LAR. These proposed changes to FDA's informed consent requirements would help ensure that prospective subjects receive and understand information important to choosing whether to participate in a clinical investigation.

2. Proposed Changes to Requirements for IRB Waiver of Documentation of Informed Consent and Continuing Review (Part 56)

FDA's existing regulations at § 56.109(c) provide for an IRB to waive the requirements for documentation of informed consent in some circumstances. To harmonize with the revised Common Rule, proposed § 56.109(c)(3) would allow an IRB to waive documentation of informed consent in an additional circumstance: if the IRB finds that the research presents no more than minimal risk of harm to the subjects, the subjects or LARs are members of a distinct cultural group or community in which signing forms is not the norm, and there is an appropriate alternative mechanism for documenting that informed consent was obtained. IRBs are already required to maintain adequate documentation of their activities under FDA regulations at § 56.115, including minutes of IRB meetings and records of continuing review activities. Those existing recordkeeping requirements are part of the information collection currently approved under OMB control number 0910–0130. We believe that proposed § 56.109(c)(3) represents an unusual circumstance that would affect a limited number of IRBs and thus introduce minimal change in burden associated with IRB recordkeeping.

FDA is also proposing changes to its requirements for continuing review to harmonize with the revised Common Rule, which are intended to reduce burden on IRBs and allow them to focus their resources on research that presents higher risk. Under proposed § 56.109(g), unless an IRB determines otherwise, continuing review of research is not required for research that has progressed to the point that it involves only one or both of the following, which are part of the IRB-approved study: (1) data analysis, including analysis of identifiable private information or identifiable biospecimens or (2) accessing followup clinical data from procedures that subjects would undergo as part of clinical care. In these circumstances, FDA believes that requiring continuing review would generally not provide added protection to human subjects, and, therefore, would not be necessary. If an IRB chooses to conduct continuing review for research that meets these criteria, the rationale for doing so must be documented according to proposed § 56.115(a)(3).

Description of Respondents: Respondents to the information collections include investigators that develop written informed consent materials for submission to an IRB and that present this informed consent information to subjects participating in FDA-regulated clinical investigations (table 7) and IRBs that review and approve FDA-regulated clinical investigations (table 8).

We estimate the burden of the information collection as follows:

TABLE 7—ESTIMATED THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
50.20(e), 50.25, and 50.27—development of written consent materials for submission to IRB.	4,122	1	4,122	2.5	10,305
50.25 and 50.27—disclosure of consent information to subjects	4,122	200	824,400	0.5 (30 minutes)	412,200
Total					422,505

[1] There are no capital or operating and maintenance costs associated with the information collection.

Based on our review of information from ClinicalTrials.gov (*https://clinicaltrials.gov/;* accessed on March 8, 2018), we estimate that there are 4,122 new FDA-regulated clinical investigations per year. Table 7, row 1 provides our estimate of the annual burden respondents will incur for developing written consent materials for new clinical investigations. We do not anticipate that investigators will revise informed consent forms and processes to reflect the proposed revisions to §§ 50.20(e), 50.25, and 50.27 for ongoing clinical trials that are approved by an IRB before the proposed effective date of the rule, and therefore, our estimate reflects burden we attribute to new clinical investigations. If the proposed rule is finalized, we estimate that for each new clinical investigation, one investigator will spend a total of 2.5 hours to develop written consent materials to submit for IRB approval in connection with a new clinical investigation to satisfy proposed and existing requirements under §§ 50.20(e), 50.25, and 50.27 (table 7, row 1), including existing requirements already accounted for under OMB control number 0910–0130. This new total estimated time includes 0.5 hours for developing a written informed consent form or the written summary of what is said to the subject as required under § 50.27(b)(2) in order to comply with the proposed new requirements at §§ 50.20(e), 50.25(a)(9) and (b)(7) through (9), and 50.27(b)(2).

The information collection approved under OMB control number 0910–0130 pertains to developing and documenting informed consent in accordance with §§ 50.25 and 50.27 and includes burden attributable to development and approval by an IRB of a site-specific informed consent document, and the documentation of informed consent, but

does not currently account for subsequent presentation of the informed consent information to subjects. We address this third-party disclosure in table 7, row 2, and seek its inclusion under control number 0910–0130, to ensure clarity regarding the PRA approval status of the presentation of informed consent information to individual subjects in all FDA-regulated clinical investigations to which §§ 50.25 and 50.27 apply. Our ability to provide a precise estimate for this burden is limited by the significant variability in the size of clinical investigations, which can range from a few subjects to tens of thousands, and which thus affects the estimated average number of responses per respondent. In accordance with PRA regulations (5 CFR 1320 at 1320.8(b)(3)(iii)), we provide our estimate in table 7, row 2 of the annual average burden and invite comment on this estimate.

TABLE 8—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
56.109(c)(3)—Waiver of documentation of informed consent when subjects are members of a distinct cultural group in which signing forms is not the norm, research is no more than minimal risk, and appropriate mechanism for documenting that informed consent was obtained.	25	1	25	0.25 (15 minutes)	6.25
56.115(a)(3)—Documentation of rationale when conducting continuing review of research that otherwise would not require continuing review.	500	1	500	0.25 (15 minutes)	125
Total	.....	.....	.....	.....	131.25

[1] There are no capital or operating and maintenance costs associated with the information collection.

We estimate that one percent of IRBs (25) will review one study annually to determine whether the subjects or their LARs are members of a distinct cultural group or community in which signing forms is not the norm, such that the IRB may waive documentation of informed consent under proposed § 56.109(c)(3). We believe these IRBs are likely to document the findings required to approve the waiver in IRB meeting minutes (§ 56.115(a)(2)), although they could be documented elsewhere in IRB records. We estimate that this recordkeeping will require 15 minutes to complete, as reflected in table 8, row 1.

We estimate that 500 IRBs will review one study annually that will be subject to the proposed requirement under § 56.115(a)(3) to document the IRB's rationale for conducting continuing review of research that otherwise would not require continuing review under proposed § 56.109(g). We estimate that the associated documentation will require 15 minutes to complete, as reflected in table 8, row 2.

B. Investigational Device Exemptions—Part 812 (OMB Control Number 0910–0078)

Description: Provisions in part 812 set forth procedures for the conduct of clinical investigations of devices and provide for the protection of human subjects involved in such investigations. Under FDA's existing regulations at § 812.150(a)(3) and (b)(5), sponsors and investigators of device investigations are required, among other things, to submit progress reports to reviewing IRBs at regular intervals, but in no event less often than yearly. The proposed rule would revise § 812.150(a)(3) and (b)(5) to require that such progress reports on clinical investigations of devices be submitted to the reviewing IRB to the extent that continuing review is required by part 56. Therefore, the proposed change would eliminate the need to submit progress reports to the reviewing IRB for non-significant risk and significant risk device studies when continuing review is no longer required under part 56. The proposed revisions to part 812 are intended to provide consistency between the proposed continuing review requirements under part 56 and the requirements for submission of IDE progress reports to IRBs.

Description of Respondents: Respondents to the information collection are investigators for and sponsors of clinical investigations of devices.

TABLE 9—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN UNDER 21 CFR PART 812 [1]

21 CFR Part 812; IDEs	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
812.150; reports for non-significant risk studies	1	1	1	6	6

[1] There are no capital or operating and maintenance costs associated with the information collection.

We characterize burden associated with progress reports under § 812.150 that are submitted from clinical investigators and sponsors to reviewing IRBs as a disclosure burden. As noted above, the proposed changes to § 812.150(a)(3) and (b)(5) would eliminate the need to submit progress reports to reviewing IRBs for non-significant risk and significant risk devices studies when continuing review is no longer required under part 56. Therefore, there is no additional burden, and FDA believes these proposed changes may reduce the number of progress reports submitted to reviewing IRBs for device studies that progress to a point where continuing review is no longer required.

We maintain our current estimate of one report annually for non-significant risk device studies that do not require submission of an IDE application to FDA, and that preparing the report requires 6 hours, as approved under OMB control number 0910–0078. We note however, this is a longstanding estimate and invite comment specifically with regard to the number of progress reports sponsors and investigators anticipate submitting annually to reviewing IRBs and the burden associated with progress reports

under § 812.150 for non-significant risk studies. We do not specifically estimate burden for progress reports to reviewing IRBs for significant risk studies under OMB control number 0910–0078 and therefore invite comment here on how, if at all, the proposed changes would affect the number of progress reports sponsors and investigators anticipate submitting annually to reviewing IRBs and overall burden for these significant risk studies.

To ensure that comments on information collection are received, OMB recommends that written comments be submitted through *https://www.reginfo.gov/public/do/PRAMain* (see **ADDRESSES**). All comments should be identified with the title of the information collection.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3407(d)), we have submitted the information collection provisions of this proposed rule to OMB for review. These information collection requirements will not be effective until FDA publishes a final rule, OMB approves the information collection requirements, and the rule goes into effect. FDA will announce OMB approval of these requirements in the **Federal Register**.

X. Consultation and Coordination With Indian Tribal Governments

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13175. We have tentatively determined that the rule does not contain policies that would 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. The Agency solicits comments from tribal officials on any potential impact on Indian Tribes from this proposed action.

XI. Federalism

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. We have determined that the proposed rule does not contain policies that 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. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the Executive Order and, consequently, a federalism summary impact statement is not required.

XII. Reference

The following reference is on display at the Dockets Management Staff (see **ADDRESSES**) and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it is also available electronically at *https://www.regulations.gov.* FDA has verified the website address, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. FDA, Preliminary Economic Analysis of Impacts, Docket No. FDA–2021–N–0286, available at *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations.*

List of Subjects

21 CFR Part 50

Human research subjects, Prisoners, Reporting and recordkeeping requirements, Safety.

21 CFR Part 56

Human research subjects, Reporting and recordkeeping requirements, Safety.

21 CFR Part 812

Health records, Medical devices, Medical research, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 50, 56, and 812 be amended as follows:

PART 50—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 50 is revised to read as follows:

Authority: 21 U.S.C. 321, 343, 346, 346a, 348, 350a, 350b, 352, 353, 355, 360, 360c–360f, 360h–360j, 360hh–360pp, 360rr–360ss, 371, 379e, 381; 42 U.S.C. 216, 241, 262.

■ 2. In part 50, remove the words ''the act'' and add in their place ''the Federal Food, Drug, and Cosmetic Act'' wherever they appear.

■ 3. In § 50.1, revise the last sentence of paragraph (a) to read as follows:

§ 50.1 Scope.

(a) * * * Compliance with these parts is intended to protect the rights and safety of human subjects involved in such investigations.

* * * * *

■ 4. In § 50.3:

■ a. Remove and reserve paragraph (a);

■ b. Amend paragraphs (b)(16) through (19) by adding ''of the Federal Food, Drug, and Cosmetic Act'' at the end of each sentence;

■ c. Amend paragraph (b)(20) by removing ''section 358 of the Public Health Service Act'' and adding in its place ''section 534 of the Federal Food, Drug, and Cosmetic Act'';

■ d. Revise paragraphs (i), (j), and (l); and

■ e. Add paragraphs (t) through (w).

The revisions and additions read as follows:

§ 50.3 Definitions.

* * * * *

(i) *Institutional review board (IRB)* means any board, committee, or other group formally designated by an institution to review biomedical research involving humans as subjects, and to approve the initiation of and conduct periodic review of such research. The primary purpose of such review is to assure the protection of the rights and welfare of the human subjects. The term has the same meaning as the phrase *institutional review committee* as used in section 520(g) of the Federal Food, Drug, and Cosmetic Act.

(j) *Test article* means any drug (including a biological product for human use), medical device for human use, human food additive, color additive, electronic product, or any other article subject to regulation under the Federal Food, Drug, and Cosmetic Act or under section 351 of the Public Health Service Act (42 U.S.C. 262).

* * * * *

(l) *Legally authorized representative* means an individual or judicial or other body authorized under applicable law to consent on behalf of a prospective subject to the subject's participation in the procedure(s) involved in the research. If there is no applicable law addressing this issue, legally authorized representative means an individual recognized by institutional policy as acceptable for providing consent in the non-research context on behalf of the prospective subject to the subject's participation in the procedure(s) involved in the research.

* * * * *

(t) *Written or in writing* means writing on a tangible medium (*e.g.,* paper) or in an electronic format.

(u) *Private information* includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information that has been provided for specific purposes by an individual and that the individual can reasonably expect will not be made public (*e.g.,* a medical record).

(v) *Identifiable private information* is private information for which the

identity of the subject is or may readily be ascertained by the sponsor or investigator or associated with the information.

(w) *Identifiable biospecimen* is a biospecimen for which the identity of the subject is or may readily be ascertained by the sponsor or investigator or associated with the biospecimen.

■ 5. Revise § 50.20 to read as follows:

§ 50.20 General requirements for informed consent.

Except as provided in §§ 50.23 and 50.24:

(a) Before involving a human subject in research covered by these regulations, the investigator shall obtain the legally effective informed consent of the subject or the subject's legally authorized representative.

(b) An investigator shall seek informed consent only under circumstances that provide the prospective subject or the legally authorized representative sufficient opportunity to discuss and consider whether or not to participate and that minimize the possibility of coercion or undue influence.

(c) The information that is given to the subject or the legally authorized representative shall be in language understandable to the subject or the legally authorized representative.

(d) The prospective subject or the legally authorized representative must be provided with the information that a reasonable person would want to have in order to make an informed decision about whether to participate, and an opportunity to discuss that information.

(e)(1) Informed consent must begin with a concise and focused presentation of the key information that is most likely to assist a prospective subject or legally authorized representative in understanding the reasons why one might or might not want to participate in the research. This part of the informed consent must be organized and presented in a way that facilitates comprehension.

(2) Informed consent as a whole must present information in sufficient detail relating to the research, and must be organized and presented in a way that does not merely provide lists of isolated facts, but rather facilitates the prospective subject's or legally authorized representative's understanding of the reasons why one might or might not want to participate.

(f) No informed consent may include any exculpatory language through which the subject or the legally authorized representative is made to waive or appear to waive any of the subject's legal rights, or releases or appears to release the investigator, the sponsor, the institution, or its agents from liability for negligence.

§ 50.24 [Amended]

■ 6. In § 50.24, in paragraph (a)(6), remove ''§ 50.25'' at the end of the first sentence and add in its place ''this part''.

■ 7. In § 50.25:

■ a. Revise paragraphs (a) introductory text and (a)(3);

■ b. Add paragraph (a)(9);

■ c. Revise paragraphs (b) introductory text and (b)(1), (2), and (5);

■ d. Add paragraphs (b)(7) through (9);

■ e. Add a heading to paragraph (c); and

■ f. Revise paragraphs (d) and (e).

The additions and revisions read as follows:

§ 50.25 Elements of informed consent.

(a) *Basic elements of informed consent.* In seeking informed consent, the following information shall be provided to each subject or legally authorized representative:

* * * * *

(3) A description of any benefits to the subject or to others that may reasonably be expected from the research.

* * * * *

(9) A description of how information or biospecimens may be used for future research or distributed to another investigator for future research.

(b) *Additional elements of informed consent.* When appropriate, one or more of the following elements of information shall also be provided to each subject or legally authorized representative:

(1) A statement that the particular treatment or procedure may involve risks to the subject (or to the embryo or fetus, if the subject is or may become pregnant) that are currently unforeseeable.

(2) Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's or legally authorized representative's consent.

* * * * *

(5) A statement that significant new findings developed during the course of the research that may relate to the subject's willingness to continue participation will be provided to the subject.

* * * * *

(7) A statement that the subject's biospecimens (even if identifiers are removed) may be used for commercial profit and whether the subject will or will not share in this commercial profit;

(8) A statement regarding whether clinically relevant research results, including individual research results, will be disclosed to subjects, and if so, under what conditions; and

(9) For research involving biospecimens, whether the research will (if known) or might include whole genome sequencing (*i.e.,* sequencing of a human germline or somatic specimen with the intent to generate the genome or exome sequence of that specimen).

(c) *Required statement in informed consent documents for applicable clinical trials.**

(d) *Preemption.* The informed consent requirements in these regulations are not intended to preempt any applicable Federal, State, or local laws (including tribal law passed by the official governing body of an American Indian or Alaska Native tribe) that require additional information to be disclosed in order for informed consent to be legally effective.

(e) *Emergency medical care.* Nothing in these regulations is intended to limit the authority of a physician to provide emergency medical care to the extent the physician is permitted to do so under applicable Federal, State, or local law (including tribal law passed by the official governing body of an American Indian or Alaska Native tribe).

■ 8. Revise § 50.27 to read as follows:

§ 50.27 Documentation of informed consent.

(a) Except as provided in § 56.109(c) of this chapter, informed consent shall be documented by the use of a written consent form approved by the IRB and signed and dated (including in an electronic format) by the subject or the subject's legally authorized representative at the time of consent. A written copy shall be given to the person signing the informed consent form.

(b) Except as provided in § 56.109(c) of this chapter, the consent form may be either of the following:

(1) A written informed consent form that meets the requirements of this part. The investigator shall give either the subject or the subject's legally authorized representative adequate opportunity to read the informed consent form before it is signed; alternatively, this form may be read to the subject or the subject's legally authorized representative.

(2) A short form written informed consent form stating that the elements of informed consent required by § 50.25 have been presented orally to the subject or the subject's legally authorized representative. The key information required by § 50.20 must be presented first to the subject or the subject's legally authorized

representative, before other information, if any, is provided. The IRB shall approve a written summary of what is to be said to the subject or the legally authorized representative. When this method is used, there shall be a witness to the oral presentation. Only the short form itself is to be signed by the subject or the subject's legally authorized representative. However, the witness shall sign both the short form and a copy of the summary, and the person actually obtaining consent shall sign a copy of the summary. A copy of the summary shall be given to the subject or the subject's legally authorized representative, in addition to a copy of the short form.

PART 56—INSTITUTIONAL REVIEW BOARDS

■ 9. The authority citation for part 56 continues to read as follows:

Authority: 21 U.S.C. 321, 343, 346, 346a, 348, 350a, 350b, 351, 352, 353, 355, 360, 360c–360f, 360h, 360i, 360j, 360hh–360ss, 371, 379e, 381; 42 U.S.C. 216, 241, 262.

■ 10. In part 56, remove the words ''the act'' and add in their place ''the Federal Food, Drug, and Cosmetic Act''.

■ 11. In § 56.102, remove and reserve paragraph (a), revise paragraphs (b)(17) and (l), and add paragraph (n).

The revisions and addition read as follows:

§ 56.102 Definitions.

* * * * *

(b) * * *

(17) Data and information regarding an electronic product submitted as part of the procedures for establishing, amending, or repealing a standard for such products, described in section 534 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

(l) *Test article* means any drug for human use, biological product for human use, medical device for human use, human food additive, color additive, electronic product, or any other article subject to regulation under the Federal Food, Drug, and Cosmetic Act or under section 351 of the Public Health Service Act (42 U.S.C. 262).

* * * * *

(n) *Written or in writing* means writing on a tangible medium (*e.g.,* paper) or in an electronic format.

■ 12. In § 56.103, revise paragraphs (a) and (c) to read as follows:

§ 56.103 Circumstances in which IRB review is required.

(a) Except as provided in §§ 56.104 and 56.105, any clinical investigation that must meet the requirements for prior submission (as required in parts 312 and 812 of this chapter) to the Food and Drug Administration shall not be initiated unless that investigation has been reviewed and approved by, and remains subject to continuing review by, an IRB meeting the requirements of this part.

* * * * *

(c) Compliance with these regulations will in no way render inapplicable pertinent Federal, State, or local laws or regulations (including tribal law passed by the official governing body of an American Indian or Alaska Native tribe) that may otherwise be applicable and that provide additional protections for human subjects.

■ 13. Revise § 56.107 to read as follows:

§ 56.107 IRB membership.

(a) Each IRB shall have at least five members, with varying backgrounds to promote complete and adequate review of research activities commonly conducted by the institution. The IRB shall be sufficiently qualified through the experience and expertise of its members (professional competence), and the diversity of its members, including race, gender, cultural backgrounds, and sensitivity to such issues as community attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects. The IRB shall be able to ascertain the acceptability of proposed research in terms of institutional commitments (including policies and resources) and regulations, applicable law, and standards of professional conduct and practice. The IRB shall therefore include persons knowledgeable in these areas. If an IRB regularly reviews research that involves a category of subjects that is vulnerable to coercion or undue influence, such as children, prisoners, individuals with impaired decision-making capacity, or economically or educationally disadvantaged persons, consideration shall be given to the inclusion of one or more individuals who are knowledgeable about and experienced in working with these categories of subjects.

(b) Each IRB shall include at least one member whose primary concerns are in scientific areas and at least one member whose primary concerns are in nonscientific areas.

(c) Each IRB shall include at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution.

(d) No IRB may have a member participate in the IRB's initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the IRB.

(e) An IRB may, in its discretion, invite individuals with competence in special areas to assist in the review of complex issues that require expertise beyond or in addition to that available on the IRB. These individuals may not vote with the IRB.

■ 14. Revise § 56.108 to read as follows:

§ 56.108 IRB functions and operations.

(a) In order to fulfill the requirements of these regulations, each IRB shall:

(1) [Reserved]

(2) Prepare and maintain a current list of the IRB members identified by name; earned degrees; representative capacity; indications of experience such as board certifications or licenses sufficient to describe each member's chief anticipated contributions to IRB deliberations; and any employment or other relationship between each member and the institution, for example, full-time employee, part-time employee, member of governing panel or board, stockholder, paid or unpaid consultant;

(3) Establish and follow written procedures for:

(i) Conducting its initial and continuing review of research and for reporting its findings and actions to the investigator and the institution;

(ii) Determining which projects require review more often than annually and which projects need verification from sources other than the investigator that no material changes have occurred since previous IRB review;

(iii) Ensuring prompt reporting to the IRB of proposed changes in a research activity; and for ensuring that investigators will conduct the research activity in accordance with the terms of the IRB approval until any proposed changes have been reviewed and approved by the IRB, except when necessary to eliminate apparent immediate hazards to the subject.

(4) Establish and follow written procedures for ensuring prompt reporting to the IRB, appropriate institutional officials, and the Food and Drug Administration of:

(i) Any unanticipated problems involving risks to subjects or others, or any serious or continuing noncompliance with these regulations or the requirements or determinations of the IRB; and

(ii) any suspension or termination of IRB approval.

(b) Except when an expedited review procedure is used (as described in § 56.110), an IRB must review proposed research at convened meetings at which

a majority of the members of the IRB are present, including at least one member whose primary concerns are in nonscientific areas. In order for the research to be approved, it shall receive the approval of a majority of those members present at the meeting.

■ 15. In § 56.109:

■ a. Revise paragraph (b);

■ b. Add paragraph (c)(3);

■ c. Revise paragraphs (d) and (f);

■ d. Redesignate paragraphs (g) and (h) as paragraphs (i) and (j), respectively;

■ e. Add new paragraphs (g) and (h); and

■ f. Revise newly redesignated paragraphs (i) and (j).

The revisions and additions read as follows:

§ 56.109 IRB review of research.

* * * * *

(b) An IRB shall require that information given to subjects or legally authorized representatives, when appropriate, as part of informed consent is in accordance with § 50.25 of this chapter. The IRB may require that information, in addition to that specifically mentioned in § 50.25 of this chapter, be given to the subjects when in the IRB's judgment the information would meaningfully add to the protection of the rights and welfare of subjects.

(c) * * *

(3) The IRB may waive documentation of informed consent if it finds that the subjects or legally authorized representatives are members of a distinct cultural group or community in which signing forms is not the norm, that the research presents no more than minimal risk of harm to subjects, and provided there is an appropriate alternative mechanism for documenting that informed consent was obtained.

(d) In cases where the documentation requirement is waived under paragraph (c)(1) or (3) of this section, the IRB may require the investigator to provide subjects or legally authorized representatives with a written statement regarding the research.

* * * * *

(f) An IRB shall conduct continuing review of research covered by these regulations at intervals appropriate to the degree of risk, but not less than once per year, except as described in paragraph (g) of this section.

(g) Unless an IRB determines otherwise, continuing review of research is not required for research that has progressed to the point that it involves only one or both of the following, which are part of the IRB-approved study:

(1) Data analysis, including analysis of identifiable private information or identifiable biospecimens, or

(2) Accessing followup clinical data from procedures that subjects would undergo as part of clinical care.

(h) An IRB shall have authority to observe or have a third party observe the consent process and the research.

(i) An IRB shall provide in writing to the sponsor of research involving an exception to informed consent under § 50.24 of this chapter a copy of information that has been publicly disclosed under § 50.24(a)(7)(ii) and (iii) of this chapter. The IRB shall provide this information to the sponsor promptly so that the sponsor is aware that such disclosure has occurred. Upon receipt, the sponsor shall provide copies of the information disclosed to FDA.

(j) When some or all of the subjects in a study are children, an IRB must determine that the research study is in compliance with part 50, subpart D of this chapter, at the time of its initial review of the research.

■ 16. In § 56.110, revise paragraphs (b) and (c) to read as follows:

§ 56.110 Expedited review procedures for certain kinds of research involving no more than minimal risk, and for minor changes in approved research.

* * * * *

(b)(1) An IRB may use the expedited review procedure to review either or both of the following:

(i) Some or all of the research appearing on the list described in paragraph (a) of this section and found by the reviewer(s) to involve no more than minimal risk;

(ii) Minor changes in previously approved research during the period for which approval is authorized.

(2) Under an expedited review procedure, the review may be carried out by the IRB chairperson or by one or more experienced reviewers designated by the IRB chairperson from among the members of the IRB. In reviewing the research, the reviewers may exercise all of the authorities of the IRB except that the reviewers may not disapprove the research. A research activity may be disapproved only after review in accordance with the nonexpedited review procedure set forth in § 56.108(b).

(c) Each IRB that uses an expedited review procedure shall adopt a method for keeping all members advised of research proposals that have been approved under the procedure.

* * * * *

■ 17. In § 56.111, revise paragraphs (a)(1), (3), and (5) through (7) and (b) to read as follows:

§ 56.111 Criteria for IRB approval of research.

(a) * * *

(1) Risks to subjects are minimized:

(i) By using procedures that are consistent with sound research design and that do not unnecessarily expose subjects to risk and

(ii) Whenever appropriate, by using procedures already being performed on the subjects for diagnostic or treatment purposes.

* * * * *

(3) Selection of subjects is equitable. In making this assessment the IRB should take into account the purposes of the research and the setting in which the research will be conducted. The IRB should be particularly cognizant of the special problems of research that involves a category of subjects who are vulnerable to coercion or undue influence, such as children, prisoners, individuals with impaired decision-making capacity, or economically or educationally disadvantaged persons.

* * * * *

(5) Informed consent will be appropriately documented or appropriately waived, in accordance with § 50.27 of this chapter.

(6) When appropriate, the research plan makes adequate provision for monitoring the data collected to ensure the safety of subjects.

(7) When appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data.

(b) When some or all of the subjects are likely to be vulnerable to coercion or undue influence, such as children, prisoners, individuals with impaired decision-making capacity, or economically or educationally disadvantaged persons, additional safeguards have been included in the study to protect the rights and welfare of these subjects.

* * * * *

■ 18. In § 56.115, revise paragraphs (a)(3), (5), and (6) and (b) to read as follows:

§ 56.115 IRB records.

(a) * * *

(3) Records of continuing review activities, including the rationale for conducting continuing review of research that otherwise would not require continuing review as described in § 56.109(g).

* * * * *

(5) A list of IRB members in the same detail as § 56.108(a)(2).

(6) Written procedures for the IRB as required by § 56.108(a)(3) and (4).

* * * * *

(b) The records required by this regulation shall be retained for at least 3 years after completion of the research. The institution or IRB may maintain the records in printed form or electronically. All records shall be accessible for inspection and copying by authorized representatives of the Food and Drug Administration at reasonable times and in a reasonable manner.

* * * * *

■ 19. In § 56.121, revise the last sentence in paragraph (c) to read as follows:

§ 56.121 Disqualification of an IRB or an institution.

* * * * *

(c) * * * In addition, the Agency may elect to publish a notice of its action.

* * * * *

■ 20. Revise § 56.122 to read as follows:

§ 56.122 Public disclosure of information regarding disqualification.

A determination that FDA has disqualified an IRB or an institution and the administrative record regarding that determination are disclosable to the public under part 20 of this chapter.

PART 812—INVESTIGATIONAL DEVICE EXEMPTIONS

■ 21. The authority citation for part 812 is revised to read as follows:

Authority: 21 U.S.C. 331, 351, 352, 353, 355, 360, 360c–360f, 360h–360j, 360hh–360pp, 360rr–360ss, 360bbb–8b, 371, 372, 374, 379e, 381, 382; 42 U.S.C. 216, 241, 262.

■ 22. In § 812.150, revise paragraphs (a)(3) and (b)(5) to read as follows:

§ 812.150 Reports.

(a) * * *

(3) *Progress.* An investigator shall submit progress reports on the investigation to the sponsor, the monitor, and the reviewing IRB at regular intervals, but in no event less often than yearly. Such progress reports shall be submitted to the reviewing IRB to the extent that continuing review is required by part 56 of this chapter.

* * * * *

(b) * * *

(5) *Progress reports.* At regular intervals, and at least yearly, a sponsor shall submit progress reports to all reviewing IRBs. Such progress reports shall be submitted to reviewing IRBs to the extent that continuing review is required by part 56 of this chapter. In the case of a significant risk device, a sponsor shall submit progress reports to FDA at regular intervals, and at least yearly. A sponsor of a treatment IDE shall submit semiannual progress reports to all reviewing IRBs and FDA in accordance with § 812.36(f) and annual progress reports in accordance with this section.

* * * * *

Dated: September 23, 2022.

Robert M. Califf,

Commissioner of Food and Drugs.

[FR Doc. 2022–21088 Filed 9–27–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 56

[Docket No. FDA–2019–N–2175]

RIN 0910–AI08

Institutional Review Boards; Cooperative Research

AGENCY: Food and Drug Administration, Health and Human Services (HHS).

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA or we) is proposing to replace current requirements for FDA-regulated cooperative research with new requirements that would require any institution located in the United States participating in FDA-regulated cooperative research to rely on review and approval by a single institutional review board (IRB) for that portion of the research that is conducted in the United States, with some exceptions. FDA is also proposing an IRB recordkeeping requirement for research that takes place at an institution in which IRB oversight is conducted by an IRB that is not operated by the institution. FDA is proposing these revisions to streamline the IRB review process and decrease administrative burdens and inefficiencies for investigators and IRBs without compromising human subject protections. This proposed rule would harmonize FDA's requirements for cooperative research and IRB records, to the extent practicable and consistent with statutory provisions, with the ''Federal Policy for the Protection of Human Subjects'' (revised Common Rule) and is being issued in accordance with a provision of the 21st Century Cures Act (Cures Act).

DATES: Either electronic or written comments on the proposed rule must be submitted by November 28, 2022. Submit written comments (including recommendations) on the collection of information under the Paperwork Reduction Act of 1995 (PRA) by October 28, 2022.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 28, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions.'')

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2019–N–2175 for ''Institutional Review Boards; Cooperative Research.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for

those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

Submit comments on the information collection under the Paperwork Reduction Act of 1995 to the Office of Management and Budget (OMB) at *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 title of this proposed collection is Institutional Review Boards—21 CFR part 56 (OMB Control Number 0910–0130—Revision).

FOR FURTHER INFORMATION CONTACT:

With regard to the proposed rule: David Markert, Office of Clinical Policy, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–0752, *David.Markert@fda.hhs.gov.*

With regard to the information collection: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

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I. Executive Summary

A. Purpose of the Proposed Rule

This proposed rule would harmonize, to the extent practicable and consistent with statutory provisions, FDA's cooperative research requirements with the cooperative research requirements in the revised Common Rule,[1] which requires use of a single IRB review process for multisite research conducted in the United States, with some exceptions. This proposed rule would establish an IRB recordkeeping requirement that would be harmonized, to the extent practicable and consistent with statutory provisions, with the revised Common Rule's IRB recordkeeping requirement for research overseen by an IRB that is not operated by the institution where the study is conducted. FDA believes that, in many situations, mandatory single IRB review for multi-institutional clinical investigations would streamline the review process and increase efficiencies for the oversight of clinical investigations without compromising human subject protections. Increased efficiencies may facilitate faster initiation of clinical investigations supporting the development of new medical products to benefit the public health. FDA also believes that, in many cases, mandatory single IRB review for multi-institutional clinical investigations would decrease administrative burdens created by multiple IRB reviews for institutions, investigators, IRBs, and sponsors. This proposed rule is being issued in accordance with section 3023 of the Cures Act (Pub. L. 114–255).

B. Summary of the Major Provisions of the Proposed Rule

FDA is proposing to replace the current requirements under § 56.114 ''Cooperative research'' of part 56 (21 CFR part 56) with new regulatory text that would require any institution located in the United States participating in cooperative research to rely on approval by a single IRB for that portion of the research that is conducted in the United States, with some exceptions. FDA is also proposing an IRB recordkeeping requirement for research that takes place at an institution in which IRB oversight is conducted by an IRB that is not operated by the institution.

C. Legal Authority

FDA is proposing to issue this rule under sections 403, 406, 409, 412, 413, 503, 505, 510, 513–515, 520, 531–539, 541–542, 701, and 721 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 343, 346, 348, 350a, 350b, 353, 355, 360, 360c–360e, 360j, 360hh–360pp, 360rr–360ss, 371, and 379e) and section 351 of the Public Health Service Act (PHS Act) (42 U.S.C. 262).

D. Costs and Benefits

This proposed requirement for single IRB review for FDA-regulated cooperative research as well as harmonizing, to the extent practicable and consistent with statutory provisions, these FDA requirements

[1] For the purpose of this proposed rule, ''revised Common Rule'' refers to the January 19, 2017, final rule (82 FR 7149), which was modified by an interim final rule that delayed the effective date and general compliance date (83 FR 2885, January 22, 2018) and a final rule that delayed the general compliance date, while allowing use of three burden-reducing provisions for certain research during the delay period (83 FR 28497, June 19, 2018). The compliance date for the cooperative research provisions of the revised Common Rule was January 20, 2020.

with the revised Common Rule should reduce the administrative and coordination costs of conducting cooperative research by: (1) reducing duplicative reviews; (2) facilitating an earlier start of cooperative research; and (3) reducing the need to reconcile variability in IRB review decisions for cooperative research conducted with a common protocol. Reducing the costs of conducting cooperative research should reduce the costs of FDA-regulated medical product development and facilitate an earlier start of cooperative research, which could contribute to a faster introduction of those products into commercial use. Over 10 years, the annualized costs range from approximately $30 million to $134 million with a 7 percent discount rate and range from $30 million to $127 million with a 3 percent discount rate. The annualized net cost savings (benefits net of costs) range from $87 million to $882 million with a 7 percent discount rate and range from $87 million to $897 million with a 3 percent discount rate.

II. Background

TABLE OF ABBREVIATIONS/COMMONLY USED ACRONYMS IN THIS DOCUMENT

Abbreviation/acronym	What it means
AI/AN	American Indian or Alaska Native.
Cures Act	21st Century Cures Act.
FDA	Food and Drug Administration.
IRB	Institutional Review Board.
FD&C Act	Federal Food, Drug, and Cosmetic Act.
FR	Federal Register.
HHS	Health and Human Services.
IDE	Investigational Device Exemption.
IND	Investigational New Drug Application.
NIH	National Institutes of Health.
OHRP	Office for Human Research Protections.
NSR	Nonsignificant Risk.
PRA	Paperwork Reduction Act of 1995.
OMB	Office of Management and Budget.
PHS Act	Public Health Service Act.
SACHRP	Secretary's Advisory Committee on Human Research Protections.
U.S.C.	United States Code.

FDA is in the process of amending its regulations under 21 CFR parts 50 and 56 on protection of human subjects and IRBs to harmonize with the revised Common Rule, consistent with section 3023 of the Cures Act. This proposed rule only addresses single IRB review for cooperative research and a related IRB recordkeeping requirement. FDA intends to undertake additional rulemaking to harmonize our regulations with the revised Common Rule, to the extent practicable and consistent with statutory provisions.

A. Single IRB Review Requirements Under the Revised Common Rule

The Common Rule was originally issued in 1991 (56 FR 28001, June 18, 1991). The Common Rule sets forth requirements for the protection of human subjects involved in research that is conducted or supported by the Department of Health and Human Services (HHS) (see 45 CFR part 46, subpart A) and other Federal Departments and Agencies. The purpose of the Common Rule is to promote uniformity, understanding, and compliance with human subject protections as well as to create a uniform body of regulations across the Federal Departments and Agencies (80 FR 53931 at 53935, September 8, 2015).

On January 19, 2017, HHS and the other Common Rule Departments and Agencies announced revisions to modernize, strengthen, and make the Common Rule more effective (82 FR 7149, January 19, 2017). The revised Common Rule is intended to better protect human subjects involved in research, while facilitating valuable research and reducing burden, delay, and ambiguity for investigators (82 FR 7149). One of the proposals adopted in the revised Common Rule is the requirement for institutions located in the United States that are engaged in cooperative research (also referred to as multi-institutional studies, multisite studies, or multicenter studies) to use single IRB review for that portion of the research that takes place within the United States, with certain exceptions.[2]

In adopting a single IRB review requirement as part of the revised Common Rule, HHS and the other Common Rule Departments and Agencies agreed with those commenters on the proposed rule to revise the Common Rule who indicated that mandated single IRB review would ultimately decrease administrative burdens and inefficiencies for investigators and institutions without diminishing human subject protections, while also acknowledging that transition to the single IRB review model would require additional time and changes to institutional policies and structures. In addition, HHS and the other Common Rule Departments and Agencies stated in the preamble that ''in many cases multiple IRB approvals increase burden and frequently delay the implementation of studies, increasing the costs of clinical trials and potentially stalling access to new therapies.'' (82 FR 7149 at 7209.)

The revised Common Rule requires that all U.S. institutions engaged in cooperative research rely upon a single IRB review with two exceptions: (1) cooperative research for which more than single IRB review is required by law (including tribal law passed by the official governing body of an American Indian or Alaska Native (AI/AN) tribe) or (2) research for which any Federal Department or Agency supporting or conducting the research determines and documents that the use of single IRB review is not appropriate for the particular context (45 CFR 46.114(b)). Under the first exception, if applicable law (including when the official governing body of an AI/AN tribe passes a tribal law) requires more than single IRB review for certain cooperative research, then the revised Common Rule's requirement for single IRB review

[2] For the purpose of this proposed rule, the terms ''central IRB'', ''single central IRB'', ''single IRB'' and ''single IRB of record'' are synonymous and interchangeable. The terms ''site'' and ''institution'' are also intended to be synonymous and interchangeable.

does not apply to such cooperative research (82 FR 7149 at 7209). In addition, the revised Common Rule allows a Federal Department or Agency supporting or conducting the research the flexibility to determine that use of a single IRB is not appropriate for certain contexts, thereby permitting additional IRB review in some circumstances (82 FR 7149 at 7209). While the revised Common Rule does not prohibit an institution from conducting its own additional internal review, ''such reviews would no longer have any regulatory status in terms of compliance with the Common Rule.'' (82 FR 7149 at 7209). For cooperative research subject to this single IRB review mandate, the reviewing IRB will be identified by the Federal Department or Agency supporting or conducting the research, or proposed by the lead institution subject to the acceptance of the Federal Department or Agency supporting the research (82 FR 7149 at 7209).

B. The National Institutes of Health (NIH) Single IRB Policy

On December 3, 2014, the NIH proposed a Draft NIH Policy, ''Use of a Single Institutional Review Board of Record for Multisite Research,'' which stated that NIH would generally expect all domestic sites of multisite NIH-funded studies to use a single IRB of record.[3] In finalizing its policy, NIH explained that, in general, public comments on the Draft NIH Policy were supportive of NIH's goal of enhancing and streamlining IRB review in multisite research. However, NIH also described that some commenters, mainly academic institutions and organizations representing them, expressed concerns about the scope of the proposed policy, did not agree that it should become a term and condition of funding, and pointed to the importance of local IRB review. On the other hand, many NIH stakeholders agreed that the use of single IRB review for multisite studies involving a single protocol would help streamline IRB review and could help enhance protections for human subjects (81 FR 40325 at 40326, June 21, 2016). On June 21, 2016, NIH finalized its policy on the use of single IRB review, which is complementary to the revised Common Rule's cooperative research provision (81 FR 40325 at 40326). NIH's final single IRB policy went into effect on January 25, 2018.[4]

C. The Cures Act

On December 13, 2016, the Cures Act was signed into law amending certain provisions of the FD&C Act. The Cures Act is designed to help accelerate the discovery, development, and delivery of 21st century cures. Section 3023 of the Cures Act directs the Secretary of HHS, to the extent practicable and consistent with other statutory provisions, to harmonize differences between the HHS Human Subject Regulations and FDA's Human Subject Regulations. Section 3023 requires modifications to the HHS and FDA Human Subject Regulations, as appropriate, to: (1) reduce regulatory duplication and unnecessary delays; (2) modernize such provisions in the context of multisite and cooperative research projects; and (3) protect vulnerable populations, incorporate local considerations, and support community engagement through mechanisms such as consultation with local researchers and human research protection programs. The Cures Act also requires the Secretary, as appropriate, to ensure that human subject research that is subject to the HHS Human Subject Regulations and to the FDA Human Subject Regulations may: (1) use joint or shared review; (2) rely upon the review of an independent IRB or an IRB of an entity other than the sponsor of the research; or (3) use similar arrangements to avoid duplication of effort (section 3023 of the Cures Act). FDA is working with the Office for Human Research Protections (OHRP) and others in HHS to carry out this statutory mandate.

In addition, section 3056 of the Cures Act amended section 520(g) of the FD&C Act to remove the requirement for IRBs overseeing clinical investigations of devices to be ''local.'' [5] Before this statutory change, section 520(g) of the FD&C Act required review by a local institutional review committee (*i.e.,* IRB) for clinical testing of a medical device, so requiring single IRB review for clinical investigations of devices was not possible. However, in light of this statutory change, medical device studies may now rely on a single IRB review process.

D. FDA's Current Regulatory Framework

FDA has historically supported efforts to reduce administrative burden in cooperative research. Since being issued in 1981, the IRB regulations at part 56 have provided for the voluntary use of cooperative review in multi-institutional studies (46 FR 8958, January 27, 1981). Under current FDA regulations, institutions involved in multi-institutional studies may use joint review, reliance upon the review of another qualified IRB, or similar arrangements aimed at avoiding duplication of effort.[6] When FDA's rule, ''Protection of Human Subjects, Standards for Institutional Review Boards for Clinical Investigations'' was proposed, we indicated that the purpose of the section regarding cooperative research was ''to explicitly reduce duplicative review of multi-institutional studies'' (44 FR 47699 at 47700, August 14, 1979). In the preamble to the final rule issuing FDA's regulations at part 56, FDA also stated that ''the purpose of this section is to assure IRBs that FDA will accept reasonable methods of joint review'' (46 FR 8958 at 8970). Additionally, FDA issued guidance in 2006 intended to assist sponsors, institutions, IRBs, and clinical investigators involved in multicenter clinical studies in meeting the requirements of part 56 by facilitating the use of a centralized IRB review process, especially in situations where centralized review could improve efficiency of IRB review.[7] The guidance encourages the use of a centralized IRB review process and provides recommendations regarding how to document agreements and procedures relating to a centralized IRB review system, including those reviews of studies at clinical trial sites not affiliated with the IRB. The guidance also provides some examples of cooperative IRB review models.

E. Need for this Regulation

Although the use of a single IRB review process is already encouraged and consistent with our regulations at § 56.114, it is voluntary. Consistent with the purpose for including the single IRB review requirement for cooperative research in the revised Common Rule, as described above, FDA believes that requiring single IRB review for certain multi-institutional clinical investigations would streamline the review process without compromising human subject protections. In addition, as described in section II.A., FDA believes that the benefits of requiring

[3] *https://grants.nih.gov/grants/guide/notice-files/NOT-OD-15-026.html.* On January 6, 2015, NIH published a notice to inform readers of the **Federal Register** about the draft policy and provide an opportunity for comment (80 FR 511).

[4] NOT–OD–17–076 ''Revision: Notice of Extension of Effective Date for Final NIH Policy on Single Institutional Review Board for Multi-Site Research,'' June 16, 2017, *https://grants.nih.gov/grants/guide/notice-files/NOT-OD-17-076.html.*

[5] On June 7, 2017, FDA amended its regulations to reflect this statutory change (82 FR 26348).

[6] 21 CFR 56.114.

[7] See FDA's ''Guidance for Industry: Using a Centralized IRB Review Process in Multicenter Clinical Trials'' (March 2006). Available at: *https://www.fda.gov/media/75329/download.*

single IRB review recognized by HHS and the other Common Rule Departments and Agencies would also be realized for multisite, FDA-regulated research, with some exceptions.

Institutions have been reluctant to voluntarily use single IRB review for a variety of reasons, most of which are unrelated to whether single IRB review is more efficient and less burdensome than multiple local IRB reviews. A study conducted by the Clinical Trials Transformation Initiative (CTTI)[8] identified several perceived barriers to the use of single IRB review, including concerns about potential noncompliance by the single IRB, potential loss of local context, and the quality of the single IRB's review. The study found that the perceived barriers to single IRB review resulted from a conflation of institutional responsibilities with the ethical review responsibilities of the IRB, among other factors (Ref. 1).

Over the years, clinical investigations have become more complex, with increasing numbers of sites. For scientific reasons, multicenter clinical investigations generally share a common protocol that could be carried out at each site, or different aspects of the protocol (*e.g.,* study recruitment, data coordination) could be conducted at different sites. In either case, site-specific, local IRB reviews of such a protocol would not be likely to provide additional human subject protections beyond those provided by a single IRB with appropriate expertise to evaluate the risks and benefits of the study, the adequacy of the informed consent process and document, and local issues. In these cases, review by multiple IRBs may lead to unnecessary additional reviews that could delay research without providing an increase in human subject protections. For example, when multiple IRBs are involved in reviewing a cooperative research protocol, a change to the protocol or informed consent document required by one site's IRB could mean that the protocol or informed consent document would need to be resubmitted for review to all the other sites participating in this multisite study, resulting in significant delays in initiating the study. In addition, multiple IRB reviews could result in recruitment differences between sites, leading to difficulty recruiting subjects with the condition of interest, and in some cases, an impact on the generalizability of the study results. Furthermore, multisite clinical investigations can generate large volumes of safety reports; however, duplicative local IRB review of safety reports at every study site may not improve subject safety. A single IRB may be better positioned to review, analyze, and act upon important safety findings.

Examples of administrative burdens and review inefficiencies that result from multiple IRB reviews as described above have also been cited in literature. For example, Greene and Geiger identified numerous related but distinct factors that contribute to research delays and unnecessary costs in multicenter studies that undergo review by multiple IRBs, including: added time for the initial review and approval of the clinical investigation; differing requirements across IRBs that included widely variable IRB approval processes and unique consent forms across sites even in a ''standardized'' environment; differing test subject recruitment procedures and participant incentives across sites, possibly affecting response rates; and, when additional review times and IRB requirements were involved, the additional approval requirements consumed significant amounts of fixed grant funds, reducing the scope of the research (Ref. 2). Several other empirical studies have also found inefficiencies and inconsistencies associated with multiple IRB reviews of multisite clinical investigations (Ref. 3).

In the preamble to the revised Common Rule, the Common Rule Departments and Agencies stated that they believed that merely encouraging single IRB review would ''fail to yield substantive positive change in the system[,]'' and, therefore, determined that requiring single IRB review was necessary in order to increase efficiencies in research (82 FR 7149 at 7209). FDA agrees with the Common Rule Departments and Agencies that the benefits of single IRB review—including a streamlined review process, reduced administrative burdens, and increased efficiencies—are unlikely to be realized if reliance on a single IRB for review of cooperative research remains purely voluntary. Therefore, FDA is proposing to require single IRB review for certain multi-institutional clinical investigations to streamline the review process, decrease administrative burden created by multiple IRB reviews, and reduce inefficiencies for investigators, sponsors, institutions, and IRBs. Increased efficiencies for the oversight of clinical investigations may facilitate faster initiation of clinical investigations for the development of new medical products to benefit the public health. For example, a study of the National Cancer Institute's (NCI) single IRB (Central Institutional Review Board or CIRB) found that the time required to reopen a trial after a temporary closure because of a major protocol amendment was significantly faster at CIRB-affiliated sites (less than 48 hours on average) than at sites that used their local IRBs to implement the same trial amendments (40.5 days on average) (Ref. 4).

Furthermore, a single IRB would provide FDA with a single focal point for an IRB inspection for a given investigation. Inspection of a single IRB could cover oversight of a larger number of clinical investigation sites during a single inspection, therefore providing FDA an opportunity to operate a more efficient IRB inspection program.

FDA recognizes, however, that there are likely to be some initial burdens associated with use of a single IRB, rather than a local IRB model, such as establishing reliance agreements to document responsibilities among the various institutions participating in the research and the reviewing IRB. While FDA agrees with the Common Rule Departments and Agencies that mandatory single IRB review will ultimately decrease administrative burdens and inefficiencies for much FDA-regulated research, for some types of research, we do not believe it is clear that the potential benefits of single IRB review outweigh the potential associated burdens in every circumstance. Therefore, as described below, we are proposing exceptions to the single IRB review requirement to account for these situations.

We note that the preamble to the revised Common Rule describes that some comments identified the importance of local IRB review as a reason for opposing the proposed requirement for use of single IRB review (82 FR 7149 at 7208). FDA believes that attention to local issues related to the communities where the research will take place is very important and has provided recommendations in an FDA guidance on addressing local aspects of IRB review when using a single IRB review process.[9] In general, mechanisms other than a separate local IRB review and approval can be used to address local contextual issues, such as the local site providing the single IRB of record with information on local context and

[8] The Clinical Trials Transformation Initiative (CTTI) is a public-private partnership that focuses on developing and driving adoption of practices that will increase the quality and efficiency of clinical trials (*https://www.ctti-clinicaltrials.org/who-we-are*).

[9] See FDA's ''Guidance for Industry: Using a Centralized IRB Review Process in Multicenter Clinical Trials'' (March 2006). Available at: *https://www.fda.gov/media/75329/download.*

updates, when appropriate. However, because there may be some instances for which local IRB review may be required by law or necessary to provide important expertise for a particular FDA-regulated clinical investigation, FDA is also proposing under § 56.114(b)(2), certain exceptions from the proposed requirement for use of single IRB review to account for those instances.

FDA notes that a substantial amount of the clinical research that FDA regulates is not subject to the revised Common Rule. Although the Common Rule Departments and Agencies conduct and support a significant number of multi-institutional clinical investigations involving FDA-regulated products, the majority of such investigations are conducted and supported by industry. FDA-regulated clinical investigations that are funded by a Common Rule Department or Agency would also be subject to the revised Common Rule, which requires single IRB review for cooperative research, with certain exceptions. Because FDA's proposed mandatory single IRB review provisions would harmonize with the corresponding requirements under the revised Common Rule, to the extent practicable and consistent with statutory provisions, FDA's proposal would reduce the need for sponsors, investigators, institutions, and IRBs to comply with differing requirements. Many institutions are already implementing the revised Common Rule's single IRB review requirement, which had a compliance date of January 20, 2020. In addition, clinical investigations funded by NIH are already subject to NIH's single IRB review policy. Thus, there should be minimal impact on sponsors of FDA-regulated clinical investigations that are also Federally funded.

III. Legal Authority

FDA is proposing to issue this rule under our authority to issue regulations regarding the investigational use of drugs under section 505(i) of the FD&C Act, the investigational use of devices under section 520(g) of the FD&C Act, and the investigational use of biological products under section 351(a) of the PHS Act. In addition, IRB review helps assure the quality and integrity of data from clinical investigations relied upon in submissions to FDA regarding the safety, effectiveness, and/or marketing of FDA-regulated products, including submissions made pursuant to sections 403, 406, 409, 412, 413, 503, 505, 510, 513–515, 520, 531–539, 541–542, and 721 of the FD&C Act and section 351 of the PHS Act. IRB review also helps protect the rights and safety of human subjects involved in those clinical investigations. Section 701(a) of the FD&C Act authorizes FDA to issue regulations for the efficient enforcement of the FD&C Act.

FDA believes that requiring single IRB review for multi-institutional clinical investigations as described in this proposed rule would streamline the IRB review process, decrease administrative burdens and inefficiencies for investigators and IRBs while maintaining adequate human subject protections, and provide FDA an opportunity to operate a more efficient IRB inspection program.

IV. Description of the Proposed Rule

FDA is proposing to replace the current requirements under § 56.114, Cooperative research, with new regulations that would require any institution located in the United States participating in FDA-regulated cooperative research to rely on approval by a single IRB for that portion of the research that is conducted in the United States, with some exceptions. For research that takes place at an institution in which IRB oversight is conducted by an IRB that is not operated by the institution, FDA is also proposing a new IRB recordkeeping requirement at § 56.115, IRB records. This requirement would clarify the documentation needed to specify the institution's reliance on the IRB for oversight of the research and the responsibilities that the institution, and the organization operating the IRB, will undertake to ensure compliance with the requirements of part 56. These proposed changes address, in part, section 3023 of the Cures Act, which requires the Secretary of HHS to harmonize differences between the HHS Human Subject Regulations and FDA's Human Subject Regulations, to the extent practicable and consistent with other statutory provisions. This proposed rule is intended to fulfill that directive with respect to FDA's requirements for cooperative research and a related IRB recordkeeping requirement. The differences between FDA's proposal and the revised Common Rule are described in further detail below.

A. Single IRB Review Requirement for Cooperative Research

FDA is proposing new regulatory text at § 56.114(a) to describe cooperative research covered by these regulations as a clinical investigation that involves more than one institution and to explain that, in the conduct of cooperative research, each institution is responsible for safeguarding the rights and welfare of human subjects and for complying with these regulations. This proposed regulatory text differs from the revised Common Rule at 45 CFR 46.114(a) by using FDA's term ''clinical investigations,'' rather than ''projects,'' and the term ''regulations,'' rather than ''policy.'' This language better reflects the scope of FDA's authority and the terminology used throughout FDA's existing human subject protection regulations.

FDA is proposing new regulatory text at § 56.114(b)(1) to require that any institution located in the United States participating in FDA-regulated cooperative research rely on approval by a single IRB for that portion of the research that is conducted in the United States. This proposed regulatory text differs from the revised Common Rule at 45 CFR 46.114(b)(1) by using FDA's term ''participating,'' rather than ''engaged.'' This language better reflects the terminology used throughout FDA's existing human subject protection regulations.

The revised Common Rule provision at 45 CFR 46.114(b)(1) also requires the reviewing IRB to be identified by the Federal Department or Agency [10] supporting or conducting the research, or to be proposed by the lead institution subject to the acceptance of the Federal Department or Agency supporting the research. It is not practicable for FDA to propose this same requirement because, unlike research subject to the revised Common Rule, most of the research that FDA regulates is not conducted or supported by FDA or by any Federal Department or Agency. FDA's existing regulations do not require that a specific party involved in the research select the IRB when a single IRB process is used, and we are unaware of difficulties in selecting the IRB that warrant requiring the single IRB always to be identified by a particular party for all FDA-regulated research. Because FDA is not proposing to require that a particular party identify the single IRB, there would be no conflict for FDA-regulated research that is also subject to the revised Common Rule requirement that the single IRB be identified by the Federal Department or Agency supporting or conducting the

[10] For purposes of the Common Rule, ''Federal Department or Agency'' ''refers to a federal department or agency (the department or agency itself rather than its bureaus, offices or divisions) that takes appropriate administrative action to make this policy applicable to the research involving human subjects it conducts, supports, or otherwise regulates (*e.g.,* the U.S. Department of Health and Human Services, the U.S. Department of Defense, or the Central Intelligence Agency).'' 45 CFR 46.102(d).

research or proposed by the lead institution subject to the acceptance of the Federal Department or Agency supporting the research. In addition, FDA's current regulations address the assurance of IRB review for clinical investigations of drugs and devices by an IRB that complies with the regulations set forth in part 56. This assurance is addressed by the responsibilities of sponsors and investigators in an FDA-regulated clinical investigation.[11] In general, for clinical investigations of drugs under 21 CFR part 312, an investigator is responsible for ensuring that there will be initial and continuing review and approval by a qualified IRB (§ 312.66), and a sponsor is responsible for obtaining a commitment from each investigator that he or she will ensure that requirements in part 56 relating to IRB review and approval are met (§ 312.53(c)(1)(vi)(d)). For clinical investigations of medical devices, under part 812 (21 CFR part 812), the sponsor is responsible for ensuring IRB review and approval are obtained (§ 812.40). Additionally, the sponsor is required to identify the reviewing IRB in the investigational new drug (IND) application or an investigational device exemption (IDE) application submitted to FDA.[12]

B. Exceptions to the Single IRB Review Requirement

The revised Common Rule, under 45 CFR 46.114(b)(2), provides two exceptions from the requirement under 45 CFR 46.114(b)(1) for reliance on approval by a single IRB. The following research is excepted: (1) cooperative research for which more than single IRB review is required by law (including tribal law passed by the official governing body of an AI/AN tribe) or (2) research for which any Federal Department or Agency supporting or conducting the research determines and documents that the use of a single IRB is not appropriate for the particular context. The preamble to the revised Common Rule noted that the second exception ''allows a federal department or agency the flexibility to determine that the use of a single IRB is not appropriate for certain contexts, thereby permitting additional IRB review and consideration of local and regional variations in some circumstances'' (82 FR 7149 at 7209).

FDA is proposing new regulatory text at § 56.114(b)(2) to provide exceptions to the requirement under § 56.114(b)(1) for reliance on approval by a single IRB. FDA is proposing the same exception as under 45 CFR 46.114(b)(2)(i) of the revised Common Rule for circumstances in which more than a single IRB review is required by law. However, we do not believe it is practicable for FDA to adopt the same regulatory text as the exception at 45 CFR 46.114(b)(2)(ii) because most of the research that FDA regulates is not conducted or supported by FDA or by any Federal Department or Agency. Therefore, this exception would have no applicability to the majority of FDA-regulated research.

We also believe it would be impracticable for FDA to adopt an analogous exception for situations in which FDA determines and documents that the use of a single IRB is not appropriate for the particular context. Unlike review of a research grant application that would be submitted to a Federal Department or Agency for approval, certain FDA-regulated research does not require a submission to FDA or other interaction with FDA before it begins (*e.g.,* research on drugs that is exempt from the requirement to submit an IND application under § 312.2(b) (21 CFR 312.2(b)). If FDA were to require such research to obtain FDA's determination and documentation that single IRB review is not appropriate, it would add administrative burden and delay the initiation of research, contrary to the goals of this proposed rule. However, we seek comment below on whether FDA should consider adding an analogous exception, in addition to other proposed exceptions, to help address potential challenges to use of a single IRB review model for FDA-regulated cooperative research.

After considering these issues, instead of proposing a broad exemption that would provide for FDA to make case-by-case determinations that use of single IRB review is not appropriate, FDA is proposing specific exceptions that we believe reflect circumstances for which requiring the use of a single IRB for oversight of multisite research may not be appropriate for FDA-regulated research. In these cases, use of single IRB review may not be adequate to provide important expertise for a particular FDA-regulated clinical investigation or may not increase efficiencies for the oversight of certain clinical investigations. The intent of these proposed exceptions is to facilitate FDA-regulated research, minimize administrative burden, and maintain appropriate human subject protections.

1. Cooperative Research For Which More Than Single IRB Review Is Required By Law

The first exception to the requirement for reliance on approval by a single IRB in the revised Common Rule at 45 CFR 46.114(b)(2)(i) includes cooperative research for which more than single IRB review is required by law (including tribal law passed by the official governing body of an AI/AN tribe). FDA is proposing this same exception at § 56.114(b)(2)(i).

2. Cooperative Research Involving a Highly Specialized FDA-Regulated Medical Product

FDA is proposing, at § 56.114(b)(2)(ii), an exception from the use of single IRB review for research involving a highly specialized FDA-regulated medical product for which unique, localized expertise is required. For example, for certain highly specialized FDA-regulated medical products, expertise in the use of the product may be limited to only a few specialists at geographically dispersed locations. In such cases, the investigators, research staff, and IRBs associated with the investigational sites would have the critical knowledge and training relevant to the product, and therefore, these IRBs would have the capability to most efficiently conduct initial review and oversee the research, while maintaining appropriate human subject protections. We believe that mandating the use of single IRB review could be an obstacle to initiating important research when the localized expertise is readily available, but none of the IRBs associated with the investigational sites can serve as the single IRB of record. FDA believes that this proposed criterion for exception from use of single IRB review would be met in such a case, although we expect that such exceptions would be rare occurrences.

3. Cooperative Research on Drugs Exempt From the IND Regulations

FDA is proposing, under § 56.114(b)(2)(iii), an exception from mandatory use of single IRB review for research on drugs that is exempt from the requirements for an IND application under § 312.2(b) (21 CFR 312.2(b)). FDA does not require submission of an IND application for certain clinical investigations of lawfully marketed drugs that meet the criteria under § 312.2(b) (see 52 FR 8797, March 19, 1987). Such studies are generally lower risk clinical investigations of products that are lawfully marketed. Unlike clinical investigations that are conducted under the IND requirements,

[11] See, for example, §§ 312.53 and 312.66 (21 CFR 312.53 and 312.66), 21 CFR 320.31, and §§ 812.40, 812.42, 812.43, and 812.110 (21 CFR 812.40, 812.42, 812.43, and 812.110).

[12] See 21 CFR 312.23(a)(6)(iii)(*b*) and 812.20(b)(6).

increased efficiencies leading to earlier initiation of clinical investigations exempt from the IND requirements generally would not provide the benefit of bringing new drugs or new uses of drugs to patients sooner.

4. Cooperative Research on Medical Devices That Meets the Abbreviated Requirements or the Requirements for Exempted Investigations

To facilitate research in accordance with the statutory purpose of section 520(g) of the FD&C Act and avoid unnecessary burden on regulated entities, when FDA issued the IDE regulations at part 812, FDA did not require submission of an IDE application for all categories of device investigations (45 FR 3731 at 3735–3736, January 18, 1980). A device investigation conducted under the abbreviated requirements at § 812.2(b) (21 CFR 812.2(b)) (a nonsignificant risk or ''NSR'' study) is deemed to have an approved IDE and, among other requirements, cannot be an investigation of a significant risk device, as defined at § 812.3(m) (21 CFR 812.3(m)). While IRB approval is required for an NSR study, FDA approval of an IDE application is not. Reducing the level of regulatory controls for these investigations based on the degree of risk was considered appropriate to avoid unnecessary burden and delay in the approval of research without sacrificing human subject protection (see 45 FR 3731 at 3735–3736). In accordance with § 812.2(c), certain device studies are also exempt from the requirements of part 812, with the exception of 21 CFR 812.119 (disqualification of a clinical investigator). The exempt categories outlined at § 812.2(c) include certain studies of legally marketed devices in which the device is used in accordance with its labeled indications (see § 812.2(c)(1) and (2)), and certain studies of diagnostic devices that present low risk to subjects (see § 812.2(c)(3)). The exempt categories also include studies of devices undergoing consumer preference testing, testing of a modification, or testing of a combination of two or more devices in commercial distribution, if the testing is not for the purpose of determining safety or effectiveness and does not put subjects at risk (§ 812.2(c)(4)). In addition, § 812.2(c) clarifies that investigations of the following devices do not require an IDE: (1) a device intended solely for veterinary use; (2) a device shipped solely for research on or with laboratory animals and labeled in accordance with § 812.5(c); and (3) a custom device as defined in § 812.3(b), unless the device is being used to determine safety or effectiveness for commercial distribution. (See § 812.2(c)(5)–(7).)

FDA is proposing an exception from the requirement for single IRB review under § 56.114(b)(2)(iv) for research on medical devices that meets the abbreviated requirements under § 812.2(b) or that meets the requirements for exempted investigations under § 812.2(c), to the extent the exempted investigation would be subject to part 56. This proposed exception would encompass research that presents a lower risk to subjects and, in certain instances, may not involve a therapeutic intervention or invasive procedure (*e.g.,* studies of certain diagnostic devices). The proposed exception would also encompass research that is not focused on bringing new devices to the market for patients. Therefore, the initial administrative burden of establishing cooperative review agreements may not be offset by the anticipated benefits of single IRB review efficiencies, such as improvement in the review and handling of safety reports and faster initiation of research that facilitates the development of new medical products.

In developing this proposed rule, FDA also considered recommendations provided by the Secretary's Advisory Committee on Human Research Protections (SACHRP) to the Secretary of HHS regarding additional categories of research that would be potentially appropriate for exception from the requirement to use a single IRB.[13] FDA is requesting feedback from stakeholders on the following specific circumstances to assist the agency in determining whether additional exceptions to the single IRB review requirement would be warranted.

First, FDA is requesting comment on whether it is appropriate to include an exception for cooperative research for which use of a single IRB is unable to meet the needs of specific populations. Such an exception might apply, for example, to research that involves recruiting members of a distinct patient population or community (*e.g.,* cultural, religious) for which the local perspective is particularly important if the single IRB of record is unable to obtain sufficient supplemental information to consider that community's needs. SACHRP recommended that this exception be considered and provided the following example that illustrates when this exception may be appropriate: There may be an instance where research involves ''an intervention with pregnant women at one site and then follow-up with the neonates at another site. Unless a single IRB had adequate expertise in pregnant women, obstetrical practices, and neonatal medicine, human subject protections might best be served by having the elements relevant to pregnant women reviewed by an IRB that has extensive expertise with that area and the elements relevant to the neonates reviewed by a pediatric IRB.'' [14] In this example, particularly for obstetrical or pediatric research that involves complex medical issues, a single obstetrical or pediatric consultant on an IRB that mainly reviews research in adults may not have the sufficient range of expertise necessary to review the protocol. In these instances, utilizing an IRB with obstetrical expertise and a separate, pediatric IRB that has extensive experience in neonatal research may be in the best interest of the two populations of research subjects.

We request comment on whether a single IRB of record would generally be able to supplement its members' knowledge and experience with additional information or expertise to account for these situations, examples of FDA-regulated research for which these circumstances would apply, and any data on the frequency of how often this situation may occur.

FDA is also requesting comment on including an exception for cooperative research with a small number of investigational sites. SACHRP recommended that research involving five or fewer investigational sites should be considered as potentially appropriate for exception to the single IRB review requirement.[15] FDA is requesting feedback on whether an exception from single IRB review might be warranted for a multisite study with a small number of sites, what the benefits and burdens are for a multisite study with a small number of sites, and what the appropriate threshold should be for the number of sites involved. In addition, we request any specific data that can be provided on the relationship between the number of sites and the value of single IRB review.

In addition, FDA recognizes that situations may arise in which a federally conducted or supported FDA-regulated

[13] Secretary's Advisory Committee on Human Research Protections: Recommendations for IRB Review: Attachment D—Granting Exceptions for Single IRB Review for Multi-Site Research (March 13, 2018) *https://www.hhs.gov/ohrp/sachrp-committee/recommendations/attachment-d-points-to-consider-granting-exceptions-to-requirements-for-single-institutional-review-board-review-for-multi-site-research/index.html.*

[14] Ibid.

[15] Ibid.

clinical investigation would qualify for an exception from single IRB review under this proposed rule but would not qualify for an exception determination issued by a Common Rule Department or Agency pursuant to 45 CFR 46.114(b)(2)(ii) of the revised Common Rule (or vice versa). Both the revised Common Rule and FDA's proposed rule still permit use of a single IRB for review and approval of cooperative research even if an exception applies. However, we are requesting public comment on any impact that such differences in exceptions from the single IRB review requirement may have on stakeholders, and on possible approaches to avoid or minimize any potential negative effects of such differences for stakeholders, such as whether additional exceptions from the proposed single IRB review requirement should be included or whether providing guidance on the application of FDA's proposed exceptions might help avoid or minimize any differences in exceptions.

We also specifically request comment on whether there are unique challenges to use of a single IRB review model for FDA-regulated cooperative research that could not be addressed by FDA's proposed exceptions. For any challenges identified, we seek comment on whether additional exceptions should be included to address them. For example, should FDA consider including an exception analogous to the revised Common Rule's exception at 45 CFR 46.114(b)(2)(ii)? As explained above, we do not believe it is practicable to rely on a broad exemption that would provide for FDA to make case-by-case determinations that use of single IRB review is not appropriate for the particular context as the only means for excepting FDA-regulated cooperative research—other than research for which more than single IRB review is required by law—from the proposed new requirement. The Agency also believes that situations in which use of a single IRB might not be appropriate and in which none of FDA's proposed exceptions apply would be rare. However, we seek comment on whether including an exception that provides for FDA to determine and document that single IRB review is not appropriate for the particular context, in addition to the exceptions FDA has proposed, could help address any such situations and any negative impacts of differences between FDA's proposed exceptions and exceptions available under the revised Common Rule to a Common Rule Department or Agency supporting or conducting cooperative research.

Lastly, FDA is requesting comment on the proposed exceptions and any other criteria that should be considered when assessing whether an exception to the use of single IRB review might be warranted. We also encourage the public to provide examples of any additional types of FDA-regulated clinical investigations that they believe should qualify for such an exception. To help stakeholders comply with these proposed requirements, if finalized, FDA intends to update our guidance on using a centralized IRB review process in multicenter clinical trials.[16]

C. Single IRB Review for Research Not Subject to § 56.114(b)

FDA is proposing new regulatory text at § 56.114(c) to specify that an institution participating in cooperative research that is not subject to the requirement for single IRB review at § 56.114(b) may enter into a joint review arrangement, rely on the review of another IRB, or make similar arrangements for avoiding duplication of effort. This proposed regulatory text differs from the revised Common Rule at 45 CFR 46.114(c) by use of the term ''research,'' rather than ''project.'' We believe that the term ''research'' better reflects the terminology used throughout FDA's existing human subject protection regulations. In addition, we note that, even if one of the proposed exceptions under § 56.114(b)(2) applies to a study, use of single IRB review would still be permitted under this proposed provision.

In some cases, FDA-regulated clinical investigations are also Federally conducted or supported and, thus, subject to the revised Common Rule. It is possible that such studies could fit within a proposed exception from FDA's proposed requirement for use of single IRB review but may be required under the revised Common Rule to use single IRB review. In these instances, proposed § 56.114(c) would still permit use of a single IRB for review and approval of the cooperative research.

D. IRB Records

FDA is proposing new regulatory text at § 56.115(a)(8) to require documentation of an institution's reliance on an external IRB for oversight of research. FDA is proposing to require, for research that takes place at an institution in which IRB oversight is conducted by an IRB that is not operated by the institution, the institution, or where appropriate the IRB, must retain documentation specifying the institution's reliance on the IRB for oversight of the research and the responsibilities that each entity will undertake to ensure compliance with the requirements of part 56 (*e.g.,* in a written agreement between the institution and the IRB, by implementation of an institution-wide policy directive providing the allocation of responsibilities between the institution and an IRB that is not affiliated with the institution, or as set forth in a research protocol). This proposed provision is consistent with the revised Common Rule's requirements at 45 CFR 46.103(e) and 45 CFR 46.115(a)(9). This proposed requirement is necessary for documenting compliance with part 56 to provide a record for FDA's oversight and compliance purposes.

V. Proposed Effective Date

FDA is proposing that any final rule that may issue based on this proposal become effective 1 year after the final rule is published in the **Federal Register** to allow the FDA-regulated community that is not subject to the revised Common Rule's single IRB review requirement appropriate time to prepare to implement FDA's proposed single IRB review requirement. FDA is proposing that any such final rule would apply to FDA-regulated cooperative research initially approved by an IRB on or after the proposed effective date. Therefore, ongoing cooperative research that is initially approved by an IRB prior to the proposed effective date would be permitted, but not required, to use a single IRB review process, consistent with FDA's current regulations at § 56.114.

VI. Preliminary Economic Analysis of Impacts

We have examined the impacts of the proposed rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct us to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). This proposed rule has been designated an economically significant regulatory action as defined by Executive Order 12866.

[16] See FDA's ''Guidance for Industry: Using a Centralized IRB Review Process in Multicenter Clinical Trials'' (March 2006). Available at: *https://www.fda.gov/media/75329/download.*

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because small entities affected by this proposed rule would incur net cost savings, we propose to certify that the rule, if finalized, will not have a significant economic impact on a substantial number of small entities. However, as discussed in the Preliminary Economic Analysis of Impacts (Ref. 5), there is a lack of high quality, comprehensive data regarding the number of small and very small institutions associated with IRBs, as defined by revenue. We have prepared an initial regulatory flexibility analysis and are seeking comment on the data and assumptions used in that analysis.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $165 million, using the most current (2020) Implicit Price Deflator for the Gross Domestic Product. This proposed rule would result in an expenditure in any year that meets or exceeds this amount.

The proposed rule, if finalized, would require any institution located in the United States participating in FDA-regulated cooperative research to rely on approval by a single IRB for that portion of the research that is conducted in the United States, with some exceptions. The proposed rule would harmonize, to the extent practicable and consistent with statutory provisions, FDA's requirements for cooperative research with the requirements of the revised Common Rule in accordance with section 3023 of the Cures Act. This proposed rule should reduce the administrative and coordination costs of conducting FDA-regulated cooperative research by: (1) reducing duplicative reviews; (2) facilitating an earlier start of cooperative research; and (3) reducing the need to reconcile variability in IRB review decisions for cooperative research conducted with a common protocol. Reducing the costs of conducting cooperative research should reduce the costs of FDA-regulated medical product development and facilitate an earlier start of cooperative research, which could contribute to a faster introduction of those products into commercial use. Table 1 summarizes our estimate of the annualized costs and the annualized benefits of the proposed rule, if finalized.

TABLE 1—SUMMARY OF BENEFITS AND COSTS OF THE PROPOSED RULE

[$millions]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered (years)	
Benefits:							
Annualized Monetized $millions/year	$453	$117	$1,016	2017	7	10	Benefits are cost savings.
	457	117	1,024	2017	3	10	Benefits are cost savings
Annualized Quantified							
Qualitative	Greater consumer satisfaction and producer profits from reduced medical product development costs and faster commercial introduction.						
Costs:							
Annualized Monetized $millions/year	78	30	134	2017	7	10	
	74	30	127	2017	3	10	
Annualized Quantified							
Qualitative	Education, training, liability coverage, providing local context information, and loss of funding to relying IRBs.						
Transfers:							
Federal Annualized Monetized $millions/year							
	From:			To:			
Other Annualized Monetized $millions/year							
	From:			To:			

Effects:
State, Local or Tribal Government: None.
Small Business: None.
Wages: None.
Growth: None.

We have developed a comprehensive Preliminary Economic Analysis of Impacts that assesses the impacts of the proposed rule. The full preliminary analysis of economic impacts is available in the docket for this proposed rule (Ref. 5) and at *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations.*

VII. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VIII. Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by OMB under the PRA (44 U.S.C. 3501–3521). A description of these provisions is given in the *Description* section of this section with an estimate of the annual recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Institutional Review Boards—21 CFR part 56 (OMB Control Number 0910–0130—Revision).

Description: The proposed rule, if finalized, would add § 56.115(a)(8) to require, for FDA-regulated research that takes place at an institution in which IRB oversight is conducted by an IRB that is not operated by the institution, documentation specifying the institution's reliance on the IRB for oversight of the research and the responsibilities each entity will undertake to ensure compliance with part 56 (''IRB reliance agreements''). This might be accomplished in a written agreement between the institution and the IRB, by implementation of an institution-wide policy directive providing the allocation of responsibilities between the institution and an IRB that is not affiliated with the institution, or as set forth in a research protocol. This proposed recordkeeping requirement is necessary for documenting compliance with part 56 to provide a record for FDA's oversight and compliance purposes in cases when IRB oversight is not conducted by an IRB that is operated by the institution (*e.g.,* cooperative research).

Description of Respondents: Respondents to the information collection are IRBs that review and approve clinical investigations regulated by FDA.

We estimate the burden of the information collection as follows:

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR part 56—Institutional Review Boards	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
56.115(a)(8); Required Documentation	2,520	10	25,200	15	378,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

There are approximately 2,520 IRBs that review FDA-regulated research. We estimate that most IRBs will need to set up 10 IRB reliance agreements and that each agreement will require an average of 15 hours to complete.

To ensure that comments on information collection are received, OMB recommends that written comments be submitted through *reginfo.gov* (see **ADDRESSES**). All comments should be identified with the title of the information collection.

In compliance with the PRA (44 U.S.C. 3407(d)), FDA has submitted the information collection provisions of this proposed rule to OMB for review. These requirements will not be effective until FDA obtains OMB approval. FDA will publish a notice concerning OMB approval of these requirements in the **Federal Register**.

IX. Consultation and Coordination With Indian Tribal Governments

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13175. We have tentatively determined that the rule does not contain policies that would 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. We solicit comments from tribal officials on any potential impact on Indian Tribes from this proposed action.

X. Federalism

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. We have determined that the proposed rule does not contain policies that 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. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

XI. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov*. References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Flynn K.E, C.L. Hahn, J.M. Kramer, et al. (2013), ''Using Central IRBs for Multicenter Clinical Trials in the United States,'' *PLOS ONE* 8(1): e54999.
2. Greene, S.M. and A.M. Geiger (2006), ''A Review Finds that Multicenter Studies Face Substantial Challenges but Strategies Exist to Achieve Institutional Review Board Approval,'' *Journal of Clinical Epidemiology* 59 (2006) 784–790.
3. Check D.K., K.P. Weinfurt, C.B. Dombeck, et.al. (2013), ''Use of Central Institutional Review Boards for Multicenter Clinical Trials in the United States: A Review of the Literature,'' *Clinical Trials* 10: 560–567.
4. Massett, H.A., S.L. Hampp, J.L. Goldberg, et al. (2018), ''Meeting the Challenge: The National Cancer Institute's Central Institutional Review Board for Multi-Site Research,'' *Journal of Clinical Oncology* 36(8): 819–824.

5. *FDA, Preliminary Economic Analysis of Impacts, Docket No. FDA–2019–N–2175, available at *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations.*

List of Subjects in 21 CFR Part 56

Human research subjects, Reporting and recordkeeping requirements, Safety.

Therefore, under authority delegated to the Commissioner of Food and Drugs, we propose that 21 CFR part 56 be amended as follows:

PART 56—INSTITUTIONAL REVIEW BOARDS

■ 1. The authority citation for part 56 is revised to read as follows:

Authority: 21 U.S.C. 321, 343, 346, 346a, 348, 350a, 350b, 351, 352, 353, 355, 360, 360c–360f, 360h, 360i, 360j, 360hh–360pp, 360rr–360ss, 371, 379e, 381; 42 U.S.C. 216, 241, 262.

■ 2. Revise § 56.114 to read as follows:

§ 56.114 Cooperative research.

(a) Cooperative research covered by these regulations is a clinical investigation that involves more than one institution. In the conduct of cooperative research, each institution is responsible for safeguarding the rights and welfare of human subjects and for complying with these regulations.

(b)(1) Any institution located in the United States that is participating in cooperative research must rely upon approval by a single IRB for that portion of the research that is conducted in the United States.

(2) Research is not subject to paragraph (b)(1) of this section if at least one of the following criteria is met:

(i) Cooperative research for which more than single IRB review is required by law (including tribal law passed by the official governing body of an American Indian or Alaska Native tribe);

(ii) Cooperative research involving a highly specialized FDA-regulated medical product for which unique, localized expertise is required;

(iii) Cooperative research on drugs that meets the exemptions from an investigational new drug application under § 312.2(b) of this chapter; or

(iv) Cooperative research on medical devices that meets the abbreviated requirements under § 812.2(b) of this chapter, or that meets the requirements for exempted investigations under § 812.2(c) of this chapter.

(c) For research not subject to paragraph (b) of this section, an institution participating in cooperative research may enter into a joint review arrangement, rely on the review of another IRB, or make similar arrangements for avoiding duplication of effort.

■ 3. Amend § 56.115 by adding paragraph (a)(8) to read as follows:

§ 56.115 IRB records.

(a) * * *

(8) For research that takes place at an institution in which IRB oversight is conducted by an IRB that is not operated by the institution, documentation specifying the institution's reliance on the IRB for oversight of the research and the responsibilities that each entity will undertake to ensure compliance with the requirements of this part (*e.g.,* in a written agreement between the institution and the IRB, by implementation of an institution-wide policy directive providing the allocation of responsibilities between the institution and an IRB that is not affiliated with the institution, or as set forth in a research protocol).

* * * * *

Dated: September 23, 2022.

Robert M. Califf,

Commissioner of Food and Drugs.

[FR Doc. 2022–21089 Filed 9–27–22; 8:45 am]

BILLING CODE 4164–01–P

Notices

Federal Register
Vol. 87, No. 187
Wednesday, September 28, 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

Food Safety and Inspection Service

[Docket No. FSIS–2022–0025]

Notice of Request To Renew an Approved Information Collection: Permit To Transport Undenatured Inedible Meat Products

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, FSIS is announcing its intention to renew an approved information collection regarding permits to transport domestic undenatured inedible meat products. The approval for this information collection will expire on February 28, 2023. FSIS is making no changes to the information collection.

DATES: Submit comments on or before November 28, 2022.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov*. Follow the on-line instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or Courier-Delivered Submittals:* Deliver to 1400 Independence Avenue SW, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2022–0025. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *https://www.regulations.gov*.

Docket: For access to background documents or comments received, call (202)205–0495 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Permit to Transport Undenatured Inedible Meat Products.

OMB Number: 0583–0179.

Type of Request: Request to renew an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*). This statute mandates that FSIS protect the public by verifying that meat products are safe, wholesome, and properly labeled and packaged.

FSIS is requesting a renewal of the approved information collection regarding permits to transport domestic undenatured inedible meat products. The approval for this information collection will expire on February 28, 2023. FSIS is making no changes to the information collection.

Under the regulations at 9 CFR 325.11(e), official establishments are to apply in writing to their District Office to obtain a permit for the transport of undenatured inedible meat products in commerce. The application is to indicate the name and address of the applicant, a description of the type of business operations, and the purpose of making such application. FSIS has made the following estimates based upon an information collection assessment:

Estimate of burden: The public reporting burden for this collection of information is estimated to average .58 hours per response.

Respondents: Official Establishments.

Estimated total number of respondents: 150.

Estimated annual number of responses per respondent: 1.

Estimated Total Annual Burden on Respondents: 87 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a)whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *https://www.fsis.usda.gov/federal-register*.

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest

to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *https://www.fsis.usda.gov/subscribe*. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

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

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992.

Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov*.

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Paul Kiecker,

Administrator.

[FR Doc. 2022–20925 Filed 9–27–22; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Supplemental Nutrition Assistance Program: Performance Reporting System, Management Evaluation

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a revision of a currently approved collection and existing burden in use without a valid OMB control number in the Supplemental Nutrition Assistance Program (SNAP). This information collection is for the Performance Reporting System and management evaluation processes, which ensure that SNAP State agencies are operating the program in accordance with statute and regulations. The Food and Nutrition Service (FNS) and SNAP State agencies use this information to evaluate State agency operations and to collect information necessary to develop solutions to improve the State's administration of SNAP policy and procedures.

DATES: Written comments must be received on or before November 28, 2022.

ADDRESSES: Comments may be sent to: Program Design Branch, Program Development Division, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314. Comments may also be submitted via phone to Jessica Luna at 703–305–2022 or via email to *SNAPPDBRules@usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Jessica Luna at 703–305–2022.

SUPPLEMENTARY INFORMATION: Comments are invited 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, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Supplemental Nutrition Assistance Program: Performance Reporting System, Management Evaluation.

Form Number: N/A.

OMB Control Number: 0584–0010.

Expiration Date: July 31, 2023.

Type of Request: Revision of a currently approved collection to include an existing collection in use without an OMB control number.

Abstract: The purpose of the Performance Reporting System (PRS) is to ensure that each State agency and project area is operating the Supplemental Nutrition Assistance Program (SNAP) in accordance with the requirements of the Food and Nutrition Act of 2008 (the Act) (7 U.S.C. 2011, *et seq.*), as amended, and corresponding program regulations. Under Section 11 of the Act, all 53 SNAP State agencies must maintain records to ascertain that the program is operating in compliance with the Act and regulations by conducting State management evaluations in each of their project areas as outlined in 7 CFR 275.5. Management evaluations (MEs) are reviews that State agencies complete at local SNAP offices to monitor program access, program integrity, and operations. States must make these records available to the Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) for inspection and audit. To conduct Federal oversight of State operations, FNS Regional offices also conduct Federal management evaluations of State agencies in all 53 SNAP States in accordance with 7 CFR 275.3(a) and (b).

State Management Evaluations

In the process of renewing this information collection, FNS consulted with 7 State agencies to update, if necessary, estimates for the time that State agency staff spend preparing State ME schedules, conducting State ME reviews, and maintaining State ME records.

7 CFR 275.20 requires each State agency to submit State ME review schedules to FNS. The review schedules must ensure that all project areas will be reviewed every one, two or three years, depending on the project area size, unless the State receives approval for an alternative ME review schedule, per regulations at 7 CFR 275.5(b). FNS defines project areas as the county or similar political subdivision designated by a State as the administrative unit for program operations. Per definitions at 7 CFR 271.2, FNS defines project areas as large, medium or small depending on the number of households in their monthly active caseload. The number of hours required to prepare these review schedules is a function of the number and size of project areas in the State. FNS assumes that it takes approximately 4 hours for each State to generate and submit their yearly review schedule via email or other electronic means to their respective FNS Regional Office. The agency did not find adjustments necessary to this category following State agency consultation.

Because States do not review all project areas annually, FNS estimates that States will conduct reviews in half of the total number of project areas each year. Therefore, each of the 53 State agencies will conduct approximately 27 management evaluations annually (total of 1,431 State MEs nationally). It will take approximately 340 hours for States to conduct each of these reviews. The agency did not find adjustments necessary to this category following State agency consultation.

Each State agency must keep records of ME reviews and submit such reports and other information to their respective FNS Regional Office as required under 7 CFR 275.4. States generally submit these reports and other information via email, though in some cases the FNS Regional Office may facilitate submission via a web-based collaboration and document management platform. The State agency must retain all ME records for audit and review purposes for no less than three years from the month of record origin. Following State agency consultation, FNS adjusted the recordkeeping burden for State MEs to more accurately account for State time used, adding 5,968 burden hours as compared to the previous approval for this collection. FNS estimates that recordkeeping burden related to ME reviews requires one record keeper per each State agency. Each recordkeeper manages approximately 29 records each year and it takes 4 hours to complete each record.

Federal Management Evaluations

Under 7 CFR 275.3, FNS also conducts monitoring reviews to ensure that State agencies are operating SNAP and their State management evaluation (ME) programs in accordance with SNAP requirements. Federal management evaluations, which the FNS Regional offices conduct, are very similar to those conducted by the States. States participating in Federal management evaluations incur burden related to preparing for and facilitating the Regional office's review during the Federal ME.

With this information collection request, FNS is seeking OMB approval for the burden hours associated with Federal management evaluation information that is currently being collected in violation of the PRA without a valid OMB control number. Therefore, the burden estimates for this requirement represent an additional 8,692 burden hours not included in the previous approval of this collection. To prepare the below estimate, FNS used the same State consultations mentioned above to estimate the time that State agency staff spend on Federal ME reviews.

According to FNS internal records from previous years, FNS Regional offices typically conduct management evaluations twice a year in each SNAP State for an average total of 106 Federal MEs each year. To prepare for a Federal ME, States must gather documentation and information for FNS' review. For example, documentation may include procedure manuals, example notifications, and case records. The information required for the ME is dependent on the type of ME being performed and most items are submitted electronically via email to FNS Regional offices prior to the ME to allow time for review. Once FNS begins the review, States host FNS Regional office employees at a designated location, participate in interviews, and facilitate SNAP case file reviews. FNS estimates that it takes a State approximately 82 hours total to prepare for, attend, and help facilitate each Federal ME.

There is no recordkeeping burden for the affected public associated with Federal MEs for this information collection since FNS is the recordholder.

Corrective Action Plans

Using the same 7 State agency consultations mentioned previously, FNS updated the reporting burden estimates related to corrective action plans resulting from State and Federal management evaluations. Due to the resulting updates, the burden hours for this requirement represent an additional 636 burden hours for Corrective Action Plans (CAPs) that was not included in the previous approval of this collection.

As required at 7 CFR 275, each State has an established system for analysis and evaluation of all data available to the State during both State and Federal MEs. Data analysis and evaluation are ongoing processes that facilitate the development of prompt corrective action. Through the ME process, States and FNS Regional offices often identify deficiencies (*i.e.,* findings) in the application of SNAP policy and requirements. According to requirements at 7 CFR 275.16 through 7 CFR 275.18, State agencies must prepare a CAP addressing all findings identified. FNS estimates that each State will prepare two semi-annual, comprehensive CAPs, which States submit electronically to FNS Regional Offices. States generally submit these plans via email, though in some cases the FNS Regional Office may facilitate submission via a web-based collaboration and document management platform. These plans cover all corrective actions that States are responsible for undertaking following both State ME findings and Federal ME findings. State agencies have systems for monitoring and evaluating corrective action, per regulations at 7 CFR 275.19. FNS estimates that it takes an average of 46 hours to develop and monitor each semi-annual CAP.

Reporting

Affected Public: State, Local, and Tribal Government.

Respondent Type: State SNAP Agencies.

Estimated Number of Respondents: 53.

Estimated Number of Responses per Respondent: 32.

Estimated Total Annual Responses: 1,696.

Estimated Time per Response: 295 hours.

Estimated Total Annual Burden on Respondents: 500,320 hours.

Recordkeeping

Affected Public: State, Local, and Tribal Government.

Respondent Type: State SNAP Agencies.

Estimated Number of Respondents: 53.

Estimated Number of Responses per Respondent: 29.

Estimated Total Annual Responses: 1,537.

Estimated Time per Response: 4 hours.

Estimated Total Annual Burden on Respondents: 6,148 hours.

Burden activities	Reg. section	Respondent type	Description of activity	Estimated number of respondents	Estimated frequency of response	Estimated total annual responses	Estimated number of burden hours per response	Estimated total burden hours	Burden hours in use without a valid OMB control No.	Previously approved burden hours	Difference due to adjustments	Differences due to program changes
State ME	7 CFR 275.20	State SNAP Agencies	Prepare State and local agencies management evaluation schedule.	53	1	53	4	212	0	212	0	0
	7 CFR 275.9	State SNAP Agencies	Conduct State management evaluation reviews.	53	27	1,431	340	486,540	0	486,540	0	0
Federal ME	7 CFR 275.3	State SNAP Agencies	Facilitate Federal management evaluation reviews.	53	2	106	82	8,692	8,692	0	8,692	0
All ME	7 CFR 275.16–275.19.	State SNAP Agencies	Prepare and monitor corrective action plan.	53	2	106	46	4,876	0	4,240	636	0
State Agency Subtotal Reporting				53	32	1,696	295	500,320	8,692	490,992	9,328	0
Reporting Total Burden Estimates				53	32	1,696	295	500,320	8,692	490,992	9,328	0
State ME	7 CFR 275.4	State SNAP Agencies	Maintain management evaluation records.	53	29	1,537	4	6,148	0	180	5,968	0
State Agency Subtotal Recordkeeping				53	29	1,537	4	6,148	0	180	5,968	0
Recordkeeping Total Burden Estimates				53	29	1,537	4	6,148	0	180	5,968	0

Tameka Owens,

Assistant Administrator, Food and Nutrition Service.

[FR Doc. 2022–21033 Filed 9–27–22; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Generic Clearance To Conduct Formative Research or Development of Nutrition Education and Promotion Materials and Related Tools and Grants for FNS Population Groups

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

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other interested parties to comment on a proposed information collection. This collection is an extension of a currently approved collection. This information collection will conduct research in support of FNS' goal of delivering science-based nutrition education to targeted audiences. This information collection will also conduct research that will assist FNS in identifying effective design and implementation approaches to use to develop and assess grants. From development through testing of materials and tools with the target audience, FNS plans to conduct data collections that involve formative research including focus groups, interviews (dyad, triad, telephone, *etc.*), surveys and Web-based collection tools.

DATES: Written comments must be received on or before November 28, 2022.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Jamia Franklin and Maureen Lydon, Planning and Regulatory Affairs Office, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, 5th floor, Alexandria, VA 22314. Comments may also be sent via email to *Jamia.Franklin@usda.gov* and *Maureen.Lydon@usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Jamia Franklin at (703) 305–2403 or via email at *Jamia.Franklin@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance to Conduct Formative Research or Development of Nutrition Education, Promotion Materials and Related Tools, and Grants for FNS Population Groups.

OMB Number: 0584–0524.

Expiration Date: December 31, 2022.

Type of Request: Extension of a currently approved information collection.

Abstract: This information collection is based on Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1787), Section 5 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1754) and Section 11(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020). This request for approval of information collection is necessary to obtain input into the development of nutrition education interventions for population groups served by the U.S. Department of Agriculture, Food and Nutrition Service (USDA–FNS). FNS also uses this collection to obtain input that can be used to develop and assess grants. Interventions need to be designed so that they can be delivered through different types of media and in a variety of formats for diverse audiences.

FNS develops a variety of resources to support nutrition education and promotion activities. These resources are designed to convey science-based, behavior-focused nutrition messages about healthy eating and physical activity to children and adults eligible to participate in FNS nutrition assistance programs and to motivate them to consume more healthful foods as defined by the Dietary Guidelines for Americans (DGA). This includes education materials, messages, promotion tools and interventions for the diverse population served by the Federal nutrition programs as well as WIC, Team Nutrition, Food Distribution and other programs.

Obtaining formative input and feedback is fundamental to FNS' success in delivering science-based nutrition messages and reaching diverse segments of the population in ways that are meaningful and relevant. This includes conferring with the target audience, individuals who serve the target audience, and key stakeholders on the communication strategies and interventions that will be developed and on the delivery approaches that will be used to reach consumers. The formative research and testing activities described will help in the development of effective education and promotion tools and communication strategies. Collection of this information will increase FNS' ability to formulate nutrition education interventions that resonate with the intended target population, particularly low-income families.

FNS also uses formative input and feedback to determine how best to develop and assess grants so that grant recipients can successfully meet their goals under these grants. To do this, FNS confers with grant recipients to obtain input regarding their experiences, expectations, challenges, and lessons learned while implementing the grant.

Formative research methods and information collection will include focus groups, interviews (dyad, triad, telephone, *etc.*), surveys and Web-based data collection. The data obtained will provide input regarding the potential use of materials and products during both the developmental and testing stages, in addition to the development of grants. Key informant interviews will be conducted in order to determine future nutrition education and grant needs, tools and dissemination strategies. This task involves collecting a diverse array of information from a variety of groups including: people familiar with the target audiences; individuals delivering nutrition education intervention materials and projects; program providers at State and local levels; program participants; grant recipients, and other relevant informants associated with FNS programs.

Findings from all data collection will be included in summary reports submitted to USDA–FNS. The reports will describe the data collection methods, findings, conclusions, implications, and recommendations for

the development and effective dissemination of nutrition education materials and related tools for FNS population groups. There will be no specific quantitative analysis of data. No attempt will be made to generalize the findings to be nationally representative or statistically valid. There are no recordkeeping or third party disclosure burden requirements.

Reporting Burden

FNS estimates the total annual burden hours are a total of 46,823 burden hours for 3 years. Additionally, the total annual responses are a total of 120,710 total responses for 3 year approval. See the 3 year approval estimates below.

Affected Public: State, Local and Tribal Government; Individuals and Households; and Business or Other for Profit.

Estimated Number of Respondents: 120,710 respondents.

Estimated Number of Responses per Respondent: 1 response.

Estimated Total Annual Responses: 120,710.

Estimate of Time per Respondent: .39 hours.

Estimated Total Annual Reporting Burden Hours: 46,823 hours.

Collection instruments	Estimated number respondents	Responses annually per respondent	Total annual responses	Estimated average number of hours per response	Estimated total hours
Focus Group Screeners	11,250	1	11,250	0.25	2,813
Interview Screeners/Surveys	22,500	1	22,500	0.25	5,625
Focus Groups	6,750	1	6,750	2	13,500
Intercept Interviews	2,000	1	2,000	0.5	1,000
Dyad/Triad Interviews	3,000	1	3,000	1.00	3,000
Telephone Interviews	13,500	1	13,500	0.5	6,750
Surveys	7,000	1	7,000	0.5	3,500
Web-based Collections	4,500	1	4,500	0.5	2,250
Confidentiality Agreements	30,000	1	30,000	0.167	5,010
Forms (web-based consumer feedback, response, pre/post-test forms, etc.)	20,210	1	20,210	0.167	3,375
3-Year Total Reporting Burden	120,710	1	120,710	.39	46,823

Tameka Owens,

Assistant Administrator, Food and Nutrition Service.

[FR Doc. 2022–20964 Filed 9–27–22; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Land Between the Lakes Advisory Board

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Land Between the Lakes Advisory Board will hold a public meeting according to the details shown below. The committee is authorized under the Charter for the Land Between the Lakes Advisory Board, established pursuant to Section 460 of the Land Between the Lakes Protection Act of 1998 and operates in compliance with the Federal Advisory Committee Act as amended. The purpose of the committee is to advise the Secretary of Agriculture on (1) means of promoting public participation for the Land and Resource Management Plan; and (2) environmental education. General information can be found at the following website: *https://landbetweenthelakes.us/about/working-together/.*

DATES: The meeting will be held on October 19, 2022, from 9 a.m.– 4 p.m., Central Time. All committee meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: This meeting is open to the public and will be held at the Land Between the Lakes National Recreation Area Administration Building, 100 Van Morgan Drive, Golden Pond, Kentucky, 42211. The public may also join virtually via telephone and/or video conference. Virtual meeting participation details can be found on the website listed under **SUMMARY** or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Leisa Cook, Designated Federal Officer (DFO), by phone at 270–924–2001 or email at *leisa.cook@usda.gov* or Christine Bombard, Committee Coordinator at 270–924–2002 or email at *christine.bombard@usda.gov.* Individuals who use telecommunication devices for the deaf and hard of hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The meeting agenda will include:

1. Update the By-laws
2. Discussion of Fiscal Year 2022 Accomplishments
3. Provide an Overview of proposed Fiscal Year 2023 Projects

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days before the meeting to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Christine Bombard, 100 Van Morgan Drive, Golden Pond, Kentucky, 42211; or by email to *SM.FS.LBL_AdBoard@usda.gov.*

USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at 1–202–720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at 1–800–877–8339. Additionally, program information may be made available in languages other than English.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and person with disabilities. USDA is an equal opportunity provider, employer, and lender.

Dated: September 22, 2022.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2022–20917 Filed 9–27–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket ID: NRCS–2022–0010]

Information Collection Request for Volunteer Program—Earth Team

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act, the Natural Resources Conservation Service (NRCS) is requesting comments from all interested individuals and organizations on an extension of a currently approved information collection associated with Volunteer Program—Earth Team. The Volunteer Interest and Placement Summary and the Timesheet forms are used by the respondents. The information NRCS collects on the forms is used to match the skills of individuals, who are 14 years of age or older and interested in volunteering for opportunities that will further NRCS's mission.

DATES: We will consider comments that we receive by November 28, 2022.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments, identified by Docket ID: NRCS–2022–0010, in the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For specific questions related to the collection activities or to request a copy of the information collection, contact Toni Flax, Legislative Affairs Specialist, 610 N Middle, Hill City KS, (785–421–8373), or *Toni.Flax@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Volunteer Program—Earth Team.

OMB Number: 0578–0024.

Expiration Date of Approval: November 30, 2022.

Type of Request: Extension.

Abstract: NRCS is collecting information from individuals who are interested in volunteering to work with NRCS. The information will be used by NRCS to assign the volunteer to an appropriate position, and to track their volunteer time. Collection of this information is necessary to match volunteers with NRCS assignments as authorized by section 1526 of the Food and Agriculture Act of 1981 (Pub. L. 97–98). NRCS is authorized to recruit, train, and accept (following Civil Service classification laws, rules, or regulations) individuals to serve without compensation. Subject to certain conditions, most volunteers may assist in agency programs or projects, and may perform activities that the employees may perform. The two forms Volunteer Interest and Placement Summary Forms, NRCS–PER–002, and Timesheet Form, NRCS–PER–004, are used to collect information from the individuals.

The timesheet is an optional form and provides the volunteer or volunteer's supervisor a simplified method for tracking the volunteer's time. The form is placed in a volunteer ''case file'' and will be destroyed 3 years after the volunteer has completed service. In the event the volunteer is injured while engaged in volunteer activities and claims workman's compensation, the ''case file'' will be transferred to an Official Personnel Folder.

The information collection burden estimates have been updated. There were no other revisions required.

Estimate of Average Time to Respond: Public reporting burden for this collection of information is estimated to average 4 minutes per response.

Type of Respondents: Retirees, students, teachers, or senior citizens.

Estimated Annual Number of Respondents: 7,120.

Estimated Number of Responses per Respondent: 1.5.

Estimated Total Annual Responses: 14,440.

Estimated Total Annual Burden on Respondents: 1,010.80 hours.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of NRCS, including whether the information will have practical utility;

(2) Evaluate the accuracy of the estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses received in response to this notice, including names and addresses when provided, will be a matter of public records. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Terry Cosby,

Chief, Natural Resources Conservation Service.

[FR Doc. 2022–20933 Filed 9–27–22; 8:45 am]

BILLING CODE 3410–16–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Puerto Rico Advisory Committee; Cancellation

AGENCY: Commission on Civil Rights.

ACTION: Notice; cancellation of meeting date.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** concerning a meeting of the Puerto Rico Advisory Committee. The meeting scheduled for Wednesday, September 28, 2022, at 1:00 p.m. (ET) is cancelled. The notice is in the **Federal Register** of Wednesday, September 7, 2022, in FR Doc. 2022–19268, in the third column of page 54671 and the first column of page 54672.

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, 434–515–0204, *vmoreno@usccr.gov.*

Dated: September 22, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–20900 Filed 9–27–22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

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

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Nebraska Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Tuesday, October 18, 2022 at 4:00 p.m.–5:00 p.m. Central Time. The purpose for the meeting is to discuss the proposal for their project on effects of the pandemic on education in the state.

DATES: The meeting will take place on Tuesday, October 18, 2022, from 4:00 p.m. –5:00 p.m. Central Time.

Online Registration (Audio/Visual): Join ZoomGov Meeting *https://www.zoomgov.com/j/1613334131?pwd=WDMwV2o5QXdaNlNBY2gyTkxaNmtJZz09*

Telephone (Audio Only): Dial 833 568 8864 USA Toll Free; Access code: 161 333 4131#

FOR FURTHER INFORMATION CONTACT: Victoria Moreno at *vmoreno@usccr.gov* or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the Zoom link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines and the Commission will not refund any incurred charges.

Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Victoria Moreno at *vmoreno@usccr.gov.* All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at *www.facadatabase.gov*. Persons interested in the work of this Committee are advised to go to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or email address.

Agenda

I. Welcome and Roll Call
II. Chair's Comments
III. Discuss Project Proposal
IV. Next Steps
V. Public Comment
VI. Adjournment

Dated: September 22, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–20902 Filed 9–27–22; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Special Priorities Assistance

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on June 14, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Industry and Security, Department of Commerce.

Title: Special Priorities Assistance.

OMB Control Number: 0694–0057.

Form Number(s): BIS–999.

Type of Request: Regular submission, revision, and extension of a current information collection.

Number of Respondents: 1,200.

Average Hours per Response: 30 minutes.

Burden Hours: 600.

Needs and Uses: The information collected from defense contractors and suppliers on Form BIS–999, Request for Special Priorities Assistance, is required for the enforcement and administration of special priorities assistance under the Defense Production Act, the Selective Service Act and the Defense Priorities and Allocation System regulation. Contractors may request Special Priorities Assistance (SPA) when placing rated orders with suppliers, to obtain timely delivery of products, materials, or services from suppliers, or for any other reason under the DPAS, in support of approved national programs. The Form BIS–999 is used to apply for such assistance.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Title I of the Defense Production Act.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0694–0057.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–20974 Filed 9–27–22; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2022–0031]

Extension of the Cancer Immunotherapy Pilot Program

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice.

SUMMARY: On June 29, 2016, the United States Patent and Trademark Office (USPTO) implemented the Cancer Immunotherapy Pilot Program in support of the White House's National Cancer Moonshot initiative, which sought to accelerate cancer research. The program permits patent applications pertaining to cancer

immunotherapy to be advanced out of turn for examination. To date, over 880 petitions requesting participation in the pilot program have been filed, and over 650 patents have been granted under the program. In view of the continued interest in the Cancer Immunotherapy Pilot Program, as well as the White House's reignition of the National Cancer Moonshot initiative, the USPTO is extending the program, with all parameters remaining the same, until January 31, 2023. The USPTO will also continue to evaluate whether to expand the scope of the pilot program and to what extent during this extension period.

DATES: *Pilot duration:* The Cancer Immunotherapy Pilot Program will continue to run until January 31, 2023. Therefore, petitions to make special under the Cancer Immunotherapy Pilot Program must be filed on or before January 31, 2023.

FOR FURTHER INFORMATION CONTACT: For questions regarding this pilot program in general, please contact Susy Tsang-Foster, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, at 571–272–7711 or *susy.tsang-foster@uspto.gov.* For questions related to a particular petition, please contact Gary B. Nickol, Supervisory Patent Examiner, at 571–272–0835 or *gary.nickol@uspto.gov;* or Brandon J. Fetterolf, Supervisory Patent Examiner, at 571–272–2919 or *brandon.fetterolf@uspto.gov,* both of Technology Center 1600.

SUPPLEMENTARY INFORMATION: On June 29, 2016, the USPTO published a notice for the implementation of the Cancer Immunotherapy Pilot Program. *See Cancer Immunotherapy Pilot Program,* 81 FR 42328 (Cancer Immunotherapy Notice). The pilot program was designed to support the global fight against cancer. The Cancer Immunotherapy Notice indicated that an applicant could have an application advanced out of turn (accorded special status) for examination without meeting all the current requirements of the accelerated examination program set forth in item VIII of section 708.02(a) of the Manual of Patent Examining Procedure (9th ed., rev. 10.2019, June 2020), if the application contained at least one claim to a method of treating a cancer using immunotherapy and the applicant met other requirements specified in the Cancer Immunotherapy Notice.

The Cancer Immunotherapy Notice established that the pilot program would run for 12 months, beginning on June 29, 2016. Over the course of the pilot program, the USPTO has extended it four times through notices published in the **Federal Register**. The most recent notice extended the program until September 30, 2022 and requested public comments on whether to expand the scope of pilot program and whether to extend it. *See Extension of the Cancer Immunotherapy Pilot Program and Request for Comments,* 87 FR 38714 (June 29, 2022) (Extension Notice). The Office received one written submission containing three comments from a law firm in response to the request for public comments in the Extension Notice. The Office appreciates the thoughtful comments. The submission is posted at *https://www.regulations.gov/document/PTO-P-2022-0019-0001/comment.* The USPTO is continuing to evaluate whether to expand the program and to what extent.

Various stakeholders from around the world—including independent inventors, universities, research institutions, hospitals, medical centers, government agencies, and large and small companies—have filed petitions to participate in the pilot program. To date, over 880 petitions requesting participation have been filed, and over 650 patents have been granted under the pilot program. In view of the continued interest in the pilot program, the USPTO is hereby extending it through January 31, 2023. The extension will enable the program to continue without lapse as the USPTO continues its ongoing evaluation of whether to expand the program and to what extent. The requirements of the pilot program will not be modified at this time.

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2022–20988 Filed 9–27–22; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Acceptance of Group Application Under Public Law 95–202 and Department of Defense Directive (DODD) 1000.20

AGENCY: Department of the Air Force, DoD Civilian/Military Service Review Board.

ACTION: Notice.

SUMMARY: Under the provisions of Section 401, Public Law 95–202 and DoD Directive 100.20, the Department of Defense Civilian/Military Service Review Board has accepted an application on behalf of a group known as ''Former Members of the Free Iraq Forces and Free Iraq Civil Affairs Program Who Served Under Direct Command of U.S. Army and U.S. Marine Corps Units During Operation Iraqi Freedom Across the Iraqi Freedom Theater of Operations During the Period 2002 Through 2018.'' Persons with information or documentation pertinent to the determination of whether service of this group should be considered active military service to the Armed Forces of the United States are encouraged to submit such information or documentation within 60 days to the DoD Civilian/Military Service Review Board (DoD C/MSRB), 1500 West Perimeter Road, Suite 3700, Joint Base Andrews, MD 20762.

FOR FURTHER INFORMATION CONTACT: Mr. John K. Vallario, President, DoD C/MSRB, at 240–612–5380, *john.vallario.1@us.af.mil.* Copies of documents or other materials submitted cannot be returned.

Adriane Paris,

Air Force Federal Register Liaison Officer.

[FR Doc. 2022–20980 Filed 9–27–22; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Navy

Certificate of Alternate Compliance for USS AUGUSTA (LCS 34)

AGENCY: Department of the Navy (DoN), Department of Defense (DoD).

ACTION: Notice of issuance of certificate of alternate compliance.

SUMMARY: The U.S. Navy hereby announces that a Certificate of Alternate Compliance has been issued for USS AUGUSTA (LCS 34). Due to the special construction and purpose of this vessel, the Admiralty Counsel of the Navy has determined it is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the navigation lights provisions of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) without interfering with its special function as a naval ship. The intended effect of this notice is to warn mariners in waters where 72 COLREGS apply.

DATES: This Certificate of Alternate Compliance is effective September 28, 2022 and is applicable beginning September 21, 2022.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Andrea Liou, JAGC, U.S. Navy, Admiralty Attorney, Office of the Judge Advocate General, Admiralty and Claims Division (Code

15), 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374–5066, 202–685–5075, or *admiralty@navy.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

Executive Order 11964 of January 19, 1977 and 33 U.S.C. 1605 provide that the requirements of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, shall not apply to a vessel or class of vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction or purpose, it is not possible for such vessel(s) to comply fully with the provisions without interfering with the special function of the vessel(s). Notice of issuance of a Certificate of Alternate Compliance must be made in the **Federal Register**.

In accordance with 33 U.S.C. 1605, the Admiralty Counsel of the Navy, under authority delegated by the Secretary of the Navy, hereby finds and certifies that USS AUGUSTA (LCS 34) is a vessel of special construction or purpose, and that, with respect to the position of the following navigational lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the special function of the vessel:

Annex I, Paragraph 2(a)(i) pertaining to the height of the forward masthead light; Annex I, Paragraph (3)(a) pertaining to the location of the forward masthead light in relation to the forward quarter of the ship; Annex I, Paragraph 2(f)(i) pertaining to obstructions of the aft masthead light; Annex I, Paragraph (3)(a) pertaining to the horizontal separation of the masthead lights; Annex I, Paragraph 2(f)(ii), and Annex I, Paragraph 3(c) pertaining to the vertical and horizontal position of the task lights in relation to the masthead lights; Rule 27(b)(i) and Annex I, Paragraph 9(b) pertaining to the degree of obstruction of the task lights.

The Admiralty Counsel of the Navy further finds and certifies that these navigational lights are in closest possible compliance with the applicable provision of the 72 COLREGS.

Authority: 33 U.S.C. 1605(c), E.O. 11964.

Dated: September 23, 2022.

B.F. Roach,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2022–20994 Filed 9–27–22; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2022–SCC–0118]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Request for Designation as an Eligible Institution Under Titles III, V, and VII Programs and Waivers of the Non-Federal Cost Share Reimbursement (1894–0001)

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before October 28, 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 Jason Cottell, 202–453–7530.

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: Request for Designation As An Eligible Institution Under Titles III, V, and VII Programs and Waivers of the Non-Federal Cost Share Reimbursement (1894–0001).

OMB Control Number: 1840–0103.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector.

Total Estimated Number of Annual Responses: 200.

Total Estimated Number of Annual Burden Hours: 1,400.

Abstract: This collection of information is necessary in order for the Secretary of Education to designate an institution of higher education eligible to apply for funding under Titles III, V, and VII of the Higher Education Act of 1965, as amended. An institution must apply to the Secretary to be designated as an eligible institution. The programs authorized include the Strengthening Institutions, Alaskan Native and Native Hawaiian-Serving Institutions, Asian-American and Native American Pacific Islander-Serving Institutions, Native American Serving Institutions, Hispanic-Serving Institutions, Hispanic-Serving Institutions (Science, Technology, Engineering and Math and Articulation), Promoting Postbaccalaureate Opportunities for Hispanic Americans (PPOHA), and Predominantly Black Institutions Programs. These programs award discretionary grants to eligible institutions of higher education so that they might increase their self-sufficiency by improving academic programs, institutional management, and fiscal stability.

This collection of information is gathered electronically by the Department for the purpose of determining an institution's eligibility to participate in the Titles III, V, and VII grant programs based on its enrollment of needy students and low average Core Expenses per full-time equivalent student. This collection also allows an institution to request a waiver of certain non-Federal cost-share requirements under the Federal Work-Study Program, Federal Supplemental Educational Opportunity Grant, Student Support Services Program and the Undergraduate International Studies and Foreign Language Program.

The collection is paired with a computational exercise that results in the simultaneous publication of an Eligibility Matrix (EM), a listing of postsecondary institutions potentially eligible to apply for grants in Institutional Service. Criteria derived from applicable legislation and regulations are applied to enrollment and financial data from Department sources to determine the eligibility of each institution for each program. Only those institutions that either do not meet the financial criteria or do not appear in the eligibility matrix need to go through the application process.

The results of the application process are a determination of eligibility for grant application and waiver, and updated information on institutional eligibility which is added to the EM.

This collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Dated: September 22, 2022.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–20915 Filed 9–27–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Department of Energy, Office of Electricity.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee (EAC). The Federal Advisory Committee Act (FACA) requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

Wednesday, October 26, 2022; 1:00 p.m.–6:00 p.m. EST

Thursday, October 27, 2022; 8:00 a.m.–12:45 p.m. EST

ADDRESSES: The October meeting of the EAC will be held at the National Rural Electric Cooperative Association Headquarters in Arlington, VA, 4301 Wilson Blvd., Ste 1, Arlington, VA 22203. Members of the public are encouraged to participate virtually, however, limited physical space is available for members of the public to attend onsite. To register to attend either in-person or virtually, please visit the meeting website: *https://www.energy.gov/oe/october-26-27-2022-electricity-advisory-committee-meeting.* Please note, you must register for each day you would like to attend.

FOR FURTHER INFORMATION CONTACT: Jayne Faith, Designated Federal Officer, Office of Electricity, U.S. Department of Energy, Washington, DC 20585; Telephone: (202) 586–2983 or Email: *Jayne.Faith@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The EAC was established in accordance with the provisions of FACA, as amended, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing certain sections of the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse backgrounds selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to the electric sector.

Tentative Agenda

October 26, 2022

12:45 p.m.–1:00 p.m.—WebEx Attendee Sign-On
1:00 p.m.–1:20 p.m.—Welcome, Introductions, Developments since June 2022 Meeting
1:20 p.m.–2:20 p.m.—Update from the Office of Electricity
2:20 p.m.–2:55 p.m.—Update from the Grid Deployment Office
2:55 p.m.–3:10 p.m.—Break
3:10 p.m.–3:55 p.m.—Update from NERC on Winter Assessment
3:55 p.m.–5:20 p.m.—Energy Storage Panel
5:20 p.m.–5:50 p.m.—Energy Storage Subcommittee Update
5:50 p.m.–6:00 p.m.—Wrap-Up and Adjourn Day 1

October 27, 2022

7:45 a.m.–8:00 a.m.—WebEx Attendee Sign-On
8:00 a.m.–8:10 a.m.—Opening Remarks
8:10 a.m.–9:00 a.m.—Energy Information Administration 2022 Outlook
9:00 a.m.–11:00 a.m.—Improving Planning Process for EV Infrastructure Deployment Panel
11:00 a.m.–11:15 a.m.—Break
11:15 a.m.–12:00 p.m.—Smart Grid Subcommittee Update
12:00 a.m.–12:15 p.m.—Grid Resilience for National Security Subcommittee Update
12:15 p.m.–12:35 p.m.—Public Comments
12:35 p.m.–12:45 p.m.—Wrap-Up and Adjourn October 2022 Meeting of the EAC

The meeting agenda and times may change to accommodate EAC business. For EAC agenda updates, see the EAC website at: *https://www.energy.gov/oe/october-26-27-2022-electricity-advisory-committee-meeting.*

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on October 27 but must register in advance by 5 p.m. Eastern time on October 26. Approximately 20 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement identified by ''Electricity Advisory Committee October 2022 Meeting,'' to Ms. Jayne Faith at *Jayne.Faith@hq.doe.gov.*

Minutes: The minutes of the EAC meeting will be posted on the EAC web page at *https://www.energy.gov/oe/october-26-27-2022-electricity-advisory-committee-meeting.* They can also be obtained by contacting Ms. Jayne Faith at the address above.

Signing Authority

This document of the Department of Energy was signed on September 23, 2022, by Shena Kennerly, Acting Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been

authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 23, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–20977 Filed 9–27–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: The Department of Energy hereby publishes a notice of open meeting on October 25, 2022, of the Secretary of Energy Advisory Board (SEAB). This meeting will be held virtually for members of the public and in-person at Oak Ridge National Laboratory, 1 Bethel Valley Rd., Oak Ridge, TN 37830 for SEAB members only.

DATES: Tuesday, October 25, 2022; 9:00 a.m.–1:30 p.m. Eastern Time.

ADDRESSES: Virtual meeting for members of the public. Board members, Department of Energy (DOE) representatives, agency liaisons, and Board support staff will participate in-person, strictly following COVID–19 precautionary measures To track virtual attendees, registration is required by registering at the SEAB October 25 meeting page here: *https://www.energy.gov/seab/seab-meetings.*

FOR FURTHER INFORMATION CONTACT: David Borak, Acting Director, Office of Secretarial Boards and Councils, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; Phone: (202) 586–5216; or email: *seab@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board was established to provide advice and recommendations to the Secretary on the Administration's energy policies; the Department's basic and applied research and development activities; economic and national security policy; and other activities as directed by the Secretary.

Purpose of the Meeting: This is the sixth meeting of Secretary Jennifer M. Granholm's SEAB.

Tentative Agenda: The meeting will start at 9:00 a.m. Eastern Time on October 25, 2022. The tentative meeting agenda includes: roll call, remarks from the Secretary, remarks from the SEAB chair, discussion of grid resiliency, SEAB working group report-outs, discussion of grid-scale storage and public comments. The meeting will conclude at approximately 1:30 p.m. The meeting times and content are subject to change. Meeting materials can be found here: *https://www.energy.gov/seab/seab-meetings.*

*Public Participa*tion: The meeting is open to the public via a virtual meeting option. Individuals who would like to attend must register for the meeting here: *https://www.energy.gov/seab/seab-meetings.*

Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 15 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed three minutes. The Acting Director of the Office of Secretarial Boards and Councils is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should register to do so via email, *seab@hq.doe.gov,* no later than 5:00 p.m. on Monday, October 24, 2022.

Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to David Borak, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, or email to: *seab@hq.doe.gov.*

Minutes: The minutes of the meeting will be available on the SEAB website or by contacting Mr. Borak. He may be reached at the above postal address or email address, or by visiting SEAB's website at *www.energy.gov/seab.*

Signing Authority

This document of the Department of Energy was signed on September 23, 2022, by Shena Kennerly, Acting Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 23, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–20978 Filed 9–27–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Availability of Draft Guidance on Hydrogen and Fuel Cell Program: Guidance for the Clean Hydrogen Production Qualifications

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

ACTION: Notice of availability of draft guidance.

SUMMARY: The U.S. Department of Energy (DOE) announces the notice of availability (NOA) and invites public comment on its Clean Hydrogen Production Standard (CHPS) Draft Guidance. The draft guidance contains the initial proposal for the CHPS, as required by the Infrastructure Investment and Jobs Act (IIJA). Specifically, in the draft guidance, DOE establishes a target for the lifecycle (*i.e.,* well-to-gate) emissions intensity of hydrogen production, based on the IIJA definition of the term ''clean hydrogen'' and other factors set forth in section 40315(b) of the IIJA.

DATES: Comments regarding this draft guidance must be received on or before October 20, 2022.

ADDRESSES: Comments on this draft guidance document must be provided in writing. Interested parties are to submit comments electronically to *Cleanh2standard@ee.doe.gov.* Email attachments can be provided as a Microsoft Word (.docx) file or Adobe PDF (.pdf). The complete draft guidance document is located at *https://www.hydrogen.energy.gov/pdfs/clean-hydrogen-production-standard.pdf.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Karen Dandridge at *Cleanh2standard@ee.doe.gov,* 202–586–3388.

SUPPLEMENTARY INFORMATION: In the Infrastructure Investment and Jobs Act (Pub. L. 117–58), Congress directed DOE to develop an initial standard for the carbon intensity of clean hydrogen production. Specifically, under section 40315(a) of the Infrastructure Investment and Jobs Act, the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and after taking into account input from industry and other

stakeholders, is directed to develop an initial standard for the carbon intensity of clean hydrogen production that applies to activities carried out under this title. Section 40315(b) states that the standard shall: (a) support clean hydrogen production from each source described in section 805(e)(2) of the Energy Policy Act of 2005, which includes fossil fuels with carbon capture, utilization, and sequestration; hydrogen-carrier fuels (including ethanol and methanol); renewable energy resources, including biomass; nuclear energy; and any other methods the Secretary determines to be appropriate; (b) define the term ''clean hydrogen'' to mean hydrogen produced with a carbon intensity equal to or less than 2 kilograms of carbon dioxide-equivalent produced at the site of production per kilogram of hydrogen produced; and (c) take into consideration technological and economic feasibility.

In response, DOE developed and is seeking comment on draft guidance for the clean hydrogen production standard. The draft guidance is available at: *https://www.hydrogen.energy.gov/pdfs/clean-hydrogen-production-standard.pdf.*

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

Signing Authority: This document of the Department of Energy was signed on September 15, 2022, by Dr. Geraldine Richmond, Under Secretary for Science and Innovation, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purpose only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Office has been authorized to sign and submit the document in the electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 23, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–21016 Filed 9–27–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–512–000]

WBI Energy Transmission, Inc.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on September 19, 2022, WBI Energy Transmission, Inc. (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed a prior notice request pursuant to Sections 157.205 and 157.210 of the Federal Energy Regulatory Commission's (Commission) regulations, for authorization to construct and operate a new compressor station, tie-in facilities including pipeline, and associated measurement facilities on its Line Section 27 located in McKenzie County, North Dakota to provide 175,000 equivalent dekatherms per day incremental natural gas firm transportation service. WBI Energy proposes to construct and operate these facilities under authorities granted by its blanket certificate issued in Docket No. CP82–487–000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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 (*https://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.

Any questions concerning this application should be directed to Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, at (701) 530–1563 or *lori.myerchin@wbienergy.com*.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on November 21, 2022. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[2] any person [3] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for

[1] 18 CFR (Code of Federal Regulations) § 157.9.

[2] 18 CFR 157.205.

[3] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[4] and must be submitted by the protest deadline, which is November 21, 2022. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [5] and the regulations under the NGA [6] by the intervention deadline for the project, which is November 21, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before November 21, 2022. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP22–512–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. 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; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [7]

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP22–512–000.

To mail via USPS, use the following address:

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To mail via any other courier, use the following address:

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503 or *lori.myerchin@wbienergy.com.*

Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be 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 as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *https://www.ferc.gov/docs-filing/esubscription.asp.*

Dated: September 22, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–20998 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2246–098]

Yuba County Water Agency; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Temporary Variance of Pulse Flow Requirement.

b. *Project No:* 2246–098.

c. *Date Filed:* September 6, 2022.

d. *Applicant:* Yuba County Water Agency (licensee).

e. *Name of Project:* Yuba River Project.

f. *Location:* The project is located on the Middle Yuba River, North Fork Yuba River, and Oregon Creek in Nevada, Yuba, and Sierra counties, California.

[4] 18 CFR 157.205(e).

[5] 18 CFR 385.214.

[6] 18 CFR 157.10.

[7] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Willie Whittlesey, General Manager, Yuba County Water Agency, (530) 741–5026, *wwhittlesey@yubawater.org.*

i. *FERC Contact:* Jonathan Schram, (202) 502–8264, *jonathan.schram@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* October 20, 2022.

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 the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–2246–098. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests a temporary variance of its winter pulse flow requirement. Specifically, the licensee proposes to forego its required 1,000 cubic feet per second (cfs) flow pulse from January 1–15, 2023. The licensee proposes to instead, release a flow of 700 cfs in the lower Yuba River from Englebright Dam. In addition, the licensee requests that compliance during the variance period be based on the 5-day running average of daily average flows, with the 15-minute flow not less than 90 percent of the adjusted flow requirement. The licensee requests the variance in order to conserve limited water resources at the project as a result of current drought conditions.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: September 20, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–20953 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP22–1118–000]

MountainWest Overthrust Pipeline, LLC; Notice of Initiation of Section 5 Proceeding

On September 22, 2022, the Commission issued an order in Docket No. RP22–1118–000, pursuant to section 5 of the Natural Gas Act, 15 U.S.C. 717d, instituting an investigation into whether the rates currently charged by MountainWest Overthrust Pipeline, LLC are just and reasonable. *MountainWest Overthrust Pipeline, LLC,* 180 FERC ¶ 61,174 (2022).

Any interested person desiring to be heard in Docket No. RP22–1118–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2021), within 30 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to 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 TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room

1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Dated: September 22, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21002 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4718–039]

Cocheco Falls Associates; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the relicense application for the Cocheco Falls Dam Hydroelectric Project No. 4718 (project), located on the Cocheco River in the City of Dover, Strafford County, New Hampshire, and has prepared an Environmental Assessment (EA) for the project. No federal land would be occupied by the project.

The EA contains staff's analysis of the potential environmental effects of the project and concludes that licensing the project, with appropriate environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*https://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may register online at *https://ferconline.ferc.gov/eSubscription.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice. The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filings, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–4718–039.

For further information, contact Arash Barsari at (202) 502–6207, or by email at *Arash.JalaliBarsari@ferc.gov.*

Dated: September 21, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–20920 Filed 9–27–22; 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: EC22–72–000.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corporation submits supplemental filing, providing draft accounting entries that will be filed in final form for Reconstructing.

Filed Date: 9/7/22.

Accession Number: 20220907–5116.

Comment Date: 5 p.m. ET 9/28/22.

Docket Numbers: EC22–123–000.

Applicants: Flat Ridge 2 Wind Energy LLC, Flat Ridge Interconnection LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Flat Ridge 2 Wind Energy LLC, et al.

Filed Date: 9/21/22.

Accession Number: 20220921–5131.

Comment Date: 5 p.m. ET 10/12/22.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–225–000.

Applicants: Yellowbud Solar, LLC.

Description: Yellowbud Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 9/22/22.

Accession Number: 20220922–5096.

Comment Date: 5 p.m. ET 10/13/22.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL22–89–000.

Applicants: Cage Ranch Solar, LLC and Cage Ranch Solar II, LLC Vs. Southwest Power Pool, Inc.

Description: Complaint of Cage Ranch Solar, LLC and Cage Ranch Solar II, LLC v. Southwest Power Pool, Inc.

Filed Date: 9/20/22.

Accession Number: 20220920–5130.

Comment Date: 5 p.m. ET 10/11/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2514–006.

Applicants: PEI Power II, LLC.

Description: Compliance filing: PEI Power II MBR Change in Category to be effective 9/23/2022.

Filed Date: 9/22/22.

Accession Number: 20220922–5022.

Comment Date: 5 p.m. ET 10/13/22.

Docket Numbers: ER11–3108–002.

Applicants: Innovative Energy Systems, LLC.

Description: Compliance filing: Innovative Energy Systems MBR Change in Category to be effective 9/23/2022.

Filed Date: 9/22/22.

Accession Number: 20220922–5023.

Comment Date: 5 p.m. ET 10/13/22.

Docket Numbers: ER11–3109–002.

Applicants: Seneca Energy, II LLC.

Description: Compliance filing: Seneca MBR Change in Category Filing to be effective 9/23/2022.

Filed Date: 9/22/22.

Accession Number: 20220922–5025.

Comment Date: 5 p.m. ET 10/13/22.

Docket Numbers: ER22–1990–000.

Applicants: DTE Electric Company.

Description: Refund Report: Refund Report Filing to be effective N/A.

Filed Date: 9/22/22.

Accession Number: 20220922–5131.

Comment Date: 5 p.m. ET 10/13/22.

Docket Numbers: ER22–2806–001.

Applicants: American Electric Power Service Corporation, Appalachian Power Company, PJM Interconnection, L.L.C.

Description: Tariff Amendment: American Electric Power Service Corporation submits tariff filing per 35.17(b): AEP submits amendment to amended ILDSA, SA No. 1252 in ER22–2806 to be effective 9/1/2022.

Filed Date: 9/22/22.
Accession Number: 20220922–5102.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2901–000.
Applicants: Carthage Energy, LLC.
Description: § 205(d) Rate Filing: Normal filing 2022 to be effective 9/23/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5055.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2902–000.
Applicants: Power City Partners, L.P.
Description: § 205(d) Rate Filing: Normal filing 2022 to be effective 9/23/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5056.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2903–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 313, WAPA Relay Replacement to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5101.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2904–000.
Applicants: Blackwell Solar, LLC.
Description: § 205(d) Rate Filing: Blackwell Solar MBR Tariff Amendment Filing to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5106.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2905–000.
Applicants: Campo Verde Solar, LLC.
Description: § 205(d) Rate Filing: Amendment to Campo Verde MBR Tariff to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5108.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2906–000.
Applicants: SP Cimarron I, LLC.
Description: § 205(d) Rate Filing: SP Cimarron I MBR Tariff Amendment to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5109.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2907–000.
Applicants: Desert Stateline LLC.
Description: § 205(d) Rate Filing: Desert Stateline MBR Tariff Amendment Filing to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5110.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2908–000.
Applicants: RE Garland LLC.
Description: § 205(d) Rate Filing: RE Garland MBR Tariff Amendment Filing to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5111.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2909–000.
Applicants: RE Garland A LLC.
Description: § 205(d) Rate Filing: RE Garland A MBR Tariff Amendment Filing to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5114.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2910–000.
Applicants: Grant Wind, LLC.
Description: § 205(d) Rate Filing: Grant Wind MBR Tariff Amendment to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5115.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2911–000.
Applicants: Kay Wind, LLC.
Description: § 205(d) Rate Filing: Amendment of Kay Wind MBR Tariff to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5116.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2912–000.
Applicants: Lost Hills Solar, LLC.
Description: § 205(d) Rate Filing: Lost Hills Solar MBR Tariff Amendment Filing to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5117.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2913–000.
Applicants: Macho Springs Solar, LLC.
Description: § 205(d) Rate Filing: Amendment to Macho Springs MBR Tariff Filing to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5118.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2914–000.
Applicants: Mesquite Solar 4, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5119.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2915–000.
Applicants: North Star Solar, LLC.
Description: § 205(d) Rate Filing: North Star Solar MBR Tariff Amendment to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5120.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2916–000.
Applicants: Mesquite Solar 5, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5121.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2917–000.
Applicants: Passadumkeag Windpark, LLC.
Description: § 205(d) Rate Filing: Passadumkeag MBR Tariff Amendment to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5122.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2918–000.
Applicants: SG2 Imperial Valley LLC.
Description: § 205(d) Rate Filing: Amendment to SG2 MBR Tariff Filing to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5123.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2919–000.
Applicants: Spectrum Nevada Solar, LLC.
Description: § 205(d) Rate Filing: Amendment to Spectrum Nevada MBR Tariff to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5125.
Comment Date: 5 p.m. ET 10/13/22.
Docket Numbers: ER22–2920–000.
Applicants: RE Tranquillity LLC.
Description: § 205(d) Rate Filing: RE Tranquillity MBR Tariff Amendment Filing to be effective 11/22/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5127.
Comment Date: 5 p.m. ET 10/13/22.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 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: *https://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 22, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21000 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–35–000]

Commission Information Collection Activities; (FERC–725J); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725J (Definition of the Bulk Electric System).

DATES: Comments on the collection of information are due November 28, 2022.

ADDRESSES: Send written comments on FERC–725J (IC22–35–000) to the Commission. You may submit copies of your comments by one of the following methods:

Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

○ *Mail via U.S. Postal Service Only Addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (Including Courier) Delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: FERC submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov/ferc-online/overview.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–725J (Definition of the Bulk Electric System).

OMB Control No.: 1902–0259.

Type of Request: Three-year extension of the FERC–725J with no changes to the current reporting requirements.

Abstract: On December 20, 2012, the Commission issued Order No. 773, a Final Rule approving NERC's modifications to the definition of ''bulk electric system'' and the Rules of Procedure exception process to be effective July 1, 2013. On April 18, 2013, in Order No. 773–A, the Commission largely affirmed its findings in Order No. 773. In Order Nos. 773 and 773–A, the Commission directed NERC to modify the definition of bulk electric system in two respects: (1) modify the local network exclusion (exclusion E3) to remove the 100 kV minimum operating voltage to allow systems that include one or more looped configurations connected below 100 kV to be eligible for the local network exclusion; and (2) modify the exclusions to ensure that generator interconnection facilities at or above 100 kV connected to bulk electric system generators identified in inclusion I2 are not excluded from the bulk electric system.[1] Each year the Regions and NERC may need to act on exception requests submitted by US only transmission owners, generator owners and distribution providers. We have revised the estimate for exception requests from 20 exception requests to 10, which is more accurate to the volume of received exception requests. Regarding Implementation Plans and Compliance, FERC estimates that 10% of the US registered entities may have to perform this task on a continuing basis.

Type of Respondents: Generator owners, distribution providers, other NERC-registered entities.

Estimate of Annual Burden.[2] The Commission estimates the annual public reporting burden and cost [3] for the information collection as:

FERC–725J (DEFINITION OF THE BULK ELECTRIC SYSTEM)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden (hrs.) & cost ($) per response	Total annual burden hours & total annual cost ($)	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Generator Owners, Distribution Providers, and Transmission Owners (Exception Request).	10	1	10	120 hrs.; $10,320	1,200 hrs.; $103,200	$10,320

[1] *Revisions to Electric Reliability Organization Definition of Bulk Electric System and Rules of Procedure,* Order No. 773, 141 FERC ¶ 61,236 (2012); *order on reh'g,* Order No. 773–A, 143 FERC ¶ 61,053 (2013); *order on reh'g and clarification,* 144 FERC ¶ 61,174 (2013); *aff'd sub nom., People of the State of New York and the Pub. Serv. Comm'n of New York* v. *FERC,* No. 13–2316 (2d. Cir. 2015). On June 13, 2013, the Commission granted NERC's request for extension of time and extended the effective date for the revised definition of bulk electric system and the Rules of Procedure exception process to July 1, 2014. *Revisions to Electric Reliability Organization Definition of Bulk Electric System and Rules of Procedure,* 143 FERC ¶ 61,231, at P 13 (2013). On March 20, 2014, the Commission approved NERC's revisions to the definition of bulk electric system and determined the revisions either adequately address the Commission's Order Nos. 773 and 773–A directives or provide an equally effective and efficient approach. See *order approving revised definition,* 146 FERC ¶ 61,199 (2014).

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

[3] The estimated hourly cost (salary plus benefits) is based on the figures for August 2022 posted by the Bureau of Labor Statistics for the Utilities sector (available at Sector 22—Utilities—May 2021 OEWS Industry-Specific Occupational Employment and Wage Estimates (*bls.gov*)) and updated June 2022 for benefits information (at Employer Costs for Employee Compensation Summary—2022 Q01 Results (*bls.gov*)). The hourly estimates for salary plus benefits are:

—Legal (code 23–0000), $145.35.

—File Clerks (code 43–4071), $34.38.

—Electrical Engineer (code 17–2071), $77.02.

The average hourly burden cost for this collection is $85.58 [($145.35 + $34.38 + $77.02)/3 = $85.58] and is rounded to $86.00 an hour.

FERC–725J (DEFINITION OF THE BULK ELECTRIC SYSTEM)—Continued

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden (hrs.) & cost ($) per response (4)	Total annual burden hours & total annual cost ($) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
All Registered Entities (Implementation Plans and Compliance).	157	1	157	350 hrs.; $30,100	54,950 hrs.; $4,725,700.	$30,100
Local Distribution Determinations.	1	1	1	92 hrs.; $7,912	92 hrs.; $7,912	$7,912
Total	.....	.....	168	.....	56,242 hrs.; $4,836,812.	.....

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: September 21, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–20918 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Order on Intent To Revoke Market-Based Rate Authority; Data Collection for Analytics and Surveillance and Market-Based Rate Purposes

	Docket Nos. RM16–17–001
3 Phases Renewables Inc	ER16–775–000
3C Solar LLC	ER11–2649–000
3Degrees Group, Inc	ER10–269–000
3PR Trading, Inc	ER20–1477–000
ABC Energy, LLC	ER13–2260–000
ADG Group Inc	ER17–1151–000
American Illuminating Company, LLC	ER12–2600–000
Anahau Energy, LLC	ER13–415–000
Apple Group	ER07–1287–001
Archer Energy, LLC	ER17–1594–002
Ashley Energy LLC	ER17–923–001
Backyard Farms Energy LLC	ER09–1689–000
Baltimore Power Company LLC	ER15–2693–002
Berry Petroleum Company, LLC	ER12–2233–000
BioUrja Power, LLC	ER16–371–000
BITH Energy, Inc	ER13–48–000
BITH Solar 1, LLC	ER13–29–000
Blue Cube Operations LLC	ER15–1687–001
Bolt Energy, LLC	ER19–1826–001
Brantley Farm Solar, LLC	ER18–1977–001
Bridgeport Fuel Cell, LLC	ER13–1403–000
Buckleberry Solar, LLC	ER18–2217–000
Burgess Capital LLC	ER15–2541–000
Capacity Markets Partners, LLC	ER14–407–001
Cargill Power Markets, LLC	ER97–4273–000
Carson Hybrid Energy Storage LLC	ER19–288–000
Central Hudson Gas & Electric Corporation	ER97–2872–000
Centre Lane Trading Ltd	ER10–636–000
Choctaw Generation Limited Partnership	ER98–3774–000
Cirrus Wind 1, LLC	ER13–357–001
Clear Power LLC	ER20–2654–000
Clearview Electric, Inc	ER17–808–001
Conch Energy Trading, LLC	ER12–1472–000
Consolidated Power Co., LLC	ER14–1858–000
Covanta Maine, LLC	ER09–560–000
Current Power & Gas Inc	ER16–722–000
Degrees3 Transportation Solutions, LLC	ER21–251–001
Dichotomy Power Maine, LLC	ER21–2535–000
Dillon Power, LLC	ER15–1810–000

	Docket Nos. RM16–17–001
Domtar A.W. LLC	ER11–2021–001
Domtar Paper Company, LLC	ER11–2020–000
EBRFUEL, LLC	ER13–797–000
El Paso Marketing Company, L.L.C	ER95–428–000
Electron Hydro, LLC	ER13–1646–001
Elektrisola, Inc	ER10–2891–000
Elevation Energy Group, LLC	ER17–21–000
Energy Cooperative of New York, Inc	ER99–3411–000
Energy Exchange Direct, LLC	ER08–425–000
Energy Exchange International, LLC	ER11–2730–000
EnPowered	ER18–155–000
Entergy Arkansas, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc	ER91–569–000
EONY Generation Limited	ER00–136–000
ExxonMobil Baton Rouge Complex	ER06–771–000
ExxonMobil Beaumont Complex	ER06–772–000
ExxonMobil LaBarge Shute Creek Treating Facility	ER06–773–000
Falcon Energy, LLC	ER09–1075–000
FC Energy Services Company, LLC	ER07–1247–002
FOREST INVESTMENT GROUP, LLC	ER05–1079–000
Fox Creek Farm Solar, LLC	ER18–2194–001
Fred Meyer Stores, Inc	ER11–3615–000
Full Circle Renewables, LLC	ER11–4536–000
Garland Power Company	ER10–2954–000
GBC Metals LLC	ER11–2825–000
Gichi Noodin Wind Farm, LLC	ER20–2087–000
Global Energy, LLC	ER12–346–000
Griffiss Utility Services Corporation	ER11–4672–000
GUSC Energy Inc	ER12–2203–001
Hammond Belgrade Energy, LLC	ER10–2890–000
Hawkeye Energy Greenport, LLC	ER03–833–000
Helvetia Solar, LLC	ER12–2405–001
High Liner Foods Incorporated	ER12–795–001
High Lonesome Mesa, LLC	ER09–712–000
Hill Energy Resource & Services, LLC	ER12–1613–001
Holcim (US) Inc	ER11–3053–001
Hoopeston Wind, LLC	ER14–2956–004
ICC Energy Corporation	ER11–4489–000
IEP Power Marketing LLC	ER06–1007–000
Industrial Assets, Inc	ER18–1289–000
Innovative Solar 54, LLC	ER19–117–001
Innovative Solar 67, LLC	ER19–118–001
KEPCO Solar of Alamosa LLC	ER11–4050–000
Kingfisher Wind, LLC	ER15–1308–000
Kiyoshi Technologies, LLC	ER15–1609–000
Kleantricity, Inc	ER12–1524–000
KODA Energy, LLC	ER09–107–000
Lazarus Energy Holdings, LLC	ER08–848–000
LE Energy, LLC	ER16–1788–002
Light Power & Gas LLC	ER21–1768–000
Long Island Solar Farm, LLC	ER11–3589–000
Longreach Energy, LLC	ER15–2470–000
Major Lending, LLC	ER05–744–000
Manifold Energy Inc	ER18–1549–000
Marengo Battery Storage, LLC	ER19–610–000
Massie Power LLC	ER08–23–001
Mega Energy Holdings LLC	ER13–1298–001
MMP SCO, LLC	ER16–1254–002
Monterey Consulting Associates, Inc	ER11–4603–000
Moore Energy, LLC	ER15–612–000
Myotis Power Marketing LLC	ER13–1249–002
Nevada Gold Energy LLC	ER06–1055–000
New England Wire Technologies, Corp	ER10–2754–000
New Hope Power Partnership	ER06–1286–000
New York Industrial Energy Buyers, LLC	ER05–1225–000
NFI Solar, LLC	ER10–904–000
North Branch Resources, LLC	ER03–293–000
Novo BioPower, LLC	ER13–1665–000
NTE Southeast Electric Company, LLC	ER19–302–001
Nylon Corporation of America	ER18–3–000
One Nation Energy Solutions, LLC	ER03–821–000
PACE RENEWABLE ENERGY 1 LLC	ER19–178–001
PGPV, LLC	ER12–1603–001
	ER18–296–000

	Docket Nos. RM16–17–001
Phibro Americas LLC	ER13–1135–001
Piedmont Energy Fund, LP	ER11–2168–000
Planet Energy (Maryland) Corp	ER11–2179–000
Planet Energy (New York) Corp	ER11–2167–000
Planet Energy (Pennsylvania) Corp	ER11–2166–000
Planet Energy (USA) Corp	ER10–812–000
Power Choice Inc	ER19–1405–000
Precept Power LLC	ER17–204–001
Quantum Power Corp	ER08–631–000
Raider Dog LLC	ER16–895–002
RDAF Energy Solutions, LLC	ER01–3109–000
Renaissance Power, L.L.C	ER14–1135–000
Renewable Power Direct, LLC	ER12–1751–000
Renewable Power Strategies, LLC	ER09–1739–000
ResCom Energy LLC	ER14–166–000
Rigby Energy Resources, LP	ER14–2013–000
RJUMR ENERGY PARTNERS CORP	ER12–1244–001
RLD Resources, LLC	ER01–2830–000
Roseburg Forest Products	ER19–1240–000
Sage Solar I LLC	ER19–1241–000
Sage Solar II LLC	ER19–1242–000
Sage Solar III LLC	ER10–2750–000
Saint Anselm College	ER15–359–001
Samchully Power & Utilities 1 LLC	ER11–4453–000
Santanna Natural Gas Corporation	ER11–3187–001
SBR Energy, LLC	ER18–1548–000
Seguro Energy Partners, LLC	ER10–2951–000
Shipyard Energy, LLC	ER13–733–000
Silver Bear Power, LLC	ER16–904–001
Smith Creek Hydro, LLC	ER13–698–000
Southard Energy Partners, LLC	ER11–3186–000
Southern California Telephone Company	ER06–634–000
Spruance Genco, LLC	ER95–362–000
Stand Energy Corporation	ER13–113–002
Sunbury Energy, LLC	ER11–2354–000
Sustainable Star	ER03–1150–000
Texzon Utilities, Ltd	ER16–1202–001
The Energy Group of America, Inc	ER99–3571–000
The Legacy Energy Group, LLC	ER11–4604–000
Thicksten Grimm Burgum, Inc	ER20–2618–000
Thordin ApS	ER14–1767–000
Titan Gas and Power	ER14–2597–001
Town of Hanover	ER13–1107–000
Trane Grid Services LLC	ER11–2962–001
Tropicana Manufacturing Company Inc	ER11–3724–000
TrueLight Commodities, LLC	ER11–3723–000
TrueLight Energy, LLC	ER02–973–000
UBS AG	ER15–1630–001
US Borax, Inc	ER16–1610–001
V3 Commodities Group, LLC	ER11–4706–001
Viridity Energy, Inc	ER16–2307–001
Vista Energy Marketing, L.P	ER04–937–000
Volunteer Energy Services, Inc	ER21–908–000
Western Aeon Energy Trading LLC	ER11–3263–000
Western Reserve Energy Services, LLC	ER04–262–000
White Pine Electric Power L.L.C	ER09–750–000
Windy Flats Partners, LLC	ER06–1273–000
Wolverine Holdings, L.P	ER10–2345–000
Woodland Pulp LLC	ER18–624–000
Woomera Energy, LLC	ER18–2031–000
Z&Y Energy Trading LLC	ER15–820–001
Zone One Energy, LLC.	

1. Section 205 of the Federal Power Act (FPA), 16 U.S.C. 824d, and 18 CFR part 35 (2021), require, among other things, that all rates, terms, and conditions for jurisdictional services be filed with the Commission. In Order No. 697 and its progeny,[1] the Commission established certain requirements that

[1] *Mkt.-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.,* Order No. 697, 119 FERC ¶ 61,295 *clarified,* 121 FERC ¶ 61,260 (2007), *order on reh'g,* Order No. 697–A, 123 FERC ¶ 61,055, *clarified,* 124 FERC ¶ 61,055, *order on reh'g,* Order No. 697–B, 125 FERC ¶ 61,326 (2008), *order on reh'g,* Order No. 697–C, 127 FERC ¶ 61,284 (2009), *order on reh'g,* Order No. 697–D, 130 FERC ¶ 61,206 (2010), *aff'd sub nom. Mont. Consumer Counsel* v. *FERC,* 659 F.3d 910 (9th Cir. 2011).

sellers [2] must comply with in order to obtain and retain market-based rate authority.[3]

2. In Order No. 860,[4] the Commission revised certain aspects of the substance and format of the ownership information sellers must submit in order to obtain or retain market-based rate authority. Specifically, Order No. 860 requires that, as part of its market-based rate application or baseline submission, a seller must identify its ultimate upstream affiliate(s) through a new relational database.[5]

3. In accordance with Order No. 860, as modified by Order No. 860–A, the Order Adopting Revisions to Information Collection,[6] and the Notice of Extension of Time,[7] each seller with a market-based rate tariff on file with the Commission was required to make a baseline submission to the market-based rate relational database by February 1, 2022.[8] Commission staff's review of the baseline submissions to the market-based rate relational database indicates that the sellers with market-based rate authorization listed in the caption of this order failed to file their baseline submissions. This order notifies these sellers that their market-based rate authorizations will be revoked unless they comply with the Commission's requirements within 15 days of the date of issuance of this order.[9]

4. To comply with the Commission's requirements, the above-captioned sellers must file their baseline submissions to the market-based rate relational database consistent with the procedures set forth in Order Nos. 860, 860–A, and the Order Adopting Revisions to Information Collection.

5. In the event any of the above-captioned sellers have already submitted their baseline submissions in compliance with the Commission's requirements, their inclusion herein is inadvertent. Such sellers are directed to make a filing with the Commission, within 15 days of the date of issuance of this order, to identify themselves and provide details about their prior submissions to establish that they complied with the Commission's market-based rate relational database filing requirements.

6. If any of the above-captioned sellers do not wish to continue having market-based rate authority, they may file a notice of cancellation of their market-based rate tariffs with the Commission pursuant to section 205 of the FPA.

The Commission orders:

(A) Within 15 days of the date of issuance of this order, each seller listed in the caption of this order shall file with the Commission its delinquent baseline submission to the market-based rate relational database. If a seller subject to this order fails to make the filings required in this order, the Commission intends to revoke that seller's market-based rate authorization and intends to terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order, to promptly issue a notice, effective on the date of issuance, listing the sellers whose tariffs have been revoked for failure to comply with the requirements of this order and the Commission's market-based rate relational database requirements.

(B) The Secretary is hereby directed to publish this order in the **Federal Register**.

Issued: September 22, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21004 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

[2] A ''seller'' is defined as any person that has authorization to or seeks authorization to engage in sales for resale of electric energy, capacity or ancillary services at market-based rates under section 205 of the FPA. 18 CFR 35.36(a)(1); 16 U.S.C. 824d. Each seller is a public utility under section 205 of the FPA. 16 U.S.C. 824.

[3] Order No. 697, 119 FERC ¶ 61,295 at n. 258.

[4] *Data Collection for Analytics & Surveillance and Mkt.-Based Rate Purposes,* Order No. 860, 168 FERC ¶ 61,039 (2019), *order on reh'g,* Order No. 860–A, 170 FERC ¶ 61,129 (2020).

[5] Order No. 860, 168 FERC ¶ 61,039 at P 121.

[6] *Data Collection for Analytics & Surveillance and Mkt.-Based Rate Purposes,* 176 FERC ¶ 61,109 (2021) (Order Adopting Revisions to Information Collection).

[7] *Data Collection for Analytics and Surveillance and Mkt.-Based Rate Purposes,* Notice of Extension of Time, Docket No. RM16–17–000 (Oct. 22, 2021).

[8] A baseline submission consists of ''market-based rate information,'' which includes (a) seller category status for each region in which the seller has market-based rate authority, (b) each market in which the seller is authorized to sell ancillary services at market-based rates, (c) mitigation, if any, and (d) whether the seller has limited the regions in which it has market-based rate authority. A baseline submission also consists of ''market-based rate ownership information,'' which includes ultimate upstream affiliates; and affiliate owners with franchised service areas, market-based rate authority, or that directly own or control generation; transmission, intrastate natural gas transportation, storage or distribution facilities, physical coal supply sources or ownership of or control over who may access transportation of coal supplies, and asset appendix information. Order No. 860, 168 FERC ¶ 61,039 at P 185.

[9] Commission staff contacted or attempted to contact the sellers to remind them of their regulatory obligations. Despite these reminders, however, the sellers listed in the caption of this order have not met these obligations.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–20–000]

Commission Information Collection Activities (FERC–740); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–740 (Availability of E-Tag Information to Commission Staff), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements.

DATES: Comments on the collection of information are due October 28, 2022.

ADDRESSES: Send written comments on FERC–740 to OMB through *www.reginfo.gov/public/do/PRAMain.* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902–0254) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments (identified by Docket No. IC22–20–000) to the Commission as noted below. Electronic filing through *https://www.ferc.gov* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

○ *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (Including Courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions:

OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review field,'' select Federal Energy Regulatory

Commission; click ''submit'' and select ''comment'' to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–740, Availability of E-Tag Information to Commission Staff.

OMB Control No.: 1902–0254.

Type of Request: Three-year extension of the FERC–740 information collection requirements with no changes to the current reporting requirements.

Abstract: This collection of information is authorized by 18 CFR 366.2(d), which requires Commission access, on a non-public and view-only basis, to information that is located on ''electronic tags,'' also known as ''e-Tags.'' Each e-Tag consists of an electronic record of a transaction to transfer energy from a generation source to a Balancing Authority (BA). Each BA operates a portion of the grid, balancing supply and demand and assuring compliance with federal reliability standards. E-Tag ''authors'' are typically Purchasing-Selling Entities (PSEs). A PSE purchases or sells energy, capacity, and Interconnected Operations Services.

Transmission system operators, which are among the addressees of e-Tags, use e-Tags to ascertain the transactions affecting their local systems, and to prevent damage to the power grid. Commission access to e-Tags helps the Commission detect and prevent market manipulation and anti-competitive behavior, and monitor the efficiency of markets. Both transmission system operators and the Commission need the e-Tag information to understand the use of the interconnected electricity grid, particularly transactions occurring at interchanges. Due to the nature of the electric grid, an individual transaction's impact on an interchange cannot be assessed adequately in all cases without information from all connected systems, which is included in the e-Tags. The inclusion of the Commission is completely automatic and is part of the normal business requirement. Thus, the time, effort, and financial resources necessary to comply with this collection of information are ''usual and customary'' within the meaning of the OMB regulation at 5 CFR 1320.3(b)(2) (excluding such activities from the definition of ''burden''). In view of these circumstances, FERC is including only a ''placeholder'' burden of one hour to account for the rare event where a new BA qualifies for exemption under the Commission's regulations (*e.g.,* transmissions from a new non-U.S. BA into another non-U.S. BA using a path that does not go through a U.S. BA). In that case, this administrative function would be expected to require at most an hour of effort total from both the BA and e-Tag administrator to include the BA on the exemption list. New exempt BAs are not common—years may pass between them—but for the purpose of estimation, we will conservatively assume one appears each year creating a burden and cost associated with the Commission's FERC–740 of one hour and $36.90.

Type of Respondents: Purchasing-Selling Entities and Balancing Authorities.

Estimate of Annual Burden: [1] The Commission estimates the burden and cost for FERC–740 as follows based on the distinct e-Tags submitted to the Commission in 2021 (the most recent full year available).

The estimated hourly cost (wages plus benefits) provided in this section is based on the figures for May 2021 posted by the Bureau of Labor Statistics for the Utilities sector (available at *https://www.bls.gov/oes/current/naics2_22.htm*), assuming:

—15 minutes legal (code 23–0000), at $73.09/hour median hourly wage; and

—45 minutes information and record clerk (code 43–4199), at $24.84/hour median hourly wage.

The overall hourly cost is $36.90 (*i.e.,* 15 minutes/60 minutes) * $73.09/hour median hourly wage for legal + 45 minutes/60 minutes) * $24.84/hour median hourly wage for information and record clerk.

A. Number of respondents	B. Annual number of responses (E-Tags) per respondent	C. Total number of responses (column A × column B)	D. Average burden & cost per response	E. Total annual burden hours & total annual cost (column C × column D)	F. Cost per respondent ($) (column E ÷ column A)
435 PSE/BAs	3,403 E-Tags	1,480,305 E-Tags	Automatic, so 0 burden and cost.	Automatic, so 0 burden and cost.	Automatic, so 0 burden and cost.
1 E-Tag administrator	1 response to add new non-jurisdictional Balancing Authority.	1 response to add new non-jurisdictional Balancing Authority.	1 hr.; $36.90	1 hr.; $36.90	$36.90
Totals	3,404	1,480,306	1 hr.; $36.90	1 hr.; $36.90	$36.90

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

[1] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR part 1320.

Dated: September 20, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–20946 Filed 9–27–22; 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 rate filings:

Docket Numbers: ER18–1639–000.
Applicants: Constellation Mystic Power, LLC.
Description: Constellation Mystic Power, LLC submits September 2022 Informational Filing.
Filed Date: 9/15/22.
Accession Number: 20220915–5354.
Comment Date: 5 p.m. ET 10/6/22.

Docket Numbers: ER19–841–001.
Applicants: Energy Center Dover LLC.
Description: Notice of Change in Status of Energy Center Dover LLC.
Filed Date: 9/19/22.
Accession Number: 20220919–5246.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2518–000.
Applicants: Clearwater Wind I, LLC.
Description: Supplement to July 28, 2022, Clearwater Wind I, LLC Application for Market-Based Rate Authorization to be effective 9/27/2022.
Filed Date: 9/19/22.
Accession Number: 20220919–5268.
Comment Date: 5 p.m. ET 9/29/22.

Docket Numbers: ER22–2884–000.
Applicants: Golden Spread Electric Cooperative, Inc.
Description: § 205(d) Rate Filing: WPC Amendments Depr. and Deriv Accounting to be effective 11/19/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5011.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2886–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Compliance on Certain Market Seller Offer Cap Provisions (EL22–22) to be effective 8/24/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5019.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2887–000.
Applicants: Crossing Trails Wind Power Project LLC.
Description: Tariff Amendment: Notice of Cancellation and withdrawal of Rate Schedule Tariff to be effective 9/21/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5026.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2888–000.
Applicants: Northern Indiana Public Service Company LLC.
Description: § 205(d) Rate Filing: Certificate of Concurrence to be effective 8/25/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5027.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2889–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: UAMPS Const Agmt Lehi Carter BTM Resource Modeling to be effective 11/20/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5044.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2890–000.
Applicants: National Grid Generation LLC.
Description: § 205(d) Rate Filing: Annual Reset of Pension and OPEB Expenses to be effective 1/1/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5045.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2891–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–09–20_Ramp and STR Demand Curve Enhancements to be effective 11/29/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5055.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2892–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: BHP—BH Wyoming Update to Schedule B of GDEMA to be effective 11/21/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5062.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2893–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: BHP—BHCE Update to Schedule B of GDEMA to be effective 11/21/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5065.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2894–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: BHP—CLFP Update to Schedule B of GDEMA to be effective 11/21/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5066.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2895–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: BHP—Gillette Update to Schedule B of GDEMA to be effective 11/21/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5067.
Comment Date: 5 p.m. ET 10/11/22.

Docket Numbers: ER22–2896–000.
Applicants: Black Hills Power, Inc.
Description: § 205(d) Rate Filing: BHP—MDU Update to Schedule B of GDEMA to be effective 11/21/2022.
Filed Date: 9/20/22.
Accession Number: 20220920–5068.
Comment Date: 5 p.m. ET 10/11/22.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH22–19–000.
Applicants: Ullico Inc.
Description: FERC–65A Notice of Change in Fact to Waiver Notification to Ullico Inc.
Filed Date: 9/20/22.
Accession Number: 20220920–5063.
Comment Date: 5 p.m. ET 10/11/22.

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 20, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21008 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2898–000]

Huck Finn Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Huck Finn Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that

such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 12, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: September 22, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21006 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15283–000]

The Chemical Market Analysis & Consulting Company, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On August 11, 2022, The Chemical Market Analysis & Consulting Company, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Fitler Bend Hydrokinetic Energy Project to be located on the Mississippi River in Issaquena County, Mississippi, and East Carroll Parish, Louisiana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Filter Bend Hydrokinetic Project would consist of: (1) 2,000, 10 to 13 foot diameter, 750 kilowatt hydrokinetic turbine units arranged in arrays, typically two units wide and three units high, and generating power from the flow of the Mississippi River; (2) approximately 333 stand-alone pilings, installed in the river bottom, one for mounting each array; and (3) 34.6 kilovolt substations, constructed of masonry above the high-water mark of the riverbank, receiving power from the arrays, and interconnecting with potential industrial consumers. The total project would occupy much of the bottom of the Issaquena County, Mississippi side of an approximately 15 mile reach of Mississippi River. The project would have a total installed capacity of 1,500 megawatts and an average annual generation of 1.56 million megawatt-hours.

Applicant Contact: Cooley May, Chemical Market Analysis & Consulting Company, LLC, 1160 Dairy Ashford Road, Suite 609, Houston, TX 77079; email: *cooley.may@c-macc.com*; phone: (212) 729–3669.

FERC Contact: Michael Spencer; email: *michael.spencer@ferc.gov*; phone: (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *https://ferconline.ferc.gov/eFiling.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15283–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's website at *https://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15283) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 22, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21005 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4784–000]

Topsham Hydro Partners Limited Partnership; Notice of Authorization for Continued Project Operation

The license for the Pejepscot Hydroelectric Project No. 4784 was

issued for a period ending August 31, 2022.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 4784 is issued to the Topsham Hydro Partners Limited Partnership for a period effective September 1, 2022, through August 31, 2023, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before August 31, 2023, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the Topsham Hydro Partners Limited Partnership is authorized to continue operation of the Pejepscot Hydroelectric Project under the terms and conditions of the prior license until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

Dated: September 21, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–20919 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR22–66–000.
Applicants: DTE Gas Company.
Description: § 284.123 Rate Filing: Revisions to Operating Statement Agreement to be effective 9/30/2022.
Filed Date: 9/21/22.
Accession Number: 20220921–5055.
Comments/Protests Due: 5 p.m. ET 10/12/22.

Docket Numbers: RP22–1232–000.
Applicants: ETC Tiger Pipeline, LLC.
Description: § 4(d) Rate Filing: Update GT&C Section 36 to be effective 10/21/2022.
Filed Date: 9/21/22.
Accession Number: 20220921–5035.
Comment Date: 5 p.m. ET 10/3/22.

Docket Numbers: RP22–1233–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Formula Based Negotiated Rate—10/1/2022 Update to be effective 10/1/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5011.
Comment Date: 5 p.m. ET 10/4/22.

Docket Numbers: RP22–1234–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Remove Terminated Negotiated Rate Agreement—11/1/2022 to be effective 11/1/2022.
Filed Date: 9/22/22.
Accession Number: 20220922–5016.
Comment Date: 5 p.m. ET 10/4/22.

Docket Numbers: RP22–1235–000.
Applicants: ANR Pipeline Company.
Description: Compliance filing: Penalty Revenue Crediting Report 2022 to be effective N/A.
Filed Date: 9/22/22.
Accession Number: 20220922–5031.
Comment Date: 5 p.m. ET 10/4/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 22, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–20999 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP22–1121–000]

Stagecoach Pipeline & Storage Company LLC; Notice of Initiation of Section 5 Proceeding

On September 22, 2022, the Commission issued an order in Docket No. RP22–1121–000, pursuant to section 5 of the Natural Gas Act, 15 U.S.C. 717d, instituting an investigation into whether the rates currently charged by Stagecoach Pipeline & Storage Company LLC are just and reasonable. *Stagecoach Pipeline & Storage Company LLC,* 180 FERC ¶ 61,175 (2022).

Any interested person desiring to be heard in Docket No. RP22–1121–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2021), within 30 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to 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 TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Dated: September 22, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21001 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings in Existing Proceedings

Docket Numbers: RP22–320–001.

Applicants: ANR Pipeline Company.

Description: Compliance filing: GCXP Notice of Commencement of Service—CP20–8–000 to be effective N/A.

Filed Date: 9/19/22.

Accession Number: 20220919–5121.

Comment Date: 5 p.m. ET 10/3/22.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

Filings Instituting Proceedings

Docket Numbers: RP22–1212–000.

Applicants: Monroe Gas Storage Company, LLC.

Description: § 4(d) Rate Filing: Monroe Gas Storage Company, LLC Revisions to FERC Gas Tariff to be effective 10/17/2022.

Filed Date: 9/13/22.

Accession Number: 20220913–5105.

Comment Date: 5 p.m. ET 9/26/22.

Docket Numbers: RP22–1213–000.

Applicants: ABCGrande, LLC v. *Northern Border Pipeline Company.*

Description: ABCGrande, LLC submits Amendment and correction to the Formal Complaint v. Northern Border Pipeline Company.

Filed Date: 9/19/22.

Accession Number: 20220919–5073.

Comment Date: 5 p.m. ET 10/3/22.

Docket Numbers: RP22–1222–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Compliance filing: Natural's Offer of Settlement Pursuant to Commission's Rule 207 to be effective N/A.

Filed Date: 9/20/22.

Accession Number: 20220920–5009.

Comment Date: 5 p.m. ET 10/3/22.

Docket Numbers: RP22–1223–000.

Applicants: Elba Express Company, L.L.C.

Description: § 4(d) Rate Filing: Atlanta Gas Light Negotiated Rate Filing to be effective 11/1/2022.

Filed Date: 9/20/22.

Accession Number: 20220920–5020.

Comment Date: 5 p.m. ET 10/3/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 20, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–21009 Filed 9–27–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0031; FRL–10251–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for the Wood Building Products Surface Coating Industry (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for the Wood Building Products Surface Coating Industry (EPA ICR Number 2034.10, OMB Control Number 2060–0510) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2022. Public comments were previously requested via the **Federal Register** on April 8, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 28, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2022–003, online using *https://www.regulations.gov/* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

The EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA

will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov* or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *https://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at 40 CFR part 63, subpart QQQQ apply to existing facilities and new facilities that perform surface coating of wood building products where the total Hazardous Air Pollutants (HAPs) emitted are greater than or equal to 10 tons per year of any one HAP, or where the total HAPs emitted are greater than or equal to 25 tons per year of any combination of HAPs, that use at least 4,170 liters (1,100 gallons) of coatings annually. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: 5900–594.

Respondents/affected entities: Owners and operators of wood building products surface coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart QQQQ).

Estimated number of respondents: 57 (total).

Frequency of response: Semiannually.

Total estimated burden: 20,600 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $2,470,000 (per year), includes $4,800 annualized capital or operation & maintenance costs.

Changes in the Estimates: The increase in burden from the most recently approved ICR is not due to any program changes. The increase is due to an adjustment(s). The change in the burden and cost estimates occurred because the most recent amendments to the standard have been in effect for more than three years and the requirements are different during initial compliance as compared to on-going compliance. The previous ICR reflected those burdens and costs associated with the initial activities for subject facilities, including initial performance tests and associated notifications. This ICR, by in large, reflects the on-going burden and costs for existing facilities. This ICR also updates the labor burden for facilities to familiarize themselves with the rule and process and review information each year, and includes burden for preparation and submittal of excess emissions reports with the semiannual report. The capital/startup vs. operation and maintenance (O&M) costs have decreased due to a more accurate estimate of the number of sources using add-on controls with CPMS.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–21018 Filed 9–27–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0037; FRL–10252–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Stationary Combustion Turbines (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Stationary Combustion Turbines (EPA ICR Number 2177.08, OMB Control Number 2060–0582), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through November 30, 2022. Public comments were previously requested, via the **Federal Register**, on April 8, 2022 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 28, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2022–0037, online using *https://www.regulations.gov/* (our preferred method), or by email to *docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

The EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov,* or in person, at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Stationary Combustion Turbines (40 CFR part 60, subpart KKKK) were proposed on February 18, 2005, and promulgated on July 6, 2006. These regulations apply to new stationary combustion turbines with a heat input at peak load either equal to or greater than 10.7 gigajoules (10 MMBtu) per hour, based on the higher heating value of the fuel. New facilities include those that commenced construction, modification or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart KKKK.

Form Numbers: None.

Respondents/affected entities: Stationary combustion turbines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart KKKK).

Estimated number of respondents: 871 (total).

Frequency of response: Semiannual.

Total estimated burden: 90,300 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $10,800,000 (per year), which includes no annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: The increase in burden from the most-recently approved ICR is due to an increase in the number of new or modified sources. This ICR updates the number of affected sources subject to the regulation based on an assumption that the industry continues to grow at a constant rate since the previous renewal. There are no capital or operation and maintenance costs associated with this regulation.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–21019 Filed 9–27–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 106221]

Open Commission Meeting Thursday, September 29, 2022

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, September 29, 2022, which is scheduled to commence at 10:30 a.m. in the Commission Meeting Room of the Federal Communications Commission, 45 L Street NE, Washington, DC. While attendance at the Open Meeting is available to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees at the Open Meeting will not be required to have an appointment but must otherwise comply with protocols outlined at: *www.fcc.gov/visit.* Open Meetings are streamed live at: *www.fcc.gov/live* and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	INTERNATIONAL	*Title:* Space Innovation (IB Docket No. 22–271) Mitigation of Orbital Debris in the New Space Age (IB Docket No. 18–313). *Summary:* The Commission will consider a Second Report and Order that would adopt rules requiring low-Earth orbit space station operators planning disposal through uncontrolled atmospheric re-entry to complete disposal as soon as practicable, and no more than five years following the end of their mission. The Report and Order would also adopt a grandfathering period of two years and address the potential for waivers for certain types of research and scientific missions.
2	CONSUMER & GOVERNMENTAL AFFAIRS AND WIRELINE COMPETITION.	*Title:* 'Calling Services for Incarcerated People (WC Docket No. 12–375). *Summary:* The Commission will consider a Report and Order and Further Notice of Proposed Rulemaking to improve access to communications for incarcerated people with disabilities and reduce the financial burdens created by certain calling service charges and practices.
3	PUBLIC SAFETY & HOMELAND SECURITY.	*Title:* Improving Accessibility and Clarity of Emergency Alerts (PS Docket No. 15–94). *Summary:* The Commission will consider a Report and Order to improve the clarity and accessibility of Emergency Alert System (EAS) visual messages to the public, including persons who are deaf or hard of hearing as well as others who are unable to access the audio message.
4	MEDIA	*Title:* Removing Obsolete Analog TV Rules (MB Docket No. 22–227). *Summary:* The Commission will consider a Notice of Proposed Rulemaking that would amend Part 73 of its rules for television and Class A television broadcast stations to remove obsolete rules for analog TV operations.

* * * * *

The meeting will be webcast at: *www.fcc.gov/live.* Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Press Access—Members of the news media are welcome to attend the meeting and will be provided reserved seating on a first-come, first-served basis. Following the meeting, the Chairwoman may hold a news conference in which she will take questions from credentialed members of the press in attendance. Also, senior policy and legal staff will be made available to the press in attendance for questions related to the items on the meeting agenda. Commissioners may also choose to hold press conferences. Press may also direct questions to the Office of Media Relations (OMR): *MediaRelations@fcc.gov.* Questions about credentialing should be directed to OMR.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

Federal Communications Commission

Dated: September 22, 2022.

Katura Jackson,

Federal Register Liaison.

[FR Doc. 2022–20981 Filed 9–27–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0113]

Agency Information Collection Activities: Notice; Correction; Extension of Comment Period

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice; correction; extension of comment period.

SUMMARY: This document contains an extension of comment period and a correction to FDIC's Agency Information Collection Activities notice that published in the **Federal Register** on September 14, 2022. This document updates expected respondent counts in the burden table labeled ''Summary of Estimated Annual Burdens (OMB 3064–0113).''

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of September 14, 2022, in 87 FR 56413, FR Doc 2022–19802, on pages 56413—56417, make the following changes:

1. On page 56413, in the third column, correct the **DATES** caption to read:

DATES: Comments for information collection 3064–0113 (External Audits) must be submitted on or before October 28, 2022.

Comments for information collection 3064–0092 (Community Reinvestment Act) and information collection 3064–0174 (Funding and Liquidity Risk Management) must be submitted on or before October 14, 2022.

2. Starting on page 56415, extending across three columns, correct the table labeled ''Summary of Estimated Annual Burdens (OMB 3064–0113)'' to read:

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0113)

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
FDIC-Supervised Institutions With $10 billion or More in Consolidated Total Assets					
1. Annual Report (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	63	1	150:00	9,450
2. Annual Report (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	63	1	150:00	9,450
3. Audit Committee Composition (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	63	1	03:00	189
4. Audit Committee Composition (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	63	1	03:00	189
5. Filing of Other Reports (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	63	1	00:08	8
6. Filing of Other Reports (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	63	1	00:08	8
7. Notice of Change in Accountants (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	16	1	00:15	4
8. Notice of Change in Accountants (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	16	1	00:15	4
FDIC-Supervised Institutions With $3 Billion to Less Than $10 Billion in Consolidated Total Assets					
9. Annual Report (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	131	1	125:00	16,375
10. Annual Report (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	131	1	125:00	16,375
11. Audit Committee Composition (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	131	1	03:00	393
12. Audit Committee Composition (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	131	1	03:00	393
13. Filing of Other Reports (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	131	1	00:08	17
14. Filing of Other Reports (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	131	1	00:08	17
15. Notice of Change in Accountants (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	33	1	00:15	8
16. Notice of Change in Accountants (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	33	1	00:15	8
FDIC-Supervised Institutions With $1 Billion to Less Than $3 Billion in Consolidated Total Assets					
17. Annual Report (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	346	1	100:00	34,600
18. Annual Report (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	346	1	100:00	34,600
19. Audit Committee Composition (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	346	1	02:00	692
20. Audit Committee Composition (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	346	1	02:00	692
21. Filing of Other Reports (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	346	1	00:08	46
22. Filing of Other Reports (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	346	1	00:08	46
23. Notice of Change in Accountants (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	87	1	00:15	22

SUMMARY OF ESTIMATED ANNUAL BURDEN (OMB NO. 3064–0113)—Continued

Information collection (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
24. Notice of Change in Accountants (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	87	1	00:15	22
FDIC-Supervised Institutions With $500 Million to Less Than $1 Billion in Consolidated Total Assets					
25. Annual Report (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	476	1	12:30	5,950
26. Annual Report (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	476	1	12:30	5,950
27. Audit Committee Composition (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	476	1	01:00	476
28. Audit Committee Composition (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	476	1	01:00	476
29. Filing of Other Reports (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	476	1	00:08	63
30. Filing of Other Reports (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	476	1	00:08	63
31. Notice of Change in Accountants (Recordkeeping), 12 CFR 363 (Mandatory).	Recordkeeping (Annual)	119	1	00:15	30
32. Notice of Change in Accountants (Reporting), 12 CFR 363 (Mandatory).	Reporting (Annual)	119	1	00:15	30
FDIC-Supervised Institutions With Less Than $500 Million in Consolidated Total Assets					
33. Filing of Other Reports (Recordkeeping), 12 CFR 363 (Voluntary).	Recordkeeping (Annual)	2,090	1	00:15	523
34. Filing of Other Reports (Reporting), 12 CFR 363 (Voluntary).	Reporting (Annual)	2,090	2	00:15	1,045
Total Annual Burden (Hours):	.....	.....	.....	.....	138,214

SOURCE: FDIC.

Note: The annual burden estimate for a given collection is calculated in two steps. First, the total number of annual responses is calculated as the whole number closest to the product of the annual number of respondents and the annual number of responses per respondent. Then, the total number of annual responses is multiplied by the time per response and rounded to the nearest hour to obtain the estimated annual burden for that collection. This rounding ensures the annual burden hours in the table are consistent with the values recorded in the OMB's regulatory tracking system.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on September 22, 2022.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–20923 Filed 9–27–22; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012307–005.

Agreement Name: Maersk/APL Slot Exchange Agreement.

Parties: Maersk A/S and American President Lines, LLC.

Filing Party: Wayne Rohde, Cozen O'Connor.

Synopsis: The amendment deletes APL Co. Pte. Ltd as a party, updates the address of American President Lines, LLC, revises the amount of space to be chartered, and updates the contact information for the parties.

Proposed Effective Date: 11/6/2022.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/176.

Dated: September 23, 2022.

William Cody,

Secretary.

[FR Doc. 2022–21026 Filed 9–27–22; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MARITIME COMMISSION

Notice of Intent To Terminate

The Commission gives notice that it intends to terminate the following agreement pursuant to 46 CFR 501.17(h)(2) thirty days from publication of this notice.

Agreement No.: 011890.

Agreement Name: SCM Lines Ltd./Seaboard Marine Ltd. Space Charter Agreement.

Reason for termination: SCM Lines Ltd. no longer registered Vessel Operating Common Carrier.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/495.

Dated: September 23, 2022.

William Cody,

Secretary.

[FR Doc. 2022–21027 Filed 9–27–22; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 13, 2022.

A. Federal Reserve Bank of San Francisco (Mongkha Pavlick, Group Vice President, Formation + Transactions) 101 Market Street, San Francisco, California 94105–1579:

1. *Carol K. Lawson and William J. Lawson, both of Spokane, Washington;* to acquire additional voting shares of RiverBank Holding Company, and thereby indirectly acquire voting shares of RiverBank, both of Spokane, Washington.

Board of Governors of the Federal Reserve System.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2022–20976 Filed 9–27–22; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2022–04; Docket No. 2022–0002; Sequence No. 7]

Federal Travel Regulation (FTR); Marking, Redacting, and Segregating Information When Reporting Travel Data

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

ACTION: Notice of GSA Bulletin FTR 23–02, marking, redacting, and segregating information when reporting travel data.

SUMMARY: GSA Bulletin FTR 23–02 clarifies the Freedom of Information Act (FOIA) requirement of Federal agencies to reasonably segregate (*i.e.,* withhold) and release (*i.e.,* disclose) only non-exempt information when reporting on the use of first class and business class transportation accommodations. Further, this bulletin advises that GSA posts first class and business class data reported to it to GSA's FOIA electronic reading room. Therefore, agencies along with their legal counsel must review their data for proper release determinations prior to reporting required data to GSA so as to ensure that protected information is not posted publicly.

DATES: *Applicable:* September 28, 2022.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. LaMan Dantzler, Office of Government-wide Policy, Office of Asset and Transportation Management, at *travelpolicy@gsa.gov.* Please cite Notice of GSA Bulletin FTR 23–02.

SUPPLEMENTAL INFORMATION: FTR §§ 300–70.100 through 103 establish the requirements for agencies to report annually on the use of first class and business class transportation by Government travelers on official business. FTR § 300–70.103 specifies that agencies are required to submit protected data in the aggregate (*i.e.,* compiled). Pursuant to 5 U.S.C. 552(a)(2), GSA makes Government travel reports publicly available on its FOIA electronic reading room, which is accessible online at *https://www.gsa.gov/reference/freedom-of-information-act-foia/electronic-reading-room.*

GSA Bulletin FTR 23–02 can be viewed in its entirety at *https://www.gsa.gov/ftrbulletins.*

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2022–20971 Filed 9–27–22; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2022–10; Docket No. 2022–0002; Sequence No. 22]

Federal Advisory Committee Act (FACA); Database Cost Reporting

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

ACTION: Notice of FMR Bulletin 2022–F1, database cost reporting.

SUMMARY: FMR Bulletin 2022–F1. This bulletin clarifies, highlights, and reminds agencies of the importance of accurately reporting the cost of federal advisory committees to Congress and the public. It also adds the requirement to include financial reporting instructions in agency administrative procedures. This requirement will result in greater assurance that data reported in the FACA database is consistent with agencies' actual costs, and Congress will have greater assurance that it can rely on these data to inform decisions about funding for FACA committees.

DATES: *Applicable:* September 28, 2022.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Ms. Lorelei Kowalski, Director of the Committee Management Secretariat, Office of Government-wide Policy by email at *Lorelei.kowalski@gsa.gov.* Please cite Notice of FMR Bulletin 2022–F1.

SUPPLEMENTARY INFORMATION: The Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2, requires that:

- Each agency keep records of advisory committee funds that can be audited by the Comptroller General (§ 12(a))
- Congress and the public to be kept informed with respect to the cost of advisory committees (§ 2(b)(5))
- The GSA Administrator institute an annual comprehensive review (ACR) of the activities and responsibilities of advisory committees (§ 7(b))
- Each agency head must establish uniform administrative guidelines and management controls for the advisory committees established by that agency (§ 8(a))

During a recent evaluation of 11 selected committees covered under the Federal Advisory Committee Act (FACA) that serve the Departments of Commerce, Health and Human Services, and the Treasury, the Government Accountability Office determined that approximately 29 percent of selected committees' cost data reported in the GSA FACA database were inconsistent

with the corresponding cost data held in agency records. FMR bulletin 2022–F1 clarifies the procedures and requirements for reporting agency cost data to Congress and the public, to improve the quality of data reporting from agencies.

FMR Bulletin 2022–F1 can be viewed in its entirety at *https://www.google.com/url?q=https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-management/advice-and-guidance.*

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2022–20972 Filed 9–27–22; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP); Notice of Charter Renewal

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of charter renewal.

SUMMARY: This gives notice under the Federal Advisory Committee Act of October 6, 1972, that the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP), Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period through September 18, 2024.

FOR FURTHER INFORMATION CONTACT: Gladys G. Lewellen, M.B.A., M.P.A., Designated Federal Officer, CDC, 1600 Clifton Road NE, Mailstop TW–2, Atlanta, Georgia 30329–4027; Telephone: (770) 488–4786; email: *GLewellen@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. 2022–20924 Filed 9–27–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Office of Early Childhood Development, Administration for Children and Families, Department of Health and Human Services (HHS).

ACTION: Notice; Delegations of Authority.

SUMMARY: The Administration for Children and Families (ACF) has redelegated the authorities for the Preschool Development Grants Birth Through Five (PDG B–5) and Tribal Maternal Infant and Early Childhood Home Visiting (MIECHV) Program from the Office of Child Care to the Office of Early Childhood Development.

FOR FURTHER INFORMATION CONTACT: Melissa Lim Brodowski, Deputy Director, Office of Early Childhood Development, 330 C Street SW, Washington, DC 20201, 202–401–9335.

SUPPLEMENTARY INFORMATION: I. By this notice, I rescind certain previously delegated authorities to the Director, Office of Child Care, and delegate authorities to the Deputy Assistant Secretary for Early Childhood Development.

Authorities delegated:

The authority delegated to me by the Secretary of the Department of Health and Human Services to administer the provisions of the PDG B–5, authorized by Section 9212 of the Every Student Succeeds Act, 42 U.S.C. 9831 note, now and hereafter for the life of the program. I also rescind the delegation to the Director, Office of Child Care.

Section 9212 of Every Student Succeeds Act, 42 U.S.C. 9831 note, authorizes the Secretary of the Department of Health and Human Services to award initial and renewal grants to eligible entities for the purpose of carrying out the requirements of PDG B–5 grant program. This includes administering the grants funded under this program, as well as administrative services and contracts related to technical assistance to support the program. The initial PDG B–5 grants were designed to facilitate collaboration and coordination among existing programs within the state's early childhood care and education system. The PDG B–5 Renewal Grant Initiative will fund states to enhance, expand, and/or build upon activities described in their initial grant.

The authority delegated to me by the Secretary of the Department of Health and Human Services regarding implementation of the Tribal Maternal, Infant, and Early Childhood Home Visiting Program (Tribal MIECHV), authorized and funded by Section 511 of Title V of the Social Security Act, now and hereafter for the duration of the agreement with the Health Resources and Services Administration (HRSA) to administer the program. I also rescind the delegation to the Director, Office of Child Care, for the administration of the Tribal MIECHV grants.

Since FY 2010, HRSA and ACF have collaborated on the administration of the MIECHV program, which includes a set aside for the tribal home visiting program. Funding is provided by HRSA to ACF for administrative services and contracts related to research, evaluation, and associated technical assistance through an Intra-agency Agreement mechanism and for tribal grant program and technical assistance through an Intra-Departmental Delegation of Authority. The Office of Early Childhood Development manages the Tribal MIECHV grants and programmatic technical assistance for the grant program (listed below).

Tribal MIECHV Grants—Grants awarded on a competitive basis to eligible Indian tribes (including consortia of tribes), tribal organizations, and/or urban Indian organizations to enable the entities to deliver services under early childhood home visiting programs to at-risk families to improve the child and family outcomes listed above.

Contracts for Technical Assistance—Contracts to provide technical assistance to tribal entities administering home visiting programs, including support needed to collect MIECHV benchmark data, conduct evaluation and continuous quality improvement activities, and implement programs.

Tribal MIECHV Grantee Meeting—Contracts to support the planning and implementation of the Tribal MIECHV grantee meeting. This includes logistical support and coordination of meeting content.

II. *Continuation of Policy.* Except as inconsistent with this redelegation, all

statements of policy and interpretations with respect to organizational components affected by this notice within ACF, heretofore issued and in effect on this date of this redelegation are continued in full force and effect.

III. *Delegation of Authority.* All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this redelegation.

IV. *Funds, Personnel, and Equipment.* Transfer of organizations and functions affected by this redelegation shall be accompanied in each instance by direct and support funds, positions, personnel, records, equipment, supplies, and other resources.

This redelegation of authority supersedes all previous delegations for the PDG B–5 Program and Tribal MIECHV Program. This redelegation will be effective upon date of signature.

January Contreras,

Assistant Secretary for Children and Families.

[FR Doc. 2022–20967 Filed 9–27–22; 8:45 am]

BILLING CODE 4184–43–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Child Welfare Study To Enhance Equity With Data (New Collection)

AGENCY: Office of Planning, Research, and Evaluation; Administration for Children and Families; Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Planning, Research, and Evaluation (OPRE) within the Administration for Children and Families (ACF) is proposing a new information collection for the Child Welfare Study to Enhance Equity with Data (CW–SEED). The project aims to understand how and to what extent data are used to explore equity in service delivery and child and family outcomes, to identify barriers or problematic data practices, and to explore efforts by child welfare agencies and their partners to use data to reduce barriers across the continuum of child welfare services.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act (PRA) 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: CW–SEED will conduct qualitative case studies to describe the experiences of up to six state, local, and/or tribal child welfare agencies and their partners collecting and using data to advance equity in service delivery and child and family outcomes. The case studies will document promising data practices and the potential challenges to implementing them. Each case study will include two components (1) collection and review of site-specific documents and other relevant information, and (2) in-person site visits to collect detailed qualitative data and any additional documentation the sites can provide. This information collection aims to present an internally valid description of the experiences of the sites, not to promote statistical generalization to different sites.

Respondents: Child welfare agency leaders, managers or supervisors of direct service workers, direct service workers, and staff who work with the agency's data systems and/or conduct research; partner agency and community organization leaders, managers or supervisors of direct service workers, direct service workers, and staff who work with the organization's data systems and/or conduct research; and, members of advisory groups that work with child welfare agencies, partner agencies, or community organizations.

Annual Burden Estimates

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Instrument 1: Interview topic guide	180	1	2	360	180
Instrument 2: Child welfare agency advisory focus group guide	42	1	1.5	63	32
Instrument 3: Partner agency and community organization advisory focus group guide	18	1	1.5	27	14
Instrument 4: Demonstration guide	12	1	1	12	6

Estimated Total Annual Burden Hours: 232.

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: Social Security Act 426 [42 U.S.C. 626].

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–20951 Filed 9–27–22; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Building Evidence on Employment Strategies (BEES) (OMB #0970–0537)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF), of the U.S. Department of Health and Human Services (HHS), is proposing to extend data collection activity for BEES. We are not proposing any changes to the currently approved materials. Data collected is being used to estimate the effects of the participating programs on employment, earnings, and other key outcomes for the purpose of assessing the effectiveness of the program.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *OPREinfocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The purpose of BEES is to evaluate the effectiveness of a range of programs designed to improve employment and earnings outcomes for individuals with low incomes. More specifically, BEES is primarily evaluating programs that serve adults whose employment prospects have been affected by Substance Use Disorder (SUD) and mental health conditions. This is being accomplished through impact and implementation studies. When possible, a randomized control trial research design is being used for the impact evaluations. This request for an extension is to complete the following data collection activities: baseline, updated contact information, and follow up surveys for the impact studies; an online staff survey; and qualitative interviews with program participants and staff. In addition to collecting these data, the BEES project will continue to maintain consent forms for the collection of administrative data. Data collected is being used to estimate the effects of the participating programs on employment, earnings, and other key outcomes.

Respondents: The respondents in this extension will include individuals who will enroll in BEES and complete the baseline survey during this period. All study participants will be fielded the follow up survey. We will also conduct qualitative interviews with program staff and participants in the participating sites 1–2 times. Lastly, program staff will be asked to complete a web-based survey.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Burden for previously approved, ongoing data collection					
Attachment D1–D5. Baseline information form for participants	3,000	1	0.25	750	250
Attachment E. Contact Update Letter and Form	4,300	1	0.1	429	143
Attachment F. Program managers, staff, and partner interview guide—SUD Programs	80	2	1.5	360	120
Attachment G. Program managers, staff, and partner interview guide—Whole Family Approach Programs	20	2	1.5	45	15
Attachment K–1. 12-month Follow-Up Participant Interview	4300	1	0.5	2149.5	717
Attachment L. Program Managers, Staff, and Partners Interview Guide	200	2	1.5	300	99
Attachment M. Participant Case Study Interview Guide	84	1	1.5	126	42
Attachment N. Program Staff Case Study Interview Guide	84	1	1	84	28
Attachment O. Program Staff Survey	300	1	0.5	150	50

Estimated Total Annual Burden Hours: 1,464.

Authority: Section 413 of the Social Security Act as amended by the FY 2017 Consolidated Appropriations Act, 2017 (Pub. L. 115–31).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–20995 Filed 9–27–22; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Human Trafficking Youth Prevention Education Demonstration Grant Program Process Evaluation (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 Children and Families (ACF), U.S. Department of Health and Human Services (HHS), in collaboration with the Office on Trafficking in Persons (OTIP), is proposing a new data collection activity for the Human Trafficking Youth Prevention Education (HTYPE) Demonstration Grant Program Process Evaluation. The process evaluation will explore whether the program is being implemented as intended, describe the successes and barriers that have been encountered, and highlight the changes that may be needed to support program implementation.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act (PRA) of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The goal of the HTYPE Demonstration Grant Program is to support local educational agencies (LEA) to partner with a nonprofit or Non-Governmental Organization to build the capacity of schools to provide skills-based human trafficking prevention education for educators, other staff, and students, and to establish a Human Trafficking School Safety Protocol (HTSSP) that addresses the safety, security, and well-being of staff and students. Eight HTYPE Demonstration Program project grants were awarded in September 2020, with a period of performance of 36 months.

The purpose of the proposed information collection is to investigate and document how HTYPE projects approach and accomplish the goals of the HTYPE Demonstration Grant Program, inform ACF's efforts to support human trafficking prevention education in schools, and inform future evaluation efforts.

The proposed information collection activities include:

(1) One-time, semi-structured interviews or focus groups with trained LEA staff and implementers at select schools from each grant recipient site. Interviews/focus groups will include questions focused on implementation models, participant and implementer engagement, and implementation facilitators and barriers.

(2) One-time, semi-structured interviews with school staff related to the process and implementation of the HTSSP at select schools from each grant recipient site.

(3) One-time web survey with school administrators, which will include questions focused on school context and engagement, training mandates, implementation models, and implementation facilitators and barriers.

(4) One-time web survey with school staff tasked with implementing the HTYPE curriculum, which will include questions focused on educator training, student curriculum implementation models and quality, participant and implementer engagement, and implementation facilitators and barriers.

Respondents: LEA staff who have been involved in the HTYPE demonstration programs, including school leadership/administrators, curriculum implementers, and staff who have received human trafficking training.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total/annual burden (in hours)
HTYPE Training Implementation Interview/Focus Group Guide	192	1	1.5	288
HTYPE HTSSP Walk-Through Guide	24	1	.75	18
HTYPE School Administrator Survey	321	1	.25	80
HTYPE Implementer Survey	1437	1	.25	359

Estimated Total Annual Burden Hours: 745.

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: Section 105(d)(2) of the Trafficking Victims Protection Act (TVPA) of 2000 (Pub. L. 106–386) 105 [22 U.S.C. 7103]

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–20939 Filed 9–27–22; 8:45 am]

BILLING CODE 4184–47–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–1914]

Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a correction to the notice of meeting of the Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee. This meeting was announced in the **Federal Register** of September 2, 2022. The correction is being made to reflect a change to the sponsor's name. There are no other changes.

FOR FURTHER INFORMATION CONTACT: James Swink, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5211, Silver Spring, MD 20993–0002, 301–796–6313, *James.Swink@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). Please call the Information Line for up-to-date information on this meeting.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 2, 2022 (87 FR 54221), FDA announced that a meeting of the Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee would be held on October 20, 2022. On page 54222, in the second column, in the *Agenda* portion of the document, the second sentence ''On October 20, 2022, the committee will discuss, make recommendations, and vote on clinical information related to the *De Novo* request for the AvertD Test sponsored by SolvD, Inc.'' is changed to read as follows: ''On October 20, 2022, the committee will discuss, make recommendations, and vote on clinical information related to the *De Novo* request for the AvertD Test sponsored by SOLVD Health.''

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to the advisory committees.

Dated: September 22, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20985 Filed 9–27–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–2186]

Request for Nominations on the Tobacco Products Scientific Advisory Committee—Small Business Pool

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is requesting that any small business tobacco manufacturing industry organizations interested in participating in the selection of a nonvoting industry representative to serve on the Tobacco Products Scientific Advisory Committee for the Center for Tobacco Products notify FDA in writing. FDA is also requesting nominations for nonvoting industry representatives to be included in a pool of individuals to represent the interests of the small business tobacco manufacturing industry on the Tobacco Products Scientific Advisory Committee. A nominee may either be self-nominated or nominated by an organization to serve as a nonvoting industry representative. This position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee. Nominations will be accepted for current vacancies effective with this notice.

DATES: Any small business tobacco manufacturing industry organization interested in participating in the selection of appropriate nonvoting members to represent industry interests must send a letter stating that interest to the FDA by October 28, 2022 (see sections I and II of this document for further details). Concurrently, nomination materials for prospective candidates should be sent to *FDA by October 28, 2022.

ADDRESSES: All statements of interest from small business tobacco manufacturing industry organizations interested in participating in the selection process of nonvoting industry representative nominations should be sent to Serina Hunter-Thomas (see **FOR FURTHER INFORMATION CONTACT**). All nominations for nonvoting industry representatives may be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm.* Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's website: *https://www.fda.gov/AdvisoryCommittees/default.htm.*

FOR FURTHER INFORMATION CONTACT: Serina Hunter-Thomas, Office of Science, Center for Tobacco Products, Food and Drug Administration, Center for Tobacco Products Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002,1–877–287–1373 (choose Option 5), or by email: *TPSAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency intends to add nonvoting industry representative(s) to the following advisory committee:

I. Tobacco Products Scientific Advisory Committee

The Tobacco Products Scientific Advisory Committee (the Committee) advises the Commissioner of FDA (the Commissioner) or designee in discharging responsibilities related to the regulation of tobacco products. The Committee reviews and evaluates safety, dependence, and health issues relating to tobacco products and provides appropriate advice, information, and recommendations to the Commissioner.

The Committee includes three nonvoting members who represent industry interests. These members include one representative of the interests of the tobacco manufacturing industry, one representative of the interests of tobacco growers, and one representative of the interests of the small business tobacco manufacturing industry, which may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee.

With this notice, nominations are sought for the following positions: a pool of individuals, with varying areas of expertise, to represent the interests of the small business tobacco manufacturing industry on a rotating, sequential basis.

II. Selection Procedure

Any industry organization interested in participating in the selection of an appropriate nonvoting member to represent industry interests should send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a

letter to each organization that has expressed an interest, attaching a complete list of all such organizations and a list of all nominees along with their current resumes. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate, within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for the committee. The interested organizations are not bound by the list of nominees in selecting a candidate. However, if no individual is selected within 60 days, the Commissioner will select the nonvoting member to represent industry interests.

III. Application Procedure

Individuals may self-nominate and/or an organization may nominate one or more individuals to serve as a nonvoting industry representative. Contact information, a current curriculum vitae, and the name of the committee of interest should be sent to the FDA Advisory Committee Membership Nomination Portal (see **ADDRESSES**) within 30 days of publication of this document (see **DATES**). FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process.)

FDA seeks to include the views of women, and men, members of all racial and ethnic groups and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified candidates from these groups.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: September 21, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20990 Filed 9–27–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–2059]

Providing Over-the-Counter Monograph Submissions in Electronic Format; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Providing Over-the-Counter Monograph Submissions in Electronic Format.'' This guidance provides information on providing electronic submissions to FDA under the Federal Food, Drug, and Cosmetic Act (FD&C Act).

DATES: Submit either electronic or written comments on the draft guidance by November 28, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–D–2059 for ''Providing Over-the-Counter Monograph Submissions in Electronic Format.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–

0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Trang Tran, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–7945.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Providing Over-the-Counter Monograph Submissions in Electronic Format.'' This guidance provides information on providing electronic submissions to FDA under section 505G of the FD&C Act (21 U.S.C. 355h) (hereafter referred to as over-the-counter (OTC) monograph submissions). This guidance is intended to assist submitters by describing the electronic OTC monograph submissions requirement in section 505G(j) of the FD&C Act and providing recommendations and other information on how to send such OTC monograph submissions to FDA in electronic format.

Section 505G of the FD&C Act was added by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116–136, which was enacted on March 27, 2020. Section 505G(j) of the FD&C Act requires that all OTC monograph submissions must be in electronic format. As required by section 505G(l)(3) of the FD&C Act, this draft guidance, when finalized, specifies the format of electronic submissions under section 505G of the FD&C Act.

In support of the CARES Act, FDA agreed to specific performance goals and procedures described in the document entitled ''Over-the-Counter Monograph User Fee Program Performance Goals and Procedures—Fiscal Years 2018–2022,'' commonly referred to as the OMUFA commitment letter (the document can be accessed at *https://www.fda.gov/media/106407/download* and the document with updated goal dates for fiscal years 2021 to 2025 can be accessed at *https://www.fda.gov/media/146283/download*). In the OMUFA commitment letter, FDA committed to issuing this draft guidance under specific timelines.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Providing Over-the-Counter Monograph Submissions in Electronic Format.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

Under section 505G(o) of the FD&C Act, the Paperwork Reduction Act of 1995 does not apply to collections of information made under section 505G of the FD&C Act. This guidance is being issued to implement the provisions of section 505G(l)(3) of the FD&C Act, which specifies the format of electronic submissions to FDA under section 505G of the FD&C Act. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents, or https://www.regulations.gov*.

Dated: September 23, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–21007 Filed 9–27–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–D–0987]

Policy for Coronavirus Disease—2019 Tests During the Public Health Emergency (Revised); Immediately in Effect Guidance for Commercial Manufacturers and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance document related to the Coronavirus Disease 2019 (COVID–19) public health emergency (PHE) entitled ''Policy for Coronavirus Disease—2019 Tests During the Public Health Emergency (Revised).'' FDA is issuing this guidance to provide FDA's revised enforcement policies and review priorities regarding certain novel coronavirus (COVID–19) tests for the duration of the public health emergency. Rapid detection of COVID–19 cases in the United States requires wide availability of testing to control the spread of this highly contagious infection. This document supersedes ''Policy for Coronavirus Disease—2019 Tests During the Public Health Emergency (Revised)'' issued November 15, 2021. The guidance identified in this notice addresses issues related to the COVID–19 PHE and has been issued in accordance with the expedited process FDA announced in the **Federal Register** of March 25, 2020, for making available to the public COVID–19-related guidances. This guidance has been implemented without prior comment, but it remains subject to comment in accordance with the Agency's good guidance practices.

DATES: The announcement of the guidance is published in the **Federal Register** on September 28, 2022.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–D–0987 for ''Policy for Coronavirus Disease—2019 Tests During the Public Health Emergency (Revised).'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see § 10.115(g)(5) (21 CFR 10.115(g)(5))).

Submit written requests for a single hard copy of the guidance document entitled ''Policy for Coronavirus Disease—2019 Tests During the Public Health Emergency (Revised)'' to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Toby Lowe, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3416, Silver Spring, MD 20993–0002, 301–796–6512.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a final guidance entitled ''Policy for Coronavirus Disease—2019 Tests During the Public Health Emergency (Revised),'' which supersedes the guidance of the same title issued November 15, 2021. FDA is issuing this guidance to provide FDA's updated enforcement policies and review priorities regarding certain novel coronavirus (COVID–19) tests for the duration of the public health emergency. Rapid detection of COVID–19 cases in the United States requires wide availability of testing to control the spread of this highly contagious infection.

Under section 564 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360bbb–3), the FDA Commissioner may authorize the use of unapproved medical products, or unapproved uses of approved medical products, in certain emergency circumstances, after the HHS Secretary has made a declaration of emergency or threat justifying authorization of emergency use, to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by chemical, biological, radiological, and nuclear threat agents when certain criteria are met (emergency use authorization (EUA)). As of August 15, 2022, FDA has authorized under EUA more than 439 tests for COVID–19, including more than 354 diagnostic and 85 serology or other immune response tests. Further, two molecular diagnostic COVID–19 tests have been granted marketing authorization through the traditional device premarket review pathways.

In the context of a public health emergency involving pandemic infectious disease, it is critically important that tests are validated because false results not only can negatively impact the individual patient but also can have a broad public health impact. False positive results for diagnostic tests, for example, can lead to unnecessary quarantine and potential further spread when presumed positive individuals are quarantined together, wasted contact tracing and testing resources, and delay in accurate diagnosis and appropriate treatment for the individual. False negative results can lead to lack of appropriate treatment for the individual and further spread of the disease.

FDA has continued to closely monitor the COVID–19 testing landscape and believes it is appropriate to update its policies to reflect the current needs of the pandemic. As explained throughout this updated guidance, FDA intends to review the EUA requests for a smaller subset of tests. Traditional marketing pathways remain available to all developers and FDA encourages developers of tests that fall outside the scope of the priorities outlined in this updated guidance to pursue those routes. In sum, FDA has revised this guidance to update the types of COVID–19 tests for which the Agency intends to review EUA requests, to discuss the use of the traditional premarket review pathways for other types of COVID–19 tests for which the Agency does not intend to review EUA requests, and to make minor updates to the enforcement policies.

On January 31, 2020, as a result of confirmed cases of COVID–19, and after consultation with public health officials as necessary, the Secretary of Health and Human Services (HHS), pursuant to the authority under section 319 of the Public Health Service Act (42 U.S.C. 247d), determined that a PHE exists and has existed since January 27, 2020, nationwide.[1] On March 13, 2020, there was a Presidential declaration that the COVID–19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020.[2]

[1] Secretary of Health and Human Services, ''Determination that a Public Health Emergency Exists'' (originally issued on January 31, 2020, and subsequently renewed), available at: *https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx*.

[2] Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak (March 13, 2020), available at: *https://trumpwhitehouse.archives.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-*

In the **Federal Register** of March 25, 2020 (85 FR 16949) (the March 25, 2020, notice) (available at *https://www.govinfo.gov/content/pkg/FR-2020-03-25/pdf/2020-06222.pdf*), FDA announced various procedures for making available FDA guidances related to the COVID–19 PHE. The March 25, 2020, notice stated that due to the need to act quickly and efficiently to respond to the COVID–19 PHE and to allow FDA to rapidly disseminate Agency recommendations and policies related to COVID–19 to industry, FDA staff, and other stakeholders, prior public participation would not be feasible or appropriate before FDA implemented COVID–19-related guidances. FDA will continue to issue COVID–19-related guidances for immediate implementation without prior public comment (see section 701(h)(1)(C) of the FD&C Act (21 U.S.C. 371(h)(1)(C)) and § 10.115(g)(2)). The guidances are available on FDA's web pages entitled ''COVID–19-Related Guidance Documents for Industry, FDA Staff, and Other Stakeholders'' (available at *https://www.fda.gov/emergency-preparedness-and-response/mcm-issues/covid-19-related-guidance-documents-industry-fda-staff-and-other-stakeholders*) and ''Search for FDA Guidance Documents'' (available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents*.) Although this guidance has been implemented immediately without prior comment, FDA will consider all comments received and revise the guidance as appropriate (see § 10.115(g)(3)).

This guidance is being issued consistent with FDA's good guidance practices regulation (§ 10.115). The guidance represents the current thinking of FDA. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved FDA collections of information. These collections of information are subject to review by OMB under the Paperwork Reduction Act of 1995 (PRA). The collections of information in the following FDA regulations and guidances have been approved by OMB as listed in the table below. This guidance also contains a new collection of information not approved under a current collection. The new collection of information has been granted a public health emergency (PHE) waiver from the PRA by the Department of Health and Human Services (HHS) on March 19, 2020, under section 319(f) of the PHS Act. Information concerning the PHE PRA waiver can be found on the HHS website at *https://aspe.hhs.gov/public-health-emergency-declaration-pra-waivers*.

21 CFR part or guidance	Topic	OMB control No.	New collection covered by PHE PRA waiver
Emergency Use Authorization of Medical Products and Related Authorities; Guidance for Industry and Other Stakeholders.	Emergency Use Authorization	0910–0595	
''Administrative Procedures for CLIA Categorization; Guidance for Industry and Food and Drug Administration Staff'' and ''Recommendations for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver Applications for Manufacturers of In Vitro Diagnostic Devices; Guidance for Industry and Food and Drug Administration Staff''.	Administrative Procedures for Clinical Laboratory Improvement Amendments of 1988 Categorization.	0910–0607	
803	Medical devices; medical device reporting; manufacturer reporting, importer reporting, user facility reporting, distributor reporting.	0910–0437	
807, subpart E	Premarket notification	0910–0120	
814, subparts A through E	Premarket approval	0910–0231	
860, subpart D	De Novo classification process	0910–0844	
''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program''.	Q-submissions; pre-submissions	0910–0756	
			Voluntary templates to facilitate the preparation and submission of an Emergency Use Authorization request for various types of COVID–19 tests.

III. Electronic Access

Persons with access to the internet may obtain the guidance at:

- FDA web page entitled ''Guidance Documents (Medical Devices and Radiation-Emitting Products)'' available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products*;
- FDA web page entitled ''COVID–19-Related Guidance Documents for Industry, FDA Staff, and Other Stakeholders,'' available at *https://www.fda.gov/emergency-preparedness-and-response/mcm-issues/covid-19-*

disease-covid-19-outbreak/. On February 24, 2021, there was a Presidential Declaration continuing the national emergency concerning the COVID–19 pandemic beyond March 1, 2021. See Continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID–19) Pandemic (February 24, 2021), available at *https://www.federalregister.gov/documents/2021/02/26/2021-04173/continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic*.

related-guidance-documents-industry-fda-staff-and-other-stakeholders;

- FDA web page entitled ''Search for FDA Guidance Documents'' available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents*; or
- *https://www.regulations.gov*.

Dated: September 21, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20828 Filed 9–27–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA), Center for Biologics Evaluation and Research (CBER), Office of Tissues and Advanced Therapies (OTAT) has modified its organizational structures.

DATES: These new organizational structures were approved by the Secretary of Health and Human Services on August 8, 2022, and effective on September 16, 2022.

FOR FURTHER INFORMATION CONTACT: Yashika Rahaman, Director, Office of Planning, Evaluation and Risk Management, Office of Finance, Budget, Acquisitions and Planning, FDA, 4041 Powder Mill Road, Beltsville, MD, 20705–4304, 301–796–3843.

SUPPLEMENTARY INFORMATION:

I. Introduction

Part D, Chapter D–B, (Food and Drug Administration), the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, 60 FR 56606, November 9, 1995, 64 FR 36361, July 6, 1999, 72 FR 50112, August 30, 2007, 74 FR 41713, August 18, 2009, 76 FR 45270, July 28, 2011, and 84 FR 22854, May 20, 2019) is revised to reflect the Food and Drug Administration's reorganization of CBER, Office of Tissues and Advanced Therapies (OTAT).

CBER's mission is to protect and enhance public health through the regulation of biological and related products including blood, vaccines, allergenics, tissues, and cellular and gene therapies. With substantial growth in innovative, novel products, as well as a need to address an ever-changing landscape of potential public health threats, CBER is currently facing scientific, medical, and regulatory challenges that require changes to its structure.

Utilizing key tenets of CBER's modernization efforts, CBER will retitle OTAT to the Office of Therapeutic Products (OTP) and elevate OTP to a Super Office to manage its program at a macro level and to better position the Center to address an everchanging public health landscape. With the current and anticipated increase in workloads, the proposed structural changes will improve functional alignment, increase review capabilities, and enhance expertise on new cell and gene therapies. Additional supervisory positions will not only help to address this increased workload but will also provide advancement opportunities to facilitate recruitment and retention of highly qualified staff. The proposal creates flexibility and capacity for future growth in Full-Time Employees (FTEs) and workload, avoiding the need for continual reorganizations. The reorganization will position OTP to focus on commitments, including those negotiated with industry in the prescription drug user fee agreement (PDUFA) for FY 2023–2027, and other key priorities that protect public health. To advance the field and support the next generation of cell and gene therapies, OTP will continue to see growth in the Regenerative Medicine Advanced Therapy (RMAT) program, established in the 21st Century Cures Act.

The Food and Drug Administration's Center for Biologics Evaluation and Research, Office of Tissues and Advanced Therapies, has been restructured as follows:

DCB. ORGANIZATION. The Center for Biologics Evaluation and Research is headed by the Center Director, Center for Biologics Evaluation and Research.

Center for Biologics Evaluation and Research (DCB)

Office of Therapeutic Products (DCBG)
Administrative Staff (DCBG1)
Policy and Special Projects Staff (DCBG2)
Office of Gene Therapy CMC (DCBGF)
Division of Gene Therapy I (DCBGFA)
Gene Therapy Branch 1 (DCBGFA1)
Gene Therapy Branch 2 (DCBGFA2)
Gene Therapy Branch 3 (DCBGFA3)
Division of Gene Therapy II (DCBGFB)
Gene Transfer and Immunogenicity Branch (DCBGFB1)
Gene Therapy Branch 4 (DCBGFB2)
Gene Therapy Branch 5 (DCBGFB3)
Office of Cellular Therapy and Human Tissues CMC (DCBGG)
Division of Cell Therapy I (DCBGGA)
Cell Therapy Branch 1 (DCBGGA1)
Cell Therapy Branch 2 (DCBGGA2)
Cellular and Tissue Therapy Branch (DCBGGA3)
Division of Cell Therapy II (DCBGGB)
Tissue Engineering Branch 1 (DCBGGB1)
Tissue Engineering Branch 2 (DCBGGB2)
Tumor Vaccine and Biotechnology Branch (DCBGGB3)
Division of Human Tissues (DCBGGC)
Human Tissues and Reproduction Staff (DCBGGC1)
Office of Plasma Protein Therapeutics CMC (DCBGH)
Division of Hemostasis (DCBGHA)
Hemostasis Branch 1 (DCBGHA1)
Hemostasis Branch 2 (DCBGHA2)
Division of Plasma Derivatives (DCBGHB)
Plasma Derivatives Branch 1 (DCBGHB1)
Plasma Derivatives Branch 2 (DCBGHB2)
Office of Clinical Evaluation (DCBGI)
Division of Clinical Evaluation General Medicine (DCBGIA)
General Medicine Branch 1 (DCBGIA1)
General Medicine Branch 2 (DCBGIA2)
General Medicine Branch 3 (DCBGIA3)
General Medicine Branch 4 (DCBGIA4)
Division of Clinical Evaluation Oncology (DCBGIB)
Oncology Branch 1 (DCBGIB1)
Oncology Branch 2 (DCBGIB2)
Division of Clinical Evaluation Hematology (DCBGIC)
Benign Hematology Branch (DCBGIC1)
Malignant Hematology Branch (DCBGIC2)
Office of Pharmacology/Toxicology (DCBGJ)
Division of Pharmacology/Toxicology I (DCBGJA)
Pharmacology/Toxicology Branch 1 (DCBGJA1)
Pharmacology/Toxicology Branch 3 (DCBGJA2)
Division of Pharmacology/Toxicology II (DCBGJB)
Pharmacology/Toxicology Branch 2 (DCBGJB1)
Pharmacology/Toxicology Branch 4 (DCBGJB2)
Office of Review Management and Regulatory Review (DCBGK)
Division of Review Management and Regulatory Review I (DCBGKA)
Regulatory Review Branch 1 (DCBGKA1)
Review Management Support Branch 1 (DCBGKA2)
Division of Review Management and Regulatory Review II (DCBGKB)

Regulatory Review Branch 2 (DCBGKB1)
Review Management Support Branch 2 (DCBGKB2)

II. Delegations of Authority

Pending further delegation, directives, or orders by the Commissioner of Food and Drugs, all delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

III. Electronic Access

This reorganization is reflected in FDA's Staff Manual Guide (SMG). Persons interested in seeing the complete Staff Manual Guide can find it on FDA's website at: *https://www.fda.gov/AboutFDA/ReportsManualsForms/StaffManualGuides/default.htm.*

(Authority: 44 U.S.C. 3101)

Dated: September 23, 2022.

Xavier Becerra,

Secretary of Health and Human Services.

[FR Doc. 2022–20997 Filed 9–27–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Office of Regulatory Affairs, Food and Drug Administration, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Office of Regulatory Affairs (ORA), Headquarters (HQ) and Field Offices (RFO) have modified its structure.

DATES: This new organizational structure was approved by the Deputy Secretary of Health and Human Services on December 22, 2021, and became effective on February 9, 2022.

FOR FURTHER INFORMATION CONTACT: Glenda Barfell, Associate Commissioner for Regulatory Management Operations, Office of Regulatory Management Operations, Office of Regulatory Affairs, Food and Drug Administration, Element Building, Room 2002, 12420 Parklawn Drive, Rockville, MD 20857, Phone: 240–402–7562.

SUPPLEMENTARY INFORMATION: Part D, Chapter D–B, (Food and Drug Administration), the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, 60 FR 56606, November 9, 1995, 64 FR 36361, July 6, 1999, 72 FR 50112, August 30, 2007, 74 FR 41713, August 18, 2009, 76 FR 45270, July 28, 2011, and 84 FR 22854, May 20, 2019) is amended to reflect the reorganization of the Office of Regulatory Affairs Headquarters Offices and Field Offices.

This reorganization is a continuation of the Program Alignment (PA) reorganization completed in 2017 to enhance organizational efficiencies identified after PA. The objective is to improve the Office of Regulatory Affairs (ORA) core functions, correct and enhance the structure with effective use of resources, and carry out the mission of protecting consumers by ensuring compliance of FDA-regulated products. As industry rapidly changes, the FDA must continue to evolve to ensure that public health is not negatively impacted by gaps in inspections and investigations of regulated firms.

The Food and Drug Administration, Office of Regulatory Affairs (ORA), has been restructured as follows:

DCI. ORGANIZATION. The Office of Regulatory Affairs is headed by the Associate Commissioner for Regulatory Affairs and includes the following organizational units:

Office of Regulatory Affairs (DCI)
Office of the Associate Commissioner for Regulatory Affairs (DCIA)
Data Analytics and Program Evaluation Staff (DCIA1)
Office of Regulatory Management Operations (DCIB)
Management Liaison Staff (DCIB1)
Office of Budget, Facilities, and Travel Support (DCIBB)
Division of Financial Operations (DCIBBA)
Budget Execution Branch (DCIBBA1)
Budget Formulation Branch (DCIBBA2)
Funds Control and Policy Branch (DCIBBA3)
Work Planning Branch (DCIBBA4)
Division of Facilities and Property Management (DCIBBBB)
Laboratory Support Branch (DCIBBBB1)
Real Property Management Branch East (DCIBBB2)
Real Property Management Branch West (DCIBBB3)
Fleet and Personal Property Management Branch (DCIBBB4)
Division of Contracts and Grants (DCIBBC)
State Contracts and Agreements Branch (DCIBBC1)
Scientific Contracts and Agreements Branch (DCIBBC2)
Operational Contracts and Agreements Branch (DCIBBC3)
Division of Travel Operations (DCIBBD)
Domestic Travel Branch (DCIBBD1)
Medical Products Travel Branch (DCIBBD2)
Human and Animal Food Travel Branch (DCIBBD3)
Travel Compliance Branch (DCIBBD4)
Office of Workforce Management (DCIBC)
Executive and Scientific Recruitment Staff (DCIBC1)
Division of Human Capital Staffing Services (DCIBCA)
Talent Acquisitions Branch 1 (DCIBCA1)
Talent Acquisitions Branch 2 (DCIBCA2)
Talent Acquisitions Branch 3 (DCIBCA3)
Talent Acquisitions Branch 4 (DCIBCA4)
Talent Acquisitions Branch 5 (DCIBCA5)
Special Hiring Branch (DCIBCA6)
Classification and Reorganization Branch (DCIBCA7)
Division of Human Capital Programs (DCIBCB)
Performance Management Branch (DCIBCB1)
Employee Engagement Branch (DCIBCB2)
Management Analysis Branch (DCIBCB3)
Office of Training, Education and Development (DCIBF)
Quality and Records Management Staff (DCIBF1)
Division of Programmatic Training (DCIBFA)
Programmatic Training Branch 1 (DCIBFA1)
Programmatic Training Branch 2 (DCIBFA2)
Division of Multi-Program, Leadership and Management Training (DCIBFB)
Multi-Program Leadership and Management Branch (DCIBFB1)
Leadership, Management, and Mentoring Training Branch (DCIBFB2)
Division of Instructional Systems and Technology (DCIBFC)
Instructional Systems Branch (DCIBFC1)
Learning Management Technology and Multimedia Branch (DCIBFC2)
Division of Testing, Measurement, Certification, and Program Analysis (DCIBFD)
Test, Measurement, and Analysis Branch (DCIBFD1)
Certification Branch (DCIBFD2)
Office of Criminal Investigations (DCIC)
Metro Washington Field Office (DCICA)
Philadelphia Resident Unit (DCICA1)
Chicago Field Office (DCICB)
New York Field Office (DCICC)

Boston, MA Resident Unit (DCICC1)
Los Angeles Field Office (DCICD)
San Francisco, CA Resident Unit (DCICD1)
Miami Field Office (DCICE)
San Juan, PR Resident Unit (DCICE1)
Atlanta, GA Resident Unit (DCICE2)
New Orleans, LA Resident Unit (DCICE3)
Kansas City Field Office (DCICF)
Dallas, TX Resident Unit (DCICF1)
Office of Communications and Project Management (DCID)
Executive Secretariat Staff (DCID2)
Division of Communications (DCIDA)
Public Affairs Branch (DCIDA1)
Web and Digital Media Branch (DCIDA2)
Strategic Communications Branch (DCIDA3)
Division of Project Management (DCIDB)
Project Management Resource Branch (DCIDB1)
Project Management Branch 1 (DCIDB1)
Project Management Branch 2 (DCIDB2)
Office of Human and Animal Food Operations (DCIE)
Audit Staff (DCIE1)
Office of State Cooperative Programs (DCIEA)
Division of Retail Food Protection (DCIEAA)
Retail Food Protection Branch 1 (DCIEAA1)
Retail Food Protection Branch 2 (DCIEAA2)
Retail Food Protection Branch 3 (DCIEAA3)
Division of Milk Safety (DCIEAB)
Milk Safety Branch 1 (DCIEAB1)
Milk Safety Branch 2 (DCIEAB2)
Milk Safety Branch 3 (DCIEAB3)
Division of Shellfish Sanitation (DCIEAC)
Shellfish Sanitation Branch 1 (DCIEAC1)
Shellfish Sanitation Branch 2 (DCIEAC2)
Office of Human and Animal Food Operations East (DCIEB)
Division of Foreign Human and Animal Food Operations (DCIEBA)
Foreign Human and Animal Food Inspections Branch 1 (DCIEBA)
Foreign Human and Animal Food Inspections Branch 2 (DCIEBA2)
Foreign Human and Animal Food Operations Branch (DCIEBA3)
Foreign Human and Animal Food Inspections Planning Branch (DCIEBA4)
Division of Human and Animal Food Operations East I (DCIEBB)
Human and Animal Food Investigations Branch (DCIEBB1)
Human and Animal Food Compliance Branch (DCIEBB2)
Division of Human and Animal Food Operations East II (DCIEBC)
Human and Animal Food Investigations Branch (DCIEBC1)
Human and Animal Food Compliance Branch (DCIEBC2)
Division of Human and Animal Food Operations East III (DCIEBD)
Human and Animal Food Investigations Branch (DCIEBD1)
Human and Animal Food Compliance Branch (DCIEBD2)
Division of Human and Animal Food Operations East IV (DCIEBE)
Human and Animal Food Investigations Branch (DCIEBE1)
Human and Animal Food Compliance Branch (DCIEBE2)
Division of Human and Animal Food Operations East V (DCIEBF)
Human and Animal Food Investigations Branch 1 (DCIEBF1)
Human and Animal Food Investigations Branch 2 (DCIEBF2)
Human and Animal Food Compliance Branch (DCIEBF3)
Division of Human and Animal Food Operations East VI (DCIEBG)
Human and Animal Food Investigations Branch (DCIEBG1)
Human and Animal Food Compliance Branch (DCIEBG2)
Office of Human and Animal Food Operations West (DCIEC)
Division of Domestic Human and Animal Food Operations (DCIECA)
Domestic Human and Animal Food Operations Branch (DCIECA1)
Domestic Produce Safety Branch 1 (DCIECA2)
Domestic Produce Safety Branch 2 (DCIECA3)
Division of Human and Animal Food Operations West I (DCIECB)
Human and Animal Food Investigations Branch (DCIECB1)
Human and Animal Food Compliance Branch (DCIECB2)
Division of Human and Animal Food Operations West II (DCIECC)
Human and Animal Food Investigations Branch (DCIECC1)
Human and Animal Food Compliance Branch (DCIECC2)
Division of Human and Animal Food Operations West III (DCIECD)
Human and Animal Food Investigations Branch (DCIECD1)
Human and Animal Food Compliance Branch (DCIECD2)
Division of Human and Animal Food Operations West IV (DCIECE)
Human and Animal Food Investigations Branch (DCIECE1)
Human and Animal Food Compliance Branch (DCIECE2)
Division of Human and Animal Food Operations West V (DCIECF)
Human and Animal Food Investigations Branch 1 (DCIECF1)
Human and Animal Food Investigations Branch 2 (DCIECF2)
Human and Animal Food Compliance Branch (DCIECF3)
Division of Human and Animal Food Operations West VI (DCIECG)
Human and Animal Food Investigations Branch (DCIECG1)
Human and Animal Food Compliance Branch (DCIECG2)
Office of Regulatory Science (DCIF)
Informatics and Business Operations Staff (DCIF1)
Office of Research, Coordination, Evaluation, and Training (DCIFA)
Scientific Research Staff (DCIFA1)
Evaluation Staff (DCIFA2)
Office of Medical Products and Specialty Laboratory Operations (DCIFB)
Medical Products and Tobacco Scientific Staff (DCIFB1)
Forensic Chemistry Center (DCIFBA)
Inorganic Branch (DCIFBA1)
Organic Branch (DCIFBA2)
Satellite Laboratory Branch (DCIFBA3)
Winchester Engineering and Analytical Center (DCIFBB)
Analytical Branch (DCIFBB1)
Engineering Branch (DCIFBB2)
Detroit Medical Products Laboratory (DCIFBC)
New York Medical Products Laboratory (DCIFBD)
Irvine Medical Products Laboratory (DCIFBE)
Philadelphia Medical Products Laboratory (DCIFBF)
San Juan Medical Products Laboratory (DCIFBG)
Tobacco Products Laboratory (DCIFBH)
Office of Human and Animal Foods Laboratory Operations (DCIFC)
Human and Animal Food Scientific Staff (DCIFC1)
Arkansas Human and Animal Food Laboratory (DCIFCA)
Chemistry Branch 1 (DCIFCA1)
Chemistry Branch 2 (DCIFCA2)
Microbiology Branch (DCIFCA3)
Denver Human and Animal Food Laboratory (DCIFCB)
Chemistry Branch (DCIFCB1)
Microbiology Branch (DCIFCB2)
Kansas City Human and Animal Food Laboratory (DCIFCC)
Chemistry Branch 1 (DCIFCC1)
Chemistry Branch 2 (DCIFCC2)
New York Human and Animal Food Laboratory (DCIFCD)
Chemistry Branch (DCIFCD1)
Microbiological Sciences Branch (DCIFCD2)
Seattle Human and Animal Food Laboratory (DCIFCE)
Chemistry Branch (DCIFCE1)
Microbiology Branch (DCIFCE2)
Applied Technology Branch (DCIFCE3)
San Francisco Human and Animal Food Laboratory (DCIFCF)
Chemistry Branch (DCIFCF1)

Microbiology Branch (DCIFCF2)
Atlanta Human and Animal Food Laboratory (DCIFCG)
Chemistry Branch (DCIFCG1)
Microbiology Branch (DCIFCG2)
Nutrient Analysis Branch (DCIFCG3)
Irvine Human and Animal Food Laboratory (DCIFCH)
Chemistry Branch (DCIFCH1)
Microbiology Branch (DCIFCH2)
Office of Safety (DCIFD)
Office of Medical Products and Tobacco Operations (DCIG)
Tobacco Operations Staff (DCIG1)
Office of Bioresearch Monitoring Operations (DCIGA)
Bioresearch Monitoring Operations Staff (DCIGA1)
Operations Staff (DCIGA2)
Bioresearch Monitoring Dedicated Foreign Cadre Staff (DCIGA3)
Division of Bioresearch Monitoring Operations I (DCIGAA)
Division of Bioresearch Monitoring Operations II (DCIGAB)
Office of Pharmaceutical Quality Operations (DCIGB)
Division of Pharmaceutical Quality Program (DCIGBA)
Pharmaceutical Quality Initiatives Branch (DCIGBA1)
Pharmaceutical Quality Programs Branch (DCIGBA2)
Division of Foreign Pharmaceutical Quality Inspections (DCIGBB)
Foreign Pharmaceutical Quality Inspection Branch I (DCIGBB1)
Foreign Pharmaceutical Quality Inspection Branch II (DCIGBB2)
Division of Pharmaceutical Quality Operations I (DCIGBC)
Pharmaceutical Quality Investigations Branch I (DCIGBC1)
Pharmaceutical Quality Investigations Branch II (DCIGBC2)
Pharmaceutical Quality Compliance Branch (DCIGBC3)
Division of Pharmaceutical Quality Operations II (DCIGBD)
Pharmaceutical Quality Investigations Branch (DCIGBD1)
Pharmaceutical Quality Compliance Branch (DCIGBD2)
Division of Pharmaceutical Quality Operations III (DCIGBE)
Pharmaceutical Quality Investigations Branch (DCIGBE1)
Pharmaceutical Quality Compliance Branch (DCIGBE2)
Division of Pharmaceutical Quality Operations IV (DCIGBF)
Pharmaceutical Quality Investigations Branch (DCIGBF1)
Pharmaceutical Quality Compliance Branch (DCIGBF2)
Office of Biological Product Operations (DCIGC)
Biological Products Operations Staff (DCIGC1)
Division of Biological Product Operations I (DCIGCA)
Biological Products Investigations Branch (DCIGCA1)
Biological Products Compliance Branch (DCIGCA2)
Biological Products Inspection Staff (DCIGCA3)
Division of Biological Product Operations II (DCIGCB)
Biological Products Investigations Branch (DCIGCB1)
Biological Products Compliance Branch (DCIGCB2)
Biological Products Inspection Staff (DCIGCB3)
Office of Medical Devices and Radiological Health Operations (DCIGD)
Medical Devices and Radiological Health Operations Staff (DCIGD1)
Foreign Medical Devices and Radiological Health Inspection Staff (DCIGD2)
Division of Medical Devices and Radiological Health Operations I (DCIGDA)
Medical Devices and Radiological Health Investigations Branch (DCIGDA1)
Medical Devices and Radiological Health Compliance Branch (DCIGDA2)
Division of Medical Devices and Radiological Health Operations II (DCIGDB)
Medical Devices and Radiological Health Investigations Branch (DCIGDB1)
Medical Devices and Radiological Health Compliance Branch (DCIGDB2)
Division of Medical Devices and Radiological Health Operations III (DCIGDC)
Medical Devices and Radiological Health Investigations Branch (DCIGDC1)
Medical Devices and Radiological Health Compliance Branch (DCIGDC2)
Office of Partnerships and Operational Policy (DCIH)
Office of Partnerships (DCIHB)
Division of Partnership Investigations and Agreements (DCIHBA)
Human and Animal Food Branch (DCIHBA1)
Laboratory, Medical Products, and Innovation Branch (DCIHBA2)
Division of Integration (DCIHBB)
Division of Standards Implementation (DCIHBC)
Division of Information Disclosure Policy (DCIHBD)
Freedom of Information Act Branch 1 (DCIHBD1)
Freedom of Information Act Branch 2 (DCIHBD2)
Disclosure Policy Branch (DCIHBD3)
Produce Branch (DCIHBBD4)
Office of Policy, Compliance, and Enforcement (DCIHE)
Division of Operational Policy (DCIHEA)
Human and Animal Food Policy Branch (DCIHEA1)
Medical Products and Tobacco Policy Branch (DCIHEA2)
Imports Policy Branch (DCIHEA3)
Division of Planning and Evaluation (DCIHEB)
Division of Enforcement (DCIHEC)
Recall Operations Branch (DCIHEC1)
Health Fraud Branch (DCIHEC2)
Office of Strategic Planning and Quality Management (DCIHF)
Strategic Planning Staff (DCIHF1)
Division of Quality Management Systems (DCIHFA)
Office of Import Operations (DCII)
Division of Food Defense Targeting (DCIIB)
Division of Import Operations (DCIIC)
Import Operations Branch (DCIIC1)
Import Compliance Branch (DCIIC2)
Division of Analysis and Program Evaluation (DCIID)
Program Development Branch (DCIID1)
Import Technical Assistance Branch (DCIID2)
Division of Southwest Imports (DCIIE)
Southwest Import Investigations Branch (DCIIE1)
Southwest Import Compliance Branch (DCIIE2)
Division of Southeast Imports (DCIIF)
Southeast Import Investigations Branch I (DCIIF1)
Southeast Import Investigations Branch II (DCIIF2)
Southeast Import Compliance Branch (DCIIF3)
Division of Northeast Imports (DCIIG)
Northeast Import Investigations Branch (DCIIG1)
Northeast Import Compliance Branch (DCIIG2)
Division of Northern Border Imports (DCIIH)
Northern Boarder Import Investigations Branch I (DCIIH1)
Northern Boarder Import Investigations Branch II (DCIIH2)
Northern Boarder Import Compliance Branch (DCIIH3)
Division of West Coast Imports (DCIII)
West Coast Import Investigations Branch (DCIII1)
West Coast Import Compliance Branch (DCIII2)
Division of Planning and Public Response (DCIIJ)
Office of Information Systems Management (DCIJ)
Division of Enforcement Systems Solutions (DCIJA)
Enforcement Systems Branch (DCIJA1)

Enforcement Data Management Branch (DCIJA2)
Division of Import Systems Solutions (DCIJB)
Import Systems Branch (DCIJB1)
Import Data Management Branch (DCIJB2)
Division of Information Technology Planning and Management Services (DCIJC)
Solutions Planning Branch (DCIJC1)
Information Technology Management and Governance Services Branch (DCIJC2)

Delegations of Authority

Pending further delegation, directives, or orders by the Commissioner of Food and Drugs, all delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations, provided they are consistent with this reorganization.

Electronic Access

This reorganization is reflected in FDA's Staff Manual Guide (SMG). Persons interested in seeing the complete Staff Manual Guide can find it on FDA's website at: *http://www.fda.gov/AboutFDA/ReportsManualsForms/StaffManualGuides/default.htm.*

(Authority: 44 U.S.C. 3101)

Dated: September 23, 2022.

Xavier Becerra,

Secretary of Health and Human Services.

[FR Doc. 2022–20996 Filed 9–27–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–6569]

Clinical Decision Support Software; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled ''Clinical Decision Support Software.'' This final guidance provides clarity on FDA's oversight of clinical decision support (CDS) software intended for health care professionals with the purpose of describing FDA's regulatory approach to CDS software functions. This guidance clarifies the types of CDS functions that do not meet the definition of a device as amended by the 21st Century Cures Act (Cures Act).

DATES: The announcement of the guidance is published in the **Federal Register** on September 28, 2022.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. [FDA–2017–D–6569] for ''Clinical Decision Support Software; Guidance for Industry and Food and Drug Administration Staff.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Clinical Decision Support Software; Guidance for Industry and Food and Drug Administration Staff'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire

Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Brendan O'Leary, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5530, Silver Spring, MD 20993–0002, 301–796–6898; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240–402–7911 or Kristina Lauritsen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6162, Silver Spring, MD 20993–0002, 301–796–8936.

SUPPLEMENTARY INFORMATION:

I. Background

FDA has long regulated software that meets the definition of a device in section 201(h) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 321(h)), including software that is intended to provide decision support to health care professionals, patients, or caregivers for the diagnosis, treatment, prevention, cure, or mitigation of diseases or other conditions (often referred to as CDS software). Section 3060(a) of the Cures Act, enacted on December 13, 2016 (Pub. L. 114–255), amended section 520 of the FD&C Act (21 U.S.C. 360j) to exclude certain medical software functions, including certain decision support software, from the definition of device under section 201(h) of the FD&C Act.

This guidance describes CDS software functions that do not meet the definition of a device in the context of and based on the criteria from section 520(o) of the FD&C Act. This guidance also further clarifies that FDA's existing digital health policies continue to apply to software functions that meet the definition of a device, including those that are intended for use by patients or caregivers. For example, some decision support software functions may be identified in other guidance documents as software functions for which, based on our current understanding of the risks of these software functions, FDA does not intend at this time to enforce compliance with applicable device requirements of the FD&C Act, including, but not limited to, premarket clearance and approval requirements.

A notice of availability of the draft guidance appeared in the **Federal Register** of September 27, 2019 (84 FR 51167). FDA considered comments received and revised the guidance as appropriate in response to the comments. In this final guidance, FDA provides clarification on the terminology of ''Clinical Decision Support'' and focuses solely on the criteria for Non-Device CDS. In response to comments received, the final guidance no longer contains complementary information from the International Medical Device Regulators Forum risk categories, and the guidance provides additional explanation for how a software function, regardless of its complexity, can be intended for the purpose of enabling a healthcare professional to independently review the basis for the software function's recommendations, such that the recommendations are not primarily relied upon by the healthcare professional.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on Clinical Decision Support Software. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov, https://www.fda.gov/regulatory-information/search-fda-guidance-documents, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances,* or *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs.* Persons unable to download an electronic copy of ''Clinical Decision Support Software; Guidance for Industry and Food and Drug Administration Staff'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1400062 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulations, guidance, and forms have been approved by OMB as listed in the following:

21 CFR part; guidance; or FDA form	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Device Exemption	0910–0332
812	Investigational Device Exemption	0910–0078
''De Novo Classification Process (Evaluation of Automatic Class III Designation)''.	De Novo classification process	0910–0844
800, 801, and 809	Medical Device Labeling Regulations	0910–0485
314	Applications for FDA Approval to Market a New Drug	0910–0001
601; Form FDA 356h	Biologics License; Application to Market a New Drug or Abbreviated New Drug or Biologic for Human Use—Form FDA 356h.	0910–0338

Dated: September 22, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–20993 Filed 9–27–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–4040–0010]

Agency Information Collection Request; 60-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 November 28, 2022.

ADDRESSES: Submit your comments to *sagal.musa@hhs.gov* or by calling (202) 205–2634.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 4040–0010–60D and project title for reference, to Sagal Musa, email: *sagal.musa@hhs.gov,* or call (202) 205–2634 the Reports Clearance Officer.

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: Project/Performance Site Location(s), Project Abstract, and Key Contacts forms.

Type of Collection: Renewal.

OMB No. 4040–0010.

Abstract: The Project/Performance Site Location(s), Project Abstract, and Key Contacts forms provide the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use Project/Performance Site Location(s), Project Abstract, and Key Contacts forms for grant programs not required to collect all the data that is required on the SF–424 core data set and form.

Type of respondent: Project/Performance Site Location(s), Project Abstract, and Key Contacts forms are used by organizations to apply for Federal financial assistance in the form of grants. This form is submitted to the Federal grant-making agencies for evaluation and review.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Project/Performance Site Location(s)	Grant Applicants	127,281	1	1	127,281
Project Abstract	Grant Applicants	230	1	1	230
Key Contacts	Grant Applicants	4,566	1	1	4,566
Total		132,077	1	1	132,077

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–21013 Filed 9–27–22; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Instrumentation and Systems Development Study Section, October 4, 2022, 6:30 a.m. to October 5, 6:00 p.m., Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814, which was published in the **Federal Register** on September 07, 2022, 87 FR 54706, Doc 2022–19211. This meeting is being amended to change the start time from 6:30 a.m. to 8:00 a.m. and the name of the hotel from the Doubletree Hotel Bethesda to The Bethesdan Hotel, Tapestry Collection by Hilton. The address remains unchanged. The meeting is closed to the public.

Dated: September 22, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20929 Filed 9–27–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; 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 Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA NRSA Institutional Research Training Centers (T32/T35) Review Panel.

Date: October 6, 2022.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2116, MSC 6902, Bethesda, MD 20892, (301) 443–0800, *bbuzas@mail.nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Special Emphasis Panel—Member Conflict applications.

Date: November 4, 2022.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700B Rockledge Drive, Room 2114, MSC 6902, Bethesda, MD 20892, (301) 451–2067, *srinivar@mail.nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Special Emphasis Panel for Member Conflict Applications.

Date: November 18, 2022.

Time: 11:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 6700B Rockledge Drive, Room 2114, MSC 6902, Bethesda, MD 20892, (301) 451–2067, *srinivar@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: September 22, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20932 Filed 9–27–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational 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 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 Center for Advancing Translational Sciences Special Emphasis Panel; Topic 20—Development of Remote Rare Disease Patient Care Environment through Immersive Virtual Reality.

Date: October 27, 2022.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rahat (Rani) Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20892, (301) 594–7319, *khanr2@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 22, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20931 Filed 9–27–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Motor Function, Speech and Rehabilitation Study Section, October 17, 2022, 9:00 a.m. to October 18, 2022, 8:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on September 07, 2022, 87 FR 54706, Doc 2022–19210. This meeting is being amended to change the Contact Person from Biao Tian to Stephanie Nagle-Emmens, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD., 301–594–6604. The meeting is closed to the public.

Dated: September 22, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–20930 Filed 9–27–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2270]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before December 27, 2022.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2270, to Rick Sacbibit, Chief, Engineering Services

Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Winneshiek County, Iowa and Incorporated Areas Project: 17–07–0397S Preliminary Date: January 15, 2019	
City of Calmar	City Hall, 101 South Washington Street, Calmar, IA 52132.
City of Decorah	City Hall, 400 Claiborne Drive, Decorah, IA 52101.
City of Fort Atkinson	City Hall, 98 Elm Street, Fort Atkinson, IA 52144.
City of Jackson Junction	City Hall, 1201 County Road V68, Jackson Junction, IA 52171.
City of Ossian	City Hall, 123 West Main Street, Ossian, IA 52161.
City of Spillville	City Hall, 438 South Main Street, Spillville, IA 52168.
Unincorporated Areas of Winneshiek County	Winneshiek County Courthouse, 201 West Main Street, Decorah, IA 52101.

[FR Doc. 2022–20987 Filed 9–27–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of February 9, 2023 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance

eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Hampshire County, Massachusetts (All Jurisdictions) Docket Nos.: FEMA–B–1962, B–2053, B–2157	
Town of Amherst	Town Hall, Planning Department, 4 Boltwood Avenue, Amherst, MA 01002.
Prince George County, Virginia (All Jurisdictions) Docket No.: FEMA–B–2160	
Unincorporated Areas of Prince George County	Prince George County Planning and Zoning Office, 6602 Courts Drive, 1st Floor, Prince George, VA 23875.

[FR Doc. 2022–20989 Filed 9–27–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7061–N–13]

60-Day Notice of Proposed Information Collection: ONAP Training and Technical Assistance Evaluation Form; OMB Control No.: 2577–0291

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, 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 28, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Leea J. Thornton, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, Room 3178, Washington, DC 20410; telephone 202–402–6455, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Leea Thornton.

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: ONAP Training and Technical Assistance Evaluation Form.

OMB Approval Number: 2577–0291.

Type of Request: Reinstatement without change.

Form Number: Form HUD–5879.

Description of the need for the information and proposed use: The Native American Housing Assistance and Self-Determination Act (NAHASDA) authorizes funding for the Indian Housing Block Grant (IHBG) program that supports the development, management, and operation of affordable homeownership and rental housing and other forms of housing assistance for low-income persons in Indian areas. Federally-recognized Native American tribes and Alaska Native villages, tribally-designated housing entities, and State-recognized tribes formerly eligible under the U.S. Housing Act of 1937 are eligible to receive IHBG funds.

HUD's Office of Native American Programs (ONAP) administers the IHBG program and offers contracted training and technical assistance to IHBG recipients on program requirements. ONAP's Notice of Funding Opportunity for training and technical assistance services includes the requirement for the contractor(s) to use an OMB-approved evaluation form at all ONAP-sponsored events. At the end of each training and technical assistance event, participants are invited to voluntarily complete the Training and Technical Assistance Evaluation Form (form HUD–5879) to assess training and technical assistance effectiveness and solicit ideas for improvement. Form HUD–5879 is a two-page survey instrument and does not collect any personally identifiable information, including a participant's name.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD–5879	40	200	8,000	.2	1,600	$36	$57,600
Total	40	200	8,000	.2	1,600	36	57,600

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.

Laura Miller-Pittman,

Chief, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2022–20961 Filed 9–27–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6349–N–01]

Waivers and Alternative Requirements for Community Development Block Grant Disaster Recovery (CDBG–DR) Grantees

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice governs Community Development Block Grant disaster recovery (CDBG–DR) funds awarded under the appropriations acts identified in the Table of Contents. Specifically, this notice provides waivers and establishes alternative requirements for certain CDBG–DR grantees that have submitted waiver requests for grants provided under the public laws cited in this notice.

DATES: *Applicability Date:* October 3, 2022.

FOR FURTHER INFORMATION CONTACT: Jessie Handforth Kome, Director, Office of Block Grant Assistance, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 7282, Washington, DC 20410, telephone number 202–708–3587. Individuals can dial 7–1–1 to access the Telecommunications Relay Service (TRS), which permits users to make text-based calls, including Text Telephone (TTY) and Speech to Speech (STS) calls. Individuals who require an alternative aid or service to communicate effectively with HUD should email the point of contact listed below and provide a brief description of their preferred method of communication. Facsimile inquiries may be sent to Ms. Kome at 202–708–0033. (Except for the ''800'' number, these telephone numbers are not toll-free.) Email inquiries may be sent to *disaster_recovery@hud.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Authority to Grant Waivers
II. Public Law 115–56 and 115–123 Waivers and Alternative Requirements

I. Authority To Grant Waivers

Each of the appropriations acts cited in the Table of Contents authorize the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or use by the recipient of grant funds, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment. HUD may also exercise its regulatory waiver authority under 24 CFR 5.110, 91.600, and 570.5.

All waivers and alternative requirements authorized in this notice are based upon a determination by the Secretary that good cause exists, and that the waiver or alternative requirement is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) (HCDA). The good cause for each waiver and alternative requirement is summarized in this notice.

II. Public Law 115–56 and 115–123 Waivers and Alternative Requirements

II.A. Waiver and Alternative Requirements Related to Tourism Marketing (U.S. Virgin Islands Only)

On August 14, 2018, HUD published a **Federal Register** notice (the ''August 2018 Notice'') that granted the U.S. Virgin Islands (''USVI'') a waiver and alternative requirements related to tourism and marketing activities (83 FR 40314, 40322). USVI submitted a request to continue the tourism and marketing activities described in these previously granted waiver and alternative requirements until December 15, 2022. The previously granted waiver and alternative requirements expired May 19, 2022. Based on the good cause summarized below, HUD is granting the waiver and alternative requirements described in this section of this notice until December 15, 2022.

The cap on the activity costs remains unchanged. The grantee can expend no more than $25,000,000 total on tourism and marketing activities authorized by this and previous waivers and alternative requirements.

In section IV.D.16. of the August 2018 Notice, the Department granted the USVI a waiver of 42 U.S.C. 5305(a) to the extent necessary to create a new eligible activity and use up to $5,000,000 of CDBG–DR funds to promote travel to disaster-impacted areas, which at the time was the amount included in the USVI's action plan and substantial amendments submitted to and approved by HUD. In section IV.5. of the **Federal Register** notice published on February 19, 2019 (84 FR 4836, 4845) (the ''February 2019 Notice''), the Department amended this waiver and alternative requirement to authorize the use of an additional $20,000,000 of the USVI's CDBG–DR funds for tourism and marketing activities. HUD required the waiver and alternative requirements to expire two years after the USVI's first draw of its CDBG–DR funds allocated in the **Federal Register** notice published on February 9, 2018. In section IV.C. of the **Federal Register** notice published on January 6, 2021 (86 FR 569, 575), HUD extended the waiver and alternative requirements, in accordance

with the August 2018 Notice and February 2019 Notice, as referenced above, for one year due to issues related to the Coronavirus Disease 2019 (COVID–19) pandemic. This one-year extension expired on May 19, 2022.

Tourism is a significant part of the USVI's economy and was severely impacted by Hurricanes Irma and Maria and further impacted by the COVID–19 pandemic. The expiration of the waiver and alternative requirements for tourism and marketing activities limits the ability of the USVI to use the CDBG–DR funds during its peak tourism season, interrupting economic development gains made by the USVI in its use of CDBG–DR funds for disaster recovery. As a result, the Secretary has determined that good cause exists to provide a replacement waiver and alternative requirements as requested. Accordingly, HUD hereby grants an additional waiver of 42 U.S.C. 5305(a) to the extent necessary to make eligible use of no more than $25,000,000 for assistance to promote the USVI in general and specific components of the islands, which amount shall include any funds expended in accordance with the waiver and alternative requirement in paragraph IV.D.16. of the August 2018 Notice, as amended, that expired May 19, 2022.

This additional waiver is subject to the following alternative requirements. The funding expended under this waiver and alternative requirement must be for assistance for tourism marketing, provided the assisted activities are designed to support tourism to the disaster-impacted areas related to the effects of Hurricanes Irma and Maria. Any CDBG–DR tourism expenditures may not supplant USVI or local government funds for tourism marketing. The USVI shall coordinate its tourism promotion and marketing activities with its designated Opportunity Zones. The grantee must use existing contracts already procured to carry out the activities allowed through this waiver and alternative requirement unless HUD approves the use of additional contracts in writing. Any additional procurement actions related to carrying out activities authorized by this waiver and alternative requirement must be submitted to HUD for approval to check for compliance with the waiver and alternative requirements provided herein. Additionally, no elected officials shall appear in tourism marketing materials financed with CDBG–DR funds. Given the importance of tourism to the overall economy, HUD is authorizing this use of funds without regard to unmet housing need. The waiver that expired May 19, 2022, required the grantee to develop metrics to demonstrate the impact of CDBG–DR expenditures on the tourism sector of the economy and to identify those metrics in the initial substantial amendment submitted. The metrics developed by the grantee also shall apply to the use of grant funds under this waiver and alternative requirement. HUD may further extend the waiver and alternative requirements administratively, if requested by the USVI and good cause for such an extension exists at that time.

In addition, although the grantee has not been authorized to draw grant funds for its tourism marketing activity since May 20, 2022, as of the applicability date of this notice, HUD is adopting a waiver and alternative requirement to modify 24 CFR 570.489(b) to the extent necessary to permit the grantee to reimburse its costs and the costs of its subrecipients from May 22, 2022 through the applicability date of this notice to the extent that they comply with the tourism and marketing waiver and alternative requirement authorized by this section II.A.

II.B. Extension of Waiver and Alternative Requirement Related to Rental Assistance to Tenants (Commonwealth of Puerto Rico Only)

The Commonwealth of Puerto Rico (Commonwealth) has submitted a request for an extension of HUD's previously granted waiver and alternative requirement authorizing the expansion of the definition of public service at 42 U.S.C. 5305(a)(8) to include the ''provision of rental assistance to disaster-impacted households for up to 24 months,'' subject to the 15 percent cap on public services and to revise the expiration date for the waiver and alternative requirement by one year. The previously granted waiver and alternative requirement expires September 30, 2022. While the Commonwealth requested an extension for 36 months, HUD has reviewed the good cause justification and consulted with the Office of Community Planning and Development's (CPD) partners in Public and Indian Housing (PIH) and determined that extending this waiver for 12 months would allow enough time for any chosen projects to transition to Project-based Vouchers (PBVs), as described below. Accordingly, HUD hereby grants an extension of the waiver and alternative requirement described in this notice and establishes a revised expiration date of September 30, 2023.

In section VI.4. of the **Federal Register** notice published on February 19, 2019 (84 FR 4836, 4845), the Department granted the Commonwealth a waiver of 42 U.S.C. 5305(a)(8) to include the following activity: provision of rental assistance to disaster-impacted households for up to 24 months, subject to the 15 percent cap on public services. The Department granted the original waiver for several reasons, including: to support the goal of preventing homelessness and minimizing the time that disaster-impacted households are experiencing homelessness by providing rental assistance and re-housing services, by linking disaster-impacted households with services that can help them become stable and self-sufficient, and to provide rental assistance to many elderly citizens that were at immediate risk of experiencing homelessness because they could not afford to pay rent without assistance. The one-year extension provided in this notice continues to advance these and other policies that were supported by the original waiver.

In addition, declining economic conditions in the Commonwealth and the sustained decrease of Puerto Rico Department of Housing's (PRDOH) Law 173 funding, both exacerbated by Hurricanes Irma and Maria, leave CDBG–DR as the only available funding source to provide interim rental assistance to these low- and moderate-income (LMI) elderly households. PRDOH's Law 173 Program subsidizes the rent of thousands of low-income elderly tenants in 49 housing facilities for people over the age of 60 throughout the Commonwealth. The Puerto Rico Public Housing Administration (PRPHA) has been in negotiations with PRDOH to provide PBVs to address the existing need for rental assistance. A one-year extension of the waiver and alternative requirements would meet this need temporarily to permit PRPHA and PRDOH to confirm and conclude the transaction for PBVs without displacing applicants or program participants.

Based on the good cause summarized above, the Secretary hereby extends the waiver and alternative requirements in the February 2019 Notice for tenant-based rental assistance until September 30, 2023, subject to the following additional alternative requirements. The Commonwealth shall limit the application intake to properties and applicants of existing cases under PRDOH's Law 173. All existing and new contracts or award agreements granted under the tenant-based rental assistance must provide the benefit for no more than the overall period of 36 months (including the 24 months granted in the

original waiver and the additional 12-month extension granted herein).

In no case shall the tenant-based rental assistance under this waiver and alternative requirements extend beyond the expiration date of the waiver, even if a beneficiary has not yet received 36 months of assistance. This waiver and the alternative requirements shall remain in effect until September 30, 2023, after which the Commonwealth will no longer be able to use CDBG–DR funds for any tenant-based rental assistance.

Adrianne Todman,

Deputy Secretary.

[FR Doc. 2022–21044 Filed 9–27–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1076–0141]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Water Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA), are proposing renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before October 28, 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 Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; or by email to *comments@bia.gov.* Please reference OMB Control Number 1076–0141 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Steven Mullen, Information Collection Clearance Officer, *comments@bia.gov,* (202) 924–2650. 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. 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.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on September 10, 2021 (86 FR 50737). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. 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; and

(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. 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 BIA owns, operates, and maintains irrigation projects that provide a service to the end user. To properly bill for the services provided, the BIA must collect customer information to identify the individual responsible for repaying the government the costs of delivering the service; determine eligibility for waiver of fees; and determine designation of irrigable lands as assessable or non-assessable. Additional information necessary for providing the service is the location of the service delivery and the number of serviced acres. The Debt Collection Improvement Act of 1996 (DCIA) requires that certain information be collected from individuals and businesses doing business with the government. This information includes the taxpayer identification number for possible future use to recover delinquent debt. To implement the DCIA requirement to collect customer information, the BIA has included a section concerning the collection of information in its regulations governing its irrigation projects (25 CFR 171).

Proposed Revisions

The proposed ''Agreement for the Carriage of Water'' (form number BIA–DWP–Irr–106) would allow BIA to determine whether BIA irrigation facility can support the third-party carriage or whether it is in the best interest of the BIA facility to convey our water through third-party facilities, under 25 CFR 171. 605.

Title of Collection: Water Request.

OMB Control Number: 1076–0141.

Form Number: BIA–DWP–Irr–101; BIA–DWP–Irr–102; BIA–DWP–Irr–103; BIA–DWP–Irr–104; BIA–DWP–Irr–105; BIA–DWP–Irr–106.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Respondents: 13,438.

Total Estimated Number of Annual Responses: 35,941.

Estimated Completion Time per Response: Varies from .2 to 6 hours.

Total Estimated Number of Annual Burden Hours: 17,981.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: $0.

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*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2022–21028 Filed 9–27–22; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1266]

Certain Wearable Electronic Devices With ECG Functionality and Components Thereof; Notice of a Commission Determination To Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding; Extension of the Target Date

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to review in part a final initial determination (''ID'') of the presiding administrative law judge (''ALJ''), finding a violation of section 337 as to two of the three asserted patents. The Commission requests written submissions from the parties on the issues under review and from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3042. 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: On May 26, 2021, the Commission instituted this investigation based on a complaint filed by AliveCor, Inc. of Mountain View, California (''AliveCor''). 86 FR 28382 (May 26, 2021). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wearable electronic devices with ECG functionality and components thereof by reason of infringement of one or more of claims 1–30 of U.S. Patent No. 10,595,731 (''the '731 patent''); claims 1–23 of U.S. Patent No. 10,638,941 (''the '941 patent''); and claims 1–4, 6–14, 16–20 of U.S. Patent No. 9,572,499 (''the '499 patent''). *Id.* The Commission's notice of investigation named Apple Inc. of Cupertino, California (''Apple'') as the sole respondent. The Office of Unfair Import Investigations (''OUII'') is named as a party in this investigation. *Id.*

On February 23, 2022, the ALJ issued an initial determination granting AliveCor's motion to terminate the investigation as to (1) claims 1–4, 6–14, and 18–20 of the '499 patent; (2) claims 2, 4, 6, 7, 11, 13, 14, and 17–30 of the '731 patent; and (3) claims 1–11, 14, 15, 17, and 18 of the '941 patent based upon withdrawal of allegations from the complaint as to those claims. Order No. 16 (Feb. 23, 2022), *unreviewed by* Notice (Mar. 18, 2022).

On June 27, 2022, the ALJ issued the final initial determination (''ID'') finding a violation of section 337 as to the '941 and '731 patents, and no violation of section 337 as to the '499 patent.[1] The ID found that the parties do not contest personal jurisdiction, and that the Commission has *in rem* jurisdiction over the accused products. ID at 18. The ID further found that the importation requirement under 19 U.S.C. 1337(a)(1)(B) is satisfied. *Id.* (citing CX–0904C (Apple stipulating that it imports the accused products into the United States)). Regarding the '941 patent, the ID found that AliveCor has proven infringement of the asserted claims, claims 12, 13, 19, and 20–23, and that Apple failed to show that any of the asserted claims are invalid. *Id.* at 30–45, 60–98. For the '731 patent, the ID found that AliveCor has proven infringement of the asserted claims, claims 1, 3, 5, 8–10, 12, 15, and 16, but that Apple has proven that claims 1, 8, 12, and 16 are invalid for obviousness. *Id.* at 105–108, 113–127. For the '499 patent, the ID found that AliveCor failed to prove infringement of the asserted claims, claims 16 and 17, and that claim 17 is invalid for lack of patentable subject matter under 35 U.S.C. 101. *Id.* at 129–138, 140–152. Finally, the ID found that AliveCor has proven the existence of a domestic industry that practices the asserted patents as required by 19 U.S.C. 1337(a)(2). *Id.* at 152–183. The ID included the ALJ's recommended determination on remedy and bonding (''RD''). The RD recommended that, should the Commission find a violation, issuance of a limited exclusion order and cease and desist orders would be appropriate. ID/RD at 190–193. The RD also recommended imposing no bond for covered products imported during the period of Presidential review. ID at 193–95.

On July 11, 2022, Apple filed a petition for review of the ID, and AliveCor filed a combined petition and contingent petition for review of the ID. On July 19, 2022, the private parties and OUII's investigative attorney filed responses to the petitions.

Having reviewed the record of the investigation, including the final ID, the parties' submissions to the ALJ, the petitions for review, and the responses thereto, the Commission has determined to review the ID in part. Specifically, the Commission has determined to review the final ID's invalidity findings, including patent eligibility under 35 U.S.C. 101 and obviousness under 35 U.S.C. 103, and the economic prong of the domestic industry requirement.

In connection with its review, the Commission requests responses from the parties to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

(1) Discuss whether the record evidence of ''industry praise'' and ''copying'' is sufficient to establish the requisite objective indicia of non-obviousness. *See Graham* v. *John Deere Co. of Kansas City,* 383 U.S. 1, 17–18 (1966).

(2) Please explain whether and how the Complainant's investments credited by the ID under subsection 337(a)(3)(B) are quantitatively and qualitatively significant.

(3) Please explain whether and how the Complainant's employment of labor in research and development in the exploitation of the patents under subsection 337(a)(3)(C) are quantitatively and qualitatively substantial. Please state whether the R&D contract labor amount credited by the ID under subsection 337(a)(3)(C) includes foreign contract labor and, if

[1] The ALJ issued a corrected final ID on July 26, 2022, correcting the table of contents.

so, please quantify such included amounts.

(4) What is the factual and legal basis for crediting Complainant's investments in the KBP and PRD products toward satisfaction of the domestic industry requirement under subsection (C)?

The parties are invited to brief only these discrete questions. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation. In particular, the Commission requests that the parties, interested government agencies, and interested persons respond to the following:

(1) Please provide information and argument that responds to the statements on the public interest submitted on the public record by the parties and the various third parties.

(2) Please provide data and factual information that specifically addresses whether and to what extent each of the four public interest factors would be adversely impacted by the remedial orders recommended in the RD, including details regarding the extent to which alternatives to the infringing products would be available to replace the infringing products and address the public health and welfare concerns raised.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation are requested to file written submissions on the questions identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding and to provide factual information and data requested above with respect to the public interest, including responding to the submissions of the parties and third parties that are in the record of this investigation. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and Complainant and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on October 6, 2022. Reply submissions must be filed no later than the close of business on October 13, 2022. No further submissions on these issues will be permitted unless otherwise ordered by the Commission. Opening submissions are limited to 75 pages. Reply submissions are limited to 50 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

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 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337–TA–1266) 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 with the Commission and served on any parties to the investigation within two business days of any confidential filing. 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.

The Commission has determined to extend the target date to December 12, 2022.

The Commission vote for this determination took place on September

22, 2022. The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 22, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–20959 Filed 9–27–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–555 and 731–TA–1310 (Review)]

Certain Amorphous Silica Fabric From China; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the countervailing and antidumping duty orders on certain amorphous silica fabric from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on February 1, 2022 (87 FR 5511) and determined on May 9, 2022, that it would conduct expedited reviews (87 FR 53488, August 31, 2022).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on September 22, 2022. The views of the Commission are contained in USITC Publication 5368 (September 2022), entitled *Certain Amorphous Silica Fabric from China: Investigation Nos. 701–TA–555 and 731–TA–1310 (Review).*

By order of the Commission.

Issued: September 22, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–20936 Filed 9–27–22; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1578–1579 (Final)]

Lemon Juice From Brazil and South Africa; Revised Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: September 22, 2022.

FOR FURTHER INFORMATION CONTACT: Stamen Borisson (202–205–3125), 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 investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On July 28, 2022, the Commission established a schedule for the conduct of the final phase of the subject investigations (87 FR 51701, August 23, 2022) as a result of affirmative preliminary determinations by the Department of Commerce (''Commerce'') regarding imports of lemon juice from Brazil and South Africa. Commerce had extended the date for its final determination with respect to Brazil but not for South Africa. Subsequently, Commerce extended the date for its final determination in the investigation of South Africa from October 11, 2022, to December 19, 2022 (87 FR 56631, September 15, 2022). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule. The Commission also gives notice that the hearing in connection with the final phase of these investigations will not be held on October 11 but instead will be held in-person at the U.S. International Trade Commission Building beginning at 9:30 a.m. on December 15, 2022.

The Commission's revised dates in the schedule are as follows: the prehearing staff report will be placed in the nonpublic record on November 30, 2022; the deadline for filing prehearing briefs is December 7, 2022; requests to appear at the hearing must be filed with the Secretary to the Commission not later than December 9, 2022; the prehearing conference will be held at the U.S. International Trade Commission Building on December 9, 2022, if deemed necessary; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on December 15, 2022; the deadline for filing posthearing briefs is December 22, 2022; the Commission will make its final release of information on January 13, 2023; and final party comments are due on January 18, 2023.

Hearing.—The Commission will hold an in-person hearing in connection with the final phase of these investigations at the U.S. International Trade Commission Building beginning at 9:30 a.m. on December 15, 2022. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before December 9, 2022. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigations, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID–19 test result may be submitted by 3 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.*

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on December 9, 2022, if deemed necessary. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than 4:00 p.m. on December 14, 2022. Oral testimony and written materials to be submitted with respect for the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission.

Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is December 7, 2022. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is December 22, 2022. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petitions, on or before December 22, 2022. On January 13, 2023, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before January 18, 2023, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

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 and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: September 22, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–20913 Filed 9–27–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Proposed Federal Correctional Institution and Federal Prison Camp in Letcher County, Kentucky

AGENCY: Federal Bureau of Prisons, U.S. Department of Justice.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement for the Proposed Federal Correctional Institution and Federal Prison Camp in Letcher County, Kentucky.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality and Federal Bureau of Prisons (Bureau) regulations, the Bureau announces its intent to prepare a Draft Environmental Impact Statement (DEIS) for the ''Proposed Federal Correctional Institution and Federal Prison Camp Letcher County, Kentucky.''

SUPPLEMENTARY INFORMATION:

Background

The Bureau's mission is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, appropriately secure, and provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. A growing challenge to successfully performing that mission is the increasing number of federal correctional facilities and supporting infrastructure that were constructed over 50 years ago (the approximate design life of such facilities), resulting in a continuous need to maintain existing facilities, and when necessary, develop new facilities and infrastructure.

To address the need for modern, efficient, and cost-effective institutions, the Bureau is proposing to construct and operate a new medium-security Federal Correctional Institution (FCI) and an adjoining minimum-security Federal Prison Camp (FPC) in Letcher County, Kentucky. The FCI and FPC would be designed to house approximately 1,152 adult males and 256 adult males, respectively, and serve the needs of the Bureau's Mid-Atlantic Region.

Compliance With the National Environmental Policy Act

Development and operation of a new FCI and FPC is considered to be an action potentially significantly affecting the quality of the human environment. Therefore, the Bureau must comply with NEPA to ensure that the environmental consequences of such a federal action are adequately considered. This DEIS will be prepared to ensure that the potential environmental impacts associated with the proposed action are thoroughly documented and that compliance is achieved with NEPA as well as with other environmental statutes including but not limited to: the Coastal Zone Management Act of 1972; the Clean Air Act of 1974; the Clean Water Act and Amendments, the Endangered Species Act of 1973 (ESA); the National Historic Preservation Act (NHPA) of 1966; and the Farmland Protection Policy Act (FPPA), among other laws, regulations and Executive Orders.

Preparation of environmental documentation and its consideration by federal, state, and local officials, regulatory agencies, stakeholders, and the public will be carried out to demonstrate that the Bureau understands and fully considers the potential environmental impacts associated with the proposed action. This includes consideration to the potential impacts associated with correctional institution construction and operation and attainment of the project's objectives.

In 2006, Congress authorized and directed the Bureau to initiate various investigations for development of a new federal correctional facility in Letcher County. In accordance with Congress' directive, the Bureau conducted a wide range of technical investigations and studies and published multiple EISs in conformance with NEPA as summarized below.

Date	Title	Description
2006	Congressional authorization.	Bureau directed to undertake planning for a new high-security United States Penitentiary (USP) in Letcher County, Kentucky.
July 2013	Notice of Intent to Prepare a Draft Environmental Impact Statement.	Published notice of the Bureau's intent to prepare a DEIS for development of a USP and FPC on properties located in Letcher County, Kentucky. The proposed sites subjected to study consisted of non-Bureau properties located near the City of Whitesburg.
August 2013	Public Scoping Meeting Held.	Held a public scoping meeting to inform the public about the proposed project and to explain NEPA and the associated environmental impact analysis.
February 2015	Draft Environmental Impact Statement.	Evaluated potential impacts to the natural and man-made environments resulting from development and operation of a proposed USP and FPC at two alternative sites in Letcher County: Alternative 1—Payne Gap Site and Alternative 2—Roxana Site.
March 2015	DEIS Public Meeting Held.	Held a public meeting to seek public input and comments concerning the proposed project and DEIS analysis.
July 2015	Final Environmental Impact Statement.	Evaluated potential impacts to the natural and man-made environments resulting from development and operation of a proposed USP and FPC at two alternative sites in Letcher County: Alternative 1—Payne Gap Site and Alternative 2—Roxana Site. Identified the Roxana Site as the preferred alternative for development and operation of new facilities as best meeting the project goals and objectives and, on balance, would have fewer impacts to the environment. The FEIS included updated information contained in DEIS and responded to public comments received concerning the DEIS.
March 2016	Revised Final Environmental Impact Statement.	Superseded the FEIS published in July 2015, which was withdrawn after consideration of comments received following its publication and to address inconsistencies in the FEIS.
November 2016	Notice of Intent to Prepare a Supplemental Revised Final Environmental Impact Statement.	Provided notice of the Bureau's intent to prepare a Supplement to the Revised FEIS for the proposed USP and FPC in Letcher County. Preparation of the Supplement was necessary to address changes in the proposed action and new circumstances or information relevant to potential environmental impacts including a reduction in available land area of the Roxana Site necessitating changes to the facilities layout evaluated for Alternative 2—Roxana Site.
March 2017	Draft Supplemental Revised Final Environmental Impact Statement.	Draft Supplemental Revised FEIS incorporated by reference and expanded upon the analyses presented in the Revised FEIS. The Draft Supplement addressed new circumstances or information relevant to potential environmental impacts. Specifically, a reduction in available land area of the Roxana Site necessitated modifying the facilities layout evaluated for Alternative 2—Roxana Site in the Revised FEIS which identified Modified Alternative 2—Roxana Site as the preferred alternative.
September 2017	Final Supplemental Revised Final Environmental Impact Statement.	Evaluated potential impacts to the natural and man-made environments resulting from development and operation of a proposed USP and FPC at two alternative sites in Letcher County. Identified Modified Alternative 2—Roxana Site as the preferred alternative. Incorporated by reference and built upon the analyses presented in the Revised FEIS. Addressed changes in the proposed action and assessed new circumstances or information relevant to potential environmental impacts.
March 2018	Record of Decision	Director of the Federal Bureau of Prisons selected Modified Alternative 2—Roxana Site for land acquisition and development of a USP and FPC in Letcher County. The decision was made following consideration of potential environmental consequences, agency and public comments, Bureau operational, security, and management needs, and after being apprised of material in the DEIS, FEIS, Revised FEIS, and Draft and Final Supplemental Revised FEISs. Record of Decision (ROD) published to document the Bureau's decision with respect to the environmental review process.
July 2019	Withdrawal of Record of Decision.	Acting Director of the Federal Bureau of Prisons withdraws the ROD based on new information, which may be relevant to the environmental analysis for the proposed action, in order to evaluate the new information more fully.
September 2022	Notice of Intent to Prepare a Draft Environmental Impact Statement.	Notice of the Bureau's intent to prepare a DEIS for development of a medium-security FCI and FPC at alternative locations in Letcher County, Kentucky. The proposed sites to be examined consist of non-Bureau properties located near the City of Whitesburg.

While the Congressional directive to the Bureau to develop a new USP in Letcher County remains, the Bureau has been reevaluating the proposed project since the Record of Decision was withdrawn. During that time, the Bureau determined that the need to house medium-security inmates in a new FCI supersedes the need to house high-security inmates in a new USP. Design, construction, and operation of a high-security USP differs greatly from a medium-security FCI with the potential environmental impacts of its development and operation correspondingly different.

Consistent with the guidance provided in 40 CFR 1502.9, the DEIS will address ''*substantial changes in the proposed action that are relevant to environmental concerns or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.*'' As a result of the change of scope in the proposed action (development of a medium-security FCI vs a high-security USP), planning for a new FCI and FPC was initiated April 2022. The Bureau will soon undertake a new evaluation and analysis in accordance with NEPA and the Bureau's NEPA implementing regulations to be documented within a new DEIS.

Publication of the Notice of Intent to Prepare a DEIS for development of a new FCI and FPC in Letcher County, Kentucky initiates a scoping period lasting for 30 days from the date of publication of this Notice of Intent in the **Federal Register**. A similar notice inviting federal, state, county, and local

agencies, officials, organizations, and the public to participate in the scoping and DEIS study process will also published in local newspapers.

The DEIS will analyze potential environmental impacts that may result from the proposed action including, but not limited to, land use and zoning; topography, geology, and soils; air quality; noise; cultural resources; water resources; and biological resources. The DEIS analysis will also evaluate direct, indirect, and cumulative impacts. Relevant and reasonable measures that could avoid or mitigate environmental impacts will also be analyzed. Additionally, the Bureau will undertake any consultations required by applicable laws or regulations.

The Bureau will issue the DEIS for a 45-day public comment period, during which time a public meeting will be held. A notice of availability of the DEIS and a notice of public meeting will be published in the **Federal Register** and in area newspapers in advance of the release of the DEIS and the public meeting. Those notices will identify further details about the public meeting, the means to view a copy of the DEIS, and the specific opportunities and methods for the public to provide comments on the proposed action and DEIS. Anyone wishing to receive notifications regarding the proposed project and DEIS are requested to contact the Bureau's Site Selection Specialist at the address shown below.

Following issuance of the DEIS and completion of the 45-day public comment period on the DEIS, the Bureau will issue a Final EIS (FEIS) that will include comments received during the public comment period on the DEIS. The FEIS will also include the Bureau's response to substantive comments received on the DEIS. Following publication of the FEIS, a 30-day review period will be provided. No action will be taken to implement any of the proposed alternatives until completion of the 30-day review period on the FEIS and issuance of a Record of Decision by the Director of the Bureau.

Contact

Questions concerning the proposed action and the DEIS may be directed to Kimberly S. Hudson, COR, Site Selection Specialist, Construction & Environmental Review Branch, U.S. Department of Justice, Federal Bureau of Prisons, 320 First Street NW, Room 901–5 West, Washington, DC 20534; email: *kshudson@bop.gov* or by visiting the project website at: *https://www.proposed-fci-letchercountyky.com.*

Dated: September 28, 2022.

Kimberly S. Hudson,

Site Selection Specialist, Construction & Environmental Review Branch.

[FR Doc. 2022–20795 Filed 9–27–22; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22–075)]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive, co-exclusive or partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective Exclusive, Co-Exclusive or Partially Exclusive Patent License may be granted unless NASA receives written objections including evidence and argument, no later than October 13, 2022 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than October 13, 2022 will also be treated as objections to the grant of the contemplated Exclusive, Co-Exclusive or Partially Exclusive Patent License. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

OBJECTIONS AND FURTHER INFORMATION: Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: *hq-patentoffice@mail.nasa.gov.* Questions may be directed to Phone: (202) 358–3437.

SUPPLEMENTARY INFORMATION: NASA intends to grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License in the United States to practice the inventions described and claimed in: U.S. Patent No. 6,953,129 titled ''Pressure Vessel With Impact and Fire Resistant Coating and Method of Making Same,'' U.S. Patent No. 8,561,829 titled ''Composite Pressure Vessel Including Crack Arresting Barrier,'' U.S. Patent No. 8,297,468 titled ''Fuel Tank for Liquefied Natural Gas,'' U.S. Patent No. 7,867,589 titled ''Hybrid Cryogenic Tank Construction and Method of Manufacture Therefor,'' U.S. Patent No. 7,641,949 titled ''Pressure Vessel With Improved Impact Resistance and Method of Making the Same,'' to Hanwha Cimarron, having its principal place of business in Huntsville, AL. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2022–21034 Filed 9–27–22; 8:45 am]

BILLING CODE 7510–13–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Paperwork Reduction Act; Proposed Collection; Comment Request; Revisions of Currently Approved Collection: Drug-Free Communities (DFC) Support Program and CARA Local Drug Crisis Program National Evaluation

AGENCY: Office of National Drug Control Policy.

ACTION: 30-Day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of National Drug Control Policy (ONDCP) announces it will submit to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs (OIRA) an information collection request (ICR). The **Federal Register** notice that solicited public comment on the

information collection for a period of 60 days was published June 23, 2022. The purpose of this notice is to allow for an additional 30 days of public comments. OMB may act on ONDCP's ICR only after the 30-day comment period for this Notice has closed.

DATES: ONDCP encourages and will accept public comments on or before 30 days after the date of this publication.

ADDRESSES: Address all comments in writing within 30 days to Helen Hernandez. Email is the most reliable means of communication. Ms. Hernandez's email address is *HHernandez@ondcp.eop.gov.* Mailing address is: Executive Office of the President, Office of National Drug Control Policy, Drug-Free Communities (DFC) Support Program, 1800 G Street NW, Suite 9110 Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

Abstract: ONDCP administers the Drug-Free Communities (DFC) Support Program and Community-Based Coalition Enhancement Grants to Address Local Drug Crisis (CARA) Local Drug Crisis Programs. The DFC Program has two primary goals: To reduce youth substance abuse, and to support community anti-drug coalitions by establishing, strengthening, and fostering collaboration among public and private agencies. The CARA Local Drug Crisis grant program funds current or former DFC grant award recipients to focus on preventing and reducing the misuse of opioids, prescription medication, and the use of methamphetamines among youth ages 12–18 in communities throughout the United States.

Under reauthorization legislation (*21 U.S.C. 1521*), Congress mandated an evaluation of the DFC program to determine its effectiveness in meeting objectives. Under the CARA Local Drug Crisis program statute, CARA Local Drug Crisis data collection is authorized and required by *Public Law 114–198* Sec 103, ''a grant under this section shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on the recipients of a grant under the Drug-Free Communities Act of 1997, and may also include an evaluation of the effectiveness at reducing abuse of opioids or methamphetamines''. ONDCP awarded a contract for a DFC grant oversight system at the end of 2014, following a competitive request for proposals process. The DFC Management and Evaluation (DFC Me) system was launched in 2016. An additional award was made in 2019, with the requirement to include CARA Local Drug Crisis recipients in the system and DFC & CARA Me continues to be used and updated (*https://dfcme.ondcp.eop.gov*) regularly to support grant recipients. The development and implementation of the DFC & CARA Me system provided an improved platform for DFC & CARA recipients to meet data reporting requirements of the grant, introduced a DFC Learning Center where resources and success stories can be shared, and strengthened ONDCP's continued oversight of the programs. The data collected through this system is more user friendly and validates data during entry, therefore reducing the burden on grant award recipients.

ONDCP's Drug-Free Communities office will continue to utilize the case study protocols previously approved by OMB to document coalition practices, successes and challenges. Approximately nine DFC grant award recipients are selected each year to highlight in the case studies. The information from the case studies will be used to illustrate not only what works to reduce drug use in a community setting, but also how and why it works.

The CARA Local Drug Crisis program evaluation makes use of a shortened version of the DFC progress report to support evaluation, monitoring and tracking of progress annually for grant award recipients and will provide information to ONDCP and the Administration's effort to address the opioid crisis.

ONDCP published a 60-day notice in the **Federal Register**, 87 FR 37530 (June 23, 2022). There were no comments received.

Title of Information Collection: Web-based data collection, surveys and interviews of DFC and CARA Local Drug Crisis grant award recipients.

Title: Drug-Free Communities (DFC) Support Program and CARA Local Drug Crisis Program National Cross Site Evaluation.

Frequency: Previously, DFC required semi-annual progress reports, this package recommends a shift to annual progress reports by DFC and CARA Local Drug Crisis Program Directors via DFC & CARA Me. DFC Program Directors also submit annual Coalition Classification Tool (CCT) data in DFC & CARA Me. Core measures are collected and submitted every two years in progress reports for both grant programs. Case study interviews and electronic surveys of Program Directors and electronic surveys of selected coalition members will be accomplished once a year.

Affected Public: DFC current grant award recipients and CARA Local Drug Crisis grant award recipients (includes both current and former DFC grant award recipients).

Estimated Burden: ONDCP expects that the time required to complete each DFC annual report via DFC & CARA Me will be approximately 24 hours, and each CCT report will take approximately two hours to complete. Face to face interviews will take 1–2 hours. The estimated total amount of time required by all DFC respondents over one year, including Program Directors and recipients to complete DFC & CARA Me, CCT, surveys, and interviews, is 19,622 hours. ONDCP expects that the time required to complete each CARA Local Drug Crisis annual report via DFC & CARA Me will be approximately 10 hours, with an estimated total time for all respondents to complete of 650 hours. The combined hour burden is 20,272 hours.

Goals: ONDCP intends to use the data of the DFC & CARA National Evaluations to assess each Program's effectiveness in preventing and reducing youth substance use. Two primary objectives of the evaluation are to: (1) Regularly monitor, measure and analyze data in order to report on the progress of each program and its recipients on program goals, and (2) providing technical assistance support to grant award recipients in effectively collecting and submitting data and in understanding the role of data in driving local coalition efforts. In addition, ONDCP intends to use the data from the CARA Local Drug Crisis grant award recipients to inform ONDCP and the Administration's efforts to address the opioid crisis.

Comment Request: ONDCP especially invites comments on: Whether the proposed data are proper for the functions of the agency; whether the information will have practical utility; the accuracy of ONDCP's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions; ways to enhance the quality, utility, and clarity of the information to be collected; and, ways to ease the burden on proposed respondents, including the use of automated collection techniques or other forms of information technology. Comments will be accepted for thirty days.

Dated: September 22, 2022.

Robert Kent,

General Counsel.

[FR Doc. 2022–20912 Filed 9–27–22; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAmain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays). Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number, and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: ''Postdoctoral Research Fellowships in Biology Application Form A and Reference Writer Recommendation.''

OMB Approval Number: 3145–0203.

Type of Request: Intent to seek approval to renew an information collection for three years.

Proposed Project: Two organizational units within the Directorate of Biological Sciences of the National Science Foundation will use the NSF Application Form A and recommendation form for the Postdoctoral Research Fellowships in Biology Program (*https://beta.nsf.gov/funding/opportunities/postdoctoral-research-fellowships-biology-prfb*). They are the Division of Biological Infrastructure (DBI) and the Division of Integrative Organismal Systems (IOS). All scientists submitting the NSF Application Forms and recommendation forms to these units will be asked to complete an electronic version of the forms. The NSF Application Form A consists of brief questions about the investigator and the substance of the research. The recommendation form consists of brief questions about the reference writer and the uploading of a recommendation letter drafted by the reference writer.

Use of the Information: The information gathered with the NSF Application Form A and recommendation form serves three main purposes. The first is to provide vehicles for applicants to submit applications and reference writers to submit recommendations.

The second is facilitation of the proposal review process. Since peer review is a key component of NSF's grant-making process, it is imperative that proposals are reviewed by scientists with appropriate expertise. The information collected helps ensure that the proposals are evaluated by specialists who are well versed in appropriate subject matter. This helps maintain a fair and equitable review process.

The third use of the information is program evaluation. The Directorate is committed to investing in a range of substantive areas. With data from this collection, the Directorate can calculate submission rates and funding rates in specific areas of research. Similarly, the information can be used to identify emerging areas of research, evaluate changing infrastructure needs in the research community, and track the amount of international research. As the National Science Foundation is committed to funding cutting-edge science, these factors all have implications for program management.

The Directorate of Biological Sciences has a continuing commitment to monitor its information collection in order to preserve its applicability and necessity. Through periodic updates and revisions, the Directorate ensures that only useful, non-redundant information is collected. These efforts will reduce excessive reporting burdens.

Burden on the Public: The Directorate estimates that an average of 25 minutes is expended for each application submitted and an average of 170 minutes is expended for reference writer recommendation added. An estimated 930 responses are expected during the course of one year for a total of 542 public burden hours annually.

Expected Respondents: Individuals.

Estimated Number of Responses: 930.

Estimated Number of Respondents: 930.

Estimated Total Annual Burden on Respondents: 1886 hours.

Frequency of Responses: On occasion.

Dated: September 22, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–20911 Filed 9–27–22; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–133 and CP2022–137; MC2022–134 and CP2022–138; MC2022–135 and CP2022–139; MC2022–136 and CP2022–140]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 30, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–133 and CP2022–137; *Filing Title:* USPS Request to Add Parcel Select Contract 52 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 22, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 30, 2022.

2. *Docket No(s).:* MC2022–134 and CP2022–138; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 45 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 22, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Gregory S. Stanton; *Comments Due:* September 30, 2022.

3. *Docket No(s).:* MC2022–135 and CP2022–139; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 46 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 22, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Gregory S. Stanton; *Comments Due:* September 30, 2022.

4. *Docket No(s).:* MC2022–136 and CP2022–140; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 47 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 22, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Gregory S. Stanton; *Comments Due:* September 30, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–21015 Filed 9–27–22; 8:45 am]

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[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 28, 2022.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on Sepember 19, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select Service Contract 38 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–125, CP2022–129.

Sarah Sullivan,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2022–21058 Filed 9–27–22; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95878; File No. SR–CboeEDGX–2022–041]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend EDGX Rule 11.15, Clearly Erroneous Executions

September 22, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 14, 2022, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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

Cboe EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend EDGX Rule 11.15, Clearly Erroneous Executions. The text

[1] U.S.C. 78s(b)(1).

[2] CFR 240.19b–4.

[3] U.S.C. 78s(b)(3)(A)(iii).

[4] CFR 240.19b–4(f)(6).

of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, 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 EDGX Rule 11.15, Clearly Erroneous Executions. Specifically, the Exchange proposes to: (1) make the current clearly erroneous pilot program permanent; and (2) limit the circumstances where clearly erroneous review would continue to be available during Regular Trading Hours,[5] when the LULD Plan to Address Extraordinary Market Volatility (the ''LULD Plan'') [6] already provides similar protections for trades occurring at prices that may be deemed erroneous. The Exchange believes that these changes are appropriate as the LULD Plan has been approved by the Commission on a permanent basis,[7] and in light of amendments to the LULD Plan, including changes to the applicable Price Bands [8] around the open and close of trading. Moreover, the proposal is substantially identical to Cboe BZX Exchange, Inc. (''BZX'') Rule 11.17, which was recently amended.[9] The Exchange proposes to implement the proposed Rule change October 1, 2022.

Proposal To Make the Clearly Erroneous Pilot Permanent

On September 10, 2010, the Commission approved, on a pilot basis, changes to EDGX Rule 11.15 that, among other things: (i) provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[10] In 2013, the Exchange adopted a provision designed to address the operation of the LULD Plan.[11] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) a series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[12] These changes are currently scheduled to operate for a pilot period that would end at the close of business on October 20, 2022.[13]

When it originally approved the clearly erroneous pilot, the Commission explained that the changes were ''being implemented on a pilot basis so that the Commission and the Exchanges can monitor the effects of the pilot on the markets and investors, and consider appropriate adjustments, as necessary.'' [14] In the 12 years since that time, the Exchange and other national securities exchanges have gained considerable experience in the operation of the rule, as amended on a pilot basis. Based on that experience, the Exchange believes that the program should be allowed to continue on a permanent basis so that equities market participants and investors can benefit from the increased certainty provided by the amended rule.

The clearly erroneous pilot was implemented following a severe disruption in the U.S. equities markets on May 6, 2010 (''Flash Crash'') to ''provide greater transparency and certainty to the process of breaking trades.'' [15] Largely, the pilot reduced the discretion of the Exchange, other national securities exchanges, and Financial Industry Regulatory Authority (''FINRA'') to deviate from the objective standards in their respective rules when dealing with potentially erroneous transactions. The pilot has thus helped afford greater certainty to Members and investors about when trades will be deemed erroneous pursuant to self-regulatory organization (''SRO'') rules and has provided a more transparent process for conducting such reviews. The Exchange proposes to make the current pilot permanent so that market participants can continue to benefit from the increased certainty afforded by the current rule.

Amendments to the Clearly Erroneous Rules

When the Participants to the LULD Plan filed to introduce the Limit Up-Limit Down (''LULD'') mechanism, itself a response to the Flash Crash, a handful of commenters noted the potential discordance between the clearly erroneous rules and the Price Bands used to limit the price at which trades would be permitted to be executed pursuant to the LULD Plan. For example, two commenters requested that the clearly erroneous rules be amended so the presumption would be that trades executed within the Price Bands would not be not subject to review.[16] While the Participants acknowledged that the potential to prevent clearly erroneous executions would be a ''key benefit'' of the LULD Plan, the Participants decided not to amend the clearly erroneous rules at

[5] The term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time. *See* EDGX Rule 1.5(y).

[6] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012).

[7] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (''Notice''); 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (File No. 4–631) (''Amendment Eighteen'').

[8] ''Price Bands'' refers to the term provided in Section V of the LULD Plan.

[9] *See* Securities and Exchange Act No. 95658 (September 1, 2022) 87 FR 55060 (SR–CboeBZX–2022–037) (Order approving a proposed rule change, as modified by Amendments Nos. 1 and 2, to amend BZX Rule 11.17, Clearly Erroneous Executions).

[10] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–BATS–2010–016).

[11] *See* Securities Exchange Act Release No. 68797 (Jan. 31, 2013), 78 FR 8635 (Feb. 6, 2013) (SR–BATS–2013–008).

[12] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–BATS–2014–014).

[13] *See* Securities Exchange Act Release No. 95295 (July 15, 2022), 87 FR 43341 (July 21, 2022) (SR–CboeEDGX–2022–031).

[14] *See* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–BATS–2010–016).

[15] *Id.*

[16] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (File No. 4–631) (n. 33505).

that time.[17] In the years since, industry feedback has continued to reflect a desire to eliminate the discordance between the LULD mechanism and the clearly erroneous rules so that market participants would have more certainty that trades executed with the Price Bands would stand. For example, the Equity Market Structure Advisory Committee (''EMSAC'') Market Quality Subcommittee included in its April 19, 2016 status report a preliminary recommendation that clearly erroneous rules be amended to conform to the Price Bands—*i.e.,* ''any trade that takes place within the band would stand and not be broken and trades outside the LU/LD bands would be eligible for the consideration of the Clearly Erroneous rules.'' [18]

The Exchange believes that it is important for there to be some mechanism to ensure that investors' orders are either not executed at clearly erroneous prices or are subsequently busted as needed to maintain a fair and orderly market. At the same time, the Exchange believes that the LULD Plan, as amended, would provide sufficient protection for trades executed during Regular Trading Hours. Indeed, the LULD mechanism could be considered to offer superior protection as it prevents potentially erroneous trades from being executed in the first instance. After gaining experience with the LULD Plan, the Exchange now believes that it is appropriate to largely eliminate clearly erroneous review during Regular Trading Hours when Price Bands are in effect. Thus, as proposed, trades executed within the Price Bands would stand, barring one of a handful of identified scenarios where such review may still be necessary for the protection of investors. The Exchange believes that this change would be beneficial for the U.S. equities markets as it would ensure that trades executed within the Price Bands are subject to clearly erroneous review in only rare circumstances, resulting in greater certainty for Members and investors.

The current LULD mechanism for addressing extraordinary market volatility is available solely during Regular Trading Hours. Thus, trades during the Exchange's Early Trading,[19] Pre-Opening,[20] or After Hours Sessions [21] would not benefit from this protection and could ultimately be executed at prices that may be considered erroneous. For this reason, the Exchange proposes that transactions executed during the Early Trading, Pre-Opening, or After Hours Sessions would continue to be reviewable as clearly erroneous. Continued availability of the clearly erroneous rule during pre- and post-market trading sessions would therefore ensure that investors have appropriate recourse when erroneous trades are executed outside of the hours where similar protection can be provided by the LULD Plan. Further, the proposal is designed to eliminate the potential discordance between clearly erroneous review and LULD Price Bands, which does not exist outside of Regular Trading Hours because the LULD Plan is not in effect. Thus, the Exchange believes that it is appropriate to continue to allow transactions to be eligible for clearly erroneous review if executed outside of Regular Trading Hours.

On the other hand, there would be much more limited potential to request that a transaction be reviewed as potentially erroneous during Regular Trading Hours. With the introduction of the LULD mechanism in 2013, clearly erroneous trades are largely prevented by the requirement that trades be executed within the Price Bands. In addition, in 2019, Amendment Eighteen to the LULD Plan eliminated double-wide Price Bands: (1) at the Open, and (2) at the Close for Tier 2 NMS Stocks 2 with a Reference Price above $3.00.[22] Due to these changes, the Exchange believes that the Price Bands would provide sufficient protection to investor orders such that clearly erroneous review would no longer be necessary during Regular Trading Hours. As the Participants to the LULD Plan explained in Amendment Eighteen: ''Broadly, the Limit Up-Limit Down mechanism prevents trades from happening at prices where one party to the trade would be considered 'aggrieved,' and thus could be viewed as an appropriate mechanism to supplant clearly erroneous rules.'' While the Participants also expressed concern that the Price Bands might be too wide to afford meaningful protection around the open and close of trading, amendments to the LULD Plan adopted in Amendment Eighteen narrowed Price Bands at these times in a manner that the Exchange believes is sufficient to ensure that investors' orders would be appropriately protected in the absence of clearly erroneous review. The Exchange therefore believes that it is appropriate to rely on the LULD mechanism as the primary means of preventing clearly erroneous trades during Regular Trading Hours.

At the same time, the Exchange is cognizant that there may be limited circumstances where clearly erroneous review may continue to be appropriate, even during Regular Trading Hours. Thus, the Exchange proposes to amend its clearly erroneous rules to enumerate the specific circumstances where such review would remain available during the course of Regular Trading Hours, as follows. All transactions that fall outside of these specific enumerated exceptions would be ineligible for clearly erroneous review.

First, pursuant to proposed paragraph (c)(1)(A), a transaction executed during Regular Trading Hours would continue to be eligible for clearly erroneous review if the transaction is not subject to the LULD Plan. In such case, the Numerical Guidelines set forth in paragraph (c)(2) of Rule 11.15 will be applicable to such NMS Stock. While the majority of securities traded on the Exchange would be subject to the LULD Plan, certain equity securities, such as rights and warrants, are explicitly excluded from the provisions of the LULD Plan and would therefore be eligible for clearly erroneous review instead.[23] Similarly, there are instances, such as the opening auction on the primary listing market,[24] where transactions are not ordinarily subject to the LULD Plan, or circumstances where a transaction that ordinarily would have been subject to the LULD Plan is not—due, for example, to some issue with processing the Price Bands. These transactions would continue to be eligible for clearly erroneous review, effectively ensuring that such review remains available as a backstop when the LULD Plan would not prevent executions from occurring at erroneous prices in the first instance.

Second, investors would also continue to be able to request review of transactions that resulted from certain systems issues pursuant to proposed paragraph (c)(1)(B). This limited exception would help to ensure that

[17] *Id.*

[18] *See* EMSAC Market Quality Subcommittee, Recommendations for Rulemaking on Issues of Market Quality (November 29, 2016), available at *https://www.sec.gov/spotlight/emsac/emsac-recommendations-rulemaking-market-quality.pdf.*

[19] The term ''Early Trading Session'' means the time between 7:00 a.m. and 8:00 a.m. Eastern Time. *See* EDGX Rule 1.5(ii).

[20] The term ''Pre-Opening Session'' means the time between 8:00 a.m. and 9:30 a.m. Eastern Time. *See* EDGX Rule 1.5(s).

[21] The term ''Post-Closing Session'' means the time between 4:00 p.m. and 8:00 p.m. Eastern Time. *See* EDGX Rule 1.5(r).

[22] *See* Amendment Eighteen, supra note 7.

[23] *See* Appendix A of the LULD Plan.

[24] The initial Reference Price used to calculate Price Bands is typically set by the Opening Price on the primary listing market. *See* Section V(B) of the LULD Plan.

trades that should not have been executed would continue to be subject to clearly erroneous review. Specifically, as proposed, transactions executed during Regular Trading Hours would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(B) if the transaction is the result of an Exchange technology or systems issue that results in the transaction occurring outside of the applicable LULD Price Bands pursuant to EDGX Rule 11.15(g). A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d) of this Rule, by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan (''Percentage Parameters'').

Third, the Exchange proposes to narrowly allow for the review of transactions during Regular Trading Hours when the Reference Price, described in proposed paragraph (d), is determined to be erroneous by an Officer of the Exchange. Specifically, a transaction executed during Regular Trading Hours would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(C) if the transaction involved, in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to the LULD Plan and resumes trading without an auction,[25] a Reference Price that is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. In such circumstances, the Exchange may use a different Reference Price pursuant to proposed paragraph (d)(2) of this Rule. A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the new Reference Price, described in paragraph (d)(2) below, by an amount that equals or exceeds the applicable Numerical Guidelines or Percentage Parameters, as applicable depending on whether the security is subject to the LULD Plan. Specifically, the Percentage Parameters would apply to all transactions except those in an NMS Stock that is not subject to the LULD Plan, as described in paragraph (c)(1)(A).

In the context of a corporate action or a new issue, there may be instances where the security's Reference Price is later determined by the Exchange to be erroneous (*e.g.,* because of a bad first trade for a new issue), and subsequent LULD Price Bands are calculated from that incorrect Reference Price. In determining whether the Reference Price is erroneous in such instances, the Exchange would generally look to see if such Reference Price clearly deviated from the theoretical value of the security. In such cases, the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue , the ratio of the stock split applied to the prior day's closing price, the theoretical price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing.[26] In the foregoing instances, the theoretical value of the security would be used as the new Reference Price when applying the Percentage Parameters under the LULD Plan (or Numerical Guidelines if the transaction is in an NMS Stock that is not subject to the LULD Plan) to determine whether executions would be cancelled as clearly erroneous.

The following illustrate the proposed application of the rule in the context of a corporate action or new issue:

Example 1:

1. ABCD is subject to a corporate action, 1 for 10 reverse split, and the previous day close was $5, but the new theoretical price based on the terms of the corporate action is $50.

2. The security opens at $5, with LULD bands at $4.50 × $5.50.

3.The bands will be calculated correctly but the security is trading at an erroneous price based on the valuation of the remaining outstanding shares.

4.The theoretical price of $50 would be used as the new Reference Price when applying LULD bands to determine if executions would be cancelled as clearly erroneous.

Example 2:

1. ABCD is subject to a corporate action, the company is doing a spin off where a new issue will be listed, BCDE. ABCD trades at $50, and the spinoff company is worth 1/5 of ABCD.

2. BCDE opens at $50 in the belief it is the same company as ABCD.

3.The theoretical values of the two companies are ABCD $40 and BCDE $10.

4. BCDE would be deemed to have had an incorrect Reference Price and the theoretical value of $10 would be used as the new Reference Price when applying the LULD Bands to determine if executions would be cancelled as clearly erroneous.

Example 3:

1. ABCD is an uplift from the OTC market, the prior days close on the OTC market was $20.

2. ABCD opens trading on the new listing exchange at $0.20 due to an erroneous order entry.

3. The new Reference Price to determine clearly erroneous executions would be $20, the theoretical value of the stock from where it was last traded.

In the context of the rare situation in which a security that enters a LULD Trading Pause and resumes trading without an auction (*i.e.,* reopens with quotations), the LULD Plan requires that the new Reference Price in this instance be established by using the mid-point of the best bid and offer (''BBO'') on the primary listing exchange at the reopening time.[27] This can result in a Reference Price and subsequent LULD Price Band calculation that is significantly away from the security's last traded or more relevant price, especially in less liquid names. In such rare instances, the Exchange is proposing to use a different Reference Price that is based on the prior LULD Band that triggered the Trading Pause, rather than the midpoint of the BBO.

The following example illustrates the proposed application of the rule in the context of a security that reopens without an auction:

Example 4:

1. ABCD stock is trading at $20, with LULD Bands at $18 × $22.

2. An incoming buy order causes the stock to enter a Limit State Trading Pause and then a Trading Pause at $22.

3. During the Trading Pause, the buy order causing the Trading Pause is cancelled.

4. At the end of the 5-minute halt, there is no crossed interest for an auction to occur, thus trading would resume on a quote.

5. Upon resumption, a quote that was available prior to the Trading Pause (*e.g.* a quote was resting on the book prior to the Trading Pause), is widely set at $10 × $90.

6. The Reference Price upon resumption is $50 (mid-point of BBO).

7. The SIP will use this Reference Price and publish LULD Bands of $45 × $55 (*i.e.,* far away from BBO prior to the halt).

8. The bands will be calculated correctly, but the $50 Reference Price is subsequently determined to be incorrect as the price clearly deviated from where it previously traded prior to the Trading Pause

9. The new Reference Price would be $22 (*i.e.,* the last effective Price Band that was in

[25] The Exchange notes that the ''resumption of trading without an auction'' provision of the proposed rule text applies only to securities that enter a Trading Pause pursuant to LULD and does not apply to a corporate action or new issue.

[26] Using transaction data reported to the FINRA OTC Reporting Facility, FINRA disseminates via the Trade Data Dissemination Service a final closing report for OTC equity securities for each business day that includes, among other things, each security's closing last sale price.

[27] *See* LULD Plan, Section I(U) and V(C)(1).

a limit state before the Trading Pause), and the LULD Bands would be applied to determine if the executions should be cancelled as clearly erroneous

In all of the foregoing situations, investors would be left with no remedy to request clearly erroneous review without the proposed carveouts in paragraph (c)(1)(C) because the trades occurred within the LULD Price Bands (albeit LULD Price Bands that were calculated from an erroneous Reference Price). The Exchange believes that removing the current ability for the Exchange to review in these narrow circumstances would lessen investor protections.

Numerical Guidelines

Today, paragraph (c)(1) defines the Numerical Guidelines that are used to determine if a transaction is deemed clearly erroneous during Regular Trading Hours, or during the Early Trading, Pre-Opening and After Hours Sessions. With respect to Regular Trading Hours, trades are generally deemed clearly erroneous if the execution price differs from the Reference Price (*i.e.,* last sale) by 10% if the Reference Price is greater than $0.00 up to and including $25.00; 5% if the Reference Price is greater than $25.00 up to and including $50.00; and 3% if the Reference Price is greater than $50.00. Wider parameters are also used for reviews for Multi-Stock Events, as described in paragraph (c)(2). With respect to transactions in Leveraged ETF/ETN securities executed during Regular Trading Hours, Early Trading, Pre-Opening and After-Hours Trading Session, trades are deemed clearly erroneous if the execution price exceeds the Regular Trading Hours Numerical Guidelines multiplied by the leverage multiplier.

Given the changes described in this proposed rule change, the Exchange proposes to amend the way that the Numerical Guidelines are calculated during Regular Trading Hours in the handful of instances where clearly erroneous review would continue to be available. Specifically, the Exchange would base these Numerical Guidelines, as applied to the circumstances described in paragraph (c)(1)(A), on the Percentage Parameters used to calculate Price Bands, as set forth in Appendix A to the LULD Plan. Without this change, a transaction that would otherwise stand if Price Bands were properly applied to the transaction may end up being subject to review and deemed clearly erroneous solely due to the fact that the Price Bands were not available due to a systems or other issue. The Exchange believes that it makes more sense to instead base the Price Bands on the same parameters as would otherwise determine whether the trade would have been allowed to execute within the Price Bands. The Exchange also proposes to modify the Numerical Guidelines applicable to leveraged ETF/ETN securities during Regular Trading Hours. As noted above, the Numerical Guidelines will only be applicable to transactions eligible for review pursuant paragraph (c)(1)(A) (*i.e.,* to NMS Stocks that are not subject to the LULD Plan). As leveraged ETF/ETN securities are subject to LULD and thus the Percentage Parameters will be applicable during Regular Trading Hours, the Exchange proposes to eliminate the Numerical Guidelines for leveraged ETF/ETN securities traded during Regular Trading Hours. However, as no Price Bands are available outside of Regular Trading Hours, the Exchange proposes to keep the existing Numerical Guidelines in place for transactions in leveraged ETF/ETN securities that occur during Early Trading, Pre-Opening and After-Hours Trading.

The Exchange also proposes to move existing paragraphs (c)(2), (c)(3), and (d) to proposed paragraph (c)(2)(B), (c)(2)(C), and (C)(2)(D), respectively, as Multi-Stock Events, Additional Factors, and Outlier Transactions will only be subject to review if those NMS Stocks are not subject to the LULD Plan or occur during the Early Trading, Pre-Opening and After Hours Sessions. Proposed paragraph (c)(2)(B) is substantially similar to existing paragraph (c)(2) except for a change in rule reference to paragraph (c)(1) has been updated to paragraph (c)(1)(A). Further, given the proposal to move existing paragraph (c)(2) to paragraph (c)(2)(B), the Exchange also proposes to amend applicable rule references throughout paragraph (c)(2)(A). Finally, the Exchange proposes to update applicable rule references in paragraph (c)(2)(D) based on the above-described structural changes to the Rule.

Reference Price

As proposed, the Reference Price used would continue to be based on last sale and would be memorialized in proposed paragraph (d). Continuing to use the last sale as the Reference Price is necessary for operational efficiency as it may not be possible to perform a timely clearly erroneous review if doing so required computing the arithmetic mean price of eligible reported transactions over the past five minutes, as contemplated by the LULD Plan. While this means that there would still be some differences between the Price Bands and the clearly erroneous parameters, the Exchange believes that this difference is reasonable in light of the need to ensure timely review if clearly erroneous rules are invoked. The Exchange also proposes to allow for an alternate Reference Price to be used as prescribed in proposed paragraphs (d)(1), (2), and (3). Specifically, the Reference Price may be a value other than the consolidated last sale immediately prior to the execution(s) under review (1) in the case of Multi-Stock Events involving twenty or more securities, as described in paragraph (c)(2)(B) above, (2) in the case of an erroneous Reference Price, as described in paragraph (c)(1)(C) above,[28] or (3) in other circumstances, such as, for example, relevant news impacting a security or securities, periods of extreme market volatility, sustained illiquidity, or widespread system issues, where use of a different Reference Price is necessary for the maintenance of a fair and orderly market and the protection of investors and the public interest, provided that such circumstances occurred during Early Trading, Pre-Opening or After-Hours Session or are eligible for review pursuant to paragraph (c)(1)(A).

Appeals

As described more fully below, the Exchange proposes to eliminate paragraph (f), System Disruption or Malfunction. Accordingly, the Exchange proposes to remove from paragraph (e)(2), Appeals, each reference to paragraph (f), and include language referencing proposed paragraph (g), Transactions Occurring Outside of the LULD Bands.

System Disruption or Malfunction

To conform with the structural changes described above, the Exchange now proposes to remove paragraph 11.15(f), System Disruption or Malfunction, and proposes new paragraph (c)(1)(B). Specifically, as described in paragraph (c)(1)(B), transactions occurring during Regular Trading Hours that are executed outside of the LULD Price Bands due to an Exchange technology or system issue, may be subject to clearly erroneous review pursuant to proposed paragraph

[28] As discussed above, in the case of (c)(1)(C)(1), the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue, the ratio of the stock split applied to the prior day's closing price, the theoretical price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing. In the case of (c)(1)(C)(2), the Reference Price will be the last effective Price Band that was in a limit state before the Trading Pause.

11.15(g). Proposed paragraph 11.17 (c)(1)(B) further provides that a transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d), by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan.

Trade Nullification for UTP Securities That Are the Subject of Initial Public Offerings

Current paragraph (h) of EDGX Rule 11.15 provides different procedures for conducting clearly erroneous review in initial public offering (''IPO'') securities that are traded pursuant to unlisted trading privileges (''UTP'') after the initial opening of such IPO securities on the listing market. Specifically, this paragraph provides that a clearly erroneous error may be deemed to have occurred in the opening transaction of the subject security if the execution price of the opening transaction on the Exchange is the lesser of $1.00 or 10% away from the opening price on the listing exchange or association. The Exchange no longer believes that this provision is necessary as opening transactions on the Exchange following an IPO are subject to Price Bands pursuant to the LULD Plan. The Exchange therefore proposes to eliminate this provision in connection with the broader changes to clearly erroneous review during Regular Trading Hours.

Securities Subject to Limit Up-Limit Down Plan

The Exchange proposes to renumber paragraph (i) to paragraph (h) based on the proposal to eliminate existing paragraph (h), and to rename the paragraph to provide for transactions occurring outside of LULD Price Bands. Given that proposed paragraph (c)(1) defines the LULD Plan, the Exchange also proposes to eliminate redundant language from proposed paragraph (h). Finally, the Exchange also proposes to update references to the LULD Plan and Price Bands so that they are uniform throughout the Rule and to update rule references throughout the paragraph to conform to the structural changes to the Rule described above.

Multi-Day Event and Trading Halts

The Exchange proposes to renumber paragraphs (j) and (k) to paragraphs (h) and (i), respectively, based on the proposal to eliminate existing paragraph (h). Additionally, the Exchange proposes to modify the text of both paragraphs to reference the Percentage Parameters as well as the Numerical Guidelines. Specifically, the existing text of proposed paragraphs (h) and (i) provides that any action taken in connection with this paragraph will be taken without regard to the Numerical Guidelines set forth in this Rule. The Exchange proposes to amend the rule text to provide that any action taken in connection with this paragraph will be taken without regard to the Percentage Parameters or Numerical Guidelines set forth in this Rule, with the Percentage Parameters being applicable to an NMS Stock subject to the LULD Plan and the Numerical Guidelines being applicable to an NMS Stock not subject to the LULD Plan. Finally, the Exchange proposes to make several ministerial changes to conform the Rule text to BZX Rule 11.17.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[29] in general, and Section 6(b)(5) of the Act,[30] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

As explained in the purpose section of this proposed rule change, the current pilot was implemented following the Flash Crash to bring greater transparency to the process for conducting clearly erroneous reviews, and to help assure that the review process is based on clear, objective, and consistent rules across the U.S. equities markets. The Exchange believes that the amended clearly erroneous rules have been successful in that regard and have thus furthered fair and orderly markets. Specifically, the Exchange believes that the pilot has successfully ensured that such reviews are conducted based on objective and consistent standards across SROs and has therefore afforded greater certainty to Members and investors. The Exchange therefore believes that making the current pilot a permanent program is appropriate so that equities market participants can continue to reap the benefits of a clear, objective, and transparent process for conducting clearly erroneous reviews. In addition, the proposal is substantially identical to a recent rule change to BZX Rule 11.17, and the Exchange understands that the other U.S. equities exchanges and FINRA will also file largely identical proposals to make their respective clearly erroneous pilots permanent. The Exchange therefore believes that the proposed rule change would promote transparency and uniformity across markets concerning review of transactions as clearly erroneous and would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors, and the public interest.

Similarly, the Exchange believes that it is consistent with just and equitable principles of trade to limit the availability of clearly erroneous review during Regular Trading Hours. The Plan was approved by the Commission to operate on a permanent rather than pilot basis. As a number of market participants have noted, the LULD Plan provides protections that ensure that investors' orders are not executed at prices that may be considered clearly erroneous. Further, amendments to the LULD Plan approved in Amendment Eighteen serve to ensure that the Price Bands established by the LULD Plan are ''appropriately tailored to prevent trades that are so far from current market prices that they would be viewed as having been executed in error.'' [31] Thus, the Exchange believes that clearly erroneous review should only be necessary in very limited circumstances during Regular Trading Hours. Specifically, such review would only be necessary in instances where a transaction was not subject to the LULD Plan, or was the result of some form of systems issue, as detailed in the purpose section of this proposed rule change. Additionally, in narrow circumstances where the transaction was subject to the LULD Plan, a clearly erroneous review would be available in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to LULD and resumes trading without an auction, where the Reference Price is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. Thus, eliminating clearly erroneous review in all other instances will serve to increase certainty for Members and investors that trades executed during Regular Trading Hours would typically stand and would not be subject to review.

Given the fact that clearly erroneous review would largely be limited to

[29] 15 U.S.C. § 78f(b).

[30] 15 U.S.C. § 78f(b)(5).

[31] *See* Amendment Eighteen, supra note 7.

transactions that were not subject to the LULD Plan, the Exchange also believes that it is necessary to change the parameters used to determine whether a trade is clearly erroneous. Specifically, due to the different parameters currently used for clearly erroneous review and for determining Price Bands, it is possible that a trade that would have been permitted to execute within the Price Bands would later be deemed clearly erroneous, if, for example, a systems issue prevented the dissemination of the Price Bands. The Exchange believes that this result is contrary to the principle that trades within the Price Bands should stand, and has the potential to cause investor confusion if trades that are properly executed within the applicable parameters described in the LULD Plan are later deemed erroneous. By using consistent parameters for clearly erroneous reviews conducted during Regular Trading Hours and the calculation of the Price Bands, the Exchange believes that this change would also serve to promote greater certainty with regards to when trades may be deemed erroneous.

The Exchange believes that it is consistent with the protection of investors and the public interest to remove the current provision of the clearly erroneous rule dealing with UTP securities that are the subject of IPOs. This provision applies specifically to opening transactions on a non-listing market following an IPO on the listing market. As such, review under this paragraph is limited to trades conducted during Regular Trading Hours. As previously addressed, trades executed during Regular Trading Hours would generally not be subject to clearly erroneous review but would instead be protected by the Price Bands. The Exchange therefore no longer believes that this paragraph is necessary, as all trades subject to this provision today would either be subject to the LULD Plan, or, in the event of some systems or other issue, would be subject to the provisions that apply to transactions that are not adequately protected by the LULD Plan.

Finally, the proposed rule changes make organizational updates to the Exchange's Clearly Erroneous Execution Rule as well as minor updates and corrections to the Rule to improve readability and clarity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while also amending those rules to provide greater certainty to Members and investors that trades will stand if executed during Regular Trading Hours where the LULD Plan provides adequate protection against trading at erroneous prices. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are substantively identical to this proposal. Thus, the proposed rule change will help to ensure consistency across SROs without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[32] and Rule 19b–4(f)(6) thereunder.[33] 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[34] and subparagraph (f)(6) of Rule 19b–4 thereunder.[35]

A proposed rule change filed under Rule 19b–4(f)(6)[36] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[37] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative on October 1, 2022. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange to coordinate its implementation of the revised clearly erroneous execution rules with the other national securities exchanges and FINRA, and will help ensure consistency across the SROs.[38] For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[39]

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–CboeEDGX–2022–041 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–CboeEDGX–2022–041. 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/*

[32] 15 U.S.C. 78s(b)(3)(A)(iii).

[33] 17 CFR 240.19b–4(f)(6).

[34] 15 U.S.C. 78s(b)(3)(A)(iii).

[35] 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.

[36] 17 CFR 240.19b–4(f)(6).

[37] 17 CFR 240.19b–4(f)(6)(iii).

[38] *See* SR–CboeBZX–2022–37 (July 8, 2022).

[39] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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 such 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–CboeEDGX–2022–041 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20941 Filed 9–27–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95867; File No. SR-CboeEDGA–2022–014]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Eliminate the Listings Standards Provided for in Chapter XIV of the Exchange's Rulebook

September 22, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 16, 2022, Cboe EDGA Exchange, Inc. filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') is filing with the Securities and Exchange Commission (''Commission'') a proposed amendment to eliminate the listings standards provided for in Chapter XIV of the Exchange Rulebook as the Exchange is not a listing venue.[3] The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, 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

As part of this proposal, the Exchange proposes to (1) adopt a new definition for Derivative Security, move the definition of unlisted trading privileges (''UTP'') Derivative Security[4] from Rule 14.1(c) to Exchange Rule 1.5(gg), and amend Rule 3.21 to reference proposed Rule 1.5(gg); (2) eliminate listing standards and any references to Exchange listed securities from Chapter XIV (Securities Traded) and Rules 3.7, 11.2, and 13.6; (3) amend Rule 14.1(a) to provide for NMS stocks rather than equity securities and amend the Exchange's additional rules applicable to UTP Derivative Securities as provided in Rule 14.1(c)(1)–(6); and (4) amend Rule 14.10 to make ministerial changes to update paragraph numbering. As discussed in further detail below, all of the proposed changes are substantially similar to other exchange rules.

(1) Proposal To Define Derivative Security in Exchange Rule 1.5(ff) and Add the Definition of UTP Derivative Security to Re-Lettered Exchange Rule 1.5(gg)

The Exchange proposes to define ''Derivative Security'' in proposed Rule 1.5(ff) and amend existing Rule 1.5(gg) to add the definition of ''UTP Derivative Security''. ''Derivative Security'' would be a new definition and would mean a security that meets the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Act. ''UTP Derivative Security'' would refer to any one of a list of Derivative Securities that trades on the Exchange pursuant to unlisted trading privileges. The list of proposed Derivative Securities that may meet the definition of UTP Derivative Security are as follows: Equity Linked Notes; Index Fund Shares listed pursuant to Cboe BZX Exchange, Inc. (''BZX'') Rule 14.11(c) or Nasdaq Stock Market LLC (''Nasdaq'') Rule 5705(b) and Investment Company Units listed pursuant to NYSE Arca, Inc. (''NYSE Arca'') Rule 5.2–E(j)(3); Index-Linked Exchangeable Notes; Equity Gold Shares; Equity Index-Linked Securities; Commodity-Linked Securities; Currency-Linked Securities; Fixed Income Index-Linked Securities; Futures-Linked Securities; Multifactor Index-Linked Securities; Trust Certificates; Currency and Index Warrants; Portfolio Depository Receipts; Trust Issued Receipts; Commodity-Based Trust Shares; Currency Trust Shares; Commodity Index Trust Shares; Commodity Futures Trust Shares; Partnership Units; Paired Trust Shares; Trust Units; Managed Fund Shares; Managed Trust Securities; Managed Portfolio Shares; Tracking Fund Shares listed pursuant to BZX Exchange Rule 14.11(m), Active Proxy Portfolio Shares listed pursuant to NYSE Arca Rule 8.601–E, and Proxy Portfolio Shares listed pursuant to Nasdaq Stock Market LLC Rule 5750; Selected Equity-linked Debt Securities (''SEEDS''); Exchange-Traded Fund Shares; and Contingent

[40] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As noted in a recent filing, the Exchange represented that it planned to submit a proposal to amend its applicable Rules set forth in Chapter XIV in order to reflect that the Exchange does not currently list any securities, nor does it intend to list any securities, in the foreseeable future. Accordingly, the Exchange is now proposing to amend its Rules. *See* Securities Exchange Act No. 89019 (June 4, 2020) 85 FR 35461 (June 10, 2020) (SR–CboeEDGA–2020–016).

[4] *See* Rule 14.1(c) and proposed Rule 1.5(gg).

Value Rights (''CVRs'').[5] The proposed definition of UTP Security and UTP Derivative Security is substantially similar to BZX Rule 1.5(ee), except that the list of Derivative Securities that may be UTP Derivative Securities includes CVRs. Further, the proposal is substantially similar to NYSE National, Inc. (''NYSE National'') Rule 1.1(m), but the list of Derivative Securities that may be UTP Derivative Securities includes three additional Derivative Securities, SEEDS, Exchange-Traded Fund Shares, and CVRs. While SEEDS and Exchange-Traded Fund Shares are not included in NYSE National Rule 1.1(m), they are Derivative Securities set forth not only in BZX Exchange Rules 14.11(e)(12) and 14.11(l), respectively, but also in section 5700 of the Nasdaq Rules. Further, while CVRs are not currently provided for in NYSE National Rule 1.1(m) or BZX Rule 1.5(ee), CVRs meet the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Act and also may currently be traded on the Exchange pursuant to existing EDGA Rule 14.1(a).

The Exchange also proposes to re-letter existing Rules 1.5(ff) through (ii) to allow for the addition of proposed Rule 1.5(ff). Further, the Exchange proposes to amend Rule 3.21 to reference the proposed definition of UTP Derivative Securities in Rule 1.5(gg).

(2) Proposal To Eliminate Listings Standards for UTP Derivative Securities

Unlike its affiliate exchange BZX, the Exchange is not a listing venue and thus trades securities on a UTP basis only. Nonetheless, currently Chapter XIV of the Exchange's Rulebook provides for listing standards for Derivative Securities that are generally based on BZX Rule 14.11. Exchange Rule 14.1 also provides that the Exchange will not list an equity security, and that the provisions of Rules 14.2 through 14.9,[6] and Rules 14.11 through 14.13 that permit such listing of an equity security are not effective until the Exchange files a proposed rule change under Section 19(b)(2) under the Exchange Act to amend its rules to comply with Rules 10A–3 and 10C–1 under the Exchange Act and to incorporate qualitative listing criteria, and such proposed rule change is approved by the Commission. Given that the Exchange does not list securities, the Exchange believes it is not necessary for the Exchange to have listings rules for Derivative Securities. Therefore, the Exchange proposes to eliminate Exchange Rules 14.2 through 14.9 and 14.11 through 14.13, which set forth the initial and continued listing rules for certain Derivative Securities.

Exchange Rule 14.1 establishes the Exchange's authority to trade securities on a UTP Basis. Based on the proposed amendment to eliminate Derivative Security listings standards, the Exchange also proposes to amend Rule 14.1(a) to eliminate any references to the listing of securities on the Exchange. Additionally, the Exchange proposes to eliminate the definition of Equity Security from Rule 14.1 and to instead reference NMS Stock, as defined in Rule 4.5(cc). Lastly, based on the above proposals, the Exchange proposes to eliminate any reference to products listed on the Exchange as provided in Rules 3.7, 11.2, and 13.6.

(3) Proposal To Amend the Exchange's Additional Rules Applicable to UTP Derivative Securities

Existing Rule 14.1(c) defines UTP Derivative Security. However, as the Exchange proposes to redefine such term in Rule 1.5(gg), it proposes to eliminate the definition from Rule 14.1(c). Existing Rule 14.1(c) also provides that a UTP Derivative Security is subject to additional rules, as set forth in subparagraphs (1) through (6). Now, the Exchange proposes to modify certain of those subparagraphs.

First, the Exchange proposes to eliminate existing Rule 14.1(c)(1), which provides that the Exchange shall file with the Commission a Form 19b–4(e) with respect to each UTP Derivative Security. The Exchange believes that it should not be necessary to file a Form 19b–4(e) with the Commission if it begins trading a UTP Derivative Security because Rule 19b–4(e) under the Act refers to the ''listing and trading'' of a ''new derivative securities product''. The Exchange believes that the requirements of Rule 19b–4(e) refer to when an exchange lists and trades a Derivative Security, and not when an exchange seeks only to trade such product on a UTP basis pursuant to Rule 12f–2 under the Act.[7] The proposal is substantially identical to rule amendments made by other exchanges.[8]

The Exchange also proposes to replace the term ''new derivative securities product'' with the term Derivative Security in order to provide for consistent nomenclature in Exchange Rules. The proposed change is not a substantive change as the proposed definition of Derivative Security is equivalent to the definition of ''new derivative securities product'' under Rule 19b–4(e) under the Exchange Act, as set forth in proposed Rule 1.5(ff).

The Exchange proposes to add additional explanatory language to paragraph (c)(4) that states nothing in the Rule will limit the power of the Exchange under the Rules or procedures of the Exchange with respect to the Exchange's ability to suspend trading in any securities if such suspension is necessary for the protection of investors or in the public interest. The proposed text is substantively identical to that included in NYSE National Rule 5.1(a)(2)(C) and BZX Rule 14.11(j)(3). Further, the proposed text reinforces existing Exchange Rule 11.16(d).

The Exchange proposes to modify paragraphs (c)(5) and (c)(6) to harmonize the text with the Exchange's affiliate, Cboe BYX Exchange, Inc. (''BYX''), Rules 14.1(c)(5) and (c)(6), respectively. Specifically, in Rule 14.1(c)(5) the Exchange proposes to make ministerial changes to the Rule to conform to BYX Rule 14.1(c)(5). In Rule 14.1(c)(6), the Exchange proposes to modify the language so that it states that the Exchange shall enter into a comprehensive surveillance sharing agreement with markets trading components of the index or portfolio on which the UTP Derivative Security is based to the same extent as the listing exchange's rules require the listing exchange to enter into a comprehensive surveillance sharing agreement with such markets, which will conform to BYX Rule 14.1(c)(6).

Lastly, based on the proposal to eliminate Rule 14.1(c)(1), the Exchange proposes to renumber existing paragraphs (c)(2) through (c)(6) accordingly.

(4) Proposal To Amend Rule 14.10

Finally, the Exchange is proposing to renumber Rule 14.10 to Rule 14.2 in order to reflect the elimination of Rule 14.2 through Rule 14.9 that the Exchange is proposing to delete as part of this proposal.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of

[5] For inclusiveness, all Derivative Securities that are subject to unlisted trading privileges have been identified in the list of proposed UTP Derivative Securities.

[6] Exchange Rule 14.10 sets forth the requirements for securities issued by the Exchange or its affiliates.

[7] 17 CFR 240.12f–2.

[8] *See* Securities Exchange Act Nos. 83289 (May 17, 2018) 83 FR 23968 (May 23, 2018) (SR–NYSENAT–2018–02); 84546 (November 7, 2018) 83 FR 56888 (November 14, 2018) (SR–BX–2018–051); and 92015 (May 25, 2021) 86 FR 29305 (June 1, 2021) (SR–CboeBZX–2021–041).

Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] requirements that the rules of an exchange be 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 Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.[11]

In particular, the Exchange believes the proposed definitions of Derivative Security and UTP Derivative Security are reasonable as the proposed substantive changes are substantially similar to other exchanges' rules. Specifically, the proposed definition of Derivative Security in Rule 1.5(ff) is substantially similar to the definition of Exchange Traded Product provided for in NYSE National Rule 1.1(m), except that it better conforms to the defined term ''new derivative securities product'' of Rule 19b–4(e) under the Act. The proposed definition of UTP Derivative Security is substantially similar to BZX Rule 1.5(ee), except that the list of Derivative Securities that may be UTP Derivative Securities includes CVRs. Further, the proposal is substantially similar to NYSE National Rule 1.1(m), but the list of Derivative Securities that may be UTP Derivative Securities includes three additional Derivative Securities, SEEDS, Exchange-Traded Fund Shares, and CVRs. While SEEDS and Exchange-Traded Fund Shares are not included in NYSE National Rule 1.1(m), they are Derivative Securities set forth not only in BZX Exchange Rules 14.11(e)(12) and 14.11(l), respectively, but also in section 5700 of the Nasdaq Rules. Further, while CVRs are not currently provided for in NYSE National Rule 1.1(m) or BZX Rule 1.5(ee), CVRs meet the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Act and also may currently be traded on the Exchange pursuant to existing EDGA Rule 14.1(a) on a UTP basis.

The Exchange believes that its proposal to remove listings standards from Chapter XIV of the Exchange's Rulebook and references elsewhere in the Exchange's Rulebook will eliminate potential investor confusion as the Exchange is not a listing venue. Given this, the Exchange believes the removal of such rules from Chapter XIV and reference to such listings standards in Rules 3.7, 11.2, and 13.6 will simplify and clarify the Exchange's Rulebook. Further, as proposed, Chapter XIV is substantially similar to Chapter 5 of the NYSE National rulebook.

The Exchange's proposal to eliminate the definition of Equity Security from Rule 14.1 and to instead reference NMS Stock as defined in Rule 4.5(cc) will add consistency and clarity to the Exchange's rulebook.

Eliminating the requirement to file a Form 19b–4(e) for each Derivative Security is consistent with the Act because the regulatory requirement was not intended to apply in the context of Derivative Securities trading on a UTP basis. Moreover, the proposal to eliminate Rule 14.1(c)(1) will provide for a more efficient process for adding Derivative Securities to trading on the Exchange on a UTP basis. The Exchange also notes that the proposal is substantially identical to other exchange rules.[12]

The Exchange believes that its proposal to amend Rule 14.1(c)(2), which eliminates redundant language and uses the defined term Derivative Security in lieu of the term ''new derivatives securities product'', to amend Rule 14.1(c)(3) to substantially conform to NYSE National Rule 5.1(a)(2)(C) (trading halts), to modify Rule 14.1(c)(5) and (c)(6) to conform to BYX Rule 14.1(c)(5) and (c)(6), respectively, and to renumber existing paragraphs 14.1(c)(2)–(c)(6) based on its proposal to eliminate Rule 14.1(c)(1), will clarify and simplify the Exchange's Rulebook as well as provide consistency in the Exchange's Rules.

Lastly, the Exchange believes its proposed changes to renumber Rule 14.10, to Rule 14.2 is appropriate in order to reflect the elimination of Rule 14.2 through Rule 14.9 that the Exchange is proposing to delete as part of this proposal.

In light of the above proposals, the Exchange has also proposed to make corresponding changes to Rules 1.5, 3.7, 3.21, 11.2, 13.6 to renumber or re-letter certain paragraphs or subparagraphs of the Rule, eliminate any reference to Exchange listing rules in Chapter XIV, and update applicable rule references.

The proposal is intended to simplify and clarify the Exchange's Rules as they relate to UTP Derivative Securities and to reflect that EDGA is not a listing venue which the Exchange believes will 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 Exchange believes that renumbering and re-lettering current Rules to correspond to the proposed changes will allow the Exchange to maintain a clear and organized rule structure, thus preventing investor confusion. For these reasons, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of 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. Allowing the Exchange to make the above proposed modifications will clarify that the Exchange is not a listing venue by eliminating listing standards and any references to Exchange listed securities Further, the proposed rule change will harmonize certain Exchange Rules with those of other exchanges, including the Exchange's affiliate BZX, which will simplify and clarify the Exchange's rulebook and promote consistency and transparency on both the Exchange and its affiliated exchanges, thus making the Exchange's rules easier to navigate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(1).

[12] *See supra* note 8.

19(b)(3)(A)(iii) of the Act[13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6)[15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay to allow the Exchange to implement the proposal as soon as possible. The Exchange states that the proposed changes are based on rules of other exchanges and that waiver would allow Members to benefit immediately from the clarified and simplified provisions. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal does not raise any new or novel issues. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–CboeEDGA–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–CboeEDGA–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 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–CboeEDGA–2022–014 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20940 Filed 9–27–22; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange 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.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95881; File No. SR–PEARL–2022–41]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by MIAX PEARL, LLC To Amend Exchange Rule 2621, Clearly Erroneous Executions

September 22, 2022.

Pursuant to the provisions of 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 September 19, 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 2621, Clearly Erroneous Executions.

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 purpose of the proposed rule change is to amend Exchange Rule 2621, Clearly Erroneous Executions. Specifically, the Exchange proposes to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

limit the circumstances where clearly erroneous review would continue to be available during Regular Trading Hours,[3] when the LULD Plan to Address Extraordinary Market Volatility (the ''LULD Plan'') [4] already provides similar protections for trades occurring at prices that may be deemed erroneous. The Exchange believes that these changes are appropriate as the LULD Plan has been approved by the Commission on a permanent basis,[5] and in light of amendments to the LULD Plan, including changes to the applicable Price Bands [6] around the open and close of trading. This proposed rule change is based on a recent rule change by Cboe BZX Exchange, Inc. (''BZX'') to amend certain provisions of the clearly erroneous pilot and to operate the clearly erroneous pilot on a permanent basis that was recently approved by the Commission.[7]

Background

On August 14, 2020, the Commission approved the adoption of Exchange Rule 2621 that, among other things: (i) provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule; adopted a provision designed to address the operation of the LULD Plan; (iii) adopted a provision providing that a series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (iv) adopted a provision that in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[8]

The clearly erroneous rules were first implemented by other equity exchanges on a pilot basis following a severe disruption in the U.S. equities markets on May 6, 2010 (''Flash Crash'') to ''provide greater transparency and certainty to the process of breaking trades.'' [9] Largely, the pilot reduced the discretion of the Exchange, other national securities exchanges, and Financial Industry Regulatory Authority (''FINRA'') to deviate from the objective standards in their respective rules when dealing with potentially erroneous transactions. The pilot has thus helped afford greater certainty to Members and investors about when trades will be deemed erroneous pursuant to self-regulatory organization (''SRO'') rules and has provided a more transparent process for conducting such reviews. The Commission recently approved a proposal by BZX to make the current pilot permanent in which BZX asserted that market participants should be able to continue to benefit from the increased certainty afforded by its clearly erroneous rule.[10]

Amendments to the Clearly Erroneous Rules

When the Participants to the LULD Plan filed to introduce the Limit Up-Limit Down (''LULD'') mechanism, itself a response to the Flash Crash, a handful of commenters noted the potential discordance between the clearly erroneous rules and the Price Bands used to limit the price at which trades would be permitted to be executed pursuant to the LULD Plan. For example, two commenters requested that the clearly erroneous rules be amended so the presumption would be that trades executed within the Price Bands would not be not subject to review.[11] While the Participants acknowledged that the potential to prevent clearly erroneous executions would be a ''key benefit'' of the LULD Plan, the Participants decided not to amend the clearly erroneous rules at that time.[12] In the years since, industry feedback has continued to reflect a desire to eliminate the discordance between the LULD mechanism and the clearly erroneous rules so that market participants would have more certainty that trades executed with the Price Bands would stand. For example, the Equity Market Structure Advisory Committee (''EMSAC'') Market Quality Subcommittee included in its April 19, 2016 status report a preliminary recommendation that clearly erroneous rules be amended to conform to the Price Bands—*i.e.,* ''any trade that takes place within the band would stand and not be broken and trades outside the LU/LD bands would be eligible for the consideration of the Clearly Erroneous rules.'' [13]

The Exchange believes that it is important for there to be some mechanism to ensure that investors' orders are either not executed at clearly erroneous prices or are subsequently busted as needed to maintain a fair and orderly market. At the same time, the Exchange believes that the LULD Plan, as amended, would provide sufficient protection for trades executed during Regular Trading Hours. Indeed, the LULD mechanism could be considered to offer superior protection as it prevents potentially erroneous trades from being executed in the first instance. After gaining experience with the LULD Plan, the Exchange now believes that it is appropriate to largely eliminate clearly erroneous review during Regular Trading Hours when Price Bands are in effect. Thus, as proposed, trades executed within the Price Bands would stand, barring one of a handful of identified scenarios where such review may still be necessary for the protection of investors. The Exchange believes that this change would be beneficial for the U.S. equities markets as it would ensure that trades executed within the Price Bands are subject to clearly erroneous review in only rare circumstances, resulting in

[3] The term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time. *See* Exchange Rule 1900.

[4] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012).

[5] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (''Notice''); 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (File No. 4–631) (''Amendment Eighteen'').

[6] ''Price Bands'' refers to the term provided in Section V of the LULD Plan.

[7] *See* Securities Exchange Act Release No. 95658 (September 1, 2022), 87 FR 55060 (September 8, 2022) (SR–CboeBZX–2022–0037) (''Approval Order''). The Exchange notes that its Rule 2621 is basically identical to the clearly erroneous pilot rules of BZX with the following two key differences: (1) Exchange Rule 2621 does not include a provision stating it is operating on a pilot basis; and (2) Exchange Rule 2621 does not account for before or after hours trading because the Exchange currently provides trading during Regular Trading Hours. The Exchange will amend Exchange Rule 2621 to address the availability of the review of clearly erroneous executions as part of any potential proposed rule change to provide for before or after hours trading.

[8] *See* Securities Exchange Act Release No. 89563 (August 14, 2020), 85 FR 51510 (August 20, 2020) (SR–PEARL–2020–03).

[9] *See, e.g.,* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–BATS–2010–016).

[10] *See* Approval Order, *supra* note 7. *See also* Securities Exchange Act Release No. 95259 (July 12, 2022), 87 FR 42760 (July 18, 2022) (SR–CboeBZX–2022–037) (''Notice'').

[11] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (File No. 4–631) (n. 33505).

[12] *Id.*

[13] *See* EMSAC Market Quality Subcommittee, Recommendations for Rulemaking on Issues of Market Quality (November 29, 2016), *available at https://www.sec.gov/spotlight/emsac/emsac-recommendations-rulemaking-market-quality.pdf.*

greater certainty for Members and investors.

There would be much more limited potential to request that a transaction be reviewed as potentially erroneous during Regular Trading Hours.[14] With the introduction of the LULD mechanism in 2013, clearly erroneous trades are largely prevented by the requirement that trades be executed within the Price Bands. In addition, in 2019, Amendment Eighteen to the LULD Plan eliminated double-wide Price Bands: (1) at the Open, and (2) at the Close for Tier 2 NMS Stocks 2 with a Reference Price above $3.00.[15] Due to these changes, the Exchange believes that the Price Bands would provide sufficient protection to investor orders such that clearly erroneous review would no longer be necessary during Regular Trading Hours. As the Participants to the LULD Plan explained in Amendment Eighteen: ''Broadly, the Limit Up-Limit Down mechanism prevents trades from happening at prices where one party to the trade would be considered 'aggrieved,' and thus could be viewed as an appropriate mechanism to supplant clearly erroneous rules.'' While the Participants also expressed concern that the Price Bands might be too wide to afford meaningful protection around the open and close of trading, amendments to the LULD Plan adopted in Amendment Eighteen narrowed Price Bands at these times in a manner that the Exchange believes is sufficient to ensure that investors' orders would be appropriately protected in the absence of clearly erroneous review. The Exchange therefore believes that it is appropriate to rely on the LULD mechanism as the primary means of preventing clearly erroneous trades during Regular Trading Hours.

At the same time, the Exchange is cognizant that there may be limited circumstances where clearly erroneous review may continue to be appropriate. Thus, the Exchange proposes to amend its clearly erroneous rules to enumerate the specific circumstances where such review would remain available, as follows. All transactions that fall outside of these specific enumerated exceptions would be ineligible for clearly erroneous review.

First, pursuant to proposed paragraph (c)(1)(A), a transaction would continue to be eligible for clearly erroneous review if the transaction is not subject to the LULD Plan. In such case, the Numerical Guidelines set forth in paragraph (c)(2) of Rule 2621 will be applicable to such NMS Stock. While the majority of securities traded on the Exchange would be subject to the LULD Plan, certain equity securities, such as rights and warrants, are explicitly excluded from the provisions of the LULD Plan and would therefore be eligible for clearly erroneous review instead.[16] Similarly, there are instances, such as the opening auction on the primary listing market,[17] where transactions are not ordinarily subject to the LULD Plan, or circumstances where a transaction that ordinarily would have been subject to the LULD Plan is not—due, for example, to some issue with processing the Price Bands. These transactions would continue to be eligible for clearly erroneous review, effectively ensuring that such review remains available as a backstop when the LULD Plan would not prevent executions from occurring at erroneous prices in the first instance.

Second, investors would also continue to be able to request review of transactions that resulted from certain systems issues pursuant to proposed paragraph (c)(1)(B). This limited exception would help to ensure that trades that should not have been executed would continue to be subject to clearly erroneous review. Specifically, as proposed, transactions would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(B) if the transaction is the result of an Exchange technology or systems issue that results in the transaction occurring outside of the applicable LULD Price Bands pursuant to Exchange Rule 2621(g). A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d) of this Rule, by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan (''Percentage Parameters'').

Third, the Exchange proposes to narrowly allow for the review of transactions when the Reference Price, described in proposed paragraph (d), is determined to be erroneous by an Officer of the Exchange. Specifically, a transaction would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(C) if the transaction involved, in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to the LULD Plan and resumes trading without an auction,[18] a Reference Price that is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. In such circumstances, the Exchange may use a different Reference Price pursuant to proposed paragraph (d)(2) of this Rule. A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the new Reference Price, described in paragraph (d)(2) below, by an amount that equals or exceeds the applicable Numerical Guidelines or Percentage Parameters, as applicable depending on whether the security is subject to the LULD Plan. Specifically, the Percentage Parameters would apply to all transactions except those in an NMS Stock that is not subject to the LULD Plan, as described in paragraph (c)(1)(A).

In the context of a corporate action or a new issue, there may be instances where the security's Reference Price is later determined by the Exchange to be erroneous (*e.g.,* because of a bad first trade for a new issue), and subsequent LULD Price Bands are calculated from that incorrect Reference Price. In determining whether the Reference Price is erroneous in such instances, the Exchange would generally look to see if such Reference Price clearly deviated from the theoretical value of the security. In such cases, the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue, the ratio of the stock split applied to the prior day's closing price, the theoretical price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing.[19] In the foregoing instances, the theoretical value of the security would be used as the new Reference Price when applying the Percentage Parameters under the

[14] The Exchange currently only provides for trading during Regular Trading Hours and does not offer a pre- or post-trading session.

[15] *See* Amendment Eighteen, supra note 5.

[16] *See* Appendix A of the LULD Plan.

[17] The initial Reference Price used to calculate Price Bands is typically set by the Opening Price on the primary listing market. *See* Section V(B) of the LULD Plan.

[18] The Exchange notes that the ''resumption of trading without an auction'' provision of the proposed rule text applies only to securities that enter a Trading Pause pursuant to LULD and does not apply to a corporate action or new issue.

[19] Using transaction data reported to the FINRA OTC Reporting Facility, FINRA disseminates via the Trade Data Dissemination Service a final closing report for OTC equity securities for each business day that includes, among other things, each security's closing last sale price.

LULD Plan (or Numerical Guidelines if the transaction is in an NMS Stock that is not subject to the LULD Plan) to determine whether executions would be cancelled as clearly erroneous.

The following illustrate the proposed application of the rule in the context of a corporate action or new issue:

Example 1

1. ABCD is subject to a corporate action, 1 for 10 reverse split, and the previous day close was $5, but the new theoretical price based on the terms of the corporate action is $50
2. The security opens at $5, with LULD bands at $4.50 × $5.50
3. The bands will be calculated correctly but the security is trading at an erroneous price based on the valuation of the remaining outstanding shares
4. The theoretical price of $50 would be used as the new Reference Price when applying LULD bands to determine if executions would be cancelled as clearly erroneous

Example 2

1. ABCD is subject to a corporate action, the company is doing a spin off where a new issue will be listed, BCDE. ABCD trades at $50, and the spinoff company is worth ⅕ of ABCD
2. BCDE opens at $50 in the belief it is the same company as ABCD
3. The theoretical values of the two companies are ABCD $40 and BCDE $10
4. BCDE would be deemed to have had an incorrect Reference Price and the theoretical value of $10 would be used as the new Reference Price when applying the LULD Bands to determine if executions would be cancelled as clearly erroneous

Example 3

1. ABCD is an uplift from the OTC market, the prior days close on the OTC market was $20
2. ABCD opens trading on the new listing exchange at $0.20 due to an erroneous order entry
3. The new Reference Price to determine clearly erroneous executions would be $20, the theoretical value of the stock from where it was last traded

In the context of the rare situation in which a security that enters a LULD Trading Pause and resumes trading without an auction (*i.e.,* reopens with quotations), the LULD Plan requires that the new Reference Price in this instance be established by using the mid-point of the best bid and offer (''BBO'') on the primary listing exchange at the reopening time.[20] This can result in a Reference Price and subsequent LULD Price Band calculation that is significantly away from the security's last traded or more relevant price, especially in less liquid names. In such rare instances, the Exchange is proposing to use a different Reference Price that is based on the prior LULD Band that triggered the Trading Pause, rather than the midpoint of the BBO.

The following example illustrates the proposed application of the rule in the context of a security that reopens without an auction:

Example 4

1. ABCD stock is trading at $20, with LULD Bands at $18 × $22
2. An incoming buy order causes the stock to enter a Limit State Trading Pause and then a Trading Pause at $22
3. During the Trading Pause, the buy order causing the Trading Pause is cancelled
4. At the end of the 5-minute halt, there is no crossed interest for an auction to occur, thus trading would resume on a quote
5. Upon resumption, a quote that was available prior to the Trading Pause (*e.g.* a quote was resting on the book prior to the Trading Pause), is widely set at $10 × $90
6. The Reference Price upon resumption is $50 (mid-point of BBO)
7. The SIP will use this Reference Price and publish LULD Bands of $45 × $55 (*i.e.,* far away from BBO prior to the halt)
8. The bands will be calculated correctly, but the $50 Reference Price is subsequently determined to be incorrect as the price clearly deviated from where it previously traded prior to the Trading Pause
9. The new Reference Price would be $22 (*i.e.,* the last effective Price Band that was in a limit state before the Trading Pause), and the LULD Bands would be applied to determine if the executions should be cancelled as clearly erroneous

In all of the foregoing situations, investors would be left with no remedy to request clearly erroneous review without the proposed carve outs in paragraph (c)(1)(C) because the trades occurred within the LULD Price Bands (albeit LULD Price Bands that were calculated from an erroneous Reference Price). The Exchange believes that removing the current ability for the Exchange to review in these narrow circumstances would lessen investor protections.

Numerical Guidelines

Today, paragraph (c)(1) defines the Numerical Guidelines that are used to determine if a transaction is deemed clearly erroneous during Regular Trading Hours. With respect to Regular Trading Hours, trades are generally deemed clearly erroneous if the execution price differs from the Reference Price (*i.e.,* last sale) by 10% if the Reference Price is greater than $0.00 up to and including $25.00; 5% if the Reference Price is greater than $25.00 up to and including $50.00; and 3% if the Reference Price is greater than $50.00. Wider parameters are also used for reviews for Multi-Stock Events, as described in paragraph (c)(2). With respect to transactions in Leveraged ETF/ETN securities executed during Regular Trading Hours, trades are deemed clearly erroneous if the execution price exceeds the Regular Trading Hours Numerical Guidelines multiplied by the leverage multiplier.

Given the changes described in this proposed rule change, the Exchange proposes to amend the way that the Numerical Guidelines are calculated during Regular Trading Hours in the handful of instances where clearly erroneous review would continue to be available. Specifically, the Exchange would base these Numerical Guidelines, as applied to the circumstances described in paragraph (c)(1)(A), on the Percentage Parameters used to calculate Price Bands, as set forth in Appendix A to the LULD Plan. Without this change, a transaction that would otherwise stand if Price Bands were properly applied to the transaction may end up being subject to review and deemed clearly erroneous solely due to the fact that the Price Bands were not available due to a systems or other issue. The Exchange believes that it makes more sense to instead base the Price Bands on the same parameters as would otherwise determine whether the trade would have been allowed to execute within the Price Bands. The Exchange also proposes to modify the Numerical Guidelines applicable to leveraged ETF/ETN securities during Regular Trading Hours. As noted above, the Numerical Guidelines will only be applicable to transactions eligible for review pursuant paragraph (c)(1)(A) (*i.e.,* to NMS Stocks that are not subject to the LULD Plan). As leveraged ETF/ETN securities are subject to LULD and thus the Percentage Parameters will be applicable during Regular Trading Hours, the Exchange proposes to eliminate the Numerical Guidelines for leveraged ETF/ETN securities traded during Regular Trading Hours.

The Exchange also proposes to move existing paragraphs (c)(2), (c)(3), and (d) to proposed paragraph (c)(2)(B), (c)(2)(C), and (C)(2)(D), respectively, as

[20] *See* LULD Plan, Section I(U) and V(C)(1).

Multi-Stock Events, Additional Factors, and Outlier Transactions will only be subject to review if those NMS Stocks are not subject to the LULD Plan. Proposed paragraph (c)(2)(B) is substantially similar to existing paragraph (c)(2) except for a change in rule reference to paragraph (c)(1) has been updated to paragraph (c)(1)(A). Further, given the proposal to move existing paragraph (c)(2) to paragraph (c)(2)(B), the Exchange also proposes to amend applicable rule references throughout paragraph (c)(2)(A). Finally, the Exchange proposes to update applicable rule references in paragraph (c)(2)(D) based on the above-described structural changes to the Rule.

Reference Price

As proposed, the Reference Price used would continue to be based on last sale and would be memorialized in proposed paragraph (d). Continuing to use the last sale as the Reference Price is necessary for operational efficiency as it may not be possible to perform a timely clearly erroneous review if doing so required computing the arithmetic mean price of eligible reported transactions over the past five minutes, as contemplated by the LULD Plan. While this means that there would still be some differences between the Price Bands and the clearly erroneous parameters, the Exchange believes that this difference is reasonable in light of the need to ensure timely review if clearly erroneous rules are invoked. The Exchange also proposes to allow for an alternate Reference Price to be used as prescribed in proposed paragraphs (d)(1), (2), and (3). Specifically, the Reference Price may be a value other than the consolidated last sale immediately prior to the execution(s) under review (1) in the case of Multi-Stock Events involving twenty or more securities, as described in paragraph (c)(2)(B) above, (2) in the case of an erroneous Reference Price, as described in paragraph (c)(1)(C) above,[21] or (3) in other circumstances, such as, for example, relevant news impacting a security or securities, periods of extreme market volatility, sustained illiquidity, or widespread system issues, where use of a different Reference Price is necessary for the maintenance of a fair and orderly market and the protection of investors and the public interest, provided that such circumstances are eligible for review pursuant to paragraph (c)(1)(A).

Appeals

As described more fully below, the Exchange proposes to eliminate paragraph (f), System Disruption or Malfunction. Accordingly, the Exchange proposes to remove from paragraph (e)(2), Appeals, each reference to paragraph (f), and include language referencing proposed paragraph (g), Transactions Occurring Outside of the LULD Bands.

System Disruption or Malfunction

To conform with the structural changes descried above, the Exchange proposes to remove paragraph 2621(f), System Disruption or Malfunction, and propose new paragraph (c)(1)(B). Specifically, as described in proposed paragraph (c)(1)(B) above, transactions occurring during Regular Trading Hours that are executed outside of the LULD Price Bands due to an Exchange technology or system issue, may be subject to clearly erroneous review pursuant to proposed paragraphs 2621(g). Proposed paragraph 2621(c)(1)(B) further provides that a transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d), by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan.

Trade Nullification for UTP Securities That Are the Subject of Initial Public Offerings

Current paragraph (h) of BZX Rule 11.17 provides different procedures for conducting clearly erroneous review in initial public offering (''IPO'') securities that are traded pursuant to unlisted trading privileges (''UTP'') after the initial opening of such IPO securities on the listing market. Specifically, this paragraph provides that a clearly erroneous error may be deemed to have occurred in the opening transaction of the subject security if the execution price of the opening transaction on the Exchange is the lesser of $1.00 or 10% away from the opening price on the listing exchange or association. The Exchange no longer believes that this provision is necessary as opening transactions on the Exchange following an IPO are subject to Price Bands pursuant to the LULD Plan. The Exchange therefore proposes to eliminate this provision in connection with the broader changes to clearly erroneous review during Regular Trading Hours.

Securities Subject To Limit Up-Limit Down Plan

The Exchange proposes to renumber paragraph (i) to paragraph (h) based on the proposal to eliminate existing paragraph (h), and to rename the paragraph to provide for transactions occurring outside of LULD Price Bands. Given that proposed paragraph (c)(1) defines the LULD Plan, the Exchange also proposes to eliminate redundant language from proposed paragraph (h). Finally, the Exchange also proposes to update references to the LULD Plan and Price Bands so that they are uniform throughout the Rule and to update rule references throughout the paragraph to conform to the structural changes to the Rule described above.

Multi-Day Event and Trading Halts

The Exchange proposes to renumber paragraphs (j) and (k) to paragraphs (h) and (i), respectively, based on the proposal to eliminate existing paragraph (h). Additionally, the Exchange proposes to modify the text of both paragraphs to reference the Percentage Parameters as well as the Numerical Guidelines. Specifically, the existing text of proposed paragraphs (h) and (i) provides that any action taken in connection with this paragraph will be taken without regard to the Numerical Guidelines set forth in this Rule. The Exchange proposes to amend the rule text to provide that any action taken in connection with this paragraph will be taken without regard to the Percentage Parameters or Numerical Guidelines set forth in this Rule, with the Percentage Parameters being applicable to an NMS Stock subject to the LULD Plan and the Numerical Guidelines being applicable to an NMS Stock not subject to the LULD Plan.

Implementation

The proposed rule change would be effective on October 1, 2022.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[22] in general, and Section 6(b)(5) of the Act,[23] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and

[21] As discussed above, in the case of (c)(1)(C)(1), the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue, the ratio of the stock split applied to the prior day's closing price, the theoretical price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing. In the case of (c)(1)(C)(2), the Reference Price will be the last effective Price Band that was in a limit state before the Trading Pause.

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(5).

open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

As explained in the purpose section of this proposed rule change, the current program was implemented following the Flash Crash to bring greater transparency to the process for conducting clearly erroneous reviews, and to help assure that the review process is based on clear, objective, and consistent rules across the U.S. equities markets. The Exchange believes that the amended clearly erroneous rules have been successful in that regard and have thus furthered fair and orderly markets. Specifically, the Exchange believes that the program has successfully ensured that such reviews are conducted based on objective and consistent standards across SROs and has therefore afforded greater certainty to Members and investors. The Exchange therefore believes that equities market participants should continue to reap the benefits of a clear, objective, and transparent process for conducting clearly erroneous reviews. In addition, this proposed rule change present no new or novel issues because it is based on the rules of Cboe BZX Exchange, Inc. (''BZX'') which were recently approved by the Commission.[24] The Exchange also understands that the other U.S. equities exchanges and FINRA will also file largely identical proposals to make their respective clearly erroneous pilots permanent. The Exchange therefore believes that the proposed rule change would promote transparency and uniformity across markets concerning review of transactions as clearly erroneous and would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors, and the public interest.

Similarly, the Exchange believes that it is consistent with just and equitable principles of trade to limit the availability of clearly erroneous review during Regular Trading Hours. The Plan was approved by the Commission to operate on a permanent rather than pilot basis. As a number of market participants have noted, the LULD Plan provides protections that ensure that investors' orders are not executed at prices that may be considered clearly erroneous. Further, amendments to the LULD Plan approved in Amendment Eighteen serve to ensure that the Price Bands established by the LULD Plan are ''appropriately tailored to prevent trades that are so far from current market prices that they would be viewed as having been executed in error.'' [25] Thus, the Exchange believes that clearly erroneous review should only be necessary in very limited circumstances during Regular Trading Hours. Specifically, such review would only be necessary in instances where a transaction was not subject to the LULD Plan, or was the result of some form of systems issue, as detailed in the purpose section of this proposed rule change. Additionally, in narrow circumstances where the transaction was subject to the LULD Plan, a clearly erroneous review would be available in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to LULD and resumes trading without an auction, where the Reference Price is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. Thus, eliminating clearly erroneous review in all other instances will serve to increase certainty for Members and investors that trades executed during Regular Trading Hours would typically stand and would not be subject to review.

Given the fact that clearly erroneous review would largely be limited to transactions that were not subject to the LULD Plan, the Exchange also believes that it is necessary to change the parameters used to determine whether a trade is clearly erroneous. Specifically, due to the different parameters currently used for clearly erroneous review and for determining Price Bands, it is possible that a trade that would have been permitted to execute within the Price Bands would later be deemed clearly erroneous, if, for example, a systems issue prevented the dissemination of the Price Bands. The Exchange believes that this result is contrary to the principle that trades within the Price Bands should stand, and has the potential to cause investor confusion if trades that are properly executed within the applicable parameters described in the LULD Plan are later deemed erroneous. By using consistent parameters for clearly erroneous reviews conducted during Regular Trading Hours and the calculation of the Price Bands, the Exchange believes that this change would also serve to promote greater certainty with regards to when trades may be deemed erroneous.

The Exchange believes that it is consistent with the protection of investors and the public interest to remove the current provision of the clearly erroneous rule dealing with UTP securities that are the subject of IPOs. This provision applies specifically to opening transactions on a non-listing market following an IPO on the listing market. As such, review under this paragraph is limited to trades conducted during Regular Trading Hours. As previously addressed, trades executed during Regular Trading Hours would generally not be subject to clearly erroneous review but would instead be protected by the Price Bands. The Exchange therefore no longer believes that this paragraph is necessary, as all trades subject to this provision today would either be subject to the LULD Plan, or, in the event of some systems or other issue, would be subject to the provisions that apply to transactions that are not adequately protected by the LULD Plan.

Finally, the proposed rule changes make organizational updates to the Exchange's Clearly Erroneous Execution Rule as well as minor updates and corrections to the Rule to improve readability and clarity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while also amending those rules to provide greater certainty to Members and investors that trades will stand if executed during Regular Trading Hours where the LULD Plan provides adequate protection against trading at erroneous prices. This proposed rule change is based on changes to BZX Rule 11.17, which were recently approved by the Commission.[26] The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are identical to this proposal. Thus, the proposed rule change will help to ensure consistency across SROs without implicating any competitive issues.

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.

[24] *See supra* note 7.

[25] *See* Amendment Eighteen, supra note 5.

[26] *See supra* note 7.

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 [27] and Rule 19b–4(f)(6) [28] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [29] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [30] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative on October 1, 2022. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange to coordinate its implementation of the revised clearly erroneous execution rules with the other national securities exchanges and FINRA, and will help ensure consistency across the SROs.[31] For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[32]

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.

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 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.

[29] 17 CFR 240.19b–4(f)(6).

[30] 17 CFR 240.19b–4(f)(6)(iii).

[31] *See* SR–CboeBZX–2022–37 (July 8, 2022).

[32] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–2022–41 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–2022–41. 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 such 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–2022–41 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20955 Filed 9–27–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95886; File No. SR–PEARL–2022–40]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by MIAX PEARL, LLC To Amend the MIAX Pearl Options Fee Schedule

September 22, 2022.

Pursuant to the provisions of 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 September 14, 2022, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to amend the MIAX Pearl Options Fee Schedule (the ''Fee Schedule'').

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

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 proposes to amend the Add/Remove Tiered Rebates/Fees set forth in Section 1(a) of the Fee Schedule to: (1) modify the Maker rebates (defined below) in all Tiers for transactions in Penny Classes (defined below) for MIAX Pearl Market Makers,[3] Non-Priority Customers, Firms, Broker-Dealers and Non-MIAX Pearl Market Makers; and (2) provide for additional, separate Maker rebates for Market Makers and Electronic Exchange Member (''EEM'') [4] Professional origins (defined below) for certain transactions in Non-Penny Classes (defined below). The Exchange originally filed this proposal on September 1, 2022 (SR–PEARL–2022–38). On September 14, 2022, the Exchange withdrew SR–PEARL–2022–38 and resubmitted this proposal.

Background

The Exchange currently assesses transaction rebates and fees to all market participants which are based upon the total monthly volume executed by the Member [5] on MIAX Pearl in the relevant, respective origin type (not including Excluded Contracts) [6] (as the numerator) expressed as a percentage of (divided by) TCV [7] (as the denominator). In addition, the per contract transaction rebates and fees are applied retroactively to all eligible volume for that origin type once the respective threshold tier (''Tier'') has been reached by the Member. The Exchange aggregates the volume of Members and their Affiliates.[8] Members that place resting liquidity, *i.e.,* orders resting on the book of the MIAX Pearl System,[9] are paid the specified ''maker'' rebate (each a ''Maker''), and Members that execute against resting liquidity are assessed the specified ''taker'' fee (each a ''Taker''). For opening transactions and ABBO [10] uncrossing transactions, per contract transaction rebates and fees are waived for all market participants. Finally, Members are assessed lower transaction fees and receive lower rebates for order executions in standard option classes in the Penny Interval Program [11] (''Penny Classes'') than for order executions in standard option classes which are not in the Penny Interval Program (''Non-Penny Classes''), where Members are assessed higher transaction fees and receive higher rebates.

Proposal To Modify the Maker Rebates in All Tiers for Transactions in Penny Classes for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker Origins

The Exchange proposes to amend the Fee Schedule for the Exchange's options market to modify the Maker rebates in all Tiers for options transactions in Penny Classes for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins' respective rate tables. Currently, the Exchange provides different Maker rebates for options transactions in Penny Classes for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins depending on whether the Member is trading against the Priority Customer [12] origin or another origin type. In particular, the Exchange provides the following Maker rebates for Market Makers for options transactions in Penny Classes when trading against the Priority Customer origin: ($0.23) in Tier 1, ($0.38) in Tier 2, ($0.38) in Tier 3, ($0.45) in Tier 4, ($0.46) in Tier 5, and

[3] ''Market Maker'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of Exchange Rules. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[4] ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[5] ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[6] ''Excluded Contracts'' means any contracts routed to an away market for execution. *See* the Definitions Section of the Fee Schedule.

[7] ''TCV'' means total consolidated volume calculated as the total national volume in those classes listed on MIAX PEARL for the month for which the fees apply, excluding consolidated volume executed during the period time in which the Exchange experiences an ''Exchange System Disruption'' (solely in the option classes of the affected Matching Engine (as defined below)). The term Exchange System Disruption, which is defined in the Definitions section of the Fee Schedule, means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hours or more, during trading hours. The term Matching Engine, which is also defined in the Definitions section of the Fee Schedule, is a part of the MIAX PEARL electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. The Exchange believes that it is reasonable and appropriate to select two consecutive hours as the amount of time necessary to constitute an Exchange System Disruption, as two hours equates to approximately 1.4% of available trading time per month. The Exchange notes that the term ''Exchange System Disruption'' and its meaning have no applicability outside of the Fee Schedule, as it is used solely for purposes of calculating volume for the threshold tiers in the Fee Schedule. *See* the Definitions Section of the Fee Schedule.

[8] ''Affiliate'' means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An ''Appointed Market Maker'' is a MIAX PEARL Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an ''Appointed EEM'' is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX PEARL Market Maker) that has been appointed by a MIAX PEARL Market Maker, pursuant to the following process. A MIAX PEARL Market Maker appoints an EEM and an EEM appoints a MIAX PEARL Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to *membership@miaxoptions.com* no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange's acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties. *See* the Definitions Section of the Fee Schedule.

[9] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[10] ''ABBO'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g)) and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[11] *See* Securities Exchange Act Release No. 88992 (June 2, 2020), 85 FR 35142 (June 8, 2020) (SR–PEARL–2020–06).

[12] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). The number of orders shall be counted in accordance with Interpretation and Policy .01 of Exchange Rule 100. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100, including Interpretation and Policy .01.

($0.47) in Tier 6. The Exchange provides the following Maker rebates for Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins for options transactions in Penny Classes when trading against the Priority Customer origin: ($0.23) in Tier 1, ($0.38) in Tier 2, ($0.38) in Tier 3, ($0.45) in Tier 4, ($0.46) in Tier 5, and ($0.46) in Tier 6.

The Exchange now proposes to lower the Maker rebates by $0.01 in all Tiers for options transactions in Penny Classes for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins, respectively, when trading against the Priority Customer origin. Accordingly, with the proposed changes, the Exchange will provide the following Maker rebates for Market Makers for options transactions in Penny Classes when trading against the Priority Customer origin: ($0.22) in Tier 1, ($0.37) in Tier 2, ($0.37) in Tier 3, ($0.44) in Tier 4, ($0.45) in Tier 5, and ($0.46) in Tier 6. The Exchange will provide the following Maker rebates for Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins for options transactions in Penny Classes when trading against the Priority Customer origin: ($0.22) in Tier 1, ($0.37) in Tier 2, ($0.37) in Tier 3, ($0.44) in Tier 4, ($0.45) in Tier 5, and ($0.45) in Tier 6.

The purpose of adjusting the specified Maker rebates is for business and competitive reasons. In order to attract order flow, the Exchange initially set its Maker rebates so that they were higher than other options exchanges that operate comparable maker/taker pricing models.[13] The Exchange believes that it is appropriate to adjust these specified Maker rebates so that they are more in line with other exchanges, but will remain highly competitive such that they should enable the Exchange to continue to attract order flow and maintain market share.[14]

Proposal To Adopt Additional, Separate Maker Rebates for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker Origins for Certain Transactions in Non-Penny Classes

The Exchange proposes to amend the Fee Schedule for the Exchange's options market to adopt additional separate Maker rebates for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins for options transactions in Non-Penny Classes in Tiers 1 through 4. Currently, the Exchange provides the following Maker rebates for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins for options transactions in Non-Penny Classes: ($0.30) in Tier 1, ($0.30) in Tier 2, ($0.60) in Tier 3, ($0.65) in Tier 4, ($0.70) in Tier 5, and ($0.85) in Tier 6.[15]

The Exchange now proposes to adopt additional, separate Maker rebates for Market Makers for options transactions in Non-Penny Classes in Tiers 1 through 4. In particular, the Exchange proposes that Market Makers may qualify for additional, separate rebates for options transactions in Non-Penny classes in Tiers 1 through 4 if the Market Maker increases their Non-Penny Class Maker TCV by 100% or more as compared to that Market Maker's Non-Penny Class TCV for the month of July 2022,[16] which will be the Market Maker's baseline Non-Penny Class Maker TCV. Market Makers that qualify for the additional Non-Penny Class Maker rebate will receive the following additional, separate rebates: ($0.40) in Tier 1; ($0.40) in Tier 2; ($0.10) in Tier 3; and ($0.05) in Tier 4. Market Makers with no volume in the Non-Penny Class Maker segment for the month of July 2022 will have any new volume considered as added volume. Stated another way, the Exchange proposes that Market Makers who did not have any volume in the Non-Penny Class Maker segment for the month of July 2022, will receive the proposed additional separate Maker rebates for any new Non-Penny Class Maker volume in each subsequent month. The Exchange proposes to denote the additional Maker rebates in Non-Penny Classes for Market Makers by adopting new footnote "■" following the tables of fees and rebates in Section 1)a) of the Fee Schedule. For example, if a Market Maker has specific Non-Penny Class Maker volume of 0.050% TCV for the month of July 2022, then that Market Maker would need Non-Penny Class Maker volume equal to or greater than 0.100% TCV in the relevant month to receive the additional proposed rebates. The purpose of this change is for business and competitive reasons in order to attract additional Non-Penny Class volume from Market Makers, which should benefit all Exchange participants by providing more trading opportunities and tighter spreads.[17]

The Exchange also proposes to adopt an additional, separate Maker rebate for EEM Professional origins (which includes, collectively, Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins), for options transactions in Non-Penny Classes in Tiers 1 through 4. In particular, the Exchange proposes that EEMs may qualify for additional separate rebates for options transactions in Non-Penny classes in Tiers 1 through 4 if the EEM increases their Professional origin Non-Penny Class Maker TCV by 100% or more as compared to that EEM's Professional origin Non-Penny Class TCV for the month of July 2022,[18] which will be EEM's Professional origin baseline Non-Penny Class Maker TCV. EEMs that qualify for the additional Non-Penny Class Maker rebate will

[13] *See* Securities Exchange Act Release Nos. 80061 (February 17, 2017), 82 FR 11676 (February 24, 2017) (SR–PEARL–2017–10) (establishing the Exchange's fee schedule with Market Maker and Professional Member Maker Penny Class rebates ranging from ($0.25) in Tier 1 to ($0.48) in Tier 4, the highest Tier at that time).

[14] *See, generally,* The Nasdaq Stock Market, Options 7 Pricing Schedule, Section 2 (Market Maker and Professional Member rebates ranging from $0.20 in Tier 1 to $0.48 in Tier 6); Box Options Fee Schedule, Section IV. Electronic Transaction Fees, Section A (Market Maker rebate of $0.50 when trading contra to a BOX Public Customer for options transactions in Penny Classes); Cboe BZX Options Fee Schedule, Standard Rates (Market Maker rebates for Penny Class securities ranging from $0.29 to $0.46 for adding liquidity; Professional rebates for Penny Class securities ranging from $0.25 to $0.48 for adding liquidity; and Firm, Broker-Dealer, Joint Back Office rebates for Penny Class securities ranging from $0.25 to $0.46 for adding liquidity).

[15] The Exchange notes that the current Maker rebates for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins for options transactions in Non-Penny Classes are similar to non-penny class maker rebates for similar origins at competing options exchanges. *See, e.g.,* NYSE Arca Options Fee Schedule, Non-Customer, Non-Penny Posting Credit Tiers, Page 8 (providing base non-customer, non-penny maker rebates ranging from ($0.32) to ($0.82)); Cboe BZX Options Fee Schedule, Standard Rates (providing firm, broker dealer and joint back office non-penny program securities maker rebates ranging from ($0.30) to ($0.82) and market maker non-penny program securities maker rebates ranging from ($0.40) to ($0.88)).

[16] The Exchange determined to use the month of July 2022 as the baseline month because, at the time of the original filing (SR–PEARL–2022–38), July was the most recent previous full month of trading. For purposes of consistency with the original filing, the Exchange proposes to continue to use the month of July 2022 as the baseline month.

[17] *See supra* note 15. The Exchange notes that NYSE American, LLC has a similar "step-up" incentive for its Professional Customer, Broker Dealer, Non-NYSE American Options Market Maker and Firm ranges, whereby those market participants are able to decrease their fees for transactions in non-penny classes by increasing their volume by specified percentages of TCADV over their August 2019 volume. *See* NYSE American Options Fee Schedule, Section I.A. *and* Section I.H. (charging an $0.85 fee to Professional Customer, Broker Dealer, Non-NYSE American Options Market Maker and Firm ranges for transactions in non-penny classes and decreased fees of either $0.65 or $0.55 for transactions in on-penny classes depending on the amount of increased volume by specified percentages of TCADV over their August 2019 volume). *See id.,* Key Terms and Definitions Section for definitions of Professional Customer, Broker Dealer, Non-NYSE American Options Market Maker, Firm and TCADV.

[18] *See supra* note 16.

receive the following additional, separate rebates: ($0.40) in Tier 1; ($0.40) in Tier 2; ($0.10) in Tier 3; and ($0.05) in Tier 4.[19] EEMs with no Professional origin volume in the Non-Penny Class Maker segment for the month of July 2022 will have any new volume considered as added volume. Stated another way, the Exchange proposes that EEM Professional origins that did not have any volume in the Non-Penny Class Maker segment for the month of July 2022, will receive the proposed additional separate Maker rebates for any new Non-Penny Class Maker volume in each subsequent month. The Exchange proposes to denote the additional Maker rebates in Non-Penny Classes for EEMs by adopting new footnote ''□'' following the tables of fees and rebates in Section 1)a) of the Fee Schedule. For example, if an EEM has specific Professional origin Non-Penny Class Maker volume of 0.050% TCV for the month of July 2022, then that EEM would need Professional origin Non-Penny Class Maker volume equal to or greater than 0.100% TCV in the relevant month to receive the additional proposed rebates. The purpose of this change is for business and competitive reasons in order to attract additional Non-Penny Class volume from EEMs, which should benefit all Exchange participants by providing more trading opportunities and tighter spreads.[20]

Implementation

The proposed changes are immediately effective.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [21] in general, and furthers the objectives of Section 6(b)(4) of the Act,[22] in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange members and issuers and other persons using its facilities, and 6(b)(5) of the Act,[23] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [24]

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, as of September 13, 2022, no single exchange has more than approximately 11–13% equity options market share for the month of September 2022.[25] Therefore, no exchange possesses significant pricing power. More specifically, as of September 13, 2022, the Exchange has a market share of approximately 4.34% of executed volume of multiply-listed equity options for the month of September 2022.[26]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can discontinue or reduce use of certain categories of products and services, terminate an existing membership or determine to not become a new member, and/or shift order flow, in response to transaction fee changes. For example, on February 28, 2019, the Exchange filed with the Commission a proposal to increase Taker fees in certain Tiers for options transactions in certain Penny classes for Priority Customers and decrease Maker rebates in certain Tiers for options transactions in Penny classes for Priority Customers (which fee was to be effective March 1, 2019).[27] The Exchange experienced a decrease in total market share for the month of March 2019, after the proposal went into effect. Accordingly, the Exchange believes that its March 1, 2019, fee change, to increase certain transaction fees and decrease certain transaction rebates, may have contributed to the decrease in MIAX Pearl's market share and, as such, the Exchange believes competitive forces constrain the Exchange's, and other options exchanges, ability to set transaction fees and market participants can shift order flow based on fee changes instituted by the exchanges.

The Exchange believes its proposal to modify the Maker rebates in all Tiers for options transactions in Penny classes for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins when trading against Priority Customer origin is reasonable, equitable and not unfairly discriminatory because all similarly situated market participants in the same origin type are subject to the same tiered Maker rebates and access to the Exchange is offered on terms that are not unfairly discriminatory. For competitive and business reasons, the Exchange initially set its Maker rebates for such orders generally higher than certain other options exchanges that operate comparable maker/taker pricing models. The Exchange now believes that it is appropriate to modify those specified Maker rebates so that they are more in line with other exchanges, and will remain highly competitive such that they should enable the Exchange to continue to attract order flow and maintain market share.[28]

The Exchange believes its proposal is not unfairly discriminatory because, with the proposed changes, the Maker rebates for Market Makers and Non-Priority Customer, Firm, BD and Non-MIAX Pearl Market Maker origins will be nearly the same as the Maker rebates for all other origin types except for Priority Customer origin orders. The Exchange believes that it is equitable and not unfairly discriminatory to assess lower Maker rebates to Market Makers and EEM Professional origins than to Priority Customer origin orders. A Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).[29] This limitation does not apply to participants on the Exchange whose behavior is substantially similar to that of market professionals, including non-Priority Customers, Non-MIAX Pearl Market Makers, Firms, and Broker-Dealers, who will generally submit a higher number of orders (many

[19] With the proposed additional rebates, the Exchange's Non-Penny Class Maker rebates in Tiers 1 through 4 for Market Makers and EEM Professional origins will be in line with, or higher than (for lower tiers), similar rebates from competing options exchanges depending on the tier achieved by the particular member. *See supra* note 15.

[20] *See supra* notes 15 and 17.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(4).

[23] 15 U.S.C. 78f(b)(1) and (b)(5).

[24] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[25] *See* ''The market at a glance,'' (last visited September 13, 2022), *available at https://www.miaxoptions.com/.*

[26] *See id.*

[27] *See* Securities Exchange Act Release No. 85304 (March 13, 2019), 84 FR 10144 (March 19, 2019) (SR–PEARL–2019–07).

[28] *See supra* note 14.

[29] *See supra* note 12.

of which do not result in executions) than Priority Customers.

The Exchange believes its proposal to adopt additional, separate Maker rebates for options transactions in Non-Penny Classes in Tiers 1 through 4 for Market Makers and EEM Professional origins is reasonable, equitable and not unfairly discriminatory because all similarly situated market participants in the same origin type are subject to the same tiered Maker rebates and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange believes its proposal to offer an additional Non-Penny Class Maker rebates in Tiers 1 through 4 for Market Makers and EEM Professional origins will incentivize Market Makers and EEMs to improve their posted liquidity to the benefit of the entire market, which will increase order flow sent to the Exchange, benefiting all market participants through increased liquidity, tighter markets and order interaction. The Exchange believes it is reasonable and not unfairly discriminatory to offer higher additional Non-Penny Class Maker rebates for Tiers 1 and 2, as compared to Tiers 3 and 4, because the Exchange believes that the prospect of obtaining the higher rebates for Tiers 1 and 2 will attract Non-Penny Class Maker volume from new market participants. This anticipated new Non-Penny Class Maker volume should benefit all Exchange participants by providing more trading opportunities and tighter spreads. Further, with the proposed additional rebates, the Exchange's Non-Penny Class Maker rebates in Tiers 1 through 4 for Market Makers and EEM Professional origins will be in line with, or higher than (for Tiers 1 and 2) similar rebates from competing options exchanges.[30]

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to consider any new Non-Penny Class Maker volume as added volume for Market Makers with no volume in the Non-Penny Class Maker segment for the month of July 2022 in order for those Market Makers to receive the proposed additional rebate because this should attract additional Non-Penny Class Maker volume from Market Makers. In turn, this additional volume should benefit all Exchange participants by providing more trading opportunities and tighter spreads. Similarly, the Exchange believes it is reasonable, equitable and not unfairly discriminatory to consider any new Non-Penny Class Maker volume as added volume for EEMs with no Professional origin volume in the Non-Penny Class Maker segment for the month of July 2022 in order for those EEMs to receive the proposed additional rebate because this should attract additional Non-Penny Class volume from EEMs, which should benefit all Exchange participants by providing more trading opportunities and tighter spreads.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes in the Maker rebates for the applicable market participants should continue to encourage the provision of liquidity that enhances the quality of the Exchange's market and increases the number of trading opportunities on the Exchange for all participants who will be able to compete for such opportunities. The proposed rule changes should enable the Exchange to continue to attract and compete for order flow with other exchanges. However, this competition does not create an undue burden on competition but rather offers all market participants the opportunity to receive the benefit of competitive pricing.

The proposed Maker rebate adjustments are intended to keep the Exchange's rebates highly competitive with those of other exchanges, and to encourage liquidity and should enable the Exchange to continue to attract and compete for order flow with other exchanges. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its rebates and fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule changes reflect this competitive environment because the proposal modifies the Exchange's fees in a manner that encourages market participants to continue to provide liquidity and to send order flow to the Exchange.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[31] and Rule 19b–4(f)(2) [32] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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 SR–PEARL–2022–40 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–2022–40. 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

[30] *See supra* note 15.

[31] 15 U.S.C. 78s(b)(3)(A)(ii).

[32] 17 CFR 240.19b–4(f)(2).

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 such 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–2022–40 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20952 Filed 9–27–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95859; File No. SR–CboeEDGX–2022–040]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Eliminate the Listings Standards Provided for in Chapter XIV of the Exchange's Rulebook

September 22, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 9, 2022, Cboe EDGX Exchange, Inc. filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed amendment to eliminate the listings standards provided for in Chapter XIV of the Exchange Rulebook as the Exchange is not a listing venue.[3] The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, 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

As part of this proposal, the Exchange proposes to (1) adopt a new definition for Derivative Security, move the definition of unlisted trading privileges (''UTP'') Derivative Security[4] from Rule 14.1(c) to Exchange Rule 1.5(gg), and amend Rule 3.21 to reference proposed Rule 1.5(gg); (2) eliminate listing standards and any references to Exchange listed securities from Chapter XIV (Securities Traded) and Rules 3.7, 11.2, and 13.6; (3) amend Rule 14.1(a) to provide for NMS stocks rather than equity securities and amend the Exchange's additional rules applicable to UTP Derivative Securities as provided in Rule 14.1(c)(1)–(6); and (4) amend Rule 14.10 to make ministerial changes to update paragraph numbering. As discussed in further detail below, all of the proposed changes are substantially similar to other exchange rules.

(1) Proposal To Define Derivative Security in Exchange Rule 1.5(ff) and Add the Definition of UTP Derivative Security to Re-Lettered Exchange Rule 1.5(gg)

The Exchange proposes to define ''Derivative Security'' in proposed Rule 1.5(ff) and amend existing Rule 1.5(gg) to add the definition of ''UTP Derivative Security''. ''Derivative Security'' would be a new definition and would mean a security that meets the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Act. ''UTP Derivative Security'' would refer to any one of a list of Derivative Securities that trades on the Exchange pursuant to unlisted trading privileges. The list of proposed Derivative Securities that may meet the definition of UTP Derivative Security are as follows: Equity Linked Notes; Index Fund Shares listed pursuant to Cboe BZX Exchange, Inc. (''BZX'') Rule 14.11(c) or Nasdaq Stock Market LLC (''Nasdaq'') Rule 5705(b) and Investment Company Units listed pursuant to NYSE Arca, Inc. (''NYSE Arca'') Rule 5.2–E(j)(3); Index-Linked Exchangeable Notes; Equity Gold Shares; Equity Index-Linked Securities; Commodity-Linked Securities; Currency-Linked Securities; Fixed Income Index-Linked Securities; Futures-Linked Securities; Multifactor Index-Linked Securities; Trust Certificates; Currency and Index Warrants; Portfolio Depository Receipts; Trust Issued Receipts; Commodity-Based Trust Shares; Currency Trust Shares; Commodity Index Trust Shares; Commodity Futures Trust Shares; Partnership Units; Paired Trust Shares; Trust Units; Managed Fund Shares; Managed Trust Securities; Managed Portfolio Shares; Tracking Fund Shares listed pursuant to BZX Exchange Rule 14.11(m), Active Proxy Portfolio Shares listed pursuant to NYSE Arca Rule 8.601–E, and Proxy Portfolio Shares listed pursuant to Nasdaq Stock Market LLC Rule 5750; Selected Equity-linked Debt Securities (''SEEDS''); Exchange-Traded Fund Shares; and Contingent Value Rights (''CVRs'').[5] The proposed definition of UTP Security and UTP Derivative Security is substantially similar to BZX Rule 1.5(ee), except that the list of Derivative Securities that may be UTP Derivative Securities includes CVRs. Further, the proposal is substantially similar to NYSE National, Inc. (''NYSE National'') Rule 1.1(m), but the list of Derivative Securities that may be UTP Derivative Securities includes

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As noted in a recent filing, the Exchange represented that it planned to submit a proposal to amend its applicable Rules set forth in Chapter XIV in order to reflect that the Exchange does not currently list any securities, nor does it intend to list any securities, in the foreseeable future. Accordingly, the Exchange is now proposing to amend its Rules. *See* Securities Exchange Act No. 89020 (June 4, 2020) 85 FR 35482 (June 10, 2020) (SR–CboeEDGX–2020–026).

[4] *See* Rule 14.1(c) and proposed Rule 1.5(gg).

[5] For inclusiveness, all Derivative Securities that are subject to unlisted trading privileges have been identified in the list of proposed UTP Derivative Securities.

three additional Derivative Securities, SEEDS, Exchange-Traded Fund Shares, and CVRs. While SEEDS and Exchange-Traded Fund Shares are not included in NYSE National Rule 1.1(m), they are Derivative Securities set forth not only in BZX Exchange Rules 14.11(e)(12) and 14.11(l), respectively, but also in section 5700 of the Nasdaq Rules. Further, while CVRs are not currently provided for in NYSE National Rule 1.1(m) or BZX Rule 1.5(ee), CVRs meet the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Act and also may currently be traded on the Exchange pursuant to existing EDGX Rule 14.1(a).

The Exchange also proposes to re-letter existing Rules 1.5(ff) through (ii) to allow for the addition of proposed Rule 1.5(ff). Further, the Exchange proposes to amend Rule 3.21 to reference the proposed definition of UTP Derivative Securities in Rule 1.5(gg).

(2) Proposal To Eliminate Listings Standards for UTP Derivative Securities

Unlike its affiliate exchange BZX, the Exchange is not a listing venue and thus trades securities on a UTP basis only. Nonetheless, currently Chapter XIV of the Exchange's Rulebook provides for listing standards for Derivative Securities that are generally based on BZX Rule 14.11. Exchange Rule 14.1 also provides that the Exchange will not list an equity security, and that the provisions of Rules 14.2 through 14.9,[6] and Rules 14.11 through 14.13 that permit such listing of an equity security are not effective until the Exchange files a proposed rule change under Section 19(b)(2) under the Exchange Act to amend its rules to comply with Rules 10A–3 and 10C–1 under the Exchange Act and to incorporate qualitative listing criteria, and such proposed rule change is approved by the Commission. Given that the Exchange does not list securities, the Exchange believes it is not necessary for the Exchange to have listings rules for Derivative Securities. Therefore, the Exchange proposes to eliminate Exchange Rules 14.2 through 14.9 and 14.11 through 14.13, which set forth the initial and continued listing rules for certain Derivative Securities.

Exchange Rule 14.1 establishes the Exchange's authority to trade securities on a UTP Basis. Based on the proposed amendment to eliminate Derivative Security listings standards, the Exchange also proposes to amend Rule 14.1(a) to eliminate any references to the listing of securities on the Exchange. Additionally, the Exchange proposes to eliminate the definition of Equity Security from Rule 14.1 and to instead reference NMS Stock, as defined in Rule 4.5(cc). Lastly, based on the above proposals, the Exchange proposes to eliminate any reference to products listed on the Exchange as provided in Rules 3.7, 11.2, and 13.6.

(3) Proposal To Amend the Exchange's Additional Rules Applicable to UTP Derivative Securities

Existing Rule 14.1(c) defines UTP Derivative Security. However, as the Exchange proposes to redefine such term in Rule 1.5(gg), it proposes to eliminate the definition from Rule 14.1(c). Existing Rule 14.1(c) also provides that a UTP Derivative Security is subject to additional rules, as set forth in subparagraphs (1) through (6). Now, the Exchange proposes to modify certain of those subparagraphs.

First, the Exchange proposes to eliminate existing Rule 14.1(c)(1), which provides that the Exchange shall file with the Commission a Form 19b–4(e) with respect to each UTP Derivative Security. The Exchange believes that it should not be necessary to file a Form 19b–4(e) with the Commission if it begins trading a UTP Derivative Security because Rule 19b–4(e) under the Act refers to the ''listing and trading'' of a ''new derivative securities product''. The Exchange believes that the requirements of Rule 19b–4(e) refer to when an exchange lists and trades a Derivative Security, and not when an exchange seeks only to trade such product on a UTP basis pursuant to Rule 12f–2 under the Act.[7] The proposal is substantially identical to rule amendments made by other exchanges.[8]

The Exchange also proposes to replace the term ''new derivative securities product'' with the term Derivative Security in order to provide for consistent nomenclature in Exchange Rules. The proposed change is not a substantive change as the proposed definition of Derivative Security is equivalent to the definition of ''new derivative securities product'' under Rule 19b–4(e) under the Exchange Act, as set forth in proposed Rule 1.5(ff).

The Exchange proposes to add additional explanatory language to paragraph (c)(4) that states nothing in the Rule will limit the power of the Exchange under the Rules or procedures of the Exchange with respect to the Exchange's ability to suspend trading in any securities if such suspension is necessary for the protection of investors or in the public interest. The proposed text is substantively identical to that included in NYSE National Rule 5.1(a)(2)(C) and BZX Rule 14.11(j)(3). Further, the proposed text reinforces existing Exchange Rule 11.16(d).

The Exchange proposes to modify paragraphs (c)(5) and (c)(6) to harmonize the text with the Exchange's affiliate, Cboe BYX Exchange, Inc. (''BYX''), Rules 14.1(c)(5) and (c)(6), respectively. Specifically, in Rule 14.1(c)(5) the Exchange proposes to make ministerial changes to the Rule to conform to BYX Rule 14.1(c)(5). In Rule 14.1(c)(6), the Exchange proposes to modify the language so that it states that the Exchange shall enter into a comprehensive surveillance sharing agreement with markets trading components of the index or portfolio on which the UTP Derivative Security is based to the same extent as the listing exchange's rules require the listing exchange to enter into a comprehensive surveillance sharing agreement with such markets, which will conform to BYX Rule 14.1(c)(6).

Lastly, based on the proposal to eliminate Rule 14.1(c)(1), the Exchange proposes to renumber existing paragraphs (c)(2) through (c)(6) accordingly.

(4) Proposal To Amend Rule 14.10

Finally, the Exchange is proposing to renumber Rule 14.10 to Rule 14.2 in order to reflect the elimination of Rule 14.2 through Rule 14.9 that the Exchange is proposing to delete as part of this proposal.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be 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

[6] Exchange Rule 14.10 sets forth the requirements for securities issued by the Exchange or its affiliates.

[7] 17 CFR 240.12f–2.

[8] *See* Securities Exchange Act Nos. 83289 (May 17, 2018) 83 FR 23968 (May 23, 2018) (SR–NYSENAT–2018–02); 84546 (November 7, 2018) 83 FR 56888 (November 14, 2018) (SR–BX–2018–051); and 92015 (May 25, 2021) 86 FR 29305 (June 1, 2021) (SR–CboeBZX–2021–041).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

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 Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.[11]

In particular, the Exchange believes the proposed definitions of Derivative Security and UTP Derivative Security are reasonable as the proposed substantive changes are substantially similar to other exchanges' rules. Specifically, the proposed definition of Derivative Security in Rule 1.5(ff) is substantially similar to the definition of Exchange Traded Product provided for in NYSE National Rule 1.1(m), except that it better conforms to the defined term ''new derivative securities product'' of Rule 19b–4(e) under the Act. The proposed definition of UTP Derivative Security is substantially similar to BZX Rule 1.5(ee), except that the list of Derivative Securities that may be UTP Derivative Securities includes CVRs. Further, the proposal is substantially similar to NYSE National Rule 1.1(m), but the list of Derivative Securities that may be UTP Derivative Securities includes three additional Derivative Securities, SEEDS, Exchange-Traded Fund Shares, and CVRs. While SEEDS and Exchange-Traded Fund Shares are not included in NYSE National Rule 1.1(m), they are Derivative Securities set forth not only in Exchange Rules 14.11(e)(12) and 14.11(l), respectively, but also in section 5700 of the Nasdaq Rules. Further, while CVRs are not currently provided for in NYSE National Rule 1.1(m) or BZX Rule 1.5(ee), CVRs meet the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Act and also may currently be traded on the Exchange pursuant to existing EDGX Rule 14.1(a) on a UTP basis.

The Exchange believes that its proposal to remove listings standards from Chapter XIV of the Exchange's Rulebook and references elsewhere in the Exchange's Rulebook will eliminate potential investor confusion as the Exchange is not a listing venue. Given this, the Exchange believes the removal of such rules from Chapter XIV and reference to such listings standards in Rules 3.7, 11.2, and 13.6 will simplify and clarify the Exchange's Rulebook. Further, as proposed, Chapter XIV is substantially similar to Chapter 5 of the NYSE National rulebook.

The Exchange's proposal to eliminate the definition of Equity Security from Rule 14.1 and to instead reference NMS Stock as defined in Rule 4.5(cc) will add consistency and clarity to the Exchange's rulebook.

Eliminating the requirement to file a Form 19b–4(e) for each Derivative Security is consistent with the Act because the regulatory requirement was not intended to apply in the context of Derivative Securities trading on a UTP basis. Moreover, the proposal to eliminate Rule 14.1(c)(1) will provide for a more efficient process for adding Derivative Securities to trading on the Exchange on a UTP basis. The Exchange also notes that the proposal is substantially identical to other exchange rules.[12]

The Exchange believes that its proposal to amend Rule 14.1(c)(2), which eliminates redundant language and uses the defined term Derivative Security in lieu of the term ''new derivatives securities product'', to amend Rule 14.1(c)(3) to substantially conform to NYSE National Rule 5.1(a)(2)(C) (trading halts), to modify Rule 14.1(c)(5) and (c)(6) to conform to BYX Rule 14.1(c)(5) and (c)(6), respectively, and to renumber existing paragraphs 14.1(c)(2)–(c)(6) based on its proposal to eliminate Rule 14.1(c)(1), will clarify and simplify the Exchange's Rulebook as well as provide consistency in the Exchange's Rules.

Lastly, the Exchange believes its proposed renumber of Rule 14.10 to Rule 14.2 is appropriate in order to reflect the elimination of Rule 14.2 through Rule 14.9 that the Exchange is proposing to delete as part of this proposal.

In light of the above proposals, the Exchange has also proposed to make corresponding changes to Rules 1.5, 3.7, 3.21, 11.2, 13.6 to renumber or re-letter certain paragraphs or subparagraphs of the Rule, eliminate any reference to Exchange listing rules in Chapter XIV, and update applicable rule references.

The proposal is intended to simplify and clarify the Exchange's Rules as they relate to UTP Derivative Securities and to reflect that EDGX is not a listing venue which the Exchange believes will 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 Exchange believes that renumbering and re-lettering current Rules to correspond to the proposed changes will allow the Exchange to maintain a clear and organized rule structure, thus preventing investor confusion. For these reasons, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of 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. Allowing the Exchange to make the above proposed modifications will clarify that the Exchange is not a listing venue by eliminating listing standards and any references to Exchange listed securities Further, the proposed rule change will harmonize certain Exchange Rules with those of other exchanges, including the Exchange's affiliate BZX, which will simplify and clarify the Exchange's rulebook and promote consistency and transparency on both the Exchange and its affiliated exchanges, thus making the Exchange's rules easier to navigate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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[13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6)[15] normally does not become operative prior to 30 days after

[11] 15 U.S.C. 78f(b)(1).

[12] *See supra* note 8.

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange 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.

[15] 17 CFR 240.19b–4(f)(6).

the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay to allow the Exchange to implement the proposal as soon as possible. The Exchange states that the proposed changes are based on rules of other exchanges and that waiver would allow Members to benefit immediately from the clarified and simplified provisions. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal does not raise any new or novel issues. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–CboeEDGX–2022–040 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–CboeEDGX–2022–040. 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–CboeEDGX–2022–040 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–20949 Filed 9–27–22; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95869; File No. SR–NYSENAT–2022–20]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE National Schedule of Fees and Rebates

September 22, 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 September 14, 2022, NYSE National, Inc. (''NYSE National'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Schedule of Fees and Rebates (''Fee Schedule'') to modify the requirements to qualify for Adding Tier 1. The Exchange proposes to implement the rule change on September 14, 2022. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to modify the requirements to qualify for Adding Tier 1.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing and liquidity-removing orders by offering further incentives for ETP Holders to send additional adding liquidity to the Exchange.

The Exchange proposes to implement the rule change on September 14, 2022.[3]

[3] The Exchange originally filed to amend the Fee Schedule on September 1, 2022 (SR–NYSENAT–2022–18). On September 12, 2022, SR–NYSENAT–2022–18 was withdrawn and replaced by SR–NYSENAT–2022–19. On September 14, SR–

Continued

Current Market and Competitive Environment

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 16 exchanges,[6] numerous alternative trading systems,[7] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange has more than 17% of the market.[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange's share of executed volume of equity trades in Tapes A, B and C securities is less than 1%.[9]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain products, in response to fee changes. While it is not possible to know a firm's reason for moving order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange trading venues to which a firm routes order flow. These fees can vary from month to month, and not all are publicly available. With respect to non-marketable order flow that would provide liquidity on an exchange, ETP Holders can choose from any one of the 16 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

The Exchange utilizes a ''taker-maker'' or inverted fee model to attract orders that provide liquidity at the most competitive prices. Under the taker-maker model, offering rebates for taking (or removing) liquidity increases the likelihood that market participants will send orders to the Exchange to trade with liquidity providers' orders. This increased taker order flow provides an incentive for market participants to send orders that provide liquidity. The Exchange generally charges fees for order flow that provides liquidity. These fees are reasonable due to the additional marketable interest (in part attracted by the Exchange's rebate to remove liquidity) with which those order flow providers can trade.

Proposed Rule Change

To respond to this competitive environment, the Exchange proposes the following change to its Fee Schedule designed to provide order flow providers with additional incentives to route order flow to the Exchange. As described above, ETP Holders have a choice of where to send their order flow.

Proposed Change to Adding Tier 1

Under current Adding Tier 1, ETP Holders that add liquidity to the Exchange in securities with a per share price of $1.00 or more and that have at least 0.25% or more of Adding ADV as a percentage of US CADV or at least 30 million Adding ADV are charged a fee of $0.0020 per share for adding displayed orders and a fee of $0.0024 per share for adding non-displayed orders in Tape A, B, and C securities. The Exchange proposes to revise requirements to qualify for Adding Tier 1 as follows: ETP Holders would qualify for the current fee by having at least 0.20% or more Adding ADV as a percentage of US CADV or at least 30 million shares or more of Adding ADV. The Exchange does not propose any changes to the adding fees for Adding Tier 1.

The Exchange believes that lowering the ADV requirement to qualify for Adding Tier 1 as proposed above will allow greater numbers of ETP Holders to potentially qualify for the tier, and therefore will incentivize more ETP Holders to route their liquidity-providing order flow to the Exchange in order to qualify for the tier. This in turn would support the quality of price discovery on the Exchange and provide additional price improvement opportunities for incoming orders. The Exchange believes that by correlating the amount of the fee to the level of orders sent by an ETP Holder that add liquidity, the Exchange's fee structure would incentivize ETP Holders to submit more orders that add liquidity to the Exchange, thereby increasing the potential for price improvement to incoming marketable orders submitted to the Exchange.

As noted above, the Exchange operates in a competitive environment, particularly as relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange does not know how much order flow ETP Holders choose to route to other exchanges or to off-exchange venues. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional ETP Holders could qualify for Adding Tier 1 under the revised qualification criteria if they choose to direct order flow to the Exchange. However, without having a view of ETP Holders' activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any additional ETP Holders directing orders to the Exchange in order to qualify for the Adding Tier 1 rate.

The proposed change is not otherwise intended to address any other issues, and the Exchange is not aware of any problems that ETP Holders would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its

NYSENAT–2022–19 was withdrawn and replaced by this filing.

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358 (January 14, 2010), 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (''Concept Release on Equity Market Structure'').

[6] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is available at *https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] *See id.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) & (5).

members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change Is Reasonable

As discussed above, the Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [12] While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [13]

Given the current competitive environment, the Exchange believes that the proposal represents a reasonable attempt to attract additional order flow to the Exchange. Specifically, the Exchange believes that the proposed change lowering the requirements to qualify for Adding Tier 1 is reasonable because it would promote execution opportunities for more ETP Holders routing order flow to the Exchange.

The Exchange believes that the proposal represents a reasonable effort to promote price discovery and enhanced order execution opportunities for ETP Holders. All ETP Holders would benefit from the greater amounts of liquidity on the Exchange, which would represent a wider range of execution opportunities.

The Proposal Is an Equitable Allocation of Fees

The Exchange believes the proposed rule change equitably allocates its fees among its market participants. The proposed change would continue to encourage ETP Holders to both submit additional liquidity to the Exchange and execute orders on the Exchange, thereby contributing to robust levels of liquidity, to the benefit of all market participants.

The Exchange believes that modifying the requirements to qualify for Adding Tier 1 would encourage the submission of additional adding liquidity to the Exchange, thus enhancing order execution opportunities for ETP Holders from the additional amounts of liquidity present on the Exchange. All ETP Holders would benefit from the greater amounts of liquidity that would be present on the Exchange, which would provide greater execution opportunities.

The Exchange believes the proposed rule change would also improve market quality for all market participants seeking to remove liquidity on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving market-wide quality. The proposal neither targets nor will it have a disparate impact on any particular category of market participant.

Specifically, the Exchange believes that the proposal constitutes an equitable allocation of fees because all similarly situated ETP Holders and other market participants would be eligible for the same general and tiered rates and would be eligible for the same fees. Moreover, the proposed change is equitable because the revised fees would apply equally to all similarly situated ETP Holders.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

Moreover, the proposal neither targets nor will it have a disparate impact on any particular category of market participant. The Exchange believes that the proposal does not permit unfair discrimination because the proposal would be applied to all similarly situated ETP Holders and all ETP Holders would be subject to the same modified requirements to qualify for Adding Tier 1. Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by the proposed allocation of fees.

The Exchange further believes that the proposed change would not permit unfair discrimination among ETP Holders because the tiered rates are available equally to all ETP Holders. As described above, in today's competitive marketplace, order flow providers have a choice of where to direct order flow, and the Exchange believes there are additional ETP Holders that could qualify if they chose to direct their order flow to the Exchange.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[14] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional liquidity and order flow to a public exchange, thereby enhancing order execution opportunities for ETP Holders. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [15]

Intramarket Competition. The proposed change is designed to attract additional order flow to the Exchange. As described above, the Exchange believes that the proposed change would provide additional incentives for market participants to route liquidity-providing orders to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages ETP Holders to send orders, thereby contributing to robust levels of liquidity. The proposed revised requirements for the tiered fees would be available to all similarly-situated market participants, and thus, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchanges and off-exchange venues if they deem fee levels at those other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and off-exchange venues. Because competitors are free to modify their own fees and rebates in response, and because market participants may readily adjust their

[12] *See* Regulation NMS, *supra* note 5 [sic], at 37499.

[13] *See* Concept Release on Equity Market Structure, *supra* note 6 [sic], at 3597.

[14] 15 U.S.C. 78f(b)(8).

[15] Regulation NMS, 70 FR at 37498–99.

order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [16] of the Act and subparagraph (f)(2) of Rule 19b–4 [17] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [18] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSENAT–2022–20 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–NYSENAT–2022–20. 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–NYSENAT–2022–20 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20954 Filed 9–27–22; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(2).

[18] 15 U.S.C. 78s(b)(2)(B).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95871; File No. SR–FINRA–2022–026]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Change References in the Codes of Arbitration Procedure From the Neutral List Selection System to the List Selection Algorithm

September 22, 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 September 15, 2022, the Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. 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

FINRA is proposing to change references in the Codes of Arbitration Procedure (''Codes'') from the Neutral List Selection System to the list selection algorithm.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA has prepared summaries, set forth in sections A, B,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

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

From November 1998 until October 2006, the Neutral List Selection System (''NLSS'') was the computer system that generated lists of arbitrators from FINRA Dispute Resolution Services' (''DRS'') rosters of arbitrators for the selected hearing location for each arbitration proceeding. In October 2006, DRS replaced the NLSS with the Mediation and Arbitration Tracking and Retrieval Interactive Case System (''MATRICS'').[4] As a result, all of the information contained in the NLSS was transferred to MATRICS such that MATRICS now contains the list selection algorithm DRS uses to generate lists of arbitrators from its rosters of arbitrators.[5] However, the Codes refer to the NLSS as a computer system that governs arbitrator list selection in the DRS arbitration forum.[6]

FINRA is proposing to update the Codes by making technical, non-substantive changes to remove references to the NLSS from those rules describing arbitrator list selection and instead refer to the ''list selection algorithm.'' [7] The proposed rule change would provide greater transparency and consistency regarding arbitrator list selection, as the Codes would reflect and align with DRS's existing practices, processes and systems relating to arbitrator list selection.

In the proposed rule change, FINRA is not proposing any changes to the list selection algorithm, or any of DRS's existing practices, processes and systems related to arbitrator list selection.[8]

FINRA has filed the proposed rule change for immediate effectiveness and has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days after the date of the filing, so FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Exchange Act,[9] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change will provide greater transparency to members and the public regarding arbitrator list selection by updating FINRA rules to reflect and align with DRS's existing practices, processes and systems related to arbitrator list selection.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change brings transparency and consistency to FINRA rules without adding any burden on member firms.

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 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) of the Act [10] and Rule 19b–4(f)(6) thereunder.[11]

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–FINRA–2022–026 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–FINRA–2022–026. 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

[4] MATRICS is an internal, web-based computer system used to manage all arbitration and mediation cases in the DRS arbitration forum and to maintain DRS's rosters of arbitrators and mediators.

[5] *See* Securities Exchange Act Release No. 51339 (March 9, 2005), 70 FR 12763 (March 15, 2005) (Order Approving File No. SR–NASD–2004–164); *see also Notice to Members* 07–07 (February 2007) (announcing the effective date of April 16, 2007 for the amendments discussed in File No. SR–NASD–2004–164).

[6] In February 2022, the Audit Committee of FINRA's Board of Governors engaged Lowenstein Sandler LLP to provide an independent review and analysis in connection with a Fulton County (Georgia) Superior Court decision vacating an arbitration award in favor of Wells Fargo Clearing Services, LLC. *See* Order Granting Mot. to Vacate Arb. Award and Den. Cross Mot. to Confirm Arb. Award at 37, *Leggett* v. *Wells Fargo Clearing Servs., LLC,* No. 2019–CV–328949 (Ga. Super. Ct., January 25, 2022). In its report, Lowenstein Sandler made several recommendations to provide greater transparency and consistency in the arbitrator selection process, one of which was to make technical amendments to the Codes to clarify the automated system used by DRS for arbitrator selection. *See https://www.finra.org/sites/default/files/2022-06/report-independent-review-drs-arbitrator-selection-process.pdf.* Since publication of the report, the Fulton County (Georgia) Superior Court's decision was reversed by the Court of Appeals of Georgia. *See Wells Fargo Clearing Servs.* v. *Leggett,* No. A22A1149, 2022 Ga. App. (Ct. App. August 2, 2022).

[7] *See* proposed Rules 12400 (List Selection Algorithm and Arbitrator Rosters), 12402 (Cases with One Arbitrator), 12403 (Cases with Three Arbitrators), 12404 (Additional Parties), 12800 (Simplified Arbitration), 12801 (Default Proceedings), 13400 (List Selection Algorithm and Arbitrator Rosters), 13403 (Generating and Sending Lists to the Parties), 13406 (Appointment of Arbitrators; Discretion to Appoint Arbitrators Not on List), 13407 (Additional Parties), 13411 (Replacement of Arbitrators), 13800 (Simplified Arbitration), 13801 (Default Proceedings) and 13803 (Coordination of Sexual Assault Claims, Sexual Harassment Claims or Statutory Employment Discrimination Claims Filed in Court and in Arbitration).

[8] The proposed rule change would apply to all members, including members that are funding portals or have elected to be treated as capital acquisition brokers (''CABs''), given that the funding portal and CAB rule sets incorporate the impacted FINRA rules by reference.

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

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 such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2022–026 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–21031 Filed 9–27–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95885; File No. SR–EMERALD–2022–29]

Self-Regulatory Organizations: Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by MIAX Emerald, LLC To Amend Its Fee Schedule

September 22, 2022.

Pursuant to the provisions of 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 September 13, 2022, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to amend the MIAX Emerald Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald,* at MIAX'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 proposes to amend Section 1)a)i) of the Fee Schedule to amend the rebates provided for Market Maker Origins for Simple[3] Maker (defined below) volume in Penny Classes (defined below) that trade contra to Priority Customers[4] Origins by $0.02 in each Tier (defined below). The Exchange initially filed this proposal on September 1, 2022 (SR–EMERALD–2022–26). On September 13, 2022, the Exchange withdrew SR–EMERALD–2022–26 and resubmitted this proposal (SR–EMERALD–2022–29).

Background

The Exchange currently assesses transaction rebates and fees to all market participants, which are based upon a threshold tier structure (''Tier''). Tiers are determined on a monthly basis and are based on three alternative calculation methods, as defined in Section 1)a)ii) of the Fee Schedule. The calculation method that results in the highest Tier achieved by the Member[5] shall apply to all Origin types by the Member, except the Priority Customer Origin type. For the Priority Customer Origin calculation, the Tier applied for a Member and its Affiliates'[6] is solely determined by calculation Method 3, as defined in Section 1)a)ii) of the Fee Schedule, titled ''Total Priority Customer, Maker sides volume, based on % of CTCV ('Method 3').'' The monthly volume thresholds for each of the methods, associated with each Tier, are calculated as the total monthly volume executed by the Member in all options classes on MIAX Emerald in the relevant Origins and/or applicable liquidity, not including Excluded Contracts,[7] (as the numerator) expressed as a percentage of (divided by) Customer

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Simple Order Book is the Exchange's regular electronic book of orders and quotes. *See* Exchange Rule 518(a)(15).

[4] ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100, including Interpretation and Policy .01.

[5] ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* the Definitions Section of the Fee Schedule and Exchange Rule 100.

[6] ''Affiliate'' means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An ''Appointed Market Maker'' is a MIAX Emerald Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an ''Appointed EEM'' is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX Emerald Market Maker) that has been appointed by a MIAX Emerald Market Maker, pursuant to the following process. A MIAX Emerald Market Maker appoints an EEM and an EEM appoints a MIAX Emerald Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to *membership@miaxoptions.com* no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange's acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties. *See* the Definitions Section of the Fee Schedule.

[7] The term ''Excluded Contracts'' means any contracts routed to an away market for execution. *See* the Definitions Section of the Fee Schedule.

Total Consolidated Volume (''CTCV'') (as the denominator). CTCV is calculated as the total national volume cleared at The Options Clearing Corporation (''OCC'') in the Customer range in those classes listed on MIAX Emerald for the month for which fees apply, excluding volume cleared at the OCC in the Customer range executed during the period of time in which the Exchange experiences an ''Exchange System Disruption'' [8] (solely in the option classes of the affected Matching Engine).[9] In addition, the per contract transaction rebates and fees shall be applied retroactively to all eligible volume once the Tier has been reached by the Member. Members that place resting liquidity, *i.e.,* orders on the MIAX Emerald System, will be assessed the specified ''maker'' rebate or fee (each a ''Maker'') and Members that execute against resting liquidity will be assessed the specified ''taker'' fee or rebate (each a ''Taker'').[10] Members are also assessed lower transaction fees and smaller rebates for order executions in standard option classes in the Penny Interval Program [11] (''Penny Classes'') than for order executions in standard option classes which are not in the Penny Program (''non-Penny Classes''), for which Members will be assessed a higher transaction fees and larger rebates.

Proposal

The Exchange proposes to adopt note ''!'' to Market Maker in the Origin column to provide that, the rebate for Market Maker Origins for Simple Maker volume in Penny Classes will be reduced by $0.02 for each Tier when trading contra to a Priority Customer Origins. Currently, the Exchange provides a Simple Maker rebate for Market Maker Origins, for any contra Origin, in Tier 1 of $0.30; Tier 2 of $0.33; Tier 3 of $0.35; and Tier 4 of $0.45. Under the Exchange's proposal when a Market Maker Origin is contra to a Priority Customer in a Penny Class the Exchange will reduce the rebate for each Tier by $0.02. Therefore, the effective rebate for Market Maker Origins in Simple Maker volume when trading contra to a Priority Customer Origin in Tier 1 would be $0.28; Tier 2 would be $0.31; Tier 3 would be $0.33; and Tier 4 would be $0.43.

The purpose of adjusting the specified Simple Maker rebate is for business and competitive reasons. In order to attract order flow, the Exchange initially set its Maker rebates and Taker fees so that they were meaningfully higher/lower than other options exchanges that operate comparable maker/taker pricing models.[12] The Exchange now believes that it is appropriate to further adjust the specified Maker rebates based upon contra party Origin. The Exchange notes that at least one other options exchange offers a similar pricing structure for rebates/fees that is dependent upon the contra party Origin type.[13]

Implementation

The proposed changes are immediately effective.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [14] in general, and furthers the objectives of Section 6(b)(4) of the Act,[15] in particular, in that it is an equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) of the Act [16] that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange operates in a competitive marketplace in which market participants can readily direct their order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has a market share of more than approximately 11–12% of the equity options market.[17] Therefore, no exchange possesses significant pricing power. More specifically, as of August 29, 2022, the Exchange had a market share of approximately 3.06% of executed volume of multiply-listed equity options for the month of August 2022.[18]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [19]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can discontinue or reduce use of certain categories of products and services, terminate an existing membership or determine to not become a new member, and/or shift order flow, in response to transaction fee changes. For example, on February 28, 2019, the Exchange's affiliate, MIAX PEARL, LLC (''MIAX Pearl''), filed with the Commission a proposal to increase Taker fees in certain Tiers for options transactions in certain Penny classes for Priority Customers and decrease Maker rebates in certain Tiers for options transactions in Penny classes for Priority Customers

[8] The term ''Exchange System Disruption'' means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hour or more, during trading hours. *See* the Definitions Section of the Fee Schedule.

[9] A ''Matching Engine'' is a part of the MIAX Emerald electronic system that processes options orders and trades on a symbol-by-symbol basis. *See* the Definitions Section of the Fee Schedule.

[10] For a Priority Customer complex order taking liquidity in both a Penny Class and non-Penny Class against Origins other than Priority Customer, the Priority Customer order will receive a rebate based on the Tier achieved.

[11] *See* Securities Exchange Act Release No. 88993 (June 2, 2020), 85 FR 35145 (June 8, 2020) (SR–EMERALD–2020–05) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 510, Minimum Price Variations and Minimum Trading Increments, To Conform the Rule to Section 3.1 of the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options) (the ''Penny Program'').

[12] *See* Securities Exchange Act Release No. 85393 (March 21, 2019), 84 FR 11599 (March 27, 2019) (SR–EMERALD–2019–15).

[13] *See* BOX Options Exchange Fee Schedule, Section IV, A, Non-Auction Transactions, which provides a table where the exchange assesses a per contract fee (or credit) based upon three factors: (i) the account type of the Participant submitting the order; (ii) whether the Participant is a liquidity provider or liquidity taker; and (iii) the account type of the contra party, on its public website (available at *https://boxoptions.com/fee-schedule/*).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78f(b)(1) and (b)(5).

[17] *See* ''The market at a glance, MTD AVERAGE'' (last visited August 29, 2022), *available at https://www.miaxoptions.com/* (Data as of August 1, 2022 to August 26, 2022).

[18] *See id.*

[19] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37499 (June 29, 2005).

(which fee was to be effective March 1, 2019).[20] MIAX Pearl experienced a decrease in total market share for the month of March 2019, after the proposal went into effect. Accordingly, the Exchange believes that the MIAX Pearl March 1, 2019 fee change, to increase certain transaction fees and decrease certain transaction rebates, may have contributed to the decrease in MIAX Pearl's market share and, as such, the Exchange believes competitive forces constrain the Exchange's, and other options exchanges, ability to set transaction fees and market participants can shift order flow based on fee changes instituted by the exchanges.

The Exchange believes its proposal to amend the rebate provided to Market Maker Origins for Simple Maker volume in Penny Classes when contra to Priority Customer Origins is reasonable, equitable and not unfairly discriminatory because all similarly situated participants in the same Origin type and Tier are subject to the same tiered Maker rebates and Taker fees. The Exchange believes it is equitable and not unfairly discriminatory to reduce the rebates provided for executions of Simple Maker volume where the contra party is a Priority Customer Origin in Penny Classes.

The Exchange is making this change for business and competitive reasons as the Exchange initially set its Simple Maker rebates for such orders higher than certain other options exchanges that operate comparable pricing models.[21] The Exchange also believes it is equitable and not unfairly discriminatory to provide a different rebate to Market Makers Origins for Simple Maker volume in Penny Classes when contra to Priority Customer Origins, as at least one other competing exchange also provides differing rebates and fees dependent upon the origin and contra origin type.[22] Additionally, the Exchange believes that the proposed change (a $0.02 decrease from the current rebate provided in each Tier) is reasonable in that it represents a modest decrease from the current rebate in each Tier. The Exchange believes that the proposed rebates will continue to provide an incentive for Market Makers to continue to trade with Priority Customer Origins on the Exchange.

The Exchange believes that it is equitable and not unfairly discriminatory that Priority Customer Origins be treated differently than other Origin types. The exchanges, in general, have historically aimed to improve markets for investors and develop various features within their market structure for customer benefit. Priority Customer liquidity benefits all market participants by providing more trading opportunities. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Furthermore, the proposed amendment of Simple Maker rebates when the contra is a Priority Customer promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in facilitating transactions in securities, and protects investors and the public interest, because even with the decrease, the Exchange's proposed rebates should enable the Exchange to continue to attract order flow and maintain market share.[23]

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.

Intra-Market Competition

The Exchange believes that the proposed changes to the specified Simple Maker rebates for the applicable market participants should continue to encourage the provision of liquidity that enhances the quality of the Exchange's market and increases the number of trading opportunities on the Exchange for all participants who will be able to compete for such opportunities. The proposed rule change should enable the Exchange to continue to attract and compete for Priority Customer order flow with other exchanges. The Exchange believes that even with the proposed changes, the rebates provided will continue to encourage Members to transact on the Exchange, which benefits all Exchange participants by providing more trading opportunities and tighter spreads. However, this competition does not create an undue burden on competition but rather offers all market participants the opportunity to receive the benefit of competitive pricing.

The Exchange believes that the pricing structure to provide different rebates to Market Maker Origins for Simple volume dependent upon whether the contra is a Priority Customer Origin will not impose any undue burden on intra-market competition because the applicable rebate applies equally to all similarly situated Market Makers on the Exchange.

The Exchange believes that it is equitable and not unfairly discriminatory that Priority Customer Origins be treated differently than other Origin types. The exchanges, in general, have historically aimed to improve markets for investors and develop various features within their market structure for customer benefit. Priority Customer liquidity benefits all market participants by providing more trading opportunities. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

The Exchange believes that it is equitable and not unfairly discriminatory to reduce the rebate provided to Market Maker Origins for Simple volume when the contra Origin is Priority Customer. A Priority Customer by definition is not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).[24] This change does not apply to Market Makers that trade contra to other Origin types on the Exchange, such as non-MIAX Emerald Market Maker, Firm Proprietary/Broker Dealer, or Non-Priority Customers, who will generally submit a higher number of orders than Priority Customers. The Exchange believes that even with the proposed changes, the rebates provided to Market Maker Origins for Simple volume when the contra Origin is Priority Customer will continue to provide an incentive for Market Makers to participate on the Exchange, which benefits all Exchange participants by providing more trading opportunities.

The Exchange does not believe its proposal will have any effect on Priority Customer order flow to the Exchange as the proposal affects only Simple Maker volume in Penny Classes when contra to Priority Customer Origins.

Inter-Market Competition

The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. There are currently 16 registered options exchanges competing for order flow. Based on publicly-available

[20] *See* Securities Exchange Act Release No. 85304 (March 13, 2019), 84 FR 10144 (March 19, 2019) (SR–PEARL–2019–07).

[21] *See supra* note 13.

[22] *See id.*

[23] *See supra* note 17.

[24] *See supra* note 4.

information, and excluding index-based options, no single exchange has a market share of more than approximately 11–12% of the equity options market.[25] Therefore, no exchange possesses significant pricing power. More specifically, as of August 29, 2022, the Exchange had a market share of approximately 3.06% of executed volume of multiply-listed equity options for the month of August 2022.[26] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity options order flow. In such an environment, the Exchange must continually adjust its transaction and non-transaction fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's rebates in a manner that will allow the Exchange to remain competitive.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [27] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the DC circuit stated: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possess a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . .''.[28] Accordingly, the Exchange does not believe its proposed pricing changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[29] and Rule 19b–4(f)(2) [30] 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 SR–EMERALD–2022–29 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–EMERALD–2022–29. 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 such 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–EMERALD–2022–29 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20948 Filed 9–27–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95876; File No. SR–CboeBYX–2022–023]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend BYX Rule 11.17, Clearly Erroneous Executions

September 22, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 14, 2022, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to

[25] *See supra* note 17.

[26] *See id.*

[27] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[28] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (DC Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)).

[29] 15 U.S.C. 78s(b)(3)(A)(ii).

[30] 17 CFR 240.19b–4(f)(2).

[31] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] 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

Cboe BYX Exchange, Inc. (''BYX'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend BYX Rule 11.17, Clearly Erroneous Executions. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, 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 BYX Rule 11.17, Clearly Erroneous Executions. Specifically, the Exchange proposes to: (1) make the current clearly erroneous pilot program permanent; and (2) limit the circumstances where clearly erroneous review would continue to be available during Regular Trading Hours,[5] when the LULD Plan to Address Extraordinary Market Volatility (the ''LULD Plan'') [6] already provides similar protections for trades occurring at prices that may be deemed erroneous. The Exchange believes that these changes are appropriate as the LULD Plan has been approved by the Commission on a permanent basis,[7] and in light of amendments to the LULD Plan, including changes to the applicable Price Bands [8] around the open and close of trading. Moreover, the proposal is substantially identical to Cboe BZX Exchange, Inc. (''BZX'') Rule 11.17, which was recently amended.[9] The Exchange proposes to implement the proposed Rule change October 1, 2022.

Proposal To Make the Clearly Erroneous Pilot Permanent

On September 10, 2010, the Commission approved, on a pilot basis, changes to BYX Rule 11.17 that, among other things: (i) provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[10] In 2013, the Exchange adopted a provision designed to address the operation of the LULD Plan.[11] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) a series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[12] These changes are currently scheduled to operate for a pilot period that would end at the close of business on October 20, 2022.[13]

When it originally approved the clearly erroneous pilot, the Commission explained that the changes were ''being implemented on a pilot basis so that the Commission and the Exchanges can monitor the effects of the pilot on the markets and investors, and consider appropriate adjustments, as necessary.'' [14] In the 12 years since that time, the Exchange and other national securities exchanges have gained considerable experience in the operation of the rule, as amended on a pilot basis. Based on that experience, the Exchange believes that the program should be allowed to continue on a permanent basis so that equities market participants and investors can benefit from the increased certainty provided by the amended rule.

The clearly erroneous pilot was implemented following a severe disruption in the U.S. equities markets on May 6, 2010 (''Flash Crash'') to ''provide greater transparency and certainty to the process of breaking trades.'' [15] Largely, the pilot reduced the discretion of the Exchange, other national securities exchanges, and Financial Industry Regulatory Authority (''FINRA'') to deviate from the objective standards in their respective rules when dealing with potentially erroneous transactions. The pilot has thus helped afford greater certainty to Members and investors about when trades will be deemed erroneous pursuant to self-regulatory organization (''SRO'') rules and has provided a more transparent process for conducting such reviews. The Exchange proposes to make the current pilot permanent so that market participants can continue to benefit from the increased certainty afforded by the current rule.

Amendments to the Clearly Erroneous Rules

When the Participants to the LULD Plan filed to introduce the Limit Up-Limit Down (''LULD'') mechanism, itself a response to the Flash Crash, a handful of commenters noted the potential discordance between the clearly erroneous rules and the Price Bands

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time. *See* BYX Rule 1.5(w).

[6] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012).

[7] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (''Notice''); 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (File No. 4–631) (''Amendment Eighteen'').

[8] ''Price Bands'' refers to the term provided in Section V of the LULD Plan.

[9] *See* Securities and Exchange Act No. 95658 (September 1, 2022) 87 FR 55060 (SR–CboeBZX–2022–037) (Order approving a proposed rule change, as modified by Amendments Nos. 1 and 2, to amend BZX Rule 11.15, Clearly Erroneous Executions).

[10] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–BATS–2010–016).

[11] *See* Securities Exchange Act Release No. 68797 (Jan. 31, 2013), 78 FR 8635 (Feb. 6, 2013) (SR–BATS–2013–008).

[12] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–BATS–2014–014).

[13] *See* Securities Exchange Act Release No. 95285 (July 14, 2022), 87 FR 43338 (July 20, 2022) (SR–CboeBYX–2022–017).

[14] *See* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–BATS–2010–016).

[15] *Id.*

used to limit the price at which trades would be permitted to be executed pursuant to the LULD Plan. For example, two commenters requested that the clearly erroneous rules be amended so the presumption would be that trades executed within the Price Bands would not be not subject to review.[16] While the Participants acknowledged that the potential to prevent clearly erroneous executions would be a ''key benefit'' of the LULD Plan, the Participants decided not to amend the clearly erroneous rules at that time.[17] In the years since, industry feedback has continued to reflect a desire to eliminate the discordance between the LULD mechanism and the clearly erroneous rules so that market participants would have more certainty that trades executed with the Price Bands would stand. For example, the Equity Market Structure Advisory Committee (''EMSAC'') Market Quality Subcommittee included in its April 19, 2016 status report a preliminary recommendation that clearly erroneous rules be amended to conform to the Price Bands—*i.e.,* ''any trade that takes place within the band would stand and not be broken and trades outside the LU/LD bands would be eligible for the consideration of the Clearly Erroneous rules.'' [18]

The Exchange believes that it is important for there to be some mechanism to ensure that investors' orders are either not executed at clearly erroneous prices or are subsequently busted as needed to maintain a fair and orderly market. At the same time, the Exchange believes that the LULD Plan, as amended, would provide sufficient protection for trades executed during Regular Trading Hours. Indeed, the LULD mechanism could be considered to offer superior protection as it prevents potentially erroneous trades from being executed in the first instance. After gaining experience with the LULD Plan, the Exchange now believes that it is appropriate to largely eliminate clearly erroneous review during Regular Trading Hours when Price Bands are in effect. Thus, as proposed, trades executed within the Price Bands would stand, barring one of a handful of identified scenarios where such review may still be necessary for the protection of investors. The Exchange believes that this change would be beneficial for the U.S. equities markets as it would ensure that trades executed within the Price Bands are subject to clearly erroneous review in only rare circumstances, resulting in greater certainty for Members and investors.

The current LULD mechanism for addressing extraordinary market volatility is available solely during Regular Trading Hours. Thus, trades during the Exchange's Early Trading,[19] Pre-Opening,[20] or After Hours Sessions [21] would not benefit from this protection and could ultimately be executed at prices that may be considered erroneous. For this reason, the Exchange proposes that transactions executed during the Early Trading, Pre-Opening, or After Hours Sessions would continue to be reviewable as clearly erroneous. Continued availability of the clearly erroneous rule during pre- and post-market trading sessions would therefore ensure that investors have appropriate recourse when erroneous trades are executed outside of the hours where similar protection can be provided by the LULD Plan. Further, the proposal is designed to eliminate the potential discordance between clearly erroneous review and LULD Price Bands, which does not exist outside of Regular Trading Hours because the LULD Plan is not in effect. Thus, the Exchange believes that it is appropriate to continue to allow transactions to be eligible for clearly erroneous review if executed outside of Regular Trading Hours.

On the other hand, there would be much more limited potential to request that a transaction be reviewed as potentially erroneous during Regular Trading Hours. With the introduction of the LULD mechanism in 2013, clearly erroneous trades are largely prevented by the requirement that trades be executed within the Price Bands. In addition, in 2019, Amendment Eighteen to the LULD Plan eliminated double-wide Price Bands: (1) at the Open, and (2) at the Close for Tier 2 NMS Stocks 2 with a Reference Price above $3.00.[22] Due to these changes, the Exchange believes that the Price Bands would provide sufficient protection to investor orders such that clearly erroneous review would no longer be necessary during Regular Trading Hours. As the Participants to the LULD Plan explained in Amendment Eighteen: ''Broadly, the Limit Up-Limit Down mechanism prevents trades from happening at prices where one party to the trade would be considered 'aggrieved,' and thus could be viewed as an appropriate mechanism to supplant clearly erroneous rules.'' While the Participants also expressed concern that the Price Bands might be too wide to afford meaningful protection around the open and close of trading, amendments to the LULD Plan adopted in Amendment Eighteen narrowed Price Bands at these times in a manner that the Exchange believes is sufficient to ensure that investors' orders would be appropriately protected in the absence of clearly erroneous review. The Exchange therefore believes that it is appropriate to rely on the LULD mechanism as the primary means of preventing clearly erroneous trades during Regular Trading Hours.

At the same time, the Exchange is cognizant that there may be limited circumstances where clearly erroneous review may continue to be appropriate, even during Regular Trading Hours. Thus, the Exchange proposes to amend its clearly erroneous rules to enumerate the specific circumstances where such review would remain available during the course of Regular Trading Hours, as follows. All transactions that fall outside of these specific enumerated exceptions would be ineligible for clearly erroneous review.

First, pursuant to proposed paragraph (c)(1)(A), a transaction executed during Regular Trading Hours would continue to be eligible for clearly erroneous review if the transaction is not subject to the LULD Plan. In such case, the Numerical Guidelines set forth in paragraph (c)(2) of Rule 11.17 will be applicable to such NMS Stock. While the majority of securities traded on the Exchange would be subject to the LULD Plan, certain equity securities, such as rights and warrants, are explicitly excluded from the provisions of the LULD Plan and would therefore be eligible for clearly erroneous review instead.[23] Similarly, there are instances, such as the opening auction on the primary listing market,[24] where transactions are not ordinarily subject to the LULD Plan, or circumstances where a transaction that ordinarily would have

[16] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (File No. 4–631) (n. 33505).

[17] *Id.*

[18] *See* EMSAC Market Quality Subcommittee, Recommendations for Rulemaking on Issues of Market Quality (November 29, 2016), available at *https://www.sec.gov/spotlight/emsac-/recommendations-rulemaking-market-quality.pdf.*

[19] The term ''Early Trading Session'' means the time between 7:00 a.m. and 8:00 a.m. Eastern Time. *See* BYX Rule 1.5(ee).

[20] The term ''Pre-Opening Session'' means the time between 8:00 a.m. and 9:30 a.m. Eastern Time. *See* BYX Rule 1.5(r).

[21] The term ''After Hours Trading Session'' means the time between 4:00 p.m. and 8:00 p.m. Eastern Time. *See* BYX Rule 1.5(c).

[22] *See* Amendment Eighteen, supra note 7.

[23] *See* Appendix A of the LULD Plan.

[24] The initial Reference Price used to calculate Price Bands is typically set by the Opening Price on the primary listing market. *See* Section V(B) of the LULD Plan.

been subject to the LULD Plan is not—due, for example, to some issue with processing the Price Bands. These transactions would continue to be eligible for clearly erroneous review, effectively ensuring that such review remains available as a backstop when the LULD Plan would not prevent executions from occurring at erroneous prices in the first instance.

Second, investors would also continue to be able to request review of transactions that resulted from certain systems issues pursuant to proposed paragraph (c)(1)(B). This limited exception would help to ensure that trades that should not have been executed would continue to be subject to clearly erroneous review. Specifically, as proposed, transactions executed during Regular Trading Hours would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(B) if the transaction is the result of an Exchange technology or systems issue that results in the transaction occurring outside of the applicable LULD Price Bands pursuant to BYX Rule 11.17(g). A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d) of this Rule, by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan (''Percentage Parameters'').

Third, the Exchange proposes to narrowly allow for the review of transactions during Regular Trading Hours when the Reference Price, described in proposed paragraph (d), is determined to be erroneous by an Officer of the Exchange. Specifically, a transaction executed during Regular Trading Hours would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(C) if the transaction involved, in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to the LULD Plan and resumes trading without an auction,[25] a Reference Price that is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. In such circumstances, the Exchange may use a different Reference Price pursuant to proposed paragraph (d)(2) of this Rule. A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the new Reference Price, described in paragraph (d)(2) below, by an amount that equals or exceeds the applicable Numerical Guidelines or Percentage Parameters, as applicable depending on whether the security is subject to the LULD Plan. Specifically, the Percentage Parameters would apply to all transactions except those in an NMS Stock that is not subject to the LULD Plan, as described in paragraph (c)(1)(A).

In the context of a corporate action or a new issue, there may be instances where the security's Reference Price is later determined by the Exchange to be erroneous (*e.g.,* because of a bad first trade for a new issue), and subsequent LULD Price Bands are calculated from that incorrect Reference Price. In determining whether the Reference Price is erroneous in such instances, the Exchange would generally look to see if such Reference Price clearly deviated from the theoretical value of the security. In such cases, the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue, the ratio of the stock split applied to the prior day's closing price, the theoretical price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing.[26] In the foregoing instances, the theoretical value of the security would be used as the new Reference Price when applying the Percentage Parameters under the LULD Plan (or Numerical Guidelines if the transaction is in an NMS Stock that is not subject to the LULD Plan) to determine whether executions would be cancelled as clearly erroneous.

The following illustrate the proposed application of the rule in the context of a corporate action or new issue:

Example 1

1. ABCD is subject to a corporate action, 1 for 10 reverse split, and the previous day close was $5, but the new theoretical price based on the terms of the corporate action is $50.
2. The security opens at $5, with LULD bands at $4.50 × $5.50
3. The bands will be calculated correctly but the security is trading at an erroneous price based on the valuation of the remaining outstanding shares
4. The theoretical price of $50 would be used as the new Reference Price when applying LULD bands to determine if executions would be cancelled as clearly erroneous

Example 2

1. ABCD is subject to a corporate action, the company is doing a spin off where a new issue will be listed, BCDE. ABCD trades at $50, and the spinoff company is worth ⅕ of ABCD
2. BCDE opens at $50 in the belief it is the same company as ABCD
3. The theoretical values of the two companies are ABCD $40 and BCDE $10
4. BCDE would be deemed to have had an incorrect Reference Price and the theoretical value of $10 would be used as the new Reference Price when applying the LULD Bands to determine if executions would be cancelled as clearly erroneous

Example 3

1. ABCD is an uplift from the OTC market, the prior days close on the OTC market was $20
2. ABCD opens trading on the new listing exchange at $0.20 due to an erroneous order entry
3. The new Reference Price to determine clearly erroneous executions would be $20, the theoretical value of the stock from where it was last traded

In the context of the rare situation in which a security that enters a LULD Trading Pause and resumes trading without an auction (*i.e.,* reopens with quotations), the LULD Plan requires that the new Reference Price in this instance be established by using the mid-point of the best bid and offer (''BBO'') on the primary listing exchange at the reopening time.[27] This can result in a Reference Price and subsequent LULD Price Band calculation that is significantly away from the security's last traded or more relevant price, especially in less liquid names. In such rare instances, the Exchange is proposing to use a different Reference Price that is based on the prior LULD Band that triggered the Trading Pause, rather than the midpoint of the BBO.

The following example illustrates the proposed application of the rule in the context of a security that reopens without an auction:

Example 4

1. ABCD stock is trading at $20, with LULD Bands at $18 × $22
2. An incoming buy order causes the stock to enter a Limit State Trading Pause and then a Trading Pause at $22
3. During the Trading Pause, the buy order

[25] The Exchange notes that the ''resumption of trading without an auction'' provision of the proposed rule text applies only to securities that enter a Trading Pause pursuant to LULD and does not apply to a corporate action or new issue.

[26] Using transaction data reported to the FINRA OTC Reporting Facility, FINRA disseminates via the Trade Data Dissemination Service a final closing report for OTC equity securities for each business day that includes, among other things, each security's closing last sale price.

[27] *See* LULD Plan, Section I(U) and V(C)(1).

causing the Trading Pause is cancelled
4. At the end of the 5-minute halt, there is no crossed interest for an auction to occur, thus trading would resume on a quote
5. Upon resumption, a quote that was available prior to the Trading Pause (*e.g.* a quote was resting on the book prior to the Trading Pause), is widely set at $10 × $90
6. The Reference Price upon resumption is $50 (mid-point of BBO)
7. The SIP will use this Reference Price and publish LULD Bands of $45 × $55 (*i.e.,* far away from BBO prior to the halt)
8. The bands will be calculated correctly, but the $50 Reference Price is subsequently determined to be incorrect as the price clearly deviated from where it previously traded prior to the Trading Pause
9. The new Reference Price would be $22 (*i.e.,* the last effective Price Band that was in a limit state before the Trading Pause), and the LULD Bands would be applied to determine if the executions should be cancelled as clearly erroneous

In all of the foregoing situations, investors would be left with no remedy to request clearly erroneous review without the proposed carveouts in paragraph (c)(1)(C) because the trades occurred within the LULD Price Bands (albeit LULD Price Bands that were calculated from an erroneous Reference Price). The Exchange believes that removing the current ability for the Exchange to review in these narrow circumstances would lessen investor protections.

Numerical Guidelines

Today, paragraph (c)(1) defines the Numerical Guidelines that are used to determine if a transaction is deemed clearly erroneous during Regular Trading Hours, or during the Early Trading, Pre-Opening and After Hours Sessions. With respect to Regular Trading Hours, trades are generally deemed clearly erroneous if the execution price differs from the Reference Price (*i.e.,* last sale) by 10% if the Reference Price is greater than $0.00 up to and including $25.00; 5% if the Reference Price is greater than $25.00 up to and including $50.00; and 3% if the Reference Price is greater than $50.00. Wider parameters are also used for reviews for Multi-Stock Events, as described in paragraph (c)(2). With respect to transactions in Leveraged ETF/ETN securities executed during Regular Trading Hours, Early Trading, Pre-Opening and After-Hours Trading Session, trades are deemed clearly erroneous if the execution price exceeds the Regular Trading Hours Numerical Guidelines multiplied by the leverage multiplier.

Given the changes described in this proposed rule change, the Exchange proposes to amend the way that the Numerical Guidelines are calculated during Regular Trading Hours in the handful of instances where clearly erroneous review would continue to be available. Specifically, the Exchange would base these Numerical Guidelines, as applied to the circumstances described in paragraph (c)(1)(A), on the Percentage Parameters used to calculate Price Bands, as set forth in Appendix A to the LULD Plan. Without this change, a transaction that would otherwise stand if Price Bands were properly applied to the transaction may end up being subject to review and deemed clearly erroneous solely due to the fact that the Price Bands were not available due to a systems or other issue. The Exchange believes that it makes more sense to instead base the Price Bands on the same parameters as would otherwise determine whether the trade would have been allowed to execute within the Price Bands. The Exchange also proposes to modify the Numerical Guidelines applicable to leveraged ETF/ETN securities during Regular Trading Hours. As noted above, the Numerical Guidelines will only be applicable to transactions eligible for review pursuant paragraph (c)(1)(A) (*i.e.,* to NMS Stocks that are not subject to the LULD Plan). As leveraged ETF/ETN securities are subject to LULD and thus the Percentage Parameters will be applicable during Regular Trading Hours, the Exchange proposes to eliminate the Numerical Guidelines for leveraged ETF/ETN securities traded during Regular Trading Hours. However, as no Price Bands are available outside of Regular Trading Hours, the Exchange proposes to keep the existing Numerical Guidelines in place for transactions in leveraged ETF/ETN securities that occur during Early Trading, Pre-Opening and After-Hours Trading.

The Exchange also proposes to move existing paragraphs (c)(2), (c)(3), and (d) to proposed paragraph (c)(2)(B), (c)(2)(C), and (C)(2)(D), respectively, as Multi-Stock Events, Additional Factors, and Outlier Transactions will only be subject to review if those NMS Stocks are not subject to the LULD Plan or occur during the Early Trading, Pre-Opening and After Hours Sessions. Proposed paragraph (c)(2)(B) is substantially similar to existing paragraph (c)(2) except for a change in rule reference to paragraph (c)(1) has been updated to paragraph (c)(1)(A). Further, given the proposal to move existing paragraph (c)(2) to paragraph (c)(2)(B), the Exchange also proposes to amend applicable rule references throughout paragraph (c)(2)(A). Finally, the Exchange proposes to update applicable rule references in paragraph (c)(2)(D) based on the above-described structural changes to the Rule.

Reference Price

As proposed, the Reference Price used would continue to be based on last sale and would be memorialized in proposed paragraph (d). Continuing to use the last sale as the Reference Price is necessary for operational efficiency as it may not be possible to perform a timely clearly erroneous review if doing so required computing the arithmetic mean price of eligible reported transactions over the past five minutes, as contemplated by the LULD Plan. While this means that there would still be some differences between the Price Bands and the clearly erroneous parameters, the Exchange believes that this difference is reasonable in light of the need to ensure timely review if clearly erroneous rules are invoked. The Exchange also proposes to allow for an alternate Reference Price to be used as prescribed in proposed paragraphs (d)(1), (2), and (3). Specifically, the Reference Price may be a value other than the consolidated last sale immediately prior to the execution(s) under review (1) in the case of Multi-Stock Events involving twenty or more securities, as described in paragraph (c)(2)(B) above, (2) in the case of an erroneous Reference Price, as described in paragraph (c)(1)(C) above,[28] or (3) in other circumstances, such as, for example, relevant news impacting a security or securities, periods of extreme market volatility, sustained illiquidity, or widespread system issues, where use of a different Reference Price is necessary for the maintenance of a fair and orderly market and the protection of investors and the public interest, provided that such circumstances occurred during Early Trading, Pre-Opening or After-Hours Session or are eligible for review pursuant to paragraph (c)(1)(A).

Appeals

As described more fully below, the Exchange proposes to eliminate paragraph (f), System Disruption or Malfunction. Accordingly, the Exchange

[28] As discussed above, in the case of (c)(1)(C)(1), the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue, the ratio of the stock split applied to the prior day's closing price, the theoretical price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing. In the case of (c)(1)(C)(2), the Reference Price will be the last effective Price Band that was in a limit state before the Trading Pause.

proposes to remove from paragraph (e)(2), Appeals, each reference to paragraph (f), and include language referencing proposed paragraph (g), Transactions Occurring Outside of the LULD Bands.

System Disruption or Malfunction

To conform with the structural changes described above, the Exchange now proposes to remove paragraph 11.17(f), System Disruption or Malfunction, and proposes new paragraph (c)(1)(B). Specifically, as described in paragraph (c)(1)(B), transactions occurring during Regular Trading Hours that are executed outside of the LULD Price Bands due to an Exchange technology or system issue, may be subject to clearly erroneous review pursuant to proposed paragraph 11.17(g). Proposed paragraph 1d1.17(c)(1)(B) further provides that a transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d), by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan.

Trade Nullification for UTP Securities That Are the Subject of Initial Public Offerings

Current paragraph (h) of BYX Rule 11.17 provides different procedures for conducting clearly erroneous review in initial public offering (''IPO'') securities that are traded pursuant to unlisted trading privileges (''UTP'') after the initial opening of such IPO securities on the listing market. Specifically, this paragraph provides that a clearly erroneous error may be deemed to have occurred in the opening transaction of the subject security if the execution price of the opening transaction on the Exchange is the lesser of $1.00 or 10% away from the opening price on the listing exchange or association. The Exchange no longer believes that this provision is necessary as opening transactions on the Exchange following an IPO are subject to Price Bands pursuant to the LULD Plan. The Exchange therefore proposes to eliminate this provision in connection with the broader changes to clearly erroneous review during Regular Trading Hours.

Securities Subject To Limit Up-Limit Down Plan

The Exchange proposes to renumber paragraph (i) to paragraph (h) based on the proposal to eliminate existing paragraph (h), and to rename the paragraph to provide for transactions occurring outside of LULD Price Bands. Given that proposed paragraph (c)(1) defines the LULD Plan, the Exchange also proposes to eliminate redundant language from proposed paragraph (h). Finally, the Exchange also proposes to update references to the LULD Plan and Price Bands so that they are uniform throughout the Rule and to update rule references throughout the paragraph to conform to the structural changes to the Rule described above.

Multi-Day Event and Trading Halts

The Exchange proposes to renumber paragraphs (j) and (k) to paragraphs (h) and (i), respectively, based on the proposal to eliminate existing paragraph (h). Additionally, the Exchange proposes to modify the text of both paragraphs to reference the Percentage Parameters as well as the Numerical Guidelines. Specifically, the existing text of proposed paragraphs (h) and (i) provides that any action taken in connection with this paragraph will be taken without regard to the Numerical Guidelines set forth in this Rule. The Exchange proposes to amend the rule text to provide that any action taken in connection with this paragraph will be taken without regard to the Percentage Parameters or Numerical Guidelines set forth in this Rule, with the Percentage Parameters being applicable to an NMS Stock subject to the LULD Plan and the Numerical Guidelines being applicable to an NMS Stock not subject to the LULD Plan.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[29] in general, and Section 6(b)(5) of the Act,[30] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

As explained in the purpose section of this proposed rule change, the current pilot was implemented following the Flash Crash to bring greater transparency to the process for conducting clearly erroneous reviews, and to help assure that the review process is based on clear, objective, and consistent rules across the U.S. equities markets. The Exchange believes that the amended clearly erroneous rules have been successful in that regard and have thus furthered fair and orderly markets. Specifically, the Exchange believes that the pilot has successfully ensured that such reviews are conducted based on objective and consistent standards across SROs and has therefore afforded greater certainty to Members and investors. The Exchange therefore believes that making the current pilot a permanent program is appropriate so that equities market participants can continue to reap the benefits of a clear, objective, and transparent process for conducting clearly erroneous reviews. In addition, the proposal is substantially identical to a recent rule change to BZX Rule 11.17, and the Exchange understands that the other U.S. equities exchanges and FINRA will also file largely identical proposals to make their respective clearly erroneous pilots permanent. The Exchange therefore believes that the proposed rule change would promote transparency and uniformity across markets concerning review of transactions as clearly erroneous and would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors, and the public interest.

Similarly, the Exchange believes that it is consistent with just and equitable principles of trade to limit the availability of clearly erroneous review during Regular Trading Hours. The Plan was approved by the Commission to operate on a permanent rather than pilot basis. As a number of market participants have noted, the LULD Plan provides protections that ensure that investors' orders are not executed at prices that may be considered clearly erroneous. Further, amendments to the LULD Plan approved in Amendment Eighteen serve to ensure that the Price Bands established by the LULD Plan are ''appropriately tailored to prevent trades that are so far from current market prices that they would be viewed as having been executed in error.'' [31] Thus, the Exchange believes that clearly erroneous review should only be necessary in very limited circumstances during Regular Trading Hours. Specifically, such review would only be necessary in instances where a transaction was not subject to the LULD Plan, or was the result of some form of systems issue, as detailed in the purpose section of this proposed rule change. Additionally, in narrow circumstances where the transaction was subject to the

[29] 15 U.S.C. 78f(b).

[30] 15 U.S.C. 78f(b)(5).

[31] *See* Amendment Eighteen, supra note 7.

LULD Plan, a clearly erroneous review would be available in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to LULD and resumes trading without an auction, where the Reference Price is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. Thus, eliminating clearly erroneous review in all other instances will serve to increase certainty for Members and investors that trades executed during Regular Trading Hours would typically stand and would not be subject to review.

Given the fact that clearly erroneous review would largely be limited to transactions that were not subject to the LULD Plan, the Exchange also believes that it is necessary to change the parameters used to determine whether a trade is clearly erroneous. Specifically, due to the different parameters currently used for clearly erroneous review and for determining Price Bands, it is possible that a trade that would have been permitted to execute within the Price Bands would later be deemed clearly erroneous, if, for example, a systems issue prevented the dissemination of the Price Bands. The Exchange believes that this result is contrary to the principle that trades within the Price Bands should stand, and has the potential to cause investor confusion if trades that are properly executed within the applicable parameters described in the LULD Plan are later deemed erroneous. By using consistent parameters for clearly erroneous reviews conducted during Regular Trading Hours and the calculation of the Price Bands, the Exchange believes that this change would also serve to promote greater certainty with regards to when trades may be deemed erroneous.

The Exchange believes that it is consistent with the protection of investors and the public interest to remove the current provision of the clearly erroneous rule dealing with UTP securities that are the subject of IPOs. This provision applies specifically to opening transactions on a non-listing market following an IPO on the listing market. As such, review under this paragraph is limited to trades conducted during Regular Trading Hours. As previously addressed, trades executed during Regular Trading Hours would generally not be subject to clearly erroneous review but would instead be protected by the Price Bands. The Exchange therefore no longer believes that this paragraph is necessary, as all trades subject to this provision today would either be subject to the LULD Plan, or, in the event of some systems or other issue, would be subject to the provisions that apply to transactions that are not adequately protected by the LULD Plan.

Finally, the proposed rule changes make organizational updates to the Exchange's Clearly Erroneous Execution Rule as well as minor updates and corrections to the Rule to improve readability and clarity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while also amending those rules to provide greater certainty to Members and investors that trades will stand if executed during Regular Trading Hours where the LULD Plan provides adequate protection against trading at erroneous prices. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are substantively identical to this proposal. Thus, the proposed rule change will help to ensure consistency across SROs without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[32] and Rule 19b–4(f)(6) thereunder.[33] 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[34] and subparagraph (f)(6) of Rule 19b–4 thereunder.[35]

A proposed rule change filed under Rule 19b–4(f)(6)[36] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[37] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative on October 1, 2022. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange to coordinate its implementation of the revised clearly erroneous execution rules with the other national securities exchanges and FINRA, and will help ensure consistency across the SROs.[38] For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[39]

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:

[32] 15 U.S.C. 78s(b)(3)(A)(iii).

[33] 17 CFR 240.19b–4(f)(6).

[34] 15 U.S.C. 78s(b)(3)(A)(iii).

[35] 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.

[36] 17 CFR 240.19b–4(f)(6).

[37] 17 CFR 240.19b–4(f)(6)(iii).

[38] *See* SR–CboeBZX–2022–37 (July 8, 2022).

[39] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CboeBYX–2022–023 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–CboeBYX–2022–023. 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 such 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–CboeBYX–2022–023 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

J. Matthew DeLesDernier,

Deputy Secretary.

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[40] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95877; File No. SR–CboeEDGA–2022–015]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend EDGA Rule 11.15, Clearly Erroneous Executions

September 22, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 14, 2022, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] 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

Cboe EDGA Exchange, Inc. (''EDGA'' or the ''Exchange'') is filing with the Securities and Exchange Commission (the ''Commission'') a proposed rule change to amend EDGA Rule 11.15, Clearly Erroneous Executions. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, 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 EDGA Rule 11.15, Clearly Erroneous Executions. Specifically, the Exchange proposes to: (1) make the current clearly erroneous pilot program permanent; and (2) limit the circumstances where clearly erroneous review would continue to be available during Regular Trading Hours,[5] when the LULD Plan to Address Extraordinary Market Volatility (the ''LULD Plan'') [6] already provides similar protections for trades occurring at prices that may be deemed erroneous. The Exchange believes that these changes are appropriate as the LULD Plan has been approved by the Commission on a permanent basis,[7] and in light of amendments to the LULD Plan, including changes to the applicable Price Bands [8] around the open and close of trading. Moreover, the proposal is substantially identical to Cboe BZX Exchange, Inc. (''BZX'') Rule 11.17, which was recently amended.[9] The Exchange proposes to implement the proposed Rule change October 1, 2022.

Proposal To Make the Clearly Erroneous Pilot Permanent

On September 10, 2010, the Commission approved, on a pilot basis, changes to EDGA Rule 11.15 that, among other things: (i) provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time. *See* EDGA Rule 1.5(y).

[6] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012).

[7] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (''Notice''); 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (File No. 4–631) (''Amendment Eighteen'').

[8] ''Price Bands'' refers to the term provided in Section V of the LULD Plan.

[9] *See* Securities and Exchange Act No. 95658 (September 1, 2022) 87 FR 55060 (SR–CboeBZX–2022–037) (Order approving a proposed rule change, as modified by Amendments Nos. 1 and 2, to amend BZX Rule 11.17, Clearly Erroneous Executions).

rule.[10] In 2013, the Exchange adopted a provision designed to address the operation of the LULD Plan.[11] Finally, in 2014, the Exchange adopted two additional provisions providing that: (i) a series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[12] These changes are currently scheduled to operate for a pilot period that would end at the close of business on October 20, 2022.[13]

When it originally approved the clearly erroneous pilot, the Commission explained that the changes were ''being implemented on a pilot basis so that the Commission and the Exchanges can monitor the effects of the pilot on the markets and investors, and consider appropriate adjustments, as necessary.'' [14] In the 12 years since that time, the Exchange and other national securities exchanges have gained considerable experience in the operation of the rule, as amended on a pilot basis. Based on that experience, the Exchange believes that the program should be allowed to continue on a permanent basis so that equities market participants and investors can benefit from the increased certainty provided by the amended rule.

The clearly erroneous pilot was implemented following a severe disruption in the U.S. equities markets on May 6, 2010 (''Flash Crash'') to ''provide greater transparency and certainty to the process of breaking trades.'' [15] Largely, the pilot reduced the discretion of the Exchange, other national securities exchanges, and Financial Industry Regulatory Authority (''FINRA'') to deviate from the objective standards in their respective rules when dealing with potentially erroneous transactions. The pilot has thus helped afford greater certainty to Members and investors about when trades will be deemed erroneous pursuant to self-regulatory organization (''SRO'') rules and has provided a more transparent process for conducting such reviews. The Exchange proposes to make the current pilot permanent so that market participants can continue to benefit from the increased certainty afforded by the current rule.

Amendments to the Clearly Erroneous Rules

When the Participants to the LULD Plan filed to introduce the Limit Up-Limit Down (''LULD'') mechanism, itself a response to the Flash Crash, a handful of commenters noted the potential discordance between the clearly erroneous rules and the Price Bands used to limit the price at which trades would be permitted to be executed pursuant to the LULD Plan. For example, two commenters requested that the clearly erroneous rules be amended so the presumption would be that trades executed within the Price Bands would not be not subject to review.[16] While the Participants acknowledged that the potential to prevent clearly erroneous executions would be a ''key benefit'' of the LULD Plan, the Participants decided not to amend the clearly erroneous rules at that time.[17] In the years since, industry feedback has continued to reflect a desire to eliminate the discordance between the LULD mechanism and the clearly erroneous rules so that market participants would have more certainty that trades executed with the Price Bands would stand. For example, the Equity Market Structure Advisory Committee (''EMSAC'') Market Quality Subcommittee included in its April 19, 2016 status report a preliminary recommendation that clearly erroneous rules be amended to conform to the Price Bands—*i.e.,* ''any trade that takes place within the band would stand and not be broken and trades outside the LU/LD bands would be eligible for the consideration of the Clearly Erroneous rules.'' [18]

The Exchange believes that it is important for there to be some mechanism to ensure that investors' orders are either not executed at clearly erroneous prices or are subsequently busted as needed to maintain a fair and orderly market. At the same time, the Exchange believes that the LULD Plan, as amended, would provide sufficient protection for trades executed during Regular Trading Hours. Indeed, the LULD mechanism could be considered to offer superior protection as it prevents potentially erroneous trades from being executed in the first instance. After gaining experience with the LULD Plan, the Exchange now believes that it is appropriate to largely eliminate clearly erroneous review during Regular Trading Hours when Price Bands are in effect. Thus, as proposed, trades executed within the Price Bands would stand, barring one of a handful of identified scenarios where such review may still be necessary for the protection of investors. The Exchange believes that this change would be beneficial for the U.S. equities markets as it would ensure that trades executed within the Price Bands are subject to clearly erroneous review in only rare circumstances, resulting in greater certainty for Members and investors.

The current LULD mechanism for addressing extraordinary market volatility is available solely during Regular Trading Hours. Thus, trades during the Exchange's Early Trading,[19] Pre-Opening,[20] or After Hours Sessions [21] would not benefit from this protection and could ultimately be executed at prices that may be considered erroneous. For this reason, the Exchange proposes that transactions executed during the Early Trading, Pre-Opening, or After Hours Sessions would continue to be reviewable as clearly erroneous. Continued availability of the clearly erroneous rule during pre- and post-market trading sessions would therefore ensure that investors have appropriate recourse when erroneous trades are executed outside of the hours

[10] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–BATS–2010–016).

[11] *See* Securities Exchange Act Release No. 68797 (Jan. 31, 2013), 78 FR 8635 (Feb. 6, 2013) (SR–BATS–2013–008).

[12] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–BATS–2014–014).

[13] *See* Securities Exchange Act Release No. 95287 (July 14, 2022), 87 FR 43341 (July 20, 2022) (SR–CboeEDGA–2022–010).

[14] *See* Securities Exchange Act Release No. 62886 (September 10, 2010), 75 FR 56613 (September 16, 2010) (SR–BATS–2010–016).

[15] *Id.*

[16] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (File No. 4–631) (n. 33505).

[17] *Id.*

[18] *See* EMSAC Market Quality Subcommittee, Recommendations for Rulemaking on Issues of Market Quality (November 29, 2016), available at *https://www.sec.gov/spotlight/emsac/emsac-recommendations-rulemaking-market-quality.pdf.*

[19] The term ''Early Trading Session'' means the time between 7:00 a.m. and 8:00 a.m. Eastern Time. *See* EDGA Rule 1.5(ii).

[20] The term ''Pre-Opening Session'' means the time between 8:00 a.m. and 9:30 a.m. Eastern Time. *See* EDGA Rule 1.5(s).

[21] The term ''Post-Closing Session'' means the time between 4:00 p.m. and 8:00 p.m. Eastern Time. *See* EDGA Rule 1.5(r).

where similar protection can be provided by the LULD Plan. Further, the proposal is designed to eliminate the potential discordance between clearly erroneous review and LULD Price Bands, which does not exist outside of Regular Trading Hours because the LULD Plan is not in effect. Thus, the Exchange believes that it is appropriate to continue to allow transactions to be eligible for clearly erroneous review if executed outside of Regular Trading Hours.

On the other hand, there would be much more limited potential to request that a transaction be reviewed as potentially erroneous during Regular Trading Hours. With the introduction of the LULD mechanism in 2013, clearly erroneous trades are largely prevented by the requirement that trades be executed within the Price Bands. In addition, in 2019, Amendment Eighteen to the LULD Plan eliminated double-wide Price Bands: (1) at the Open, and (2) at the Close for Tier 2 NMS Stocks 2 with a Reference Price above $3.00.[22] Due to these changes, the Exchange believes that the Price Bands would provide sufficient protection to investor orders such that clearly erroneous review would no longer be necessary during Regular Trading Hours. As the Participants to the LULD Plan explained in Amendment Eighteen: ''Broadly, the Limit Up-Limit Down mechanism prevents trades from happening at prices where one party to the trade would be considered 'aggrieved,' and thus could be viewed as an appropriate mechanism to supplant clearly erroneous rules.'' While the Participants also expressed concern that the Price Bands might be too wide to afford meaningful protection around the open and close of trading, amendments to the LULD Plan adopted in Amendment Eighteen narrowed Price Bands at these times in a manner that the Exchange believes is sufficient to ensure that investors' orders would be appropriately protected in the absence of clearly erroneous review. The Exchange therefore believes that it is appropriate to rely on the LULD mechanism as the primary means of preventing clearly erroneous trades during Regular Trading Hours.

At the same time, the Exchange is cognizant that there may be limited circumstances where clearly erroneous review may continue to be appropriate, even during Regular Trading Hours. Thus, the Exchange proposes to amend its clearly erroneous rules to enumerate the specific circumstances where such review would remain available during the course of Regular Trading Hours, as follows. All transactions that fall outside of these specific enumerated exceptions would be ineligible for clearly erroneous review.

First, pursuant to proposed paragraph (c)(1)(A), a transaction executed during Regular Trading Hours would continue to be eligible for clearly erroneous review if the transaction is not subject to the LULD Plan. In such case, the Numerical Guidelines set forth in paragraph (c)(2) of Rule 11.15 will be applicable to such NMS Stock. While the majority of securities traded on the Exchange would be subject to the LULD Plan, certain equity securities, such as rights and warrants, are explicitly excluded from the provisions of the LULD Plan and would therefore be eligible for clearly erroneous review instead.[23] Similarly, there are instances, such as the opening auction on the primary listing market,[24] where transactions are not ordinarily subject to the LULD Plan, or circumstances where a transaction that ordinarily would have been subject to the LULD Plan is not—due, for example, to some issue with processing the Price Bands. These transactions would continue to be eligible for clearly erroneous review, effectively ensuring that such review remains available as a backstop when the LULD Plan would not prevent executions from occurring at erroneous prices in the first instance.

Second, investors would also continue to be able to request review of transactions that resulted from certain systems issues pursuant to proposed paragraph (c)(1)(B). This limited exception would help to ensure that trades that should not have been executed would continue to be subject to clearly erroneous review. Specifically, as proposed, transactions executed during Regular Trading Hours would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(B) if the transaction is the result of an Exchange technology or systems issue that results in the transaction occurring outside of the applicable LULD Price Bands pursuant to EDGA Rule 11.15(g). A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d) of this Rule, by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan (''Percentage Parameters'').

Third, the Exchange proposes to narrowly allow for the review of transactions during Regular Trading Hours when the Reference Price, described in proposed paragraph (d), is determined to be erroneous by an Officer of the Exchange. Specifically, a transaction executed during Regular Trading Hours would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(C) if the transaction involved, in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to the LULD Plan and resumes trading without an auction,[25] a Reference Price that is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. In such circumstances, the Exchange may use a different Reference Price pursuant to proposed paragraph (d)(2) of this Rule. A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the new Reference Price, described in paragraph (d)(2) below, by an amount that equals or exceeds the applicable Numerical Guidelines or Percentage Parameters, as applicable depending on whether the security is subject to the LULD Plan. Specifically, the Percentage Parameters would apply to all transactions except those in an NMS Stock that is not subject to the LULD Plan, as described in paragraph (c)(1)(A).

In the context of a corporate action or a new issue, there may be instances where the security's Reference Price is later determined by the Exchange to be erroneous (*e.g.,* because of a bad first trade for a new issue), and subsequent LULD Price Bands are calculated from that incorrect Reference Price. In determining whether the Reference Price is erroneous in such instances, the Exchange would generally look to see if such Reference Price clearly deviated from the theoretical value of the security. In such cases, the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue, the ratio of the stock split applied to the prior day's closing price, the theoretical

[22] *See* Amendment Eighteen, supra note 7.

[23] *See* Appendix A of the LULD Plan.

[24] The initial Reference Price used to calculate Price Bands is typically set by the Opening Price on the primary listing market. *See* Section V(B) of the LULD Plan.

[25] The Exchange notes that the ''resumption of trading without an auction'' provision of the proposed rule text applies only to securities that enter a Trading Pause pursuant to LULD and does not apply to a corporate action or new issue.

price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing.[26] In the foregoing instances, the theoretical value of the security would be used as the new Reference Price when applying the Percentage Parameters under the LULD Plan (or Numerical Guidelines if the transaction is in an NMS Stock that is not subject to the LULD Plan) to determine whether executions would be cancelled as clearly erroneous.

The following illustrate the proposed application of the rule in the context of a corporate action or new issue:

Example 1:

1. ABCD is subject to a corporate action, 1 for 10 reverse split, and the previous day close was $5, but the new theoretical price based on the terms of the corporate action is $50.
2. The security opens at $5, with LULD bands at $4.50 × $5.50.
3. The bands will be calculated correctly but the security is trading at an erroneous price based on the valuation of the remaining outstanding shares.
4. The theoretical price of $50 would be used as the new Reference Price when applying LULD bands to determine if executions would be cancelled as clearly erroneous.

Example 2:

1. ABCD is subject to a corporate action, the company is doing a spin off where a new issue will be listed, BCDE. ABCD trades at $50, and the spinoff company is worth ⅕ of ABCD.
2. BCDE opens at $50 in the belief it is the same company as ABCD.
3. The theoretical values of the two companies are ABCD $40 and BCDE $10.
4. BCDE would be deemed to have had an incorrect Reference Price and the theoretical value of $10 would be used as the new Reference Price when applying the LULD Bands to determine if executions would be cancelled as clearly erroneous.

Example 3:

1. ABCD is an uplift from the OTC market, the prior days close on the OTC market was $20.
2. ABCD opens trading on the new listing exchange at $0.20 due to an erroneous order entry.
3. The new Reference Price to determine clearly erroneous executions would be $20, the theoretical value of the stock from where it was last traded.

In the context of the rare situation in which a security that enters a LULD Trading Pause and resumes trading without an auction (*i.e.,* reopens with quotations), the LULD Plan requires that the new Reference Price in this instance be established by using the mid-point of the best bid and offer (''BBO'') on the primary listing exchange at the reopening time.[27] This can result in a Reference Price and subsequent LULD Price Band calculation that is significantly away from the security's last traded or more relevant price, especially in less liquid names. In such rare instances, the Exchange is proposing to use a different Reference Price that is based on the prior LULD Band that triggered the Trading Pause, rather than the midpoint of the BBO.

The following example illustrates the proposed application of the rule in the context of a security that reopens without an auction:

Example 4:

1. ABCD stock is trading at $20, with LULD Bands at $18 × $22.
2. An incoming buy order causes the stock to enter a Limit State Trading Pause and then a Trading Pause at $22.
3. During the Trading Pause, the buy order causing the Trading Pause is cancelled.
4. At the end of the 5-minute halt, there is no crossed interest for an auction to occur, thus trading would resume on a quote.
5. Upon resumption, a quote that was available prior to the Trading Pause (*e.g.* a quote was resting on the book prior to the Trading Pause), is widely set at $10 × $90.
6. The Reference Price upon resumption is $50 (mid-point of BBO).
7. The SIP will use this Reference Price and publish LULD Bands of $45 × $55 (*i.e.,* far away from BBO prior to the halt).
8. The bands will be calculated correctly, but the $50 Reference Price is subsequently determined to be incorrect as the price clearly deviated from where it previously traded prior to the Trading Pause.
9. The new Reference Price would be $22 (*i.e.,* the last effective Price Band that was in a limit state before the Trading Pause), and the LULD Bands would be applied to determine if the executions should be cancelled as clearly erroneous.

In all of the foregoing situations, investors would be left with no remedy to request clearly erroneous review without the proposed carveouts in paragraph (c)(1)(C) because the trades occurred within the LULD Price Bands (albeit LULD Price Bands that were calculated from an erroneous Reference Price). The Exchange believes that removing the current ability for the Exchange to review in these narrow circumstances would lessen investor protections.

Numerical Guidelines

Today, paragraph (c)(1) defines the Numerical Guidelines that are used to determine if a transaction is deemed clearly erroneous during Regular Trading Hours, or during the Early Trading, Pre-Opening and After Hours Sessions. With respect to Regular Trading Hours, trades are generally deemed clearly erroneous if the execution price differs from the Reference Price (*i.e.,* last sale) by 10% if the Reference Price is greater than $0.00 up to and including $25.00; 5% if the Reference Price is greater than $25.00 up to and including $50.00; and 3% if the Reference Price is greater than $50.00. Wider parameters are also used for reviews for Multi-Stock Events, as described in paragraph (c)(2). With respect to transactions in Leveraged ETF/ETN securities executed during Regular Trading Hours, Early Trading, Pre-Opening and After-Hours Trading Session, trades are deemed clearly erroneous if the execution price exceeds the Regular Trading Hours Numerical Guidelines multiplied by the leverage multiplier.

Given the changes described in this proposed rule change, the Exchange proposes to amend the way that the Numerical Guidelines are calculated during Regular Trading Hours in the handful of instances where clearly erroneous review would continue to be available. Specifically, the Exchange would base these Numerical Guidelines, as applied to the circumstances described in paragraph (c)(1)(A), on the Percentage Parameters used to calculate Price Bands, as set forth in Appendix A to the LULD Plan. Without this change, a transaction that would otherwise stand if Price Bands were properly applied to the transaction may end up being subject to review and deemed clearly erroneous solely due to the fact that the Price Bands were not available due to a systems or other issue. The Exchange believes that it makes more sense to instead base the Price Bands on the same parameters as would otherwise determine whether the trade would have been allowed to execute within the Price Bands. The Exchange also proposes to modify the Numerical Guidelines applicable to leveraged ETF/ETN securities during Regular Trading Hours. As noted above, the Numerical Guidelines will only be applicable to transactions eligible for review pursuant paragraph (c)(1)(A) (*i.e.,* to NMS Stocks that are not subject to the LULD Plan). As leveraged ETF/ETN securities are subject to LULD and thus the Percentage Parameters will be applicable during Regular Trading Hours, the Exchange proposes to eliminate the Numerical Guidelines for leveraged ETF/ETN securities traded during Regular Trading

[26] Using transaction data reported to the FINRA OTC Reporting Facility, FINRA disseminates via the Trade Data Dissemination Service a final closing report for OTC equity securities for each business day that includes, among other things, each security's closing last sale price.

[27] *See* LULD Plan, Section I(U) and V(C)(1).

Hours. However, as no Price Bands are available outside of Regular Trading Hours, the Exchange proposes to keep the existing Numerical Guidelines in place for transactions in leveraged ETF/ETN securities that occur during Early Trading, Pre-Opening and After-Hours Trading.

The Exchange also proposes to move existing paragraphs (c)(2), (c)(3), and (d) to proposed paragraph (c)(2)(B), (c)(2)(C), and (C)(2)(D), respectively, as Multi-Stock Events, Additional Factors, and Outlier Transactions will only be subject to review if those NMS Stocks are not subject to the LULD Plan or occur during the Early Trading, Pre-Opening and After Hours Sessions. Proposed paragraph (c)(2)(B) is substantially similar to existing paragraph (c)(2) except for a change in rule reference to paragraph (c)(1) has been updated to paragraph (c)(1)(A). Further, given the proposal to move existing paragraph (c)(2) to paragraph (c)(2)(B), the Exchange also proposes to amend applicable rule references throughout paragraph (c)(2)(A). Finally, the Exchange proposes to update applicable rule references in paragraph (c)(2)(D) based on the above-described structural changes to the Rule.

Reference Price

As proposed, the Reference Price used would continue to be based on last sale and would be memorialized in proposed paragraph (d). Continuing to use the last sale as the Reference Price is necessary for operational efficiency as it may not be possible to perform a timely clearly erroneous review if doing so required computing the arithmetic mean price of eligible reported transactions over the past five minutes, as contemplated by the LULD Plan. While this means that there would still be some differences between the Price Bands and the clearly erroneous parameters, the Exchange believes that this difference is reasonable in light of the need to ensure timely review if clearly erroneous rules are invoked. The Exchange also proposes to allow for an alternate Reference Price to be used as prescribed in proposed paragraphs (d)(1), (2), and (3). Specifically, the Reference Price may be a value other than the consolidated last sale immediately prior to the execution(s) under review (1) in the case of Multi-Stock Events involving twenty or more securities, as described in paragraph (c)(2)(B) above, (2) in the case of an erroneous Reference Price, as described in paragraph (c)(1)(C) above,[28] or (3) in other circumstances, such as, for example, relevant news impacting a security or securities, periods of extreme market volatility, sustained illiquidity, or widespread system issues, where use of a different Reference Price is necessary for the maintenance of a fair and orderly market and the protection of investors and the public interest, provided that such circumstances occurred during Early Trading, Pre-Opening or After-Hours Session or are eligible for review pursuant to paragraph (c)(1)(A).

Appeals

As described more fully below, the Exchange proposes to eliminate paragraph (f), System Disruption or Malfunction. Accordingly, the Exchange proposes to remove from paragraph (e)(2), Appeals, each reference to paragraph (f), and include language referencing proposed paragraph (g), Transactions Occurring Outside of the LULD Bands.

System Disruption or Malfunction

To conform with the structural changes described above, the Exchange now proposes to remove paragraph 11.15(f), System Disruption or Malfunction, and proposes new paragraph (c)(1)(B). Specifically, as described in paragraph (c)(1)(B), transactions occurring during Regular Trading Hours that are executed outside of the LULD Price Bands due to an Exchange technology or system issue, may be subject to clearly erroneous review pursuant to proposed paragraph 11.15(g). Proposed paragraph 11.17 (c)(1)(B) further provides that a transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d), by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan.

Trade Nullification for UTP Securities That Are the Subject of Initial Public Offerings

Current paragraph (h) of EDGA Rule 11.15 provides different procedures for conducting clearly erroneous review in initial public offering (''IPO'') securities that are traded pursuant to unlisted trading privileges (''UTP'') after the initial opening of such IPO securities on the listing market. Specifically, this paragraph provides that a clearly erroneous error may be deemed to have occurred in the opening transaction of the subject security if the execution price of the opening transaction on the Exchange is the lesser of $1.00 or 10% away from the opening price on the listing exchange or association. The Exchange no longer believes that this provision is necessary as opening transactions on the Exchange following an IPO are subject to Price Bands pursuant to the LULD Plan. The Exchange therefore proposes to eliminate this provision in connection with the broader changes to clearly erroneous review during Regular Trading Hours.

Securities Subject to Limit Up-Limit Down Plan

The Exchange proposes to renumber paragraph (i) to paragraph (h) based on the proposal to eliminate existing paragraph (h), and to rename the paragraph to provide for transactions occurring outside of LULD Price Bands. Given that proposed paragraph (c)(1) defines the LULD Plan, the Exchange also proposes to eliminate redundant language from proposed paragraph (h). Finally, the Exchange also proposes to update references to the LULD Plan and Price Bands so that they are uniform throughout the Rule and to update rule references throughout the paragraph to conform to the structural changes to the Rule described above.

Multi-Day Event and Trading Halts

The Exchange proposes to renumber paragraphs (j) and (k) to paragraphs (h) and (i), respectively, based on the proposal to eliminate existing paragraph (h). Additionally, the Exchange proposes to modify the text of both paragraphs to reference the Percentage Parameters as well as the Numerical Guidelines. Specifically, the existing text of proposed paragraphs (h) and (i) provides that any action taken in connection with this paragraph will be taken without regard to the Numerical Guidelines set forth in this Rule. The Exchange proposes to amend the rule text to provide that any action taken in connection with this paragraph will be taken without regard to the Percentage Parameters or Numerical Guidelines set forth in this Rule, with the Percentage Parameters being applicable to an NMS Stock subject to the LULD Plan and the Numerical Guidelines being applicable to an NMS Stock not subject to the

[28] As discussed above, in the case of (c)(1)(C)(1), the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue, the ratio of the stock split applied to the prior day's closing price, the theoretical price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing. In the case of (c)(1)(C)(2), the Reference Price will be the last effective Price Band that was in a limit state before the Trading Pause.

LULD Plan. Finally, the Exchange proposes to make several ministerial changes to conform the Rule text to BZX Rule 11.17.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[29] in general, and Section 6(b)(5) of the Act,[30] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

As explained in the purpose section of this proposed rule change, the current pilot was implemented following the Flash Crash to bring greater transparency to the process for conducting clearly erroneous reviews, and to help assure that the review process is based on clear, objective, and consistent rules across the U.S. equities markets. The Exchange believes that the amended clearly erroneous rules have been successful in that regard and have thus furthered fair and orderly markets. Specifically, the Exchange believes that the pilot has successfully ensured that such reviews are conducted based on objective and consistent standards across SROs and has therefore afforded greater certainty to Members and investors. The Exchange therefore believes that making the current pilot a permanent program is appropriate so that equities market participants can continue to reap the benefits of a clear, objective, and transparent process for conducting clearly erroneous reviews. In addition, the proposal is substantially identical to a recent rule change to BZX Rule 11.17, and the Exchange understands that the other U.S. equities exchanges and FINRA will also file largely identical proposals to make their respective clearly erroneous pilots permanent. The Exchange therefore believes that the proposed rule change would promote transparency and uniformity across markets concerning review of transactions as clearly erroneous and would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors, and the public interest.

Similarly, the Exchange believes that it is consistent with just and equitable principles of trade to limit the availability of clearly erroneous review during Regular Trading Hours. The Plan was approved by the Commission to operate on a permanent rather than pilot basis. As a number of market participants have noted, the LULD Plan provides protections that ensure that investors' orders are not executed at prices that may be considered clearly erroneous. Further, amendments to the LULD Plan approved in Amendment Eighteen serve to ensure that the Price Bands established by the LULD Plan are ''appropriately tailored to prevent trades that are so far from current market prices that they would be viewed as having been executed in error.'' [31] Thus, the Exchange believes that clearly erroneous review should only be necessary in very limited circumstances during Regular Trading Hours. Specifically, such review would only be necessary in instances where a transaction was not subject to the LULD Plan, or was the result of some form of systems issue, as detailed in the purpose section of this proposed rule change. Additionally, in narrow circumstances where the transaction was subject to the LULD Plan, a clearly erroneous review would be available in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to LULD and resumes trading without an auction, where the Reference Price is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. Thus, eliminating clearly erroneous review in all other instances will serve to increase certainty for Members and investors that trades executed during Regular Trading Hours would typically stand and would not be subject to review.

Given the fact that clearly erroneous review would largely be limited to transactions that were not subject to the LULD Plan, the Exchange also believes that it is necessary to change the parameters used to determine whether a trade is clearly erroneous. Specifically, due to the different parameters currently used for clearly erroneous review and for determining Price Bands, it is possible that a trade that would have been permitted to execute within the Price Bands would later be deemed clearly erroneous, if, for example, a systems issue prevented the dissemination of the Price Bands. The Exchange believes that this result is contrary to the principle that trades within the Price Bands should stand, and has the potential to cause investor confusion if trades that are properly executed within the applicable parameters described in the LULD Plan are later deemed erroneous. By using consistent parameters for clearly erroneous reviews conducted during Regular Trading Hours and the calculation of the Price Bands, the Exchange believes that this change would also serve to promote greater certainty with regards to when trades may be deemed erroneous.

The Exchange believes that it is consistent with the protection of investors and the public interest to remove the current provision of the clearly erroneous rule dealing with UTP securities that are the subject of IPOs. This provision applies specifically to opening transactions on a non-listing market following an IPO on the listing market. As such, review under this paragraph is limited to trades conducted during Regular Trading Hours. As previously addressed, trades executed during Regular Trading Hours would generally not be subject to clearly erroneous review but would instead be protected by the Price Bands. The Exchange therefore no longer believes that this paragraph is necessary, as all trades subject to this provision today would either be subject to the LULD Plan, or, in the event of some systems or other issue, would be subject to the provisions that apply to transactions that are not adequately protected by the LULD Plan.

Finally, the proposed rule changes make organizational updates to the Exchange's Clearly Erroneous Execution Rule as well as minor updates and corrections to the Rule to improve readability and clarity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while also amending those rules to provide greater certainty to Members and investors that trades will stand if executed during Regular Trading Hours where the LULD Plan provides adequate protection against trading at erroneous prices. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are substantively identical to this proposal. Thus, the proposed rule change will help to ensure consistency across SROs without implicating any competitive issues.

[29] 15 U.S.C. 78f(b).

[30] 15 U.S.C. 78f(b)(5).

[31] *See* Amendment Eighteen, supra note 7.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [32] and Rule 19b–4(f)(6) thereunder.[33] 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 [34] and subparagraph (f)(6) of Rule 19b–4 thereunder.[35]

A proposed rule change filed under Rule 19b–4(f)(6) [36] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [37] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative on October 1, 2022. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange to coordinate its implementation of the revised clearly erroneous execution rules with the other national securities exchanges and FINRA, and will help ensure consistency across the SROs.[38] For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[39]

[32] 15 U.S.C. 78s(b)(3)(A)(iii).

[33] 17 CFR 240.19b–4(f)(6).

[34] 15 U.S.C. 78s(b)(3)(A)(iii).

[35] 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.

[36] 17 CFR 240.19b–4(f)(6).

[37] 17 CFR 240.19b–4(f)(6)(iii).

[38] *See* SR–CboeBZX–2022–37 (July 8, 2022).

[39] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CboeEDGA–2022–015 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–CboeEDGA–2022–015. 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 such 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–CboeEDGA–2022–015 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20943 Filed 9–27–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95870; File No. SR–CBOE–2022–046]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.34 Concerning Drill-Through Protection and Fat Finger Check

September 22, 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 September 15, 2022, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 5.34. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary,

[40] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 proposes to amend Rule 5.34. Specifically, the Exchange proposes to amend its drill-through protection mechanism for both simple and complex orders and its limit order fat finger check.

The Exchange proposes to amend Rule 5.34(a)(4) and (b)(6) to update the drill-through protection mechanism for simple and complex orders, respectively, to provide orders with additional execution opportunities. Pursuant to the current simple drill-through protection, if a buy (sell) order enters the Book at the conclusion of the opening auction process or would execute or post to the Book at the time of order entry, the System executes the order up to a buffer amount (the Exchange determines the buffer amount on a class and premium basis) above (below) the offer (bid) limit of the opening collar [3] or the national best bid (''NBO'') (national best offer (''NBB'')) that existed at the time of order entry, respectively (the ''drill-through price'').[4] The System enters a limit order (as long as it has a Time-in-Force of Day, Good-til-Cancelled or Good-til-Day) (or unexecuted portion) not executed pursuant to the provision in the immediately preceding sentence in the Book with a displayed equal to the drill-through price.[5] The order (or unexecuted portion) rests in the Book at the drill-through price [6] until the earlier to occur of its full execution and the end of the duration of a number of consecutive time periods (the Exchange determines on a class-by-class basis the number of periods, which may not exceed five, and the length of the time period in milliseconds, which may not exceed three seconds).[7]

The proposed rule change amends Rule 5.34(a)(4)(C)(i) to eliminate the concept that there will be a maximum number of time periods and proposes that the order (or unexecuted portion) will rest in the Book at the drill-through price for the duration of consecutive time periods.[8] The proposed rule change makes conforming changes to subparagraph (ii) by deleting references to ''the final period'' and subparagraph (iv) by deleting the reference to ''any remaining time period(s),'' as there will no longer be an Exchange-determined limited number of time periods. Currently, as set forth in current subparagraph (i), the drill-through mechanism will continue until the earlier to occur of the order's full execution and the end of the duration of the Exchange-determined number of time periods. The Exchange proposes to amend subparagraph (iv) to describe when the drill-through process will conclude. Specifically, proposed Rule 5.34(a)(4)(C)(iv) provides that the order continues through the process described in subparagraph (ii) (as proposed to be amended) until the earliest of the following to occur: (a) the order fully executes; (b) the User cancels the order; and (c) the order's limit price equals or is less than (if a buy order) or greater than (if a sell order) the drill-through price at any time during application of the drill-through mechanism, in which case the order rests in the Book at its limit price, subject to a User's instructions. In other words, the order will continue through consecutive time periods until it fully executes (unless it is cancelled by the User or reaches its limit price prior to full execution), compared to today when the order will continue through consecutive time periods until it fully executes or reaches the Exchange-determined final time period, at which time the order would route to PAR for manual handling (unless it is cancelled by the User or reaches its limit price prior to full execution). The Exchange believes eliminating the limit on the number of time periods may increase execution opportunities for limit orders, which will still continue to be bound by their limit prices and protected by the limit order fat finger check.[9]

The proposed rule change makes a similar change to the drill-through protection mechanism for complex orders. Specifically, the proposed rule change eliminates the concept that, for complex orders for which the user does not establish a buffer amount (and instead the Exchange-determined default buffer amount applies),[10] there will be a maximum number of time periods and proposes that the complex order (or unexecuted portion) will rest in the Book at the drill-through price for the duration of consecutive time periods.[11] Currently, similar to the drill-through protection mechanism for simple orders (as described above), if a user enters a buy (sell) complex order into the System (and does not enter its own buffer amount), the System executes the order [12] up to a buffer amount above (below) the Synthetic National Best Offer (''SNBO'') (Synthetic National Best Bid (''SNBB'')) that existed at the time of entry (the ''drill-through price'') or initiates a complex order auction (''COA'') at the drill-through price if the order would initiate a COA.[13] For complex orders for which the user did not establish a buffer amount, the complex order (or unexecuted portion) rests in the COB with a displayed price equal to the drill-through price until the earlier to occur of the complex order's full execution and the end of the duration of a number of time periods (the Exchange determines on a class-by-class basis the number of periods, which may not exceed five, and the length of the time period in milliseconds, which may not exceed three seconds). Following the end of each period prior to the final period, the System adds (if a buy order)

[3] *See* Rule 5.31(a) for the definition of Opening Collars.

[4] *See* Rule 5.34(a)(4)(A).

[5] *See* Rule 5.34(a)(4)(C).

[6] The proposed rule change adds ''at the drill-through price'' in the first sentence of subparagraph (a)(1)(C)(i), which is a nonsubstantive change, as it reflects current functionality and is stated in the introductory paragraph to Rule 5.34(a)(1)(C). The proposed rule change merely includes this detail in the next portion of the rule for additional clarity.

[7] *See* Rule 5.34(a)(4)(C)(i).

[8] The Exchange will continue to determine on a class-by-class basis the length of the time periods in milliseconds, which may continue to not exceed three seconds.

[9] If a limit price is ''too far away'' from the market, the order will continue to be subject to the limit order fat finger protection set forth in Rule 5.34(c)(1) and thus will still be subject to protection against a potentially erroneous execution due to an order pricing error upon submission.

[10] *See* Rule 5.34(b)(6)(A).

[11] *See* proposed Rule 5.34(b)(6)(B). The proposed rule change has no impact on how the drill-through protection mechanism applies to a complex order for which the inputting user establishes a buffer amount, as in that situation, there is only a single time period pursuant to the current rule (which will continue to be the case).

[12] Executions occur pursuant to Rule 5.33(e).

[13] Unlike the simple order drill-through protection mechanism, the complex order drill-through protection mechanism permits users to establish a buffer amount different than the Exchange-determined default buffer amount. *See* Rule 5.34(b)(6)(A). A description of COAs is located in Rule 5.33(d).

or subtracts (if a sell order) one buffer amount to the drill-through price displayed during the immediately preceding period (each new price becomes the ''drill-through price''). The complex order (or unexecuted portion) rests in the COB at that new drill-through price during the subsequent period. Following the end of the final period, the System cancels or routes to PAR for manual handling, subject to a User's instructions (such as to cancel the order), the complex order (or unexecuted portion) not executed during any time period.[14]

The proposed rule change amends Rule 5.34(b)(6)(B)(i) and (ii) to eliminate the concept that there will be a maximum number of time periods and proposes that the order (or unexecuted portion) will rest in the COB at the drill-through price for the duration of consecutive time periods when a User does not establish its own buffer amount.[15] The proposed rule change makes conforming changes to current subparagraphs (i), (ii), and (iv) (proposed subparagraphs (ii) and (iii)) by deleting references to ''the final period'' and deleting the reference to ''any remaining time period(s),'' as there will no longer be an Exchange-determined limited number of time periods. Currently, as set forth in current subparagraphs (i), (ii), and (iv), if the inputting User does not establish a buffer amount for the complex order, the drill-through mechanism will continue until the earlier to occur of the order's full execution and the end of the duration of the Exchange-determined number of time periods (unless it is cancelled by the User or reaches its limit price prior to full execution), at which time the order would route to PAR for manual handling. The Exchange proposes to add to the end of proposed subparagraph (ii) when the drill-through process will conclude and what happens at that time for complex orders for which the user did not establish a buffer amount. Specifically, proposed Rule 5.34(b)(6)(B)(ii) provides that the complex order continues through the process described in proposed subparagraph (ii) until the earliest of the following to occur: (a) the complex order fully executes; (b) the User cancels the order; and (c) the complex order's limit price equals or is less than (if a buy order) or greater than (if a sell order) the drill-through price at any time during application of the drill-through mechanism, in which case the complex order rests in the COB at its limit price, subject to a User's instructions.[16] In other words, a complex order for which the User did not establish a buffer amount will continue through consecutive time periods until it fully executes (or is cancelled or reaches its limit price), compared to today when the complex order will continue through consecutive time periods until it fully executes or reaches the Exchange-determined final time period, at which time the order would route to PAR for manual handling (unless otherwise cancelled by the User or reaches its limit price, as described in current subparagraph (iv)). The Exchange believes eliminating the limit on the number of time periods may increase execution opportunities for limit orders, which will still continue to be bound by their limit prices and protected by the limit order fat finger check.[17]

The proposed rule change also makes certain nonsubstantive changes to Rule 5.34(b)(6). Specifically, the proposed rule change moves all provisions specific to the application of the drill-through mechanism if the user establishes a buffer amount into Rule 5.34(b)(6)(B)(i) and moves all provisions specific to the application of the drill-through mechanism if the user does not establish a buffer amount into Rule 5.34(b)(6)(B)(ii). This includes incorporating into each of proposed subparagraphs (i) and (ii) how the System handles a complex order if its limit price equals or less than (if a buy order) or greater than (if a sell order) the drill-through price, as described in current subparagraph (iv). As a result, the proposed rule change deletes current subparagraph (iv). Additionally, the proposed rule change moves certain language regarding what happens if the SBBO changes during any period, which applies to all complex orders subject to the drill-through protection mechanism, regardless of whether the user input its own buffer amount, to proposed subparagraph (iii) from current subparagraph (ii) and correspondingly changes current subparagraph (iii) to proposed subparagraph (iv). The proposed rule change makes a nonsubstantive change to the beginning of proposed subparagraph (iii) by changing ''However'' to ''Notwithstanding the above,'' as the Exchange believes that phrase is more appropriate.

In addition, the Exchange proposes to amend Rule 5.34(c)(1)(D) to add Limit-on-Close orders[18] to the list of orders to which the limit order fat finger check does not apply. Pursuant to the limit order fat finger check, if a User submits a buy (sell) limit order to the System with a price that is more than a buffer amount[19] above (below) the NBO (NBB) for simple orders or the SNBO (SNBB) for complex orders, the System cancels or rejects the order.[20] Currently, the limit order fat finger check does not apply to bulk messages, stop-limit orders, or Multi-Class Spread Orders.[21] The Exchange proposes to also not apply the limit order fat finger check to Limit-on-Close orders. The limit order fat finger check applies to orders upon entry to the System. However, the limit price of a Limit-on-Close order is intended to relate to the price at the RTH market close, and thus may intentionally be further away from the NBBO or SNBBO, as applicable, at the time the order is entered. This may cause the order to be inadvertently rejected pursuant to this check. The Exchange believes it is not appropriate for this limit order to be subject to the fat finger check, as the check may inadvertently cause rejections for orders with limit prices that are intentionally ''far away'' from the market at the time of order entry.

[14] *See* current Rule 5.34(b)(6)(B)(i) and (ii). As set forth in current subparagraph (iv), if the complex order's limit price is reached during the application of the drill-through mechanism, the order will rest in the COB at its limit price.

[15] The Exchange will continue to determine on a class-by-class basis the length of the time periods in milliseconds, which may continue to not exceed three seconds.

[16] Proposed clause (c) is applicable today and located in current subparagraph (iv). As described below, the proposed rule change merely moves this provision from current subparagraph (iv) to proposed subparagraph (ii).

[17] If a limit price is ''too far away'' from the market, the order will continue to be subject to the limit order fat finger protection set forth in Rule 5.34(c)(1) and thus will still be subject to protection against a potentially erroneous execution due to an order pricing error upon submission.

[18] A ''Limit-on-Close'' or ''LOC'' order is a limit order that may not execute on the Exchange until three minutes prior to Regular Trading Hours (''RTH'') market close. At that time, the System enters LOC orders into the Book in time sequence (based on the times at which the System initially received them), where they may be processed in accordance with Rule 5.32. The System cancels an LOC order (or unexecuted portion) that does not execute by the RTH market close. Users may not designate an LOC order as All Sessions or RTH and Curb. Users may not designate bulk messages as LOC. A User may not designate an LOC order as Direct to PAR. *See* Rule 5.6(d) (definition of ''Limit-on-Close'' and ''LOC'' order).

[19] The Exchange determines a default buffer amount on a class-by-class basis; however, a User may establish a higher or lower amount than the Exchange default for a class.

[20] Rule 5.34(c)(1).

[21] Rule 5.34(c)(1)(D) and (E). The proposed rule change deletes subparagraph (E) and moves Multi-Class Spread Orders to the list of orders to which the check does not apply in subparagraph (D). This is a nonsubstantive change and merely combines two current provisions that exclude certain order types from the fat finger check into a single provision.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[22] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[23] requirements that the rules of an exchange be 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[24] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change to eliminate the maximum number of time periods for which a simple or complex order will rest in the Book or COB, respectively, during application of the drill-through protection mechanism will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors, because it will provide simple and complex orders with additional execution opportunities. These orders may continue to be available on the Book or COB, as applicable, for execution, at a wider range of prices, as opposed to today when such orders are cancelled or routed to PAR for manual handling after a specified number of time periods (depending on the User's instructions and if the order does not reach its limit price prior to the end of those time periods). The Exchange believes these additional execution opportunities will benefit investors that submit such orders and believes such orders will continue to receive protection against potentially erroneous executions, as the limit order fat finger check will continue to apply to them.

The Exchange believes the proposed nonsubstantive rule changes to the complex order drill-through protection mechanism will protect investors and the public interest, because these changes improve the organization of this rule's provisions by grouping all provisions that apply when a User establishes its own buffer and all provisions that apply when a User does not establish its own buffer, eliminating potential confusion.

Finally, the Exchange believes excluding Limit-on-Close orders from the limit order fat finger check will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors, because it may reduce inadvertent rejections of Limit-on-Close orders, which may be purposely priced further away from the NBBO or SNBBO, as applicable, at the time of entry, as their limit prices are intended to relate to price at the RTH market close. Therefore, this proposed rule change may increase execution opportunities for Users that submit Limit-on-Close orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the amended drill-through protection mechanism (for both simple and complex orders) and limit order fat finger check will continue to apply in the same manner to orders of all Users and may lead to increased execution opportunities. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of purposes of the Act, because the proposed rule change relates solely to Exchange risk controls and how the Exchange handles orders subject to those risk controls.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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) of the Act[25] and Rule 19b-4(f)(6)[26] 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 will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to*rule-comments@sec.gov. Please include File Number SR–CBOE–2022–046 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–CBOE–2022–046. 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

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(5).

[24] *Id.*

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f)(6).

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–CBOE–2022–046 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20944 Filed 9–27–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95874; File No. 4–698]

Joint Industry Plan; Notice of Filing of Amendment to the National Market System Plan Governing the Consolidated Audit Trail by BOX Exchange LLC; Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc. and Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., Miami International Securities Exchange LLC, MEMX, LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC; and New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc.

September 22, 2022.

I. Introduction

On September 8, 2022, the Operating Committee for Consolidated Audit Trail, LLC (''CAT LLC''), on behalf of the following parties to the National Market System Plan Governing the Consolidated Audit Trail (the ''CAT NMS Plan'' or ''Plan''): [1] BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., Miami International Securities Exchange LLC, MEMX, LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC; and New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (collectively, the ''Participants,'' ''self-regulatory organizations,'' or ''SROs'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Exchange Act''),[2] and Rule 608 thereunder,[3] a proposed amendment to the CAT NMS Plan that would authorize CAT LLC to revise the Consolidated Audit Trail Reporter Agreement (the ''Reporter Agreement'') and the Consolidated Audit Trail Reporting Agent Agreement (the ''Reporting Agent Agreement'') as contained in *Appendix A,* attached hereto by: (1) removing the arbitration provision from each agreement and replacing it with a forum selection provision (the ''Forum Selection Provision'') which would require that any dispute regarding CAT reporting be filed in a United States District Court for the Southern District of New York (the ''SDNY''), or, in the absence of federal subject matter jurisdiction, a New York State Supreme Court within the First Judicial Department; and (2) revising the existing choice of law clause to provide that any dispute will be governed by federal law (in addition to New York law).[4] The Commission is publishing this notice to solicit comments from interested persons on the amendment.[5]

II. Description of the Plan

Set forth in this Section II is the statement of the purpose and summary of the amendment, along with information required by Rule 608(a)(4) and (5) under the Exchange Act,[6] substantially as prepared and submitted by the Participants to the Commission.[7]

A. Statement of Purpose of the Amendment to the CAT NMS Plan

The Proposed Amendment would ensure that a dispute arising out of CAT reporting would be addressed by either the SDNY or the New York State Supreme Court. Designating an Article III court and a sophisticated state court as potential forums for dispute resolution is plainly consistent with the Exchange Act.

Courts offer important substantive expertise and procedural mechanisms that would facilitate the fair and efficient resolution of claims in relation to CAT reporting. As an example, because a CAT technical issue, system failure, or data breach may impact thousands of potential parties, the ability of courts to consolidate and join claims and certify class actions would minimize costs of litigation for all potential parties (including Industry Members), which, in turn, furthers the market efficiency and fair competition objectives of the Exchange Act.

The importance of a court resolving claims regarding CAT reporting is underscored by the regulatory nature of the CAT. The Participants are implementing the requirements of Rule 613 and the CAT NMS Plan in their regulatory capacities. While cyber litigation frequently presents complex questions, the CAT's regulatory nature adds a further layer of complexity to any potential dispute. Among other issues, a tribunal would have to evaluate the relationships between the Commission, the Participants, and Industry Members and determine the applicability of any immunity claims. In connection with the Participants' limitation of liability proposal, both the Commission and the Securities Industry and Financial Markets Association (''SIFMA'') recognized that regulatory immunity may be at issue in a dispute regarding CAT reporting. Utilizing courts to resolve such disputes will ensure that bedrock principles of the self-regulatory framework are adjudicated based on decades of binding precedent (often developed through the Commission's feedback via amicus briefs) and afford the parties critical appellate rights.

Notwithstanding the benefits of litigation, an arbitration provision was

[27] 17 CFR 200.30–3(a)(12).

[1] The CAT NMS Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Exchange Act and the rules and regulations thereunder. *See* Securities Exchange Act Release No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (''Order Approving CAT NMS Plan'').

[2] 15 U.S.C 78k–1(a)(3).

[3] 17 CFR 242.608.

[4] *See* Letter from Michael Simon, Chair, CAT NMS Plan Operating Committee, to Vanessa Countryman, Secretary, Commission, dated September 8, 2022.

[5] 17 CFR 242.608.

[6] *See* 17 CFR 242.608(a)(4) and (a)(5).

[7] *See supra* note 4. Unless otherwise defined herein, capitalized terms used herein are defined as set forth in the CAT NMS Plan.

included in the original Reporter Agreement because the agreement initially disclaimed all direct and indirect damages and capped the Participants' liability to $500 per Industry Member or Participant that entered into the Reporter Agreement (''CAT Reporter''). But considering the complex legal and factual issues likely implicated by a dispute concerning CAT reporting, in the absence of a robust limitation on liability, all parties should be able to rely on the protections available in litigation.

The Participants' proposed federal forum and alternative state forum are well equipped to handle any dispute relating to CAT reporting. The United States Court of Appeals for the Second Circuit, and the SDNY, have significant experience resolving securities matters and cyber claims. Likewise, the New York State Supreme Court in the First Judicial Department, and in particular its Commercial Division in New York County (Manhattan), is comprised of experienced judges who regularly preside over complex disputes. Both forums routinely adjudicate matters involving the Participants, Industry Members, and the Commission, and given the locations of potential parties to a CAT Data breach, New York would constitute a convenient forum for dispute resolution.

(1) Background

On July 11, 2012, the Commission adopted Rule 613 of Regulation NMS to enhance regulatory oversight of the U.S. securities markets. The rule directed the Participants to create a ''Consolidated Audit Trail'' (also referred to herein as the ''CAT'') that would strengthen the ability of regulators—including the Commission and the self-regulatory organizations—to surveil the securities markets.[8] Following the adoption of Rule 613, the Participants prepared and proposed the CAT NMS Plan and then implemented—and continue to implement—the Plan's extensive requirements.

In preparation for CAT reporting, the Operating Committee of CAT LLC approved a Reporter Agreement and Reporting Agent Agreement by unanimous written consent on August 29, 2019. Those agreements contained industry standard limitation of liability provisions that disclaimed all damages and capped the liability of CAT LLC, the Participants, and FINRA CAT to any CAT Reporter at $500 per calendar year. The agreements also contained a mandatory arbitration provision with respect to any disputes in connection with CAT reporting and authorized an arbitrator to grant remedies that ''the arbitrator deems just and equitable within the scope of [the] Agreement.'' [9]

On April 22, 2020, SIFMA challenged the Reporter Agreement's limitation of liability and indemnification provisions by filing an application for review of actions taken by CAT LLC and the Participants pursuant to Sections 19(d) and 19(f) of the Exchange Act (the ''Administrative Proceeding''). On May 13, 2020, SIFMA and the Participants reached a settlement of the Administrative Proceeding that permitted Industry Members to report data to the CAT pursuant to a revised Reporter Agreement that did not contain a limitation of liability provision, while the Participants prepared a filing with the Commission to resolve the parties' underlying disagreement regarding the proper allocation of liability.[10]

On December 18, 2020, the Participants proposed to amend the CAT NMS Plan to authorize CAT LLC to revise the Reporter Agreement and the Reporting Agent Agreement to insert limitation of liability provisions (the ''Limitation of Liability Proposal'').[11] SIFMA and various Industry Members submitted comment letters in response to the Limitation of Liability Proposal and in response to the Commission's April 6, 2021 Order Instituting Proceedings.[12] Multiple comment letters—including from SIFMA—discussed the applicability of regulatory immunity to a CAT Data breach, and demonstrated an assumption and understanding that assessments of immunity claims would be conducted by courts.[13]

On October 29, 2021, the Commission issued an order disapproving the Limitation of Liability Proposal (the ''Disapproval Order'').[14] The Commission noted that the Participants may have limited liability through ''court-established'' regulatory immunity, and that the impact of the Limitation of Liability Proposal depended on assumptions about the applicability of regulatory immunity to a CAT Data breach.[15] Throughout the Disapproval Order, the Commission indicated that the applicability of regulatory immunity is appropriately decided by courts.[16]

On May 20, 2022, the Participants filed with the Commission a proposed amendment (the ''May 2022 Proposed Amendment'') to the CAT NMS Plan to revise the Reporter Agreement and the Reporting Agent Agreement by removing the arbitration provision from each agreement and replacing it with a

[8] *See* 17 CFR 242.613 (2012).

[9] *See* Consol. Audit Trail Rep. Agreement (''Reporter Agreement'') and Consol. Audit Trail Reporting Agent Agreement (''Reporting Agent Agreement''), § 7.9, available at *https://www.catnmsplan.com/sites/default/files/2020-02/Consolidated-Audit-Trail-Reporter-Agreement%2808-29-19%20FINAL%29.pdf* and *https://www.catnmsplan.com/sites/default/files/2020-05/Consolidated-Audit-Trail-Reporting-Agent-Agreement-amended_0.pdf.*

[10] As part of the settlement of the Administrative Proceeding, SIFMA agreed to abandon its challenge to the industry standard indemnification provisions that were included in the original Reporter Agreement and Reporting Agent Agreement. *See* SIFMA Statement on Settlement on CAT Reporter Agreement, available at *https://www.sifma.org/resources/news/sifma-statement-on-settlement-on-cat-reporter-agreement/.* All CAT Reporters and CAT Reporting Agents eventually signed an agreement that contained those indemnification provisions.

[11] *See* Letter from Michael Simon, CAT NMS Plan Operating Comm. Chair to Vanessa Countryman, Sec'y, SEC (Dec. 18, 2020), available at *https://catnmsplan.com/sites/default/files/2020-12/12.18.2020-Proposed-Amendment-to-the-CAT-NMS-Plan.pdf.*

[12] *See* SEC, Joint Indus. Plan; Order Instituting Proceedings to Determine Whether to Approve or Disapprove an Amend. to the Nat'l Mkt. Sys. Plan Governing the Consol. Audit Trail, Release No. 34–391487; File No. 4–698 (Apr. 6, 2021), available at *https://www.sec.gov/rules/sro/nms/2021/34-91487.pdf,* 86 FR 19054 (Apr. 12, 2021), available at *https://www.govinfo.gov/content/pkg/FR-2021-04-12/pdf/2021-07390.pdf;* 17 CFR 242.608(b)(2)(i).

[13] *See e.g.,* Letter from Ellen Greene, SIFMA to Vanessa Countryman, Sec'y, SEC, at 7 (May 3, 2021) (the ''SIFMA Letter''), available at *https://www.sec.gov/comments/4-698/4698-8751243-237404.pdf* (discussing an indication that ''courts are likely to view any regulatory activity the SROs conduct through CAT LLC as being subject to this judicial immunity''); Letter from Stephen John Berger, Citadel Sec. to Vanessa Countryman, Sec'y, SEC, at 5 (Feb. 23, 2021) (the ''Citadel Letter''), available at *https://www.sec.gov/comments/4-698/4698-8411798-229501.pdf*) (''[C]ourts must be 'careful not to extend the scope of the protection further than its purposes require.'''') (citations omitted); Letter from Kelvin To, Data Boiler Techs., LLC to Vanessa Countryman, Sec'y, SEC, at 4 (May 3, 2021) (the ''Data Boiler Letter''), available at *https://www.sec.gov/comments/4-698/4698-8749987-237362.pdf* (''How courts apply a 'functional test' to determine whether an SRO is entitled to immunity from burdens of litigation or civil damages suits may be a controversy here.'').

[14] SEC, Joint Industry Plan; Order Disapproving an Amend. to the Nat'l Mkt. Sys. Plan Governing the Consol. Audit Trail, Release No. 34–93484; File No. 4–698 (Oct. 29, 2021), available at *https://www.sec.gov/rules/sro/nms/2021/34-93484.pdf,* 86 FR 60933 (Nov. 4, 2021), available at *https://www.govinfo.gov/content/pkg/FR-2021-11-04/pdf/2021-24015.pdf.*

[15] *See* Disapproval Order at 29 (''Even in the absence of the proposed Limitation of Liability Provisions, the Participants may have limited liability to Industry Members through court-established regulatory immunity.'') (citation omitted); *see also id.* at 42 (''The Commission believes that uncertainty regarding liability in case of a CAT Data breach thus serves as an incentive for the Participants to invest in data security to the extent that Participants believe a court might not uphold their regulatory immunity or it would be judged not to apply in a given case that was before the courts.''); *id.* at 35 (''Participants can assert regulatory immunity to the extent that the doctrine applies if there is a security breach that exposes CAT Data and Industry Members seek damages from the responsible Participants.'').

[16] *See, e.g., supra* n.17.

forum selection provision.[17] The May 2022 Proposed Amendment also revised the existing choice of law clause to provide that any dispute will be governed by federal law (in addition to New York law). SIFMA did not oppose the May 2022 Proposed Amendment's forum selection and choice of law provisions, both of which are substantively identical to the Participants' current proposal.[18]

(2) The Forum Selection Provision

The Forum Selection Provision is contained in Appendix A to this Proposed Amendment. In sum, the Forum Selection Provision provides that any dispute concerning CAT reporting must be filed in the SDNY if there is any basis for federal subject matter jurisdiction.[19] The clause also provides that if federal courts lack jurisdiction over a dispute, plaintiffs must file suit in the New York State Supreme Court in New York County (Manhattan) within the First Judicial Department. The Proposed Amendment would require that the parties to any action filed in the New York State Supreme Court seek assignment to the court's Commercial Division if permitted by the Uniform Civil Rules for the Supreme and County Courts.[20]

The Forum Selection Provision also provides that the parties to any litigation agree to accept service of a complaint by U.S. registered mail and waive any objections based on venue. The Proposed Amendment would apply to any litigation commenced by any signatory to the CAT Reporter Agreement (or Reporting Agent Agreement).

(3) The Nature of Potential Claims

The Participants believe that a court is the proper forum to resolve claims regarding CAT reporting, including claims in relation to potential technical issues, system failures, and data breaches. Although the specific claims asserted likely will depend on the nature of the incident, in the aftermath of high-profile data breaches (*i.e.,* one category of potential claims), plaintiffs have brought common law claims of breach of contract and negligence as well as claims based on various federal statutes including the Stored Communications Act, the Federal Wiretap Act, and the Computer Fraud and Abuse Act.[21] In those matters, plaintiffs sought substantial monetary relief including compensatory, punitive, and statutory damages.

In any dispute regarding CAT reporting, CAT LLC will likely have defenses based on the CAT's robust—and SEC-approved—cybersecurity, and the Participants' regulatory role in implementing the CAT NMS Plan.[22] Assessing these defenses will likely require a tribunal to resolve complex issues that implicate the Participants' status as self-regulatory organizations and the SEC's oversight of the CAT. Additionally, such disputes are likely to present complex legal and factual issues inherent in cyber litigation generally. As discussed *infra* at Section A(4), the Participants believe that a court is well-equipped to address and mitigate any challenges of adjudicating claims resulting from CAT reporting.

(4) The Forum Selection Provision Would Promote the Fair, Expeditious, and

Efficient Resolution of Any Claims Regarding CAT Reporting

The Proposed Amendment would lead to the fair and efficient resolution of potential disputes, ensure that issues implicating foundational principles of the self-regulatory framework are decided based on longstanding precedent, and provide the parties with important appellate rights. Litigating claims in an Article III court, or sophisticated state court, is plainly consistent with the Exchange Act.[23]

a. Consolidation, Joinder of Claims, and Class Actions

Because certain potential claims arising out of CAT reporting—including technical issues, system failures, and data breaches—are likely to impact multiple parties, one important consideration is the extent to which a particular dispute resolution mechanism allows for consolidation of claims. Indeed, consolidating such claims would reduce costs of dispute resolution, enable CAT LLC to focus on its regulatory mandate, and decrease the risk of disparate outcomes in similar cases, all of which promote the efficiency and fair competition objectives of the Exchange Act.

In court, litigants can rely on the applicability of the rules of consolidation and joinder to increase the likelihood that all cases arising out of one incident are heard together. Both federal and New York State rules of civil procedure provide mechanisms to consolidate cases and join parties to actions.[24] Relatedly, both federal and New York State rules of civil procedure permit the use of class actions for certain disputes and both forums have substantial experience resolving such disputes.[25] Selection of these forums, in light of both their experience and

[17] Securities Exchange Act Rel. No. 34–95031 (June 3, 2022), 87 FR 35153 (June 9, 2022), available at *https://www.govinfo.gov/content/pkg/FR-2022-06-09/pdf/2022-12398.pdf*. The May 2022 Proposed Amendment also proposed to add to the Reporter Agreement and the Reporting Agent Agreement a jury waiver provision and a disclaimer of warranties provision. The Commission notes that the Participants withdrew the May 22. 2022 Proposed Amendment on September 6, 2022. *See* Letter from Michael Simon, CAT NMS Plan Operating Committee Chair to Vanessa Countryman, Secretary, Securities and Exchange Commission (Sept. 6, 2022).

[18] Letter from Ellen Greene, SIFMA to Vanessa Countryman, Sec'y, SEC (June 30, 2022) at 2, available at *https://www.sec.gov/comments/4-698/4698-20133896-303830.pdf*.

[19] Section 11.5 of the CAT NMS Plan authorizes Industry Members to ''seek redress from the SEC pursuant to SEC Rule 608 or in any other appropriate forum'' with respect to any dispute regarding CAT fees. The Forum Selection Provision would not impact the ability of Industry Members to petition the Commission directly with respect to such disputes. CAT NMS Plan, *supra* n.1, § 11.5.

[20] The Commercial Division has two jurisdictional requirements: (1) a monetary threshold, which is $500,000 in Manhattan, and, provided that the monetary threshold is met (or equitable or declaratory relief is sought), (2) the principal claim must fall within an enumerated list of types of claims, which include, among others, claims for breach of contract. 22 N.Y.C.R.R. §§ 202.70(a), 202.70(b)(1)-(12). In addition, any party seeking assignment of a case to the Commercial Division must file a Commercial Division Request for Judicial Intervention Addendum certifying that the case meets those two jurisdictional requirements. 22 N.Y.C.R.R. § 202.70(d)(1).

[21] *See, e.g., In re Google Assistant Privacy Litig.,* No. 19-cv-04286–BLF, 2021 WL 2711747, at *2 (N.D. Cal. July 1, 2021); *Cal-Cleve, Ltd.* v. *Wrag-Time Air Freight, Inc.,* No. 04-cv-10543 SJO (JTLx), 2005 WL 8157876, at *1 (C.D. Cal. June 1, 2005).

[22] FINRA CAT has implemented robust controls to protect the security and confidentiality of CAT Data and the Commission has repeatedly concluded that the CAT NMS Plan incorporates ''robust security requirements'' that ''provide appropriate, adequate protection for the CAT Data.'' *See* Order Approving CAT NMS Plan, *supra* n.1, at 715; *see also* SEC, Proposed Amends. to the Nat'l Mkt. Sys. Plan Governing the Consol. Audit Trail to Enhance Data Sec., Release No. 34–89632; File No. S7–10–20, at 10 (Aug. 21, 2020) (the ''Data Security Proposal''), available at *https://www.sec.gov/rules/proposed/2020/34-89632.pdf*, 85 FR 65990 at 65991 (Oct. 16, 2020), available at *https://www.govinfo.gov/content/pkg/FR-2020-10-16/pdf/2020-18801.pdf* (''CAT Data reported to and retained in the Central Repository is thus subject to what the Commission believes are stringent security policies, procedures, standards, and controls.'').

[23] The Participants recognize that certain individuals who serve as arbitrators may have experience with cybersecurity and securities matters. However, even if the parties to a CAT Data breach were able to ensure that such arbitrators presided over a potential dispute, litigation remains more suitable to resolve claims regarding CAT reporting for the reasons discussed in this submission, including (among other reasons) courts' mechanisms to consolidate claims, the presence of meaningful appellate rights, the role of legal precedent, the nature of the parties to a potential dispute, and the relevance of regulatory immunity to resolving claims.

[24] *See* Fed. R. Civ. P. 19, 20, 42(a)(2); N.Y. C.P.L.R. §§ 602, 1001, 1002.

[25] *See* Fed. R. Civ. P. 23; 28 U.S.C. 1332(d)(2); N.Y. C.P.L.R. § 901(a); *see supra* § A(5).

procedural rules, would promote consistency of outcomes and the efficient resolution of claims.

By contrast, under the AAA Commercial Arbitration Rules (the ''AAA Rules''), which govern arbitration under the current Reporter Agreement and Reporting Agent Agreement, consolidation is a ''suggest[ion] . . . that the parties and the arbitrator should address at the preliminary hearing,'' and the ultimate decision regarding whether consolidation is appropriate is ''subject to the discretion of the arbitrator.'' [26] The AAA Rules are also silent on joinder. While parties to an arbitration agreement may agree that signatories will be required to join claims,[27] parties frequently face complications in joining non-signatories to an arbitration. This is particularly significant in the context of a potential claim arising out of CAT reporting because certain types of incidents may impact both Industry Members and other market participants (*e.g.,* retail investors).

For those reasons, if the arbitration provision remains in the Reporter Agreement and Reporting Agent Agreement, actions involving the same common questions of law or fact or arising out of the same ''transaction or occurrence'' may be brought piecemeal, with signatories to the agreements arbitrating their claims or defenses and non-signatories litigating those claims or defenses in court. This can lead to illogical or unworkable outcomes; [28] indeed, cases arising out of the same facts or involving the same legal issues or even the same parties may result in entirely different outcomes, creating inconsistent rules, rendering inconsistent damages awards, or both.

b. Reliance on Precedent and the Expertise of Courts

A dispute regarding CAT reporting is likely to present complex legal and factual issues inherent in cyber litigation generally as well as in relation to the Participants' regulatory roles in overseeing the CAT. Allowing the parties to litigate in court would ensure that the forum charged with resolving disputes is bound by the substantial body of precedent that has been developed to address these issues.

Relatedly, the doctrine of regulatory immunity may play an important role in any dispute concerning CAT reporting. In connection with the Limitation of Liability Proposal, multiple comment letters discussed the applicability of regulatory immunity to a CAT Data breach and demonstrated an assumption and understanding that such a determination was the province of courts.[29] The Commission, likewise, recognized the importance of regulatory immunity claims and its Disapproval Order also indicated an expectation that such claims would be decided by courts.[30] Indeed, courts have developed a robust body of case law on the immunity doctrine, which provides parameters to courts as they analyze the applicability of regulatory immunity to the specific facts presented by a given case.

The ability to rely on binding precedent is even more critical in the event of a claim arising out of CAT reporting. As discussed *supra* at Section 3, certain incidents may lead to claims in which impacted parties seek substantial damages from CAT LLC. In light of the potential amount in controversy, coupled with the likely legal and factual issues presented by a dispute—including the applicability of immunity claims—all parties should be able to rely on the certainty of knowing that their conduct will be evaluated by developed legal standards. In addition to affording all parties the opportunity to rely on precedent, litigating disputes in court will also promote the development of precedent to guide the conduct of the Participants and Industry Members.

c. Appellate Review

Adjudicating claims in relation to CAT reporting in court provides all parties with critical appellate rights. While important for any high stakes dispute, appellate rights are particularly important in the event of a CAT system failure, technical issue, or data breach, considering the complicated legal and factual issues, the nature of the parties, and the potentially large amount in controversy. Regulatory immunity claims, for example, are often the subject of appellate review.[31]

Direct appellate review is largely absent in arbitration.[32] Moreover, even if the parties to the Reporter Agreement or Reporting Agent Agreement were able to avail themselves of appellate rights, an appellate arbitration tribunal would be similarly unbound by precedent as the lower arbitration forum that rendered a potentially erroneous award.[33] With respect to judicial review of an arbitration award, the Federal Arbitration Act (the ''FAA'') provides limited grounds for federal courts to vacate, modify, or correct final arbitration decisions.[34] In the absence of unusual circumstances, however, meaningful appellate review is generally unavailable: none of the grounds provided by the FAA would authorize a court to vacate an arbitration award that was premised on an error of law.[35]

d. Rules Governing Discovery and Evidence

Considering the magnitude of data transmitted to the CAT, a dispute is likely to involve a substantial volume of documents and information. Additionally, many documents that might be the subject of discovery requests are likely to be either commercially sensitive for Industry Members or involve nonpublic, sensitive information regarding the CAT's security.

[26] *See* AAA Rules P–2(a)(vi)(c).

[27] *See, e.g.,* 9 U.S.C. 2 (''A written provision in . . . a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.''); *see also* AAA Rules R–1(a) (providing that the AAA Rules are deemed a part of parties' agreement to arbitrate where the parties provide for AAA commercial arbitration).

[28] *See* Rick Fleming, Investor Advocate, SEC, Mandatory Arbitration: An Illusory Remedy for Public Company Shareholders (Feb. 24, 2018), *https://www.sec.gov/news/speech/fleming-sec-speaks-mandatory-arbitration* (''[I]t seems terribly inefficient to require multiple plaintiffs to prove up the same claims in separate proceedings.'').

[29] *See, e.g., supra* n.15.

[30] Disapproval Order, *supra* n.16, 17.

[31] *See, e.g., D'Alessio* v. *N.Y. Stock Exchange, Inc.,* 258 F.3d 93 (2d Cir. 2001); *In re NYSE Specialists Sec. Litig.,* 503 F.3d 89 (2d Cir. 2007).

[32] AAA Rules only authorize appellate review of arbitration awards if the parties consent to appellate rights. *See* AAA Rules A–1.

[33] As the Supreme Court has explained, ''[t]he arbitrator's construction holds, however good, bad, or ugly.'' *Oxford Health Plans LLC* v. *Sutter,* 569 U.S. 564, 573 (2013).

[34] *See* 9 U.S.C. 9 (providing that if the parties have contractually agreed that a specific federal court will enter judgment upon an arbitration award, then at any time within one year after the award is made, any party may apply to that court for an order confirming the award; if no court is specified, then the application may be made to the U.S. district court for the district within which the award was made); 9 U.S.C. 10 (providing that the U.S. district court where the arbitration award was made may vacate the award upon an application of any party to the arbitration, where the award was ''procured by corruption, fraud, or undue means,'' where there ''was evident partiality or corruption in the arbitrators,'' where the arbitrators ''were guilty of misconduct,'' or where the arbitrators ''exceeded their powers'' or ''so imperfectly executed them that a mutual, final, and definite award'' was not made); 9 U.S.C. 11 (providing the following grounds for which a U.S. district court may upon the application of any party to an arbitration modify or correct an arbitration award: ''an evident material miscalculation'' or mistake in the award; an award upon a matter ''not submitted'' to the arbitrators; or ''where the award is imperfect in matter of form not affecting the merits of the controversy'').

[35] *See* 9 U.S.C. 11.

Parties to litigation are afforded the benefits of rules governing the discovery process and admissibility of evidence. These rules promote predictability of litigation, efficiency of resolutions, and fairness of results,[36] and provide mechanisms for facilitating discovery as well as the admission of evidence.[37] For example, litigants in court must comply with clear discovery rules, which govern the scope of discovery and the timing and content of disclosures, and facilitate communication among the parties and the court regarding these matters.[38] Litigants in court also have the benefit of a uniform set of rules governing the admissibility of evidence.[39] These protections do not exist under the AAA Rules,[40] which provide a more limited set of procedures pertaining to discovery and evidence.[41] Given the breadth and depth of the discovery and evidence rules in federal and state court, and the fact that courts are bound by precedent and subject to appellate review, *see supra* § A(4)(b)-(c), courts are better suited to handle disputes regarding CAT reporting.

(5) Designating the SDNY and New York State Courts in a Forum Selection Provision is Consistent With the Exchange Act

The Proposed Amendment's Forum Selection Provision designates the SDNY, or, in the absence of federal subject matter jurisdiction, a New York State Supreme Court in New York County within the First Judicial Department as the venue for any dispute concerning CAT reporting. Both forums would provide the parties with a sophisticated tribunal that has experience adjudicating matters involving the federal securities laws, market structure, and cybersecurity.

As an initial mater, based on the potential parties to any lawsuit arising out of CAT reporting, New York is likely to be a convenient venue. As the reputed financial capital of the world, New York is home to the two largest securities exchanges and several other Participants. Additionally, many of the most prominent Industry Members by trading volume are located in New York.[42]

The existing Reporter Agreement and Reporting Agent Agreement both provide that any claim must be commenced in New York (*i.e.,* in the current arbitration provision) and that the Reporter Agreement and Reporting Agent Agreement are governed by New York law.[43] Relatedly, all dates and times referenced in the agreements are set to New York time.[44]

In addition to being a convenient venue for potential parties, the Participants' proposed forum—and backup forum—have the requisite subject matter expertise to resolve claims in relation to CAT reporting fairly and efficiently. The Second Circuit has extensive experience with securities and financial regulation matters.[45] Moreover, applying the precedent set by the Second Circuit, the SDNY routinely handles complicated securities matters with broad implications for the national financial markets.

The Second Circuit—and the SDNY in particular—also has significant experience determining the rights and remedies of parties following data breaches, including in relation to critical issues such as standing and damages,[46] and balancing the competing interests involved in adjudicating sensitive and costly cybersecurity incidents.[47] In light of its extensive experience with securities, financial regulation, market structure, and cyber matters, it is beyond reasonable dispute that the Second Circuit and the SDNY have the appropriate expertise to resolve a dispute regarding CAT reporting.

As the Commission noted in its Disapproval Order, in the absence of a limitation on liability, the Participants can assert regulatory immunity in response to a claim for damages. The Second Circuit has authored several seminal opinions regarding the scope of regulatory immunity,[48] and courts in other jurisdictions often cite to and rely on the Second Circuit's analyses to

[36] *See, e.g.,* Fed. R. Civ. P. 1 (noting that the purpose of the rules is to ''secure the just, speedy, and inexpensive determination of every action and proceeding'').

[37] *See generally* Fed. R. Civ. P. 26–28, 30–31, 33–34, 36; Fed. R. Evid. 101–02; N.Y. C.P.L.R. §§ 3101–02, 3122; 22 N.Y.C.R.R. §§ 202.11–12; Guide to N.Y. Evid. rule 1.03. Courts also have subpoena power over witnesses. *See* Fed. R. Civ. P. 30(a)(1), 45(a)(1)(B), 45(c)(1); N.Y. C.P.L.R. §§ 2301, 3106(b); 22 N.Y.C.R.R. § 202.20-d; *see also* 28 U.S.C. 1783; Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (the Hague Convention); Uniform Interstate Depositions and Discovery Act (the ''UIDDA'') (providing mechanism for New York State courts to serve out-of-state subpoenas; in the absence of the UIDDA, the provisions for service applicable in the out-of-state jurisdiction apply).

[38] *See, e.g.,* Fed. R. Civ. P. 26; N.Y. C.P.L.R. § 3101; 22 N.Y.C.R.R. §§ 202.11–12.

[39] *See* Fed. R. Evid. 101, 102. New York State does not have a statutory code of evidence; instead, its rules of evidence reside in judicial precedent, the State constitution, and State statutes. The New York Unified Court System has compiled a guide setting forth current practice in New York State courts regarding the application of the rules of evidence. *See generally* Guide to N.Y. Evid. Rule 1.03, Note. New York evidence law is generally in accord with the Federal Rules of Evidence, including rules on relevance, prejudice, privilege, and hearsay. *See, e.g., id.* rules 4.01, 4.07, 5.01–09, and 8.00–01.

[40] AAA Rules P–1(b) (instructing parties to carefully ''avoid importing procedures from court systems'').

[41] *See, e.g., id.* (disclaiming procedures from court systems), R–22 (providing for pre-hearing exchange and production of information), L–3(f) (noting that depositions are available only in ''exceptional'' circumstances), R–34 (governing the admissibility of evidence and noting conformity to the legal rules of evidence is not necessary); *see also* 9 U.S.C. 7 (allowing arbitrator to subpoena witnesses to testify, but only in hearings, as opposed to depositions); *CVS Health Corp.* v. *Vividus, LLC,* 878 F.3d 703, 706, 708 (9th Cir. 2017) (holding that ''section 7 of the FAA does not grant arbitrators the power to order third parties to produce documents prior to an arbitration hearing''); *Life Receivables Tr.* v. *Syndicate 102 at Lloyd's of London,* 549 F.3d 210, 217 (2d Cir. 2008); *Hay Grp., Inc.* v. *E.B.S. Acquisition Corp.,* 360 F.3d 404, 407 (3d Cir. 2004) (Alito, J.).

[42] Those Industry Members include, for example, Citigroup Global Markets, Inc., Goldman Sachs & Co. LLC, Morgan Stanley & Co. LLC, J.P. Morgan Securities, LLC, Deutsche Bank Securities, Inc., UBS Securities LLC, and Credit Suisse Securities USA, LLC.

[43] Reporter Agreement § 7.11; Reporting Agent Agreement § 7.11.

[44] Reporter Agreement § 7.8; Reporting Agent Agreement § 7.8.

[45] The Supreme Court has referred to the Second Circuit as the ''Mother Court'' regarding securities matters. *See, e.g., Morrison* v. *Nat'l Austl. Bank,* 561 U.S. 247, 275–76 (2010) (Stevens, J., concurring in judgment) (quoting *Blue Chip Stamps* v. *Manor Drug Stores,* 421 U.S. 723, 737 (1975)).

[46] *See, e.g., McMorris* v. *Carlos Lopez & Assocs., LLC,* 995 F.3d 295, 300–03 (2d Cir. 2021) (standing); *In re GE/CBPS Data Breach Litig.,* No. 20–cv–2903 (KPF), 2021 WL 3406374, at *5–7 (S.D.N.Y. Aug. 4, 2021) (standing); *Sackin* v. *TransPerfect Glob., Inc.,* 278 F. Supp. 3d 739, 745 (S.D.N.Y. 2017) (damages); *Hammond* v. *Bank of New York Mellon Corp.,* No. 08-cv-6060 (RMB) (RLE), 2010 WL 2643307, at *4 (S.D.N.Y. June 25, 2010) (damages); *see also Smahaj* v. *Retrieval-Masters Creditors Bureau, Inc.,* 69 Misc.3d 597, 599–600, 604 (Sup. Ct. Westchester Cnty. 2020) (damages).

[47] *See, e.g., McMorris,* 995 F.3d at 302 (weighing relative sensitivity of certain types of data); *Wallace* v. *Health Quest Sys., Inc.,* No. 20–cv–545 (VB), 2021 WL 1109727, at *1 n.1 (S.D.N.Y. Mar. 23, 2021) (addressing claims for negligence, breach of implied contract, breach of confidence, bailment, and violations of New York's General Business Law); *see also Pena* v. *British Airways, PLC (UK),* No. 18–cv–6278 (LDH) (RML), 2020 WL 38989055, at *2 n.2, *3–4, *6 (E.D.N.Y. Mar. 30, 2020) (granting motion to dismiss for lack of standing, preemption, and failure to state a claim); *see also Keach* v. *BST & Co. CPAs, LLP,* 71 Misc.3d 1204(A), at *7 (Sup. Ct. Albany Cnty. 2021) (citations omitted).

[48] *See Standard Inv. Chartered, Inc.* v. *Nat'l Ass'n of Sec. Dealers, Inc.,* 637 F.3d 112, 116 (2d Cir. 2011) (noting Second Circuit decisions on regulatory immunity in the context of ''(1) disciplinary proceedings against exchange members, [*Barbara* v. *NYSE,* 99 F.3d 49, 59 (2d Cir. 1996)]; (2) the enforcement of security rules and regulations and general regulatory oversight over exchange members, [*D'Alessio,* 258 F.3d at 106]; (3) the interpretation of the securities laws and regulations as applied to the exchange or its members, *id.;* (4) the referral of exchange members to the SEC and other government agencies for civil enforcement or criminal prosecution under the securities laws, *id.;* and (5) the public announcement of regulatory decisions, [*DL Cap. Grp., LLC* v. *Nasdaq Stock Mkt., Inc.,* 409 F.3d 93, 98 (2d Cir. 2005)].'').

apply the regulatory immunity doctrine to cases pending before them.[49]

New York State courts—particularly those within the Commercial Division of the First Judicial Department—are likewise well suited to address the complex issues that might arise during litigation regarding a CAT Data breach. The court's judges focus primarily on complex cases and have developed sophisticated procedural rules designed to foster the efficient and fair resolution of disputes.[50] Relying in part on the Second Circuit's developed body of case law, the New York state courts within the First Judicial Department are one of only a few state courts that have addressed the scope of regulatory immunity.[51]

(6) Governing Law Provision

The Proposed Amendment modifies the governing law provision contained in the existing Reporter Agreement and Reporting Agent Agreement to provide that the agreements, and any matters between CAT LLC and either a CAT Reporter or a CAT Reporting Agent, will be governed by federal law and the laws of the State of New York. The existing governing law provision refers only to New York state law and, because CAT LLC was created pursuant to federal law and is subject to a federal regulatory regime, claims by or against CAT LLC could involve issues of federal law. Therefore, the Proposed Amendment modifies the existing governing law provision to clarify that any disputes arising out of or related to the agreements will be governed by both federal law and by New York state law.

B. Governing or Constituent Documents

Not applicable.

C. Implementation of Amendment

The Participants propose to implement the Proposed Amendment by making the revised agreements effective upon Commission approval of this Proposed Amendment, without requiring CAT Reporters and CAT Reporting Agents to re-sign the agreements.

D. Development and Implementation Phases

The Participants propose the revised agreements be effective upon Commission approval of this Proposed Amendment, without requiring CAT Reporters and CAT Reporting Agents to re-sign the agreements.

E. Analysis of Impact on Competition

The Participants do not believe the Proposed Amendment will have any impact on competition. The Proposed Amendment would mandate that all CAT Reporters and CAT Reporting Agents are bound by revised agreements that contain the amended provisions. Moreover, the Forum Selection Provision would apply equally to all Industry Members, the Participants, and CAT LLC, and would not impact the relative competitive positions among different Industry Members. Additionally, as discussed above, adjudication of disputes relating to CAT reporting in courts promotes consistency of outcomes, which thereby promotes fair competition. Conversely, arbitration could lead to disparate and inconsistent outcomes of similar disputes, which would unfairly advantage certain parties over others.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

G. Approval by Plan Sponsors in Accordance With Plan

Section 12.3 of the CAT NMS Plan states that, subject to certain exceptions, the Plan may be amended from time to time only by a written amendment, authorized by the affirmative vote of not less than two-thirds of all of the Participants, that has been approved by the SEC pursuant to Rule 608 or has otherwise become effective under Rule 608. The Participants, by a vote of the Operating Committee obtained via written consent on September 6, 2022, have authorized the filing of this Proposed Amendment with the SEC in accordance with the Plan.

H. Description of Operation of Facility Contemplated by the Proposed Amendment and Any Fees or Charges in Connection Thereto

Not applicable.

I. Terms and Conditions of Access

Not applicable.

J. Method and Frequency of Processor Evaluation

Not applicable.

K. Dispute Resolution

Not applicable.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the amendment is consistent with the Exchange 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 4–698 on the subject line.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–698. 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 plan amendment that are filed with the Commission, and all written communications relating to the amendment 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 such filing also will be available for inspection and copying at the Participants' offices. 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 4–698 and should be submitted on or before October 19, 2022.

[49] *See, e.g., In re Series 7 Broker Qualification Exam Scoring Litig.,* 548 F.3d 110, 113–15 (D.C. Cir. 2008) (citing *Barbara,* 99 F.3d 49; *Desiderio* v. *NASD,* 191 F.3d 198 (2d Cir. 1999); *DL Cap. Grp.,* 409 F.3d 93; *Feins* v. *Am. Stock Exch., Inc.,* 81 F.3d 1215 (2d Cir. 1996)).

[50] *See generally* 22 N.Y.C.R.R. § 202.70 (Rules of the Commercial Division of the Supreme Court). The Commercial Division ''is an efficient, sophisticated, up-to-date court dealing with challenging commercial cases'' and ''its primary goal [is] the cost-effective, predictable and fair adjudication of complex commercial cases.'' 22 N.Y.C.R.R. § 202.70(g) (Preamble to the Rules of practice for the Commercial Division).

[51] *See Wey* v. *Nasdaq, Inc.,* 188 A.D.3d 587 (1st Dep't 2020).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

J. Matthew DeLesDernier,

Assistant Secretary.

Appendix A

Limited Liability Company Agreement of Consolidated Audit Trail, LLC

* * * * *

Article XII

[proposed additions]

* * * * *

Section 12.15. *Forum Selection; Governing Law.* Each CAT Reporter shall be bound by an amended Consolidated Audit Trail Reporter Agreement containing, in substance, the forum selection provision and governing law provision in Appendix E to this Agreement. Each Person engaged by a CAT Reporter to report CAT Data to the Central Repository on behalf of such CAT Reporter shall be bound by an amended Consolidated Audit Trail Reporting Agent Agreement containing, in substance, the forum selection provision and governing law provision in Appendix F to this Agreement. The Operating Committee shall have authority in its sole discretion to make non-substantive amendments to the forum selection provision and governing law provision in the Consolidated Audit Trail Reporter Agreement and the Consolidated Audit Trail Reporting Agent Agreement.

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Appendix E

[proposed additions]

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Forum Selection Provision in the CAT Reporter Agreement

7.9. *Forum Selection.* EXCEPT AS OTHERWISE PROHIBITED BY FEDERAL LAW OR OTHERWISE PROVIDED BY SECTION 11.5 OF THE CAT NMS PLAN, FOR ANY DISPUTE, CONTROVERSY, OR CLAIM IN CONNECTION WITH, RELATING TO, OR ASSOCIATED IN ANY WAY WITH THIS AGREEMENT, CAT REPORTING, OR THE CAT SYSTEM, THE PARTIES IRREVOCABLY SUBMIT TO THE EXCLUSIVE JURISDICTION AND VENUE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK AND THE NEW YORK STATE SUPREME COURT FOR NEW YORK COUNTY IN THE BOROUGH OF MANHATTAN, INCLUDING THE COMMERCIAL DIVISION. Each Party hereby agrees to commence any such action, suit, or other proceeding in (i) the United States District Court for the Southern District of New York, or (ii) if such action, suit, or other proceeding cannot be brought in such court for jurisdictional reasons, to commence such suit, action, or other proceeding in the New York State Supreme Court for New York County, borough of Manhattan, and seek assignment to the New York County Commercial Division whenever the jurisdictional requirements for Commercial Division assignment are met. Service of any process, summons, notice, or document by U.S. registered mail to such Party's respective address shall be effective service of process for any action, suit, or other proceeding in New York with respect to any matters to which it has submitted to jurisdiction in this Agreement. Each Party irrevocably and unconditionally waives any objection to the laying of venue of any action, suit, or other proceeding connected to, related to, or associated in any way with this Agreement, CAT Reporting, or the CAT System in the courts identified in items (i)-(ii) above, and hereby and thereby further irrevocably and unconditionally waives and agrees not to plead or claim in any such court that any such action, suit, or other proceeding brought in any such court has been brought in an inconvenient forum. The provisions of this paragraph shall apply to any action, suit, or other proceeding commenced by any Party against any other Party to this Agreement, including those in which one or more Participants or the Plan Processor (or any Representatives of one or more Participants or the Plan Processor) are named as parties, regardless of whether CATLLC is also named as a party.

Governing Law Clause in the CAT Reporter Agreement

7.11. *Governing Law.* THIS AGREEMENT, AND ALL MATTERS BETWEEN CATLLC AND CAT REPORTER ARISING OUT OF OR RELATING TO THIS AGREEMENT, SHALL BE CONSTRUED AND ENFORCED IN ACCORDANCE WITH THE FEDERAL LAWS OF THE UNITED STATES AND THE LAWS OF THE STATE OF NEW YORK WITHOUT GIVING EFFECT TO ANY LAWS, RULES OR PROVISIONS THAT WOULD CAUSE THE APPLICATION OF LAWS OF ANY JURISDICTION OTHER THAN THE FEDERAL LAWS OF THE UNITED STATES AND THE LAWS OF THE STATE OF NEW YORK.

* * * * *

Appendix F

[proposed additions]

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Forum Selection Provision in the CAT Reporting Agent Agreement

7.9. *Forum Selection.* EXCEPT AS OTHERWISE PROHIBITED BY FEDERAL LAW OR OTHERWISE PROVIDED BY SECTION 11.5 OF THE CAT NMS PLAN, FOR ANY DISPUTE, CONTROVERSY, OR CLAIM IN CONNECTION WITH, RELATING TO, OR ASSOCIATED IN ANY WAY WITH THIS AGREEMENT, CAT REPORTING, OR THE CAT SYSTEM, THE PARTIES IRREVOCABLY SUBMIT TO THE EXCLUSIVE JURISDICTION AND VENUE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK AND THE NEW YORK STATE SUPREME COURT FOR NEW YORK COUNTY IN THE BOROUGH OF MANHATTAN, INCLUDING THE COMMERCIAL DIVISION. Each Party hereby agrees to commence any such action, suit, or other proceeding in (i) the United States District Court for the Southern District of New York, or (ii) if such action, suit, or other proceeding cannot be brought in such court for jurisdictional reasons, to commence such suit, action, or other proceeding in the New York State Supreme Court for New York County, borough of Manhattan, and seek assignment to the New York County Commercial Division whenever the jurisdictional requirements for Commercial Division assignment are met. Service of any process, summons, notice, or document by U.S. registered mail to such Party's respective address shall be effective service of process for any action, suit, or other proceeding in New York with respect to any matters to which it has submitted to jurisdiction in this Agreement. Each Party irrevocably and unconditionally waives any objection to the laying of venue of any action, suit, or other proceeding connected to, related to, or associated in any way with this Agreement, CAT Reporting, or the CAT System in the courts identified in items (i)-(ii) above, and hereby and thereby further irrevocably and unconditionally waives and agrees not to plead or claim in any such court that any such action, suit, or other proceeding brought in any such court has been brought in an inconvenient forum. The provisions of this paragraph shall apply to any action, suit, or other proceeding commenced by any Party against any other Party to this Agreement, including those in which one or more Participants or the Plan Processor (or any Representatives of one or more Participants or the Plan Processor) are named as parties, regardless of whether CATLLC is also named as a party.

Governing Law Clause in the CAT Reporting Agent Agreement

7.11. *Governing Law.* THIS AGREEMENT, AND ALL MATTERS BETWEEN CATLLC AND CAT REPORTING AGENT ARISING OUT OF OR RELATING TO THIS AGREEMENT, SHALL BE CONSTRUED AND ENFORCED IN ACCORDANCE WITH THE FEDERAL LAWS OF THE UNITED STATES AND THE LAWS OF THE STATE OF NEW YORK WITHOUT GIVING EFFECT TO ANY LAWS, RULES OR PROVISIONS THAT WOULD CAUSE THE APPLICATION OF LAWS OF ANY JURISDICTION OTHER THAN THE FEDERAL LAWS OF THE UNITED STATES AND THE LAWS OF THE STATE OF NEW YORK.

* * * * *

[FR Doc. 2022–20950 Filed 9–27–22; 8:45 am]

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[52] 17 CFR 200.30–3(a)(85).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95860; File No. SR-CboeEDGX–2022–039]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

September 22, 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 September 7, 2022, Cboe EDGX Exchange, Inc. (''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'' or ''EDGX Equities'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to adopt monthly fees assessed to Users [3] that elect to subscribe to the Short Volume Report, effective, August 24, 2022.[4]

On August 9, 2022, the Exchange introduced a new data product known as the Short Volume Report.[5] The Short Volume Report, which will be available on August 24, 2022, is an end-of-day report that provides certain equity trading activity on the Exchange, and includes trade date, total volume, sell short volume, and sell short exempt volume, by symbol.[6] In addition to the daily subscription, a Member [7] or non-Member may purchase the Short Volume Report on a historical monthly basis, which provides the end-of-day report for each day during a given calendar month.

The Exchange proposes to adopt fees applicable to Users that subscribe to the Short Volume Report. As proposed, the Exchange would assess a monthly [8] fee of $400 per month to an Internal Distributor [9] and a fee of $700 per month to an External Distributor [10] of the Short Volume Report. External Distributors, unlike Internal Distributors, are typically compensated for the distribution of short sale data through subscription fees or other mechanisms. Some External Distributors incorporate short sale data into their own proprietary products, which they sell to downstream users. These distributors may not charge separately for data included in the Short Volume Report, but nevertheless gain value from the data by incorporating it into their product. The higher price for External Distributors reflects the additional value these distributors gain from the product.

The Exchange also proposes to adopt fees for the Short Volume Report provided on a historical basis. The Short Volume Report will be available for each calendar month dating back to January 2015, and Users of such data will be assessed a fee of $200 per month of data. Data provided via the historical Short Volume Report is for only display use redistribution (*e.g.,* the data may be provided on the User's platform). Therefore, Users of the historical data may not charge separately for data included in the Short Volume Report or incorporate such data into their product. Nonetheless, the Exchange believes it is reasonable, equitable and not unfairly discriminatory to charge a fee for display use redistribution that reflects the value these distributors gain from the historical product.

The Exchange anticipates that a wide variety of market participants will purchase the proposed Short Volume Report, including, but not limited to, active equity trading firms and academic institutions. For example, the Exchange notes that academic institutions may utilize the Short Volume Report data and as a result promote research and studies of the equities industry to the benefit of all market participants. The Exchange further believes the proposed Short Volume Report may provide helpful trading information regarding investor sentiment that may allow market participants to make more informed trading decisions and may be used to create and test trading models and analytical strategies and provide comprehensive insight into trading on the Exchange.

The Exchange notes that the Short Volume Report is a completely voluntary product, in that the Exchange is not required by any rule or regulation to make the reports or services available and that potential subscribers may purchase it only if they voluntarily choose to do so. Further, the Exchange notes that other exchanges offer similar products for a fee.[11]

[3] A ''User'' of an Exchange Market Data product is a natural person, a proprietorship, corporation, partnership, or entity, or device (computer or other automated service), that is entitled to receive Exchange data. *See* the EDGX Equities Exchange Fee Schedule at *https://www.cboe.com/us/equities/membership/fee_schedule/EDGX/.*

[4] The Exchange initially filed the proposed fee changes on August 24, 2022 (SR-CboeEDGX–2022–037). On September 7, 2022, the Exchange withdrew that filing and submitted this filing.

[5] *See* Securities Exchange Act No. 95551 (August 18, 2022) 87 FR 52084 (August 24, 2022) (SR-CboeEDGX–2022–036).

[6] *See* Exchange Rule 13.8(h).

[7] *See* Exchange Rule 1.5(n).

[8] The monthly fees for the Short Volume Report end-of-day reports are assessed based on a 30-day period. For example, if a User subscribes to the Short Volume Report on September 15, 2022, the monthly fee will cover the period of September 15, 2022 through October 15, 2022. If the User cancels its subscription prior to October 15, 2022, the User will not be charged for (or have access to) Short Volume Reports for the remainder of October.

[9] An ''Internal Distributor'' of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. *Supra* note 3.

[10] An ''External Distributor'' of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity. *Supra* note 3.

[11] *See* the ''Nasdaq Short Sale Volume Reports'' portion of the Nasdaq Fee Schedule at *http://*

Continued

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with Sections 6(b)(4) and 6(b)(5) of the Act,[13] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that the Short Volume Report further broadens the availability of U.S. equity market data to investors consistent with the principles of Regulation NMS. The Short Volume Report also promotes increased transparency through the dissemination of short volume data. The Short Volume Report benefits investors by providing access to the Short Volume Report data, which may promote better informed trading, as well as research and studies of the equities industry.

The Exchange operates in a highly competitive environment. Indeed, there are currently 16 registered equities exchanges that trade equities. Based on publicly available information, no single equities exchange has more than 16% of the equity market share.[14] The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Particularly, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [15] Making similar data products available to market participants fosters competition in the marketplace, and constrains the ability of exchanges to charge supracompetitive fees. In the event that a market participant views one exchange's data product as more attractive than the competition, that market participant can, and often does, switch between similar products. The proposed fees are a result of the competitive environment of the U.S. equities industry as the Exchange seeks to adopt fees to attract purchasers of the recently introduced Short Volume Report.

The Exchange believes that the proposed fee for the Short Volume Report is consistent with the Act in that it is reasonable, equitable, and not unfairly discriminatory. In particular, the Exchange believes that the proposed fee is reasonable because it is reasonably aligned with the value and benefits provided to Users that choose to subscribe to the Short Volume Report on the Exchange. As discussed above, the Short Volume Report may be beneficial to Members and non-Members as it may provide helpful trading information regarding investor sentiment that may allow market participants to make more informed trading decisions and may be used to create and test trading models and analytical strategies and provide comprehensive insight into trading on the Exchange. Therefore, the Exchange believes that it is reasonable to assess a modest fee to Users that subscribe to the Short Volume Report.

The Exchange further believes the proposed fee is reasonable because the amount assessed is less than the analogous fees charged by competitor exchanges. For example, the Nasdaq Stock Market LLC (''Nasdaq'') charges $750 to Internal Distributors and $1,250 to External Distributors of the Nasdaq Short Sale Volume Reports provided on both a daily and historical monthly basis. Additionally, the New York Stock Exchange LLC (''NYSE'') and its affiliated equity markets (the ''NYSE Group'') also charge for the TAQ NYSE Group Short Sales (Monthly File) and TAQ NYSE Group Short Volume (Daily File). Specifically, NYSE Group charges an access fee of $1,000 per month for an ongoing subscription that includes 12 months of back history, then additional back history charged at $500 per data content month. NYSE Group also charges a back history fee, of $1,000 per data content month for the first 12 months of history, then additional back history charged at $500 per data content month. The Exchange therefore believes that the proposed fees are reasonable and set at a level to compete with other equity exchanges that offer similar reports. Indeed, proposing fees that are excessively higher than established fees for similar data products would simply serve to reduce demand for the Exchange's data product, which as noted, is entirely optional. Although each of these similar data products provide only proprietary trade data and not trade data from other exchanges, it's possible investors are still able to gauge overall investor sentiment across different equities based on the included data points on any one exchange. As such, if a market participant views another exchange's potential report as more attractive, then such market participant can merely choose not to purchase the Exchange's Short Volume Report and instead purchase another exchange's similar data product, which offers similar data points, albeit based on that other market's trading activity.

In addition, the Exchange believes that the proposed fees are equitable and not unfairly discriminatory because they will apply to all Members and non-Members that choose to subscribe to the Short Volume Report equally. As stated, the Short Volume Report is completely optional and not necessary for trading. Rather, the Exchange voluntarily makes the Short Volume Report available, and Users may choose to subscribe (and pay for) the report based on their own individual business needs. Potential subscribers may subscribe to the Short Volume Report at any time if they believe it to be valuable or may decline to purchase it.

The Exchange also believes it is reasonable, equitable and not unfairly discriminatory to charge an External Distributor of the Short Volume Report a higher fee than an Internal Distributor as an External Distributor will ordinarily charge a fee to its downstream customers for this service, and, even if the vendor is not charging a specific fee for this particular service, the Exchange expects products from the Short Volume Report to be part of a suite of offerings from distributors that generally promote sales. External distribution is also fundamentally different than internal use, in that the former generates revenue from external sales while the latter does not. Therefore, the Exchange believes it is reasonable, equitable and not unfairly discriminatory to charge a higher fee for a product that generates downstream revenue. Further, the proposed fee will apply equally to Internal and External

www.nasdaqtrader.com/TraderB.aspx?id=MDDPricingALLN.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (September 6, 2022), available at *https://www.cboe.com/us/equities/market_statistics/.*

[15] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

Distributors, respectively, that choose to distribute data from the Short Volume Report. Moreover, as described above, another Exchange similarly charges External Distributors higher fees as compared to Internal Distributors for a similar data product.[16]

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 because the Short Volume Report will be available equally to all Members and non-Members that choose to subscribe to the report. As stated, the Short Volume Report is optional and Members and non-Members may choose to subscribe to such report, or not, based on their view of the additional benefits and added value provided by utilizing the Short Volume Report. As such, the Exchange believes the proposed rule change imposes no burden on intramarket competition. Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, similar products offered by Nasdaq and the NYSE Group are priced higher than the Short Volume Report. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''. Accordingly, the Exchange does not believe its proposal imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[17] and paragraph (f) of Rule 19b–4[18] 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 will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2022–039 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–CboeEDGX–2022–039. 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–CboeEDGX–2022–039, and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20956 Filed 9–27–22; 8:45 am]

BILLING CODE 8011–01–P

[16] *See* Nasdaq Rule 7 Section 152.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95883; File No. SR–LTSE–2022–05]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend LTSE Rule 11.270, Clearly Erroneous Executions

September 22, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 19, 2022, Long-Term Stock Exchange, Inc. (''LTSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend LTSE Rule 11.270, Clearly Erroneous Executions to limit the circumstances where clearly erroneous review would continue to be available during the Regular Market Session [3] when the LULD Plan to Address Extraordinary Market Volatility (the ''LULD Plan'') [4] already provides similar protections for trades occurring at prices that may be deemed erroneous.

The text of the proposed rule change is enclosed as Exhibit 5 and is available on the Exchange's website at *http://longtermstockexchange.com,* at the Exchange's principal office and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 LTSE Rule 11.270, Clearly Erroneous Executions. Specifically, the Exchange proposes to limit the circumstances where clearly erroneous review would continue to be available during the Regular Market Session,[5] when the LULD Plan to Address Extraordinary Market Volatility (the ''LULD Plan'') [6] already provides similar protections for trades occurring at prices that may be deemed erroneous. The Exchange believes that these changes are appropriate as the LULD Plan has been approved by the Commission on a permanent basis,[7] and in light of amendments to the LULD Plan, including changes to the applicable Price Bands [8] around the open and close of trading. The Exchange proposes that the implementation for the proposed rule change be October 1, 2022.

On May 10, 2019, the Commission approved the Exchange's application for registration as a national securities exchange.[9] The approval order noted that the Exchange had adopted rules to reduce the occurrence of erroneous trades, including LTSE Rule 11.270.[10] The Exchange's registration was conditioned on the Exchange joining the LULD Plan as a participant.[11] On November 22, 2019, the Exchange filed an amendment to the LULD Plan with the Commission to add itself as a participant.[12] The amendment was immediately effective.[13]

Amendments to the Clearly Erroneous Rules

When the Participants to the LULD Plan filed to introduce the Limit Up-Limit Down (''LULD'') mechanism, itself a response to the Flash Crash, a handful of commenters noted the potential discordance between the clearly erroneous rules and the Price Bands used to limit the price at which trades would be permitted to be executed pursuant to the LULD Plan. For example, two commenters requested that the clearly erroneous rules be amended so the presumption would be that trades executed within the Price Bands would not be not subject to review.[14] While the Participants acknowledged that the potential to prevent clearly erroneous executions would be a ''key benefit'' of the LULD Plan, the Participants decided not to amend the clearly erroneous rules at that time.[15] In the years since, industry feedback has continued to reflect a desire to eliminate the discordance between the LULD mechanism and the clearly erroneous rules so that market participants would have more certainty that trades executed with the Price Bands would stand. For example, the Equity Market Structure Advisory Committee (''EMSAC'') Market Quality Subcommittee included in its April 19, 2016 status report a preliminary recommendation that clearly erroneous rules be amended to conform to the Price Bands—*i.e.,* ''any trade that takes place within the band would stand and not be broken and trades outside the LU/LD bands would be eligible for the consideration of the Clearly Erroneous rules.'' [16]

The Exchange believes that it is important for there to be some mechanism to ensure that investors' orders are either not executed at clearly erroneous prices or are subsequently busted as needed to maintain a fair and orderly market. At the same time, the Exchange believes that the LULD Plan, as amended, would provide sufficient protection for trades executed during the Regular Market Session. Indeed, the LULD mechanism could be considered to offer superior protection as it prevents potentially erroneous trades from being executed in the first instance. After gaining experience with the LULD Plan, the Exchange now believes that it is appropriate to largely eliminate clearly erroneous review during the Regular Market Session when Price Bands are in effect. Thus, as proposed, trades executed within the Price Bands would stand, barring one of a handful of identified scenarios where such review may still be necessary for the protection of investors. The Exchange believes that this change would be beneficial for the U.S. equities markets as it would ensure that trades executed within the Price Bands are subject to clearly erroneous review in only rare circumstances, resulting in greater certainty for Members and investors.

The current LULD mechanism for addressing extraordinary market volatility is available solely during Regular Trading Hours. Thus, trades during the Exchange's Pre-Market Session or Post-Market Session [17] would

[3] The term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time. *See* LTSE Rule 1.160(kk).

[4] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012).

[5] The term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time. *See* LTSE Rule 1.160(kk).

[6] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012).

[7] *See* Securities Exchange Act Release No. 84843 (December 18, 2018), 83 FR 66464 (December 26, 2018) (''Notice''); 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (File No. 4–631) (''Amendment Eighteen'').

[8] ''Price Bands'' refers to the term provided in Section V of the LULD Plan.

[9] *See* Securities Exchange Act Release No. 34–85828 (May 10, 2019).

[10] *Id.* at 30.

[11] *Id.* at 47.

[12] *See* Securities Act Release No. 34–87598.

[13] *Id.*

[14] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (File No. 4–631) (n. 33505).

[15] *Id.*

[16] *See* EMSAC Market Quality Subcommittee, Recommendations for Rulemaking on Issues of Market Quality (November 29, 2016), available at *https://www.sec.gov/spotlight/emsac/emsac/recommendations-rulemaking-market-quality.pdf.*

[17] The term ''Pre-Market Session'' means the time between 8:00 a.m. and 9:30 a.m. Eastern Time. *See*

not benefit from this protection and could ultimately be executed at prices that may be considered erroneous. For this reason, the Exchange proposes that transactions executed during the Pre-Market or Post-Market Sessions would continue to be reviewable as clearly erroneous. Continued availability of the clearly erroneous rule during pre- and post-market trading sessions would therefore ensure that investors have appropriate recourse when erroneous trades are executed outside of the hours where similar protection can be provided by the LULD Plan. Further, the proposal is designed to eliminate the potential discordance between clearly erroneous review and LULD Price Bands, which does not exist outside of the Regular Market Session because the LULD Plan is not in effect. Thus, the Exchange believes that it is appropriate to continue to allow transactions to be eligible for clearly erroneous review if executed outside of the Regular Market Session.

On the other hand, there would be much more limited potential to request that a transaction be reviewed as potentially erroneous during the Regular Market Session. With the introduction of the LULD mechanism in 2013, clearly erroneous trades are largely prevented by the requirement that trades be executed within the Price Bands. In addition, in 2019, Amendment Eighteen to the LULD Plan eliminated double-wide Price Bands: (1) at the Open, and (2) at the Close for Tier 2 NMS Stocks 2 with a Reference Price above $3.00.[18] Due to these changes, the Exchange believes that the Price Bands would provide sufficient protection to investor orders such that clearly erroneous review would no longer be necessary during the Regular Market Session. As the Participants to the LULD Plan explained in Amendment Eighteen: ''Broadly, the Limit Up-Limit Down mechanism prevents trades from happening at prices where one party to the trade would be considered 'aggrieved,' and thus could be viewed as an appropriate mechanism to supplant clearly erroneous rules.'' While the Participants also expressed concern that the Price Bands might be too wide to afford meaningful protection around the open and close of trading, amendments to the LULD Plan adopted in Amendment Eighteen narrowed Price Bands at these times in a manner that the Exchange believes is sufficient to ensure that investors' orders would be appropriately protected in the absence of clearly erroneous review. The Exchange therefore believes that it is appropriate to rely on the LULD mechanism as the primary means of preventing clearly erroneous trades during the Regular Market Session.

At the same time, the Exchange is cognizant that there may be limited circumstances where clearly erroneous review may continue to be appropriate, even during the Regular Market Session. Thus, the Exchange proposes to amend its clearly erroneous rules to enumerate the specific circumstances where such review would remain available during the course of the Regular Market Session, as follows. All transactions that fall outside of these specific enumerated exceptions would be ineligible for clearly erroneous review.

First, proposed paragraph (b)(2) would adopt provisions contained in the clearly erroneous executions rules of other exchanges pertaining to routed executions.[19] These provisions provide that other market centers will have additional time to file with the Exchange for review of transactions routed to the Exchange from that market center and executed on the Exchange.

Second, pursuant to proposed paragraph (c)(1)(A), a transaction executed during the Regular Market Session would continue to be eligible for clearly erroneous review if the transaction is not subject to the LULD Plan. In such case, the Numerical Guidelines set forth in paragraph (c)(2) of Rule 11.17 will be applicable to such NMS Stock. While the majority of securities traded on the Exchange would be subject to the LULD Plan, certain equity securities, such as rights and warrants, are explicitly excluded from the provisions of the LULD Plan and would therefore be eligible for clearly erroneous review instead.[20] Similarly, there are instances, such as the opening auction on the primary listing market,[21] where transactions are not ordinarily subject to the LULD Plan, or circumstances where a transaction that ordinarily would have been subject to the LULD Plan is not—due, for example, to some issue with processing the Price Bands. These transactions would continue to be eligible for clearly erroneous review, effectively ensuring that such review remains available as a backstop when the LULD Plan would not prevent executions from occurring at erroneous prices in the first instance.

Third, investors would also continue to be able to request review of transactions that resulted from certain systems issues pursuant to proposed paragraph (c)(1)(B). This limited exception would help to ensure that trades that should not have been executed would continue to be subject to clearly erroneous review. Specifically, as proposed, transactions executed during Regular Trading Hours would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(B) if the transaction is the result of an Exchange technology or systems issue that results in the transaction occurring outside of the applicable LULD Price Bands pursuant to LULD Rule 11.270(g). A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d) of this Rule, by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan (''Percentage Parameters'').

Fourth, the Exchange proposes to narrowly allow for the review of transactions during the Regular Market Session when the Reference Price, described in proposed paragraph (d), is determined to be erroneous by an Officer of the Exchange. Specifically, a transaction executed during the Regular Market Session would be eligible for clearly erroneous review pursuant to proposed paragraph (c)(1)(C) if the transaction involved, in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to the LULD Plan and resumes trading without an auction,[22] a Reference Price that is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. In such circumstances, the Exchange may use a different Reference Price pursuant to proposed paragraph (d)(2) of this Rule. A transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the new Reference Price, described in paragraph (d)(2) below, by an amount that equals or exceeds the applicable Numerical Guidelines or Percentage Parameters, as applicable

LTSE Rule 1.160(dd). The term ''Post-Market Session'' means the time between 4:00 p.m. and 8:00 p.m. Eastern Time. *See* LTSE Rule 1.160(ee).

[18] *See* Amendment Eighteen, supra note 5.

[19] *See, e.g.,* BZX Rule 11.17.

[20] *See* Appendix A of the LULD Plan.

[21] The initial Reference Price used to calculate Price Bands is typically set by the Opening Price on the primary listing market. *See* Section V(B) of the LULD Plan.

[22] The Exchange notes that the ''resumption of trading without an auction'' provision of the proposed rule text applies only to securities that enter a Trading Pause pursuant to LULD and does not apply to a corporate action or new issue.

depending on whether the security is subject to the LULD Plan. Specifically, the Percentage Parameters would apply to all transactions except those in an NMS Stock that is not subject to the LULD Plan, as described in paragraph (c)(1)(A).

In the context of a corporate action or a new issue, there may be instances where the security's Reference Price is later determined by the Exchange to be erroneous (*e.g.,* because of a bad first trade for a new issue), and subsequent LULD Price Bands are calculated from that incorrect Reference Price. In determining whether the Reference Price is erroneous in such instances, the Exchange would generally look to see if such Reference Price clearly deviated from the theoretical value of the security. In such cases, the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue, the ratio of the stock split applied to the prior day's closing price, the theoretical price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing.[23] In the foregoing instances, the theoretical value of the security would be used as the new Reference Price when applying the Percentage Parameters under the LULD Plan (or Numerical Guidelines if the transaction is in an NMS Stock that is not subject to the LULD Plan) to determine whether executions would be cancelled as clearly erroneous.

The following illustrate the proposed application of the rule in the context of a corporate action or new issue:

Example 1:

1. ABCD is subject to a corporate action, 1 for 10 reverse split, and the previous day close was $5, but the new theoretical price based on the terms of the corporate action is $50.
2. The security opens at $5, with LULD bands at $4.50 × $5.50.
3. The bands will be calculated correctly but the security is trading at an erroneous price based on the valuation of the remaining outstanding shares.
4. The theoretical price of $50 would be used as the new Reference Price when applying LULD bands to determine if executions would be cancelled as clearly erroneous.

Example 2:

1. ABCD is subject to a corporate action, the company is doing a spin off where a new issue will be listed, BCDE. ABCD trades at $50, and the spinoff company is worth ⅕ of ABCD.
2. BCDE opens at $50 in the belief it is the same company as ABCD.
3. The theoretical values of the two companies are ABCD $40 and BCDE $10.
4. BCDE would be deemed to have had an incorrect Reference Price and the theoretical value of $10 would be used as the new Reference Price when applying the LULD Bands to determine if executions would be cancelled as clearly erroneous.

Example 3:

1. ABCD is an uplift from the OTC market, the prior days close on the OTC market was $20.
2. ABCD opens trading on the new listing exchange at $0.20 due to an erroneous order entry.
3. The new Reference Price to determine clearly erroneous executions would be $20, the theoretical value of the stock from where it was last traded.

In the context of the rare situation in which a security that enters a LULD Trading Pause and resumes trading without an auction (*i.e.,* reopens with quotations), the LULD Plan requires that the new Reference Price in this instance be established by using the mid-point of the best bid and offer (''BBO'') on the primary listing exchange at the reopening time.[24] This can result in a Reference Price and subsequent LULD Price Band calculation that is significantly away from the security's last traded or more relevant price, especially in less liquid names. In such rare instances, the Exchange is proposing to use a different Reference Price that is based on the prior LULD Band that triggered the Trading Pause, rather than the midpoint of the BBO.

The following example illustrates the proposed application of the rule in the context of a security that reopens without an auction:

Example 4:

1. ABCD stock is trading at $20, with LULD Bands at $18 × $22.
2. An incoming buy order causes the stock to enter a Limit State Trading Pause and then a Trading Pause at $22.
3. During the Trading Pause, the buy order causing the Trading Pause is cancelled.
4. At the end of the 5-minute halt, there is no crossed interest for an auction to occur, thus trading would resume on a quote.
5. Upon resumption, a quote that was available prior to the Trading Pause (*e.g.* a quote was resting on the book prior to the Trading Pause), is widely set at $10 × $90.
6. The Reference Price upon resumption is $50 (mid-point of BBO).
7. The SIP will use this Reference Price and publish LULD Bands of $45 × $55 (*i.e.,* far away from BBO prior to the halt).
8. The bands will be calculated correctly, but the $50 Reference Price is subsequently determined to be incorrect as the price clearly deviated from where it previously traded prior to the Trading Pause.
9. The new Reference Price would be $22 (*i.e.,* the last effective Price Band that was in a limit state before the Trading Pause), and the LULD Bands would be applied to determine if the executions should be cancelled as clearly erroneous.

In all of the foregoing situations, investors would be left with no remedy to request clearly erroneous review without the proposed carveouts in paragraph (c)(1)(C) because the trades occurred within the LULD Price Bands (albeit LULD Price Bands that were calculated from an erroneous Reference Price). The Exchange believes that removing the current ability for the Exchange to review in these narrow circumstances would lessen investor protections.

Numerical Guidelines

Today, paragraph (c)(1) defines the Numerical Guidelines that are used to determine if a transaction is deemed clearly erroneous during the Regular Market Session, or during the Pre-Market and Post-Market Session. With respect to the Regular Market Session, trades are generally deemed clearly erroneous if the execution price differs from the Reference Price (*i.e.,* last sale) by 10% if the Reference Price is greater than $0.00 up to and including $25.00; 5% if the Reference Price is greater than $25.00 up to and including $50.00; and 3% if the Reference Price is greater than $50.00. Wider parameters are also used for reviews for Multi-Stock Events, as described in paragraph (c)(2). With respect to transactions in Leveraged ETF/ETN securities executed during Regular Trading Hours, Early Trading, Pre-Opening and After-Hours Trading Session, trades are deemed clearly erroneous if the execution price exceeds the Regular Trading Hours Numerical Guidelines multiplied by the leverage multiplier.

Given the changes described in this proposed rule change, the Exchange proposes to amend the way that the Numerical Guidelines are calculated during Regular Trading Hours in the handful of instances where clearly erroneous review would continue to be available. Specifically, the Exchange would base these Numerical Guidelines, as applied to the circumstances described in paragraph (c)(1)(A), on the Percentage Parameters used to calculate Price Bands, as set forth in Appendix A to the LULD Plan. Without this change, a transaction that would otherwise stand if Price Bands were properly

[23] Using transaction data reported to the FINRA OTC Reporting Facility, FINRA disseminates via the Trade Data Dissemination Service a final closing report for OTC equity securities for each business day that includes, among other things, each security's closing last sale price.

[24] *See* LULD Plan, Section I(U) and V(C)(1).

applied to the transaction may end up being subject to review and deemed clearly erroneous solely due to the fact that the Price Bands were not available due to a systems or other issue. The Exchange believes that it makes more sense to instead base the Price Bands on the same parameters as would otherwise determine whether the trade would have been allowed to execute within the Price Bands. The Exchange also proposes to add the Numerical Guidelines applicable to leveraged ETF/ETN securities during Regular Trading Hours. As noted above, the Numerical Guidelines will only be applicable to transactions eligible for review pursuant paragraph (c)(1)(A) (*i.e.,* to NMS Stocks that are not subject to the LULD Plan). As leveraged ETF/ETN securities are subject to LULD and thus the Percentage Parameters will be applicable during Regular Trading Hours, the Exchange proposes to eliminate the Numerical Guidelines for leveraged ETF/ETN securities traded during Regular Trading Hours. However, as no Price Bands are available outside of Regular Trading Hours, the Exchange proposes to keep the existing Numerical Guidelines in place for transactions in leveraged ETF/ETN securities that occur during Early Trading, Pre-Opening and After-Hours Trading.

The Exchange also proposes to move existing paragraphs (c)(2), (c)(3), and (d) to proposed paragraph (c)(2)(B), (c)(2)(C), and (C)(2)(D), respectively, as Multi-Stock Events, Additional Factors, and Outlier Transactions will only be subject to review if those NMS Stocks are not subject to the LULD Plan or occur during the Early Trading, Pre-Opening and After Hours Sessions. Proposed paragraph (c)(2)(B) is substantially similar to existing paragraph (c)(2) except for a change in rule reference to paragraph (c)(1) has been updated to paragraph (c)(1)(A). Further, given the proposal to move existing paragraph (c)(2) to paragraph (c)(2)(B), the Exchange also proposes to amend applicable rule references throughout paragraph (c)(2)(A). Finally, the Exchange proposes to update applicable rule references in paragraph (c)(2)(D) based on the above-described structural changes to the Rule.

Reference Price

As proposed, the Reference Price used would continue to be based on last sale and would be memorialized in proposed paragraph (d). Continuing to use the last sale as the Reference Price is necessary for operational efficiency as it may not be possible to perform a timely clearly erroneous review if doing so required computing the arithmetic mean price of eligible reported transactions over the past five minutes, as contemplated by the LULD Plan. While this means that there would still be some differences between the Price Bands and the clearly erroneous parameters, the Exchange believes that this difference is reasonable in light of the need to ensure timely review if clearly erroneous rules are invoked. The Exchange also proposes to allow for an alternate Reference Price to be used as prescribed in proposed paragraphs (d)(1), (2), and (3). Specifically, the Reference Price may be a value other than the consolidated last sale immediately prior to the execution(s) under review (1) in the case of Multi-Stock Events involving twenty or more securities, as described in paragraph (c)(2)(B) above, (2) in the case of an erroneous Reference Price, as described in paragraph (c)(1)(C) above,[25] or (3) in other circumstances, such as, for example, relevant news impacting a security or securities, periods of extreme market volatility, sustained illiquidity, or widespread system issues, where use of a different Reference Price is necessary for the maintenance of a fair and orderly market and the protection of investors and the public interest, provided that such circumstances occurred during the Pre-Market Session or Post-Market Session or are eligible for review pursuant to paragraph (c)(1)(A).

Appeals

As described more fully below, the Exchange proposes to eliminate paragraph (f), System Disruption or Malfunction. Accordingly, the Exchange proposes to remove from paragraph (e)(2), Appeals, each reference to paragraph (f), and include language referencing proposed paragraph (g), Transactions Occurring Outside of the LULD Bands.

System Disruption or Malfunction

To conform with the structural changes described above, the Exchange proposes to remove paragraph 11.270(f), System Disruption or Malfunction, combine paragraph (c)(1)(C) with paragraph (c)(1)(B), and remove the reference to a trading halt in paragraph (c)(1)(C) to make clear that Trading Halts are subject to proposed paragraph (i). Specifically, as described in proposed paragraph (c)(1)(B) above, transactions occurring during the Regular Market Session that are executed outside of the LULD Price Bands due to an Exchange technology or system issue, may be subject to clearly erroneous review pursuant to proposed paragraphs 11.270(g). Proposed paragraph 11.270 (c)(1)(B) further provides that a transaction subject to review pursuant to this paragraph shall be found to be clearly erroneous if the price of the transaction to buy (sell) that is the subject of the complaint is greater than (less than) the Reference Price, described in paragraph (d), by an amount that equals or exceeds the applicable Percentage Parameter defined in Appendix A to the LULD Plan.

Officer Acting on Own Motion

The Exchange proposes to renumber paragraph (g) to paragraph (f) based on the proposal to eliminate existing paragraph (f). The Exchange also proposes to update references throughout the paragraph to conform to the structural changes to the Rule.

Securities Subject to Limit Up-Limit Down Plan

The Exchange proposes to renumber paragraph (h) to paragraph (g) based on the proposal to eliminate existing paragraph (f), and to rename the paragraph to provide for transactions occurring outside of LULD Price Bands. Given that proposed paragraph (c)(1) defines the LULD Plan, the Exchange also proposes to eliminate redundant language from proposed paragraph (h). Finally, the Exchange also proposes to update references to the LULD Plan and Price Bands so that they are uniform throughout the Rule and to update rule references throughout the paragraph to conform to the structural changes to the Rule described above.

Multi-Day Event and Trading Halts

The Exchange proposes to renumber paragraphs (i) and (j) to paragraphs (h) and (i), respectively, based on the proposal to eliminate existing paragraph (f). Additionally, the Exchange proposes to modify the text of both paragraphs to reference the Percentage Parameters as well as the Numerical Guidelines. Specifically, the existing text of proposed paragraphs (h) and (i) provides that any action taken in connection with this paragraph will be taken without regard to the Numerical Guidelines set forth in this Rule. The Exchange proposes to amend the rule text to provide that any action taken in connection with this paragraph will be

[25] As discussed above, in the case of (c)(1)(C)(1), the Exchange would consider a number of factors to determine a new Reference Price that is based on the theoretical value of the security, including but not limited to, the offering price of the new issue, the ratio of the stock split applied to the prior day's closing price, the theoretical price derived from the numerical terms of the corporate action transaction such as the exchange ratio and spin-off terms, and the prior day's closing price on the OTC market for an OTC up-listing. In the case of (c)(1)(C)(2), the Reference Price will be the last effective Price Band that was in a limit state before the Trading Pause.

taken without regard to the Percentage Parameters or Numerical Guidelines set forth in this Rule, with the Percentage Parameters being applicable to an NMS Stock subject to the LULD Plan and the Numerical Guidelines being applicable to an NMS Stock not subject to the LULD Plan.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[26] in general, and Section 6(b)(5) of the Act,[27] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that it is consistent with just and equitable principles of trade to limit the availability of clearly erroneous review during the Regular Market Session. The Plan was approved by the Commission to operate on a permanent rather than pilot basis. As a number of market participants have noted, the LULD Plan provides protections that ensure that investors' orders are not executed at prices that may be considered clearly erroneous. Further, amendments to the LULD Plan approved in Amendment Eighteen serve to ensure that the Price Bands established by the LULD Plan are ''appropriately tailored to prevent trades that are so far from current market prices that they would be viewed as having been executed in error.'' [28] Thus, the Exchange believes that clearly erroneous review should only be necessary in very limited circumstances during the Regular Market Session. Specifically, such review would only be necessary in instances where a transaction was not subject to the LULD Plan, or was the result of some form of systems issue, as detailed in the purpose section of this proposed rule change. Additionally, in narrow circumstances where the transaction was subject to the LULD Plan, a clearly erroneous review would be available in the case of (1) a corporate action or new issue or (2) a security that enters a Trading Pause pursuant to LULD and resumes trading without an auction, where the Reference Price is determined to be erroneous by an Officer of the Exchange because it clearly deviated from the theoretical value of the security. Thus, eliminating clearly erroneous review in all other instances will serve to increase certainty for Members and investors that trades executed during the Regular Market Session would typically stand and would not be subject to review.

Given the fact that clearly erroneous review would largely be limited to transactions that were not subject to the LULD Plan, the Exchange also believes that it is necessary to change the parameters used to determine whether a trade is clearly erroneous. Specifically, due to the different parameters currently used for clearly erroneous review and for determining Price Bands, it is possible that a trade that would have been permitted to execute within the Price Bands would later be deemed clearly erroneous, if, for example, a systems issue prevented the dissemination of the Price Bands. The Exchange believes that this result is contrary to the principle that trades within the Price Bands should stand, and has the potential to cause investor confusion if trades that are properly executed within the applicable parameters described in the LULD Plan are later deemed erroneous. By using consistent parameters for clearly erroneous reviews conducted during the Regular Market Session and the calculation of the Price Bands, the Exchange believes that this change would also serve to promote greater certainty with regards to when trades may be deemed erroneous.

Finally, the proposed rule changes make organizational updates to the Exchange's Clearly Erroneous Execution Rule as well as minor updates and corrections to the Rule to improve readability and clarity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while also amending those rules to provide greater certainty to Members and investors that trades will stand if executed during the Regular Market Session where the LULD Plan provides adequate protection against trading at erroneous prices. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals, the substance of which are identical to this proposal. Thus, the proposed rule change will help to ensure consistency across SROs without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [29] and Rule 19b–4(f)(6) thereunder.[30] 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 [31] and subparagraph (f)(6) of Rule 19b–4 thereunder.[32]

A proposed rule change filed under Rule 19b–4(f)(6) [33] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [34] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative on October 1, 2022. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange to coordinate its implementation of the revised clearly erroneous execution rules with the other national securities exchanges and FINRA, and will help ensure consistency across the SROs.[35] For this reason, the Commission hereby waives the 30-day operative delay and

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] *See* Amendment Eighteen, supra note 5.

[29] 15 U.S.C. 78s(b)(3)(A)(iii).

[30] 17 CFR 240.19b–4(f)(6).

[31] 15 U.S.C. 78s(b)(3)(A)(iii).

[32] 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.

[33] 17 CFR 240.19b–4(f)(6).

[34] 17 CFR 240.19b–4(f)(6)(iii).

[35] *See* SR–CboeBZX–2022–37 (July 8, 2022).

designates the proposed rule change as operative upon filing.[36]

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–LTSE–2022–05 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–LTSE–2022–05. 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 such 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–LTSE–2022–05 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

J. Matthew DeLesDernier,

Deputy Secretary.

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[36] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[37] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95865; File No. SR–CboeBYX–2022–022]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Eliminate the Listings Standards Provided for in Chapter XIV of the Exchange's Rulebook

September 22, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 9, 2022, Cboe BYX Exchange, Inc. filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') is filing with the Securities and Exchange Commission (''Commission'') a proposed amendment to eliminate the listings standards provided for in Chapter XIV of the Exchange Rulebook as the Exchange is not a listing venue.[3] The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, 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

As part of this proposal, the Exchange proposes to (1) adopt a new definition for Derivative Security, move the definition of unlisted trading privileges (''UTP'') Derivative Security[4] from Rule 14.1(c) to Exchange Rule 1.5(ee), and amend Rule 3.21 to reference proposed Rule 1.5(ee); (2) eliminate listing standards and any references to Exchange listed securities from Chapter XIV (Securities Traded) and Rules 3.7, 11.2, and 13.6; (3) amend Rule 14.1(a) to provide for NMS stocks rather than equity securities and amend the Exchange's additional rules applicable to UTP Derivative Securities as provided in Rule 14.1(c)(1)–(6); and (4) amend Rule 14.10 to make ministerial changes to update paragraph numbering. As discussed in further detail below, all of the proposed changes are substantially similar to other exchange rules.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As noted in a recent filing, the Exchange represented that it planned to submit a proposal to amend its applicable Rules set forth in Chapter XIV in order to reflect that the Exchange does not currently list any securities, nor does it intend to list any securities, in the foreseeable future. Accordingly, the Exchange is now proposing to amend its Rules. *See* Securities Exchange Act No. 89012 (June 4, 2020) 85 FR 35467 (June 10, 2020) (SR–CboeBYX–2020–017).

[4] *See* Rule 14.1(c) and proposed Rule 1.5(dd).

(1) Proposal To Define Derivative Security in Exchange Rule 1.5(dd) and Add the Definition of UTP Derivative Security to Re-Lettered Exchange Rule 1.5(ee)

The Exchange proposes to define ''Derivative Security'' in proposed Rule 1.5(dd) and amend existing Rule 1.5(ee) to add the definition of ''UTP Derivative Security''. ''Derivative Security'' would be a new definition and would mean a security that meets the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Act. ''UTP Derivative Security'' would refer to any one of a list of Derivative Securities that trades on the Exchange pursuant to unlisted trading privileges. The list of proposed Derivative Securities that may meet the definition of UTP Derivative Security are as follows: Equity Linked Notes; Index Fund Shares listed pursuant to Cboe BZX Exchange, Inc. (''BZX'') Rule 14.11(c) or Nasdaq Stock Market LLC (''Nasdaq'') Rule 5705(b) and Investment Company Units listed pursuant to NYSE Arca, Inc. (''NYSE Arca'') Rule 5.2–E(j)(3); Index-Linked Exchangeable Notes; Equity Gold Shares; Equity Index-Linked Securities; Commodity-Linked Securities; Currency-Linked Securities; Fixed Income Index-Linked Securities; Futures-Linked Securities; Multifactor Index-Linked Securities; Trust Certificates; Currency and Index Warrants; Portfolio Depository Receipts; Trust Issued Receipts; Commodity-Based Trust Shares; Currency Trust Shares; Commodity Index Trust Shares; Commodity Futures Trust Shares; Partnership Units; Paired Trust Shares; Trust Units; Managed Fund Shares; Managed Trust Securities; Managed Portfolio Shares; Tracking Fund Shares listed pursuant to BZX Exchange Rule 14.11(m), Active Proxy Portfolio Shares listed pursuant to NYSE Arca Rule 8.601–E, and Proxy Portfolio Shares listed pursuant to Nasdaq Stock Market LLC Rule 5750; Selected Equity-linked Debt Securities (''SEEDS''); Exchange-Traded Fund Shares; and Contingent Value Rights (''CVRs'').[5] The proposed definition of UTP Security and UTP Derivative Security is substantially similar to BZX Rule 1.5(ee), except that the list of Derivative Securities that may be UTP Derivative Securities includes CVRs. Further, the proposal is substantially similar to NYSE National, Inc. (''NYSE National'') Rule 1.1(m), but the list of Derivative Securities that may be UTP Derivative Securities includes three additional Derivative Securities, SEEDS, Exchange-Traded Fund Shares, and CVRs. While SEEDS and Exchange-Traded Fund Shares are not included in NYSE National Rule 1.1(m), they are Derivative Securities set forth not only in BZX Exchange Rules 14.11(e)(12) and 14.11(l), respectively, but also in section 5700 of the Nasdaq Rules. Further, while CVRs are not currently provided for in NYSE National Rule 1.1(m) or BZX Rule 1.5(ee), CVRs meet the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Act and also may currently be traded on the Exchange pursuant to existing BYX Rule 14.1(a).

The Exchange also proposes to re-letter existing Rules 1.5(dd) through (ee) to allow for the addition of proposed Rule 1.5(dd). Further, the Exchange proposes to amend Rule 3.21 to reference the proposed definition of UTP Derivative Securities in Rule 1.5(ee).

(2) Proposal To Eliminate Listings Standards for UTP Derivative Securities

Unlike its affiliate exchange BZX, the Exchange is not a listing venue and thus trades securities on a UTP basis only. Nonetheless, currently Chapter XIV of the Exchange's Rulebook provides for listing standards for Derivative Securities that are generally based on BZX Rule 14.11. Exchange Rule 14.1 also provides that the Exchange will not list an equity security, and that the provisions of Rules 14.2 through 14.9,[6] and Rules 14.11 through 14.13 that permit such listing of an equity security are not effective until the Exchange files a proposed rule change under Section 19(b)(2) under the Exchange Act to amend its rules to comply with Rules 10A–3 and 10C–1 under the Exchange Act and to incorporate qualitative listing criteria, and such proposed rule change is approved by the Commission. Given that the Exchange does not list securities, the Exchange believes it is not necessary for the Exchange to have listings rules for Derivative Securities. Therefore, the Exchange proposes to eliminate Exchange Rules 14.2 through 14.9 and 14.11 through 14.13, which set forth the initial and continued listing rules for certain Derivative Securities.

Exchange Rule 14.1 establishes the Exchange's authority to trade securities on a UTP Basis. Based on the proposed amendment to eliminate Derivative Security listings standards, the Exchange also proposes to amend Rule 14.1(a) to eliminate any references to the listing of securities on the Exchange. Additionally, the Exchange proposes to eliminate the definition of Equity Security from Rule 14.1 and to instead reference NMS Stock, as defined in Rule 4.5(cc). Lastly, based on the above proposals, the Exchange proposes to eliminate any reference to products listed on the Exchange as provided in Rules 3.7, 11.2, and 13.6.

(3) Proposal To Amend the Exchange's Additional Rules Applicable to UTP Derivative Securities

Existing Rule 14.1(c) defines UTP Derivative Security. However, as the Exchange proposes to redefine such term in Rule 1.5(ee), it proposes to eliminate the definition from Rule 14.1(c). Existing Rule 14.1(c) also provides that a UTP Derivative Security is subject to additional rules, as set forth in subparagraphs (1) through (6). Now, the Exchange proposes to modify certain of those subparagraphs.

First, the Exchange proposes to eliminate existing Rule 14.1(c)(1), which provides that the Exchange shall file with the Commission a Form 19b–4(e) with respect to each UTP Derivative Security. The Exchange believes that it should not be necessary to file a Form 19b–4(e) with the Commission if it begins trading a UTP Derivative Security because Rule 19b–4(e) under the Act refers to the ''listing and trading'' of a ''new derivative securities product''. The Exchange believes that the requirements of Rule 19b–4(e) refer to when an exchange lists and trades a Derivative Security, and not when an exchange seeks only to trade such product on a UTP basis pursuant to Rule 12f–2 under the Act.[7] The proposal is substantially identical to rule amendments made by other exchanges.[8]

The Exchange also proposes to replace the term ''new derivative securities product'' with the term Derivative Security in order to provide for consistent nomenclature in Exchange Rules. The proposed change is not a substantive change as the proposed definition of Derivative Security is equivalent to the definition of ''new derivative securities product'' under Rule 19b–4(e) under the Exchange Act, as set forth in proposed Rule 1.5(dd).

The Exchange proposes to add additional explanatory language to paragraph (c)(4) that states nothing in

[5] For inclusiveness, all Derivative Securities that are subject to unlisted trading privileges have been identified in the list of proposed UTP Derivative Securities.

[6] Exchange Rule 14.10 sets forth the requirements for securities issued by the Exchange or its affiliates.

[7] 17 CFR 240.12f–2.

[8] *See* Securities Exchange Act Nos. 83289 (May 17, 2018) 83 FR 23968 (May 23, 2018) (SR–NYSENAT–2018–02); 84546 (November 7, 2018) 83 FR 56888 (November 14, 2018) (SR–BX–2018–051); and 92015 (May 25, 2021) 86 FR 29305 (June 1, 2021) (SR–CboeBZX–2021–041).

the Rule will limit the power of the Exchange under the Rules or procedures of the Exchange with respect to the Exchange's ability to suspend trading in any securities if such suspension is necessary for the protection of investors or in the public interest. The proposed text is substantively identical to that included in NYSE National Rule 5.1(a)(2)(C) and BZX Rule 14.11(j)(3). Further, the proposed text reinforces existing Exchange Rule 11.18(d).

Lastly, based on the proposal to eliminate Rule 14.1(c)(1), the Exchange proposes to renumber existing paragraphs (c)(2) through (c)(6) accordingly.

(4) Proposal To Amend Rule 14.10

Finally, the Exchange is proposing to renumber Rule 14.10 to Rule 14.2 in order to reflect the elimination of Rule 14.2 through Rule 14.9 that the Exchange is proposing to delete as part of this proposal.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [10] requirements that the rules of an exchange be 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 Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.[11]

In particular, the Exchange believes the proposed definitions of Derivative Security and UTP Derivative Security are reasonable as the proposed substantive changes are substantially similar to other exchanges' rules. Specifically, the proposed definition of Derivative Security in Rule 1.5(dd) is substantially similar to the definition of Exchange Traded Product provided for in NYSE National Rule 1.1(m), except that it better conforms to the defined term ''new derivative securities product'' of Rule 19b–4(e) under the Act. The proposed definition of UTP Derivative Security is substantially similar to BZX Rule 1.5(ee), except that the list of Derivative Securities that may be UTP Derivative Securities includes CVRs. Further, the proposal is substantially similar to NYSE National Rule 1.1(m), but the list of Derivative Securities that may be UTP Derivative Securities includes three additional Derivative Securities, SEEDS, Exchange-Traded Fund Shares, and CVRs. While SEEDS and Exchange-Traded Fund Shares are not included in NYSE National Rule 1.1(m), they are Derivative Securities set forth not only in BZX Exchange Rules 14.11(e)(12) and 14.11(l), respectively, but also in section 5700 of the Nasdaq Rules. Further, while CVRs are not currently provided for in NYSE National Rule 1.1(m) or BZX Rule 1.5(ee), CVRs meet the definition of ''new derivative securities product'' in Rule 19b–4(e) under the Act and also may currently be traded on the Exchange pursuant to existing BYX Rule 14.1(a) on a UTP basis.

The Exchange believes that its proposal to remove listings standards from Chapter XIV of the Exchange's Rulebook and references elsewhere in the Exchange's Rulebook will eliminate potential investor confusion as the Exchange is not a listing venue. Given this, the Exchange believes the removal of such rules from Chapter XIV and reference to such listings standards in Rules 3.7, 11.2, and 13.6 will simplify and clarify the Exchange's Rulebook. Further, as proposed Chapter XIV is substantially similar to Chapter 5 of the NYSE National rulebook.

The Exchange's proposal to eliminate the definition of Equity Security from Rule 14.1 and to instead reference NMS Stock as defined in Rule 4.5(cc) will add consistency and clarity to the Exchange's rulebook.

Eliminating the requirement to file a Form 19b–4(e) for each Derivative Security is consistent with the Act because the regulatory requirement was not intended to apply in the context of Derivative Securities trading on a UTP basis. Moreover, the proposal to eliminate Rule 14.1(c)(1) will provide for a more efficient process for adding Derivative Securities to trading on the Exchange on a UTP basis. The Exchange also notes that the proposal is substantially identical to other exchange rules.[12]

The Exchange believes that its proposal to amend Rule 14.1(c)(2), which eliminates redundant language and uses the defined term Derivative Security in lieu of the term ''new derivatives securities product'', to amend Rule 14.1(c)(3) to substantially conform to NYSE National Rule 5.1(a)(2)(C) (trading halts), and to renumber existing paragraphs 14.1(c)(2)–(c)(6) based on its proposal to eliminate Rule 14.1(c)(1), will clarify and simplify the Exchange's Rulebook as well as provide consistency in the Exchange's Rules.

Lastly, the Exchange believes its proposed renumber of Rule 14.10 to Rule 14.2, is appropriate in order to reflect the elimination of Rule 14.2 through Rule 14.9 that the Exchange is proposing to delete as part of this proposal.

In light of the above proposals, the Exchange has also proposed to make corresponding changes to Rules 1.5, 3.7, 3.21, 11.2, 13.6 to renumber or re-letter certain paragraphs or subparagraphs of the Rule, eliminate any reference to Exchange listing rules in Chapter XIV, and update applicable rule references.

The proposal is intended to simplify and clarify the Exchange's Rules as they relate to UTP Derivative Securities and to reflect that BYX is not a listing venue which the Exchange believes will 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 Exchange believes that renumbering and re-lettering current Rules to correspond to the proposed changes will allow the Exchange to maintain a clear and organized rule structure, thus preventing investor confusion. For these reasons, the Exchange believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of 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. Allowing the Exchange to make the above proposed modifications will clarify that the Exchange is not a listing venue by eliminating listing standards and any references to Exchange listed securities Further, the proposed rule change will harmonize certain Exchange Rules with

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(1).

[12] *See supra* note 8.

those of other exchanges, including the Exchange's affiliate BZX, which will simplify and clarify the Exchange's rulebook and promote consistency and transparency on both the Exchange and its affiliated exchanges, thus making the Exchange's rules easier to navigate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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[13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6)[15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay to allow the Exchange to implement the proposal as soon as possible. The Exchange states that the proposed changes are based on rules of other exchanges and that waiver would allow Members to benefit immediately from the clarified and simplified provisions. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal does not raise any new or novel issues. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–CboeBYX–2022–022 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–CboeBYX–2022–022. 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–CboeBYX–2022–022 and should be submitted on or before October 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–20942 Filed 9–27–22; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange 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.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 11868]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Metal of Honor: Gold From Simone Martini to Contemporary Art'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Metal of Honor: Gold from Simone Martini to Contemporary Art'' at the Isabella Stewart Gardner Museum, Boston, Massachusetts, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW, (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made by the Deputy Assistant Secretary for Professional and Cultural Exchanges in the Bureau of Educational and Cultural Affairs in the U.S. Department of State,

Stacy E. White, pursuant to the authority vested in her by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2022–20937 Filed 9–27–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11845]

60-Day Notice of Proposed Information Collection: Request To Change End-User, End-Use and/or Destination of Hardware and Open General Licenses

AGENCY: Department of State.

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to November 28, 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 by any of the following methods:

- *Internet:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2022–0028'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: DDTCPublicComments@state.gov.*
- *Regular Mail:* Send written comments to: Directorate of Defense Trade Controls, Attn: Dilan Wickrema, 2401 E St. NW, Suite H–1304, Washington, DC 20037

You must include the subject (PRA 60 Day Comment), information collection title (Request to Change End-User, End-Use and/or Destination of Hardware and Open General Licenses), and OMB control number (1405–0173) in any correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Dilan Wickrema, Office of Defense Trade Controls Policy, Department of State, telephone (202) 634–4981; email *DDTCCustomerService@state.gov* ATTN: 60-Day Notice of Proposed Information Collection—Request to Change End-user, End-use and/or Destination and Open General Licenses.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request to Change End-User, End-Use and/or Destination of Hardware and Open General Licenses.
- *OMB Control Number:* 1405–0173.
- *Type of Request:* Revision.
- *Originating Office:* Directorate of Defense Trade Controls (DDTC).
- *Form Number:* DS–6004.
- *Respondents:* Individuals, businesses, or nonprofit organizations engaged in the business of exporting or temporarily importing defense articles or defense services or those involved in with reexport or retransfer of unclassified defense articles otherwise authorized under the ITAR.
- *Estimated Number of Respondents:* 1,695.
- *Estimated Number of Responses:* 2,234.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden:* 2,234 hours.
- *Frequency:* On occasion.
- *Obligation to respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collection.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note, comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This information collection is used for two main purposes: (1) the collection and submission of information required for DDTC approval of a reexport or retransfer; and (2) the collection and retention of certain information for authorizations and other approvals, including for reexports and retransfers under an Open General License (OGL) program. Under § 123.9(a) of the International Traffic in Arms Regulations (ITAR), unless an exemption applies, DDTC's written approval must be obtained before reselling, transferring, reexporting, retransferring, transshipping, or disposing of a defense article to any end-user, end-use, or destination other than as stated on the export license or in the Electronic Export Information filing in cases where an exemption was claimed. Such approval is normally granted through case-by-case review of requests to authorize specific transfers. In addition, ITAR § 126.9(b) allows DDTC to provide export authorization for DDTC's own initiatives, including pilot programs and other specifically anticipated circumstances for which DDTC considers special authorizations appropriate. DDTC has launched a pilot program pursuant to its authorities in ITAR § 126.9(b) in order to assess the concept of an OGL mechanism by which it may authorize certain transfers of defense articles to predetermined parties. OGLs eliminate the need for the Department to individually review and approve certain lower-risk transactions involving certain recipients. DDTC believes the OGL pilot program will provide unprecedented flexibility for the U.S. defense industry and U.S. allies to operate consistent with the ITAR and will enhance their ability to maintain, repair, and store defense articles.Under ITAR § 123.1(c), DDTC may require pertinent documentation regarding the proposed transaction and proper completion of the application form, including information about the quantity and value of the defense article proposed for export and information on the proposed end-user, end-use, and ultimate destination. Under ITAR § 123.9(c), foreign persons who seek approval from DDTC to reexport or retransfer defense articles are required to submit a description, quantity, and value of the defense article; a description and identification of the new end-user, end-use, and destination. Under ITAR § 123.26 any foreign person engaging in any reexport or retransfer of a defense article pursuant to an exemption must maintain records of each such transfer including the

following information: A description of the defense article, including technical data, or defense service; the name and address of the end-user and other available contact information (*e.g.,* telephone number and email address); the name of the natural person responsible for the transaction; the stated end-use of the defense article or defense service; the date of the transaction; and the method of transmission.DDTC seeks to ensure that foreign persons who rely on any current or future OGLs to conduct reexports and retransfers abroad retain the same records as would be required if their transactions were authorized by either a specific license or an exemption. Accordingly, DDTC has restated the record-keeping requirements articulated in ITAR § 123.26 in the OGLs themselves.

Methodology

Respondents will submit information as attachments to relevant license applications or requests for other approval. Applicants are referred to ITAR § 123.9 for guidance on what information to submit regarding the request to change end-user, end-use and/or destination of hardware. This information may be submitted electronically via a DS–6004, Reexport/Retransfer Application, through DDTC's case management system, the Defense Export Control and Compliance System (DECCS).

Separately, under the OGL program, as described in each OGL, and as also described in ITAR § 123.26, respondents will be required to retain certain information in their own records for a period of five years from the date of the reexport or retransfer.

Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

* * * * *

Michael F. Miller,

Deputy Assistant Secretary, PM/DDTC, Department of State.

[FR Doc. 2022–20963 Filed 9–27–22; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2022–1273]

Agency Information Collection Activities: Requests for Comments; Approval of Clearance Renewal for Information Collection: For the Information Collection Entitled, Website for Frequency Coordination Request

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval in accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to allow renewal of the currently approved information collection via the FAA's deployed Web-based Frequency Coordination system (WebFCR), which collects certain broadcast and transmitter frequency information under OMB control number 2120–0786. The information collected is needed to perform the aeronautical studies, technical evaluations required and to meet the specified requirements for the radio frequency engineering pursuant to the FAA Order. The Federal Aviation Administration (FAA) Order 6050.32.B, Chapter 3, Section 302 outlines the US National Organizations, and the role of the National Telecommunications and Information Administration (NTIA) is assigning the Aviation Assignment Group (AAG) of the radio spectrum to FAA which support aeronautical services. Hence, FAA must ''authorize'' aeronautical frequencies of broadcast applications which impact the AAG bands.

DATES: Written comments should be submitted by November 28, 2022.

ADDRESSES: Please send written comments:

By Electronic Docket: https://www.regulations.gov (Enter docket number into search field).

By Mail: Christopher S. Jones, Spectrum Engineering and Assignment, AJW–151, Room 7E–325, 800 Independence Avenue, Washington, DC 20591.

By Fax: (202) 267–6056.

FOR FURTHER INFORMATION CONTACT: Christopher S. Jones by email or phone at: *christopher.s.jones@faa.gov;* phone: (202) 267–5926.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0786.

Title: website for Frequency Coordination Request (WebFCR) *webfcr.faa.gov*.

Form Numbers: Historically related to FAA Form 7460–1.

Type of Review: Request for renewal of information collection.

Background: 49 U.S.C. Section44718(c) under Broadcast Applications and Tower Studies states, 'In carrying out laws related to a broadcast application—the Administrator of the Federal Aviation Administration and the Federal Communications Commission shall take action necessary to coordinate efficiently—(1) The receipt and consideration of, and action on, the application; and (2) The completion of any associated aeronautical study. Currently, transmitter broadcast radio frequency data is collected via OMB Control 2120–0786 to address non-Federal, military, U.S. federal agency, state and municipalities broadcast applications which require consideration, analysis or aeronautical studies pursuant to 49 U.S.C. Section 44718(c).

Respondents: Approximately 2400 annually. The Respondents are engineers, analysts, consultants, stakeholders or federal agency managers, including military services, who have a need to transmit on a radio frequency which is within the National Telecommunications and Information Administration's (NTIA) Aviation Assignment Group (AAG) frequency band assigned to the FAA for civil aviation use. The response to this data collection is required for the proponent to obtain FAA concurrence to use a radio frequency that impacts civil aviation. The information collected through the WebFCR portal supports the engineering, modeling, validation and workflow management of the request to evaluate if the request interferes or

impacts civil aviation operations pursuant to FAA Order 6050.32B.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 0.2 Hours.

Estimated Total Annual Burden: 480 Hours.

Issued in Washington, DC, on September 23, 2022.

Christopher S. Jones,

Spectrum Engineering and Assignment Navigation Lead, Spectrum Engineering and Assignment Group, AJW–1510.

[FR Doc. 2022–20969 Filed 9–27–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2022–1241]

Notice of Intent To Designate as Abandoned Caldwell Commercial, Inc., Supplemental Type Certificate No. SB2236NM

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

ACTION: Notice of intent to designate Caldwell Commercial, Inc., supplemental type certificate as abandoned; request for comments.

SUMMARY: This notice announces the FAA's intent to designate Caldwell Commercial, Inc., Supplemental Type Certificate (STC) No. SB2236NM as abandoned and make the related engineering data available upon request. The FAA has received a request to provide engineering data concerning this STC. The FAA has been unsuccessful in contacting Caldwell Commercial, Inc., concerning the STC. This action is intended to enhance aviation safety.

DATES: The FAA must receive all comments by March 27, 2023.

ADDRESSES: You may send comments on this notice by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Calvin Hang, AIR–792, Federal Aviation Administration, Los Angeles ACO Branch, 3960 Paramount Boulevard, Suite 100, Lakewood, CA 90712–4137.
- *Email: Calvin.L.Hang@faa.gov*. Include ''Docket No. FAA–2022–1241'' in the subject line of the message.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Calvin Hang, Aerospace Engineer, Federal Aviation Administration, Los Angeles ACO Branch, 3960 Paramount Boulevard, Suite 100, Lakewood, CA 90712–4137; telephone (562) 627–5254; email *Calvin.L.Hang@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested parties to provide comments, written data, views, or arguments relating to this notice. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–1241'' at the beginning of your comments. The FAA will consider all comments received on or before the closing date. All comments received will be available in the docket for examination by interested persons.

Background

The FAA is posting this notice to inform the public that the FAA intends to designate Caldwell Commercial, Inc., STC No. SB2236NM, for the removal of Balloon Works FireFly 7 envelope and installation of Caldwell Commercial CC–7 envelope, as abandoned and subsequently release the related engineering data.

The FAA has received a third-party request for the release of data for the modification of the balloon envelope under the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552. The FAA cannot release commercial or financial information, such as the requested data, under FOIA without the permission of the data owner. However, in accordance with title 49 of the United States Code § 44704(a)(5), the FAA can make STC ''engineering data'' in possession of the FAA available upon request if the FAA determines that the STC has been inactive for 3 or more years and, using due diligence, the FAA is unable to locate the owner of record or the owner of record's heir. There has been no activity on this STC for more than 3 years.

On March 31, 2022, the FAA sent a registered letter to Caldwell Commercial, Inc., to its last-known address: c/o 20215 Fortuna Del Este Elfin Forest, Escondido, CA 92025. The letter informed Caldwell Commercial, Inc., that the FAA had received a request for engineering data related to STC No. SB2236NM and was conducting a due diligence search to determine whether the STC was inactive and may be considered abandoned. The letter further requested that the company respond in writing within 60 days and state whether it is the holder of the STC. The FAA has also attempted to make contact with Caldwell Commercial, Inc., by other means, including telephone communication and emails, but without success.

Information Requested

If you are the owner or heir or a transferee of STC No. SB2236NM, or have any knowledge regarding who may now hold STC No. SB2236NM, please contact Calvin Hang using a method described in this notice under **FOR FURTHER INFORMATION CONTACT**. If you are the heir of the owner or the owner by transfer of STC No. SB2236NM, you must provide a notarized copy of your government-issued identification with a letter and background establishing your ownership of the STC and, if applicable, your relationship as the heir to the deceased holder of the STC.

Conclusion

If the FAA does not receive any response by March 27, 2023, the FAA will consider STC No. SB2236NM abandoned, and the FAA will proceed with the release of the requested data. This action is for the purpose of maintaining the airworthiness of an aircraft and enhancing aviation safety.

Issued on September 22, 2022.

Christina Underwood,

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

[FR Doc. 2022–20922 Filed 9–27–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket # FAA–2022–1227]

Airport Terminal Program; FY 2023 Funding Oppportunity

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

ACTION: Notice of funding opportunity.

SUMMARY: The Department of Transportation (DOT), Federal Aviation Administration (FAA) announces the opportunity to apply for approximately $1 billion in FY 2023 discretionary funds for the Airport Terminal Program (ATP), made available under the Infrastructure Investment and Jobs Act of 2021 (IIJA), Public Law 117–58, herein referred to as the Bipartisan Infrastructure Law (BIL). The purpose of the ATP is to make annual grants available to eligible airports for airport terminal development projects that address the aging infrastructure of the nation's airports. In addition, ATP grants will align with DOT's Strategic Framework FY2022–2026 at

www.transportation.gov/administrations/office-policy/fy2022-2026-strategic-framework. The FY 2023 ATP will be implemented consistent with law and in alignment with the priorities in Executive Order 14052, *Implementation of the Infrastructure Investments and Jobs Act* (86 FR 64355), which are to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

DATES: Airport sponsors that wish to be considered for FY 2023 ATP discretionary funding should submit an application that meets the requirements of this NOFO as soon as possible, but no later than 5:00 p.m. Eastern time, October 24, 2022.

ADDRESSES: Submit applications electronically at *www.faa.gov/bil/airport-terminals* per instructions in this NOFO.

FOR FURTHER INFORMATION CONTACT: Robin K. Hunt, Manager, BIL Implementation Team, FAA Office of Airports, at (202) 267–3263 or our FAA BIL email address: *9-ARP-BILAirports@faa.gov.*

SUPPLEMENTARY INFORMATION:

A. Program Description

BIL established the ATP, a competitive discretionary grant program, which provides approximately $1 billion in grant funding annually for five years (Fiscal Years 2022–2026) to upgrade, modernize, and rebuild our nation's airport terminals and airport-owned Airport Traffic Control Towers (ATCTs). This includes bringing airport facilities into conformity with current standards; constructing, modifying, or expanding facilities as necessary to meet demonstrated aeronautical demand; enhancing environmental sustainability; encouraging actual and potential competition; and providing a balanced system of airports to meet the roles and functions necessary to support civil aeronautical demand. This program also supports the President's goals to mobilize American ingenuity to build modern infrastructure and an equitable, clean energy future. In support of Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009), the FAA encourages applicants to consider how the project will address the challenges faced by individuals in underserved communities and rural areas, as well as accessibility for persons with disabilities.

The ATP falls under the project grant authority for the Airport Improvement Program (AIP) in 49 United States Code (U.S.C.) § 47104. Per 2 Code of Federal Regulations (CFR) Part 200—*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,* the AIP Federal Assistance Listings Number is 20.106, with the objective to assist eligible airports in the development and improvement of a nationwide system that adequately meets the needs of civil aeronautics. The FY 2023 ATP will be implemented, as appropriate and consistent with BIL, in alignment with the priorities in Executive Order 14052, *Implementation of the Infrastructure Investments and Jobs Act* (86 FR 64355), which are to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve opportunities for good-paying jobs with the free and fair choice to join a union by focusing on high labor standards, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

Consistent with statutory criteria and Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), the FAA also seeks to fund projects under the ATP that reduce greenhouse gas emissions and are designed with specific elements to address climate change impacts. Specifically, the FAA is looking to award projects that align with the President's greenhouse gas reduction goals, promote energy efficiency, support fiscally responsible land use and transportation efficient design, support terminal development compatible with the use of sustainable aviation fuels and technologies, increase climate resilience, incorporate sustainable and less emissions-intensive pavement and construction materials as allowable, and reduce pollution.

The FAA will also consider projects that advance the goals of the Executive Orders listed under Section E.2.

B. Federal Award Information

This NOFO announces up to $1,000,000,000, subject to availability of funds, for the Fiscal Year 2023 ATP. The ATP is a $5 billion grant program, distributed as approximately $1 billion annually for five years (Fiscal Years 2022, 2023, 2024, 2025, and 2026), subject to annual allocations limitations based on airport roles found in the published National Plan of Integrated Airport Systems (NPIAS). In general, the $5 billion in ATP grant funding is subject to the following annual award allocation limitations: not more than 55 percent shall be for large hub airports, not more than 15 percent shall be for medium hub airports, not more than 20 percent shall be for small hub airports, and not less than 10 percent shall be for nonhub and nonprimary airports.

The FAA will consider projects that increase capacity and passenger access; projects that replace aging infrastructure; projects that achieve compliance with the Americans with Disabilities Act (42 U.S.C. 12101, *et seq.*) and expand accessibility for persons with disabilities; projects that improve airport access for historically disadvantaged populations; projects that improve energy efficiency, including upgrading environmental systems, upgrading plant facilities, and achieving Leadership in Energy and Environmental Design (LEED) accreditation standards; projects that improve airfield safety through terminal relocation; and projects that encourage actual and potential competition. This includes applicable Executive Orders as listed in Section E.2. Additionally, the FAA will provide preference to projects that achieve a complete development objective, even if awards for the project must be phased, and priority to projects that have received partial awards.

Projects for relocating, reconstructing, repairing, or improving an airport-owned ATCT will also be considered. In addition to the considerations above, these projects will also be evaluated based on overall impact on the National Airspace System, including age of facility, operational constraints, and nonstandard facilities.

The FAA will publish a NOFO annually to announce additional funding made available, approximately $1 billion per year, for Fiscal Years 2024–2026.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants are those airport sponsors normally eligible for Airport Improvement Program (AIP) discretionary grants as defined in 49 U.S.C. 47115. This includes a public agency, private entity, state agency, Indian Tribe or Pueblo owning a public-use NPIAS airport, the Secretary of the Interior for Midway Island airport, the Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau.

2. Cost Sharing or Matching

The Federal cost share of ATP grants is 80 percent for large and medium hub

airports, and 95 percent for the remainder of airports eligible to receive ATP grants, which includes small hub, nonhub, and nonprimary airports.

3. Project Eligibility

All projects funded from the ATP must be:

i. Airport terminal development, defined in 49 U.S.C. 47102(28) as development of an airport passenger terminal building, including terminal gates; access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and walkways that lead directly to or from an airport passenger terminal building. Under the ATP, the FAA may consider projects that qualify as ''terminal development'' (including multimodal terminal development), as that term is defined in 49 U.S.C. 47102(28); or

ii. On-airport rail access projects as set forth in Passenger Facility Charge (PFC) Update 75–21 (86 FR 48793, August 31, 2021); or

iii. Airport-owned ATCT that includes relocating, reconstructing, repairing, or improving the ATCT; and

iv. Justified based on civil aeronautical demand.

D. Application and Submission Information

1. Address To Request Application Package

An application for ATP terminal or ATCT projects, FAA Form 5100–144, *Bipartisan Infrastructure Law, Airport Terminal and Tower Project Information,* can be found at: *www.faa.gov/bil/airport-terminals.*

Direct all inquiries regarding applications to the appropriate Regional Office (RO) or Airports District Office (ADO). RO/ADO contact information is available at: *https://www.faa.gov/about/office_org/headquarters_offices/arp/offices/regional_offices.* Or to the BIL Team at: *9-ARP-BILAirports@faa.gov.*

2. Content and Form of Application Submission

Applicants are required to submit information contained in FAA Form 5100–144, *Bipartisan Infrastructure Law, Airport Terminal and Tower Project Information.* When completing this form applicants should provide the information required in Section E.1. Criteria of this NOFO, as applicable to the project. Application instructions and the form can be found at: *www.faa.gov/bil/airport-terminals.*

All applications must be submitted electronically following the instruction on the form. Once the form is complete, save a copy of the form electronically to your files for future reference. Next, scroll to the bottom of the form and press the ''submit'' button. This will generate an email for you to send to the FAA BIL Team for review and evaluation. If the submit button did not automatically generate an email, you can also manually email your saved open field form to: *9-ARP-BILAirports@faa.gov.*

Applicants selected to receive an ATP grant will then be required to follow AIP grant application procedures prior to award, which include meeting all prerequisites for funding, and submission of Standard Form SF–424, *Application for Federal Assistance,* and FAA Form 5100–100, *Application for Development Projects.*

Airports covered under the FAA's State Block Grant Program or airports in a channeling act state should coordinate with their associated state agency on the process for who should submit an application, via the procedures noted above.

3. Unique Entity Identifier and System for Award Management (SAM)

Applicants must comply with 2 CFR part 25—*Universal Identifier and System for Award Management.* All applicants must have a unique entity identifier provided by SAM. Additional information about obtaining a Unique Entity Identifier (UEI) and registration procedures may be found at the SAM website (currently at *http://www.sam.gov*). Each applicant is required to: (1) be registered in SAM; (2) provide a valid UEI prior to grant award; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by the FAA. Under the ATP, the UEI and SAM account must belong to the entity that has the legal authority to apply for, receive, and execute ATP grants.

Once awarded, the FAA grant recipient must maintain the currency of its information in SAM until the grantee submits the final financial report required under the grant or receives the final payment, whichever is later. A grant recipient must review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term.

The FAA may not make an award until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time the FAA is ready to make an award, the FAA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a federal award to another applicant.

Non-federal entities that have received a federal award are required to report certain civil, criminal, or administrative proceedings to SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS) *www.fapiis.gov*) to ensure registration information is current and complies with federal requirements. Applicants should refer to 2 CFR 200.113 for more information about this requirement.

4. Submission Dates and Times

Airports that wish to be considered for FY 2023 ATP discretionary funding should submit an application that meets the requirements of this NOFO as soon as possible, but no later than 5:00 p.m. Eastern time on October 24, 2022. Submit applications electronically to *9-ARP-BILAirports@faa.gov* per instructions in this NOFO.

5. Funding Restrictions

All projects funded from the ATP must be airport terminal development, defined under Section 3 Project Eligibility.

ATP funds may not be used to support or oppose union organizing.

6. Other Submission Requirements

Once Form 5100–144 is complete, save a copy of the form electronically to your files for future reference. Next, scroll to the bottom of the form and choose the ''Submit'' button. That creates a new email message with the PDF attached. Or, as a backup method, you can manually email the form to: *9-ARP-BILAirports@faa.gov.*

Using Digital Signatures: Form 5100–144 allows digital signatures. To access the digital signature field, save this form to your computer and then reopen it with a PDF reader or editor. The signature field often does not display when Form 5100–144 is viewed within a web browser.

E. Application Review Information

1. Criteria

Applications for FY 2023 ATP will be rated using the following criteria:

i. Projects must meet eligibility requirements under the ATP, which includes terminal development (including multimodal terminal development) as defined in 49 U.S.C. 47102(28), on-airport rail access projects, or airport-owned ATCT relocation, reconstruction, repair, or improvements.

ii. FAA will consider timeliness of implementation, with priority given to those projects, including ''design only'' projects, that can satisfy all statutory and administrative requirements for grant award by July 2023.

iii. Favorable consideration will be given to eligible and justified terminal development (including multimodal terminal development), on-airport rail access projects, and ATCT projects that:

a. *Increase capacity and passenger access:* The applicant should describe the extent to which the project contributes to the functioning and growth of the economy, including the extent to which the project addresses congestion or service gaps in rural areas. The applicant should demonstrate how the proposed project increases capacity, provides ongoing market access to the airport by competing carriers as economic and competitive conditions change (such as by constructing common use gates or updating gates and other areas with common use equipment), as well as how it contributes to the functioning and growth of the economy, including the extent to which the project addresses congestion or service gaps in rural areas. The applicant should demonstrate how the proposed project increases capacity and market access or relieves congestion based on current and/or forecast needs.

b. *Replace aging infrastructure:* Applicants should describe how the project addresses replacing or upgrading facilities that have reached the end of their useful life. This includes information on the current age and condition of the asset that will be affected by the project and how the proposed project will improve asset condition. The applicant should describe how the facility no longer meets the current or forecasted operational needs of the airport. This includes the renovation, expansion, or replacement of a facility that is too small or cannot efficiently meet current or future demand. This also includes projects aimed at terminal modernization or upgrades to meet the changing user or community expectations. This can be met by including multimodal terminal development, climate resiliency, sustainability initiatives and practices incorporated therein, and the incorporation of common-use equipment and practices, all with the goal of providing a terminal that focuses on the most efficient movement of passengers and baggage possible. This also includes projects that address changing environmental conditions and improve resilience to climate change, and that will be constructed consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law.

c. *Achieve compliance with the Americans with Disabilities Act (ADA), including expand accessibility for persons with disabilities:* Applicants should describe how the project increases mobility, expands access, and improves connectivity for people with disabilities both inside and outside the terminal or ATCT. The information should demonstrate how the proposed project will meet the requirements under the Americans with Disabilities Act and improve equitable access for people with disabilities.

d. *Improve airport access for historically disadvantaged populations:* Applicants should describe how the project increases mobility, expands access, and improves connectivity for historically disadvantaged populations. The information should demonstrate how the proposed project provides a significant local and regional impact and benefits historically disadvantaged populations. The applicant should include a description of public engagement on a local and regional level that has occurred, demonstrates proactive inclusivity of historically disadvantaged communities, and the degree to which public comments and commitments have been integrated into the project. DOT is providing a list of communities that meet the definition of Historically Disadvantaged Communities, available at *https://adip.faa.gov/agis/public/#/disadvantagedCommunities.*

e. *Improve energy efficiency, including upgrading environmental systems, upgrading plant facilities, and achieving Leadership in Energy and Environmental Design (LEED) accreditation standards:* Applicants should provide information demonstrating how the proposed project will reduce air pollution and greenhouse gas emissions from a reduction in energy consumption through energy-efficient design. This includes how the project may facilitate the airport in achieving LEED or similar accreditation standards through reliance on alternative energy, water use reduction, sustainable site selection and development, responsible materials selection and waste management, incorporating lower-carbon pavement and construction materials, enhanced indoor environmental quality, use of terminal facility for renewable energy production, or other sustainability efforts (*e.g.,* vehicle charging stations attached to the terminal) that further reduce long-term impact on climate. A proposed project, including utility support facilities, should be part of an overall plan that sets targets to lower carbon emissions, working toward a carbon-neutral airport by 2050.

f. *Improve airfield safety through terminal relocation:* Applicants should describe how the proposed terminal project is improving airfield safety through the relocation of the terminal building or its components. This could also include a project to relocate a terminal that assists in addressing nonstandard airfield configurations.

g. *Encourage actual and potential competition:* The applicant should describe the extent to which the project promotes competition in air service by providing greater ability to accommodate new entrants; increasing the ability of competing air carriers to access constrained facilities on an ongoing basis; and facilitating the efficient and reliable movement of passengers and cargo. The applicant should describe the extent to which the project leads to common use gates and software (*e.g.,* common use software updates, construction of common use gates versus preferential use by specific carriers). The applicant may also wish to describe how the project will offer regional and national impacts by improving the economic strength of regions and cities; increase opportunities for tourism; result in long-term job creation by supporting good-paying jobs with the free and fair choice to join a union directly related to the project; and help the United States compete in a global economy by encouraging the location of important industries and future innovations and technology in the U.S.

iv. ATCT projects that relocate, reconstruct, repair, or improve an airport-owned ATCT will also be evaluated based on overall impact on the National Airspace System, including age of facility, operational constraints, and nonstandard facility conditions.

v. FAA will provide a preference to projects that achieve a complete development objective, even if awards for the project must be phased, and prioritize projects that have received partial awards.

vi. The applicant should describe whether and how project delivery and implementation create good-paying jobs with the free and fair choice to join a union to the greatest extent possible, the use of demonstrated strong labor standards, practices and policies (including for direct employees, contractors, sub-contractors, and service workers on airport property); use of project labor agreements; distribution of workplace rights notices; union neutrality agreements; wage and/or

benefit standards; the use of Local Hire Provisions; [1] registered apprenticeships; or other similar standards or practices. The applicant should describe how planned methods of project delivery and implementation (for example, use of Project Labor Agreements and/or Local Hire Provisions,[2] training and placement for underrepresented workers) provide opportunities for all workers, including workers underrepresented in construction jobs to be trained and placed in good-paying jobs directly related to the project. FAA will consider this information in evaluating the application.

2. Review and Selection Process

Applications will be evaluated on the above criteria in E.1 to ensure responsiveness to this NOFO and the intent of the ATP. Applicants are encouraged to submit projects that meet as many of the above criteria as possible, but do not need to meet all criteria to be considered. Federal awarding agency personnel will evaluate applications based on how well the projects meet the criteria in E.1, including project eligibility, justification, readiness, impact on the National Airspace System, and the availability of matching funds. The FAA will also consider how well projects advance the goals of the following Executive Orders: the President's January 20, 2021, Executive Order 13990, ''*Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*''*;* the President's January 20, 2021, Executive Order 13985, ''*Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*''*;* the President's January 27, 2021, Executive Order 14008, ''*Tackling the Climate Crisis at Home and Abroad*''*;* the President's May 20, 2021, Executive Order 14030, *Climate Related Financial Risk;* and the President's July 9, 2021, Executive Order 14036, ''*Promoting Competition in the American Economy*.''

3. Integrity and Performance Check

Prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, FAA is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered. FAA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206.

F. Federal Award Administration Information

1. Federal Award Notices

BIL awards are announced through a Congressional notification process and a DOT Secretary's Notice of Intent to Fund. The FAA RO/ADO representative will contact the airport with further information and instructions. Once all pre-grant actions are complete, the FAA RO/ADO will offer the airport sponsor a grant for the announced project. This offer may be provided through postal mail or by electronic means. Once this offer is signed by the airport sponsor, it becomes a grant agreement. Awards made under this program are subject to conditions and assurances in the grant agreement.

2. Administrative and National Policy Requirements

i. Pre-Award Authority

All project costs must be incurred after the grant execution date unless specifically permitted under 49 U.S.C. 47110(c). Certain airport development costs incurred before execution of the grant agreement, but after November 15, 2021, are allowable, only if certain conditions under 49 U.S.C. 47110(c) are met [see Table 3–60 of the AIP Handbook, FAA Order 5100.38 D Change 1, for a specific list of the guidance regarding when project costs can be incurred in relation to section 47110(c)].

ii. Grant Requirements

All grant recipients are subject to the grant requirements of the AIP, found in 49 U.S.C. Chapter 471. Grant recipients are subject to requirements in the FAA's *AIP Grant Agreement* for financial assistance awards; the annual Certifications and Assurances required of applicants; and any additional applicable statutory or regulatory requirements, including nondiscrimination requirements and 2 CFR part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.* Grant requirements include, but are not limited to, approved projects on an airport layout plan; compliance with federal civil rights laws; Buy American requirements under 49 U.S.C. 50101; Build America, Buy America requirements in sections 70912(6) and 70914 in Public Law No: 117–58; the *Department of Transportation's Disadvantaged Business Enterprise (DBE) Program* regulations for airports (49 CFR part 23 and 49 CFR part 26); the Infrastructure Investment and Jobs Act; and prevailing wage rate requirements under the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5, and reenacted at 40 U.S.C. 3141–3144, 3146, and 3147).

Domestic Preference Requirements: As expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. This program includes infrastructure expenditures subject to the Build America, Buy America Act (Pub. L. No 117–58, div. G §§ 70901–70927). The FAA expects all applicants to comply with that requirement without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

Civil Rights and Title VI: Recipients of Federal transportation funding will be required to comply fully with Title VI of the Civil Rights Act of 1964 and implementing regulations, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements. The DOT's and the FAA's Office of Civil Rights will be providing resources and technical assistance to ensure full and sustainable compliance with Federal civil rights requirements.

Critical Infrastructure Security and Resilience: It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project.

[1] IIJA div. B Section 25019 provides authority to use geographical and economic hiring preferences, including local hire, for construction jobs, subject to any applicable State and local laws, policies, and procedures.

[2] Project labor agreement should be consistent with the definition and standards outlined in Executive Order 14063.

Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with Presidential Policy Directive 21—Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems.

Performance and Program Evaluation: As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT, FAA, or another agency or partner. The evaluation may take different forms, such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. DOT may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor or DOT staff; (2) provide access to program records and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff. Requested program records or information will be consistent with record requirements outlined in 2 CFR 200.334–338 and the grant agreement.

iii. Standard Assurances

Each grant recipient must assure that it will comply with all applicable federal statutes, regulations, executive orders, directives, FAA circulars, and other federal administrative requirements in carrying out any project supported by the ATP grant. The grant recipient must acknowledge that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with the FAA. The grant recipient understands that federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The grant recipient must agree that the most recent Federal requirements will apply to the project unless the FAA issues a written determination otherwise.

The grant recipient must submit the Certifications at the time of grant application and Assurances must be accepted as part of the grant agreement at the time of accepting a grant offer. Grant recipients must also comply with the requirements of 2 CFR part 200, which ''are applicable to all costs related to Federal awards,'' and which are cited in the grant assurances of the grant agreements. The Airport Sponsor Assurances are available on the FAA website at: *https://www.faa.gov/airports/aip/grant_assurances.*

3. Reporting

Grant recipients are subject to financial reporting per 2 CFR 200.328 and performance reporting per 2 CFR 200.329. Under the ATP, the grant recipient is required to comply with all Federal financial reporting requirements and payment requirements, including the submittal of timely and accurate reports. Financial and performance reporting requirements are available in the FAA October 2020 Financial Reporting Policy, which is available at *https://www.faa.gov/airports/aip/grant_payments/media/aip-grant-payment-policy.pdf.*

The grant recipient must comply with annual audit reporting requirements. The grant recipient and sub-recipients, if applicable, must comply with 2 CFR part 200, subpart F, *Audit Reporting Requirements.* The grant recipient must comply with any requirements outlined in 2 CFR part 180, *Office of Management and Budget (OMB) Guidelines to Agencies on Government wide Debarment and Suspension.*

G. Federal Awarding Agency Contact(s)

For further information concerning this notice, please contact the FAA BIL Implementation Team via email at *9-ARP-BILAirports@faa.gov.* In addition, FAA will post answers to frequently asked questions and requests for clarifications on FAA's website at *www.faa.gov/bil/airport-terminals.* To ensure applicants receive accurate information about eligibility of the program, the applicant is encouraged to contact FAA directly, rather than through intermediaries or third parties, with questions.

All applicants, including those requesting full federal share of eligible projects costs, should have a plan to address potential cost overruns as part of an overall funding plan.

Issued in Washington, DC, on September 22, 2022.

Robin K. Hunt,

Manager, FAA Office of Airports BIL Implementation Team.

[FR Doc. 2022–20935 Filed 9–27–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0069]

Commercial Driver's License: United Parcel Service, Inc. (UPS); Application for Exemptions

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition; grant of exemption.

SUMMARY: FMCSA announces its decision to grant United Parcel Service, Inc.'s (UPS) application for an exemption from certain provisions of the Agency's commercial driver's license (CDL) regulations. The exemption allows UPS to conduct behind-the-wheel training for commercial learner's permit (CLP) holders in twin 28-foot trailers, rather than waiting to conduct the training after the individuals receive their Class A CDLs and pass the required knowledge test to obtain the double/triple trailer endorsement on their CDLs. FMCSA has analyzed the exemption application and the public comments and has determined that the exemptions, subject to the terms and conditions imposed, will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: This exemption is effective September 28, 2022 and expires September 28, 2027.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366–4225; Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov* and insert the docket number, ''FMCSA–2020–0069'' in the ''Keyword'' box and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE,

Washington, DC 20590, between 9 a.m. and 5 p.m. (ET), Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

I. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

When the Agency denies a request for an exemption, the applicant may be allowed to resubmit the application if the applicant can reasonably address the basis for denial. 49 U.S.C. 31315(b)(3).

II. Current Regulations

FMCSA's CDL regulations prohibit employers from allowing an individual to operate a CMV during any period in which the driver does not have a CLP or CDL with the proper class or endorsements (49 CFR 383.37(a)), and the regulations prohibit the State driver licensing agencies (SDLAs) from issuing a double/triple trailer endorsement to CLP holders (49 CFR 383.25(a)(5)(iv) and 383.93(a)(2)). The regulations do not specify a minimum amount of time an individual must hold a Class A CDL prior to seeking the double/triple endorsement and do not require training or passing a double/triple trailer skills test prior to receiving the double/triple trailer endorsement. Individuals seeking such an endorsement need only pass a knowledge test.

III. Applicant's Request

UPS requests exemptions from 49 CFR 383.37(a) and 49 CFR 383.93(b)(1) to permit its CDL instructors to conduct behind-the-wheel training of CLP holders using twin 28-foot trailers. UPS uses single and double trailers in its fleet and requires that all its Class A CDL drivers be qualified to operate twin 28-foot trailers. UPS wants to ensure that its driver-trainees know how to safely operate the vehicles they will be driving in normal operations and plans to train its Class A CLP holders to operate double trailers prior to the individuals receiving their CDLs and taking the double/triple trailer knowledge test.

Because of the regulations cited above, UPS states that it is unable to include on-the-road doubles training in its initial driver training because double/triple trailer endorsements are not allowed on CLPs. Instead, a driver must receive a CDL before the driver can obtain a double/triple trailer endorsement. After the driver obtains the endorsement, the employer may conduct training on public roads.

UPS explained that it has a ''hire from within'' culture. Typically, its long-haul driver candidates come from the ranks of UPS associates who are experienced drivers of CMVs that do not require a CDL. Once a candidate obtains a CLP, UPS provides 80 hours of combined classroom and behind-the-wheel skills instruction training. UPS noted that a driver must wait 14 days after receiving a CLP before he or she can take the skills test required to obtain a CDL (49 CFR 383.25(e)). Depending on the State, it may take longer to secure an appointment for the CDL skills test. Therefore, weeks could pass between the time the driver receives primary training and the time the driver can obtain on-the-road training in doubles.

UPS notes that the regulations allow any Class A CDL holder to take the double/triple trailer endorsement knowledge test and obtain the endorsement without completing specialized training or passing a skills test. By contrast, under the requested exemptions, the UPS driver-trainee with a CLP would be permitted to operate doubles only under direct supervision of an experienced instructor and be required to successfully complete the training prior to obtaining the Class A CDL and applying for the double/triple trailer endorsement.

After the close of the comment period to UPS's application for exemptions, UPS submitted additional materials to FMCSA detailing UPS's training program. UPS identified the additional materials as Confidential Business Information (CBI). Because the information is CBI, there is no way for the public to comment on it. For this reason, the additional materials were not placed in the docket for this notice.

IV. Method To Ensure an Equivalent or Greater Level of Safety

According to UPS, the requested exemption would achieve a level of safety equivalent to, or greater than, that which would be obtained by complying with current regulations and cites the following measures in support of this conclusion:

- Each driver with a CLP will receive a minimum of 80 hours of training;
- Drivers must successfully pass a UPS knowledge test similar to one that would be administered by the SDLA before beginning on-road skills training in doubles;
- Doubles skills training for drivers with CLPs will start in a closed yard;
- During all phases of behind-the-wheel training (BTW) (*i.e.,* road and range), driver-trainees will have direct supervision from a certified instructor who has completed an 8-week UPS Driver Trainer and Instructor Program and is recertified every 90 days; and
- UPS will maintain a ''satisfactory'' safety rating with FMCSA.

Upon completion of the formal training, UPS asserts that the driver-trainees continue to improve their skills by operating UPS vehicles under the close supervision of certified instructors until they are ready to obtain their CDL. UPS believes these controls should address any safety concerns FMCSA or the motoring public might have regarding the requested exemptions. A copy of UPS's application for exemptions is available for review in the docket for this notice.

V. Public Comments

On February 25, 2020, FMCSA published notice of UPS's application for exemptions and requested public comment (85 FR 10810). The Agency received 38 comments. Twenty respondents supported the exemptions. Ms. Carolyn Carter said, for example, that ''[a]llowing UPS to train with doubles during the initial training period gives the new drivers more experience and training prior to getting on the road by themselves. Providing UPS receives this exemption, it allows for safer new drivers to be prepared for the conditions of the roadways while hauling sets.'' An anonymous commenter stated that, ''All of the trainers at UPS go through extensive training in order to drive and operate doubles (Tractor and two 28' trailers)

and are very experienced when it comes to training new drivers how to operate such equipment. It would be very beneficial to the new drivers to be able to get behind the wheel experience with doubles while they are going through training with their CLP.''

Eighteen individuals opposed the exemption. Commenters who opposed the exemption stated that new drivers do not have sufficient experience to operate double trailers and that those drivers would not operate safely. Mr. Michael Millard wrote: ''Based on the verbiage of UPS' application that did not request an exception from [§ 380.203] that requires a driver to possess a CDL for six months or [§ 383.25] which prohibits CLP holders from obtaining a double/triple trailer endorsement and the safety issues associated with double/triple trailers. I strongly suggest UPS's application be denied.'' Another individual, MJ Thorne, said, ''Please do not give UPS this exemption! New drivers need experience before they start handling things like doubles. If UPS is experiencing a hardship because they are training drivers but can't have them pull doubles, then they should not be training people new to this industry.''

VI. FMCSA Response and Decision

The premise of some comments opposing the exemptions is that CLP holders lack experience driving a single trailer and should not be able to operate double/triple trailers until they receive their CDL. The CDL regulations, however, do not specify a minimum amount of time an individual must hold a Class A CDL prior to seeking the double/triple trailer endorsement and do not require training or passing a double/triple trailer skills test prior to receiving the double/triple trailer endorsement. Individuals with a valid Class A CDL seeking such an endorsement need only pass a knowledge test. The measures proposed by UPS would ensure that drivers receive on-road skills training prior to receiving the double/triple trailer endorsement.

In response to the comment stating that UPS did not seek an exemption from 49 CFR 380.23, FMCSA notes that section 380.23 applies only to operators of longer combination vehicles (LCVs), which have a gross vehicle weight greater than 80,000 pounds. The training requirements in 49 CFR part 380, subpart A, continue to apply to UPS drivers operating LCVs.

FMCSA has evaluated UPS's application and the public comments and decided to grant the exemptions. The Agency believes that UPS's training procedures will likely enable UPS and its drivers to achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)). The exemption is restricted to UPS's driver-trainee CLP holders operating vehicles with a gross vehicle weight of 80,000 pounds or less. The exemption will enable UPS drivers to obtain on-the-road training in doubles only under direct supervision of a certified driver instructor who has completed UPS's 8 week UPS Driver Trainer and Instructor Program and is recertified every 90 days before obtaining a CDL and the required endorsement for operating such CMVs.

Prior to making its decision, the Agency conducted a comprehensive review of UPS's safety performance, which included a review of the Motor Carrier Management Information System safety records, and inspection and accident reports submitted to FMCSA by State agencies. UPS possesses an active USDOT registration, maintains minimum required levels of financial responsibility, is not subject to an ''imminent hazard'' or other out-of-service (OOS) order, and has a ''satisfactory'' safety rating with FMCSA. FMCSA has therefore decided to grant the exemptions, subject to the terms and conditions outlined below.

VII. Terms and Conditions of the Exemption

The exemptions from 49 CFR 383.37(a) and 49 CFR 383.93(b)(1) will allow UPS driver-trainee CLP holders who have completed yard skills training and passed a company administered knowledge test in all of the areas required to obtain a double/triple trailer endorsement on a CDL under 49 CFR 383.115 to operate doubles under direct supervision of a certified training instructor who has a CDL with the double/triple trailer endorsement. Driver-trainees covered by these exemptions will not be required to possess a CDL or a double/triple trailer endorsement while performing on-the-road training in doubles. However, drivers will be required to present proof to law enforcement, upon request, that they have completed yard skills training and passed a company-administered knowledge test.

Terms and Conditions of the Exemption

- Each driver covered by the exemption must maintain a valid CLP and not be subject to an OOS order or loss of driving privileges;
- Each driver must meet all of FMCSA's physical qualifications requirements under 49 CFR part 391;
- Each driver with a CLP must receive a minimum of 80 hours of training administered by UPS. The training must include at least 15 hours of classroom instruction, 18 hours of one-on-one field instruction focused on coupling and uncoupling doubles equipment, and 45 hours of individual on-road instruction operating doubles equipment on a public roadway;
- Drivers must successfully achieve a score of at least 80% on a UPS-administered written knowledge test similar in content to that which would be administered by the State pursuant to 49 CFR 383.115, before beginning BTW skills training in doubles;
- Doubles skills training for CLP holders will start in empty vehicles in a closed yard before moving to a public roadway;
- During all BTW training, driver-trainees will be under the direct supervision of a Class A CDL holder with a double/triple endorsement who has been certified as an instructor by UPS through an 8 week training program and is recertified every 90 days and who meets the qualifications in the definition of ''BTW instructor'' in 49 CFR 380.605;
- UPS will maintain a ''satisfactory'' safety rating assigned by FMCSA under the procedures in 49 CFR part 385; and
- Each driver must have a copy of this notice in his or her possession while operating under the terms of the exemptions. This notice serves as the exemption document and must be presented to law enforcement officials upon request.

Preemption

During the period these exemptions are in effect; no State may enforce any law or regulation that conflicts with or is inconsistent with the exemptions with respect to a person or entity operating under the exemptions (49 U.S.C. 31315(d)).

FMCSA Accident Notification

UPS must notify FMCSA immediately of any accidents (as defined by 49 CFR 390.5) involving the operation of any of its CMVs while utilizing these exemptions. The notification must be by email to *MCPSD@DOT.GOV,* and include the following information:

a. Exemption Identifier: ''UPS'';

b. Date of the accident;

c. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident;

d. Driver's name and driver's license number;

e. Co-driver's name and driver's license State, number, and class;

f. Vehicle company number and power unit license plate State and 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, or motor carrier safety regulations; and

k. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

Termination

The FMCSA does not believe the CLP holders covered by the exemptions will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of these exemptions. The FMCSA will immediately revoke these exemptions for failure to comply with the terms and conditions set forth above.

Robin Hutcheson,

Deputy Administrator.

[FR Doc. 2022–20968 Filed 9–27–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. DOT–NHTSA–2922–0049]

Agency Information Collection Activities; Notice and Request for Comment; Crash Report Sampling System (CRSS), Non-Traffic Surveillance (NTS) and Special Studies Data Collection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for extension with modification of a currently approved information collection.

SUMMARY: NHTSA invites public comments about our intention to request the Office of Management and Budget (OMB) for an extension with modification of a currently approved information collection. Before a federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes collections of information for which NHTSA intends to seek OMB approval that collect for NHTSA's Crash Report Sampling System (CRSS), Non-Traffic Surveillance (NTS), and special studies.

DATES: Written comments should be submitted by November 28, 2022.

ADDRESSES: You may submit comments [identified by Docket No. DOT–NHTSA–20XX–XXXX] through one of the following methods:

- *Electronic Submissions:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:*1–202–493–2251
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to 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.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Jonae S. Anderson, Office of Data Acquisition (NSA–120), Room W53–470. (202) 366–1028, 1200 New Jersey Avenue SE, Washington, DC 20590, Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5CFR 1320.8(d), an agency must ask for public comment on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information for which the agency is seeking approval from OMB.

Title: Crash Report Sampling System (CRSS), Non-Traffic Surveillance System (NTS), and Special Studies.

OMB Control Number: 2127–0714.

Form Number(s): N/A.

Type of Request: Revision of a currently approved collection of information.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information: NHTSA is authorized by 49 U.S.C. 30182 and 23 U.S.C. 403 to collect data on motor vehicle traffic crashes to aid in the identification of issues and the development, implementation, and evaluation of motor vehicle and highway safety countermeasures to reduce fatalities and the property damage associated with motor vehicle crashes. Using this authority, NHTSA established the Crash Report Sampling System (CRSS), CRSS related Special Studies and the Non-Traffic Surveillance (NTS). Through these efforts, NHTSA collects data on motor vehicle crashes, including crashes involving injuries and fatalities, property damage only crashes, as well

as non-traffic crashes that involve injuries and fatalities. NHTSA uses information from these data collections to support NHTSA's mission to save lives, prevent injuries, and reduce economic losses resulting from motor vehicle crashes.

Since late 1970s, NHTSA's National Center for Statistics and Analysis (NCSA) has utilized a multidisciplinary approach to meet the data needs of our end users that leverages an efficient combination of census, sample-based, and existing State files to provide information on traffic crashes on a timely basis. Beginning in 2016, the CRSS has been used to identify highway safety problem areas and provide general data trends. The Non-Traffic Surveillance System (NTS) provides data regarding fatalities and injuries that occur in non-traffic crashes and non-crash incidents.

CRSS obtains data from a nationally representative probability sample selected from police reported motor vehicle traffic crashes. Specifically, CRSS collects data on crashes involving at least one motor vehicle in transport on a trafficway that resulted in property damage, injury or a fatality will be included in the CRSS sample. The crash reports sampled will be chosen from selected areas that reflect the geography, population, miles driven, and the number of crashes in the United States. No additional data beyond the selected crash reports will be collected. Once the crash reports are received, they will be coded and the data will be entered into the CRSS Records Based Information Solution (RBIS), the repository for CRSS cases and reporting tools.

CRSS will acquire nationally representative information on fatalities, injuries and property damage directly from existing State police crash reports. The user population includes Federal and State agencies, automobile manufacturers, insurance companies, and the private sector. Annual changes in the sample parameters are minor in terms of operation and method of data collection, and do not affect the reporting burden on respondents.

The Non-Traffic Surveillance (NTS) is a data collection effort for collecting information about counts and details regarding fatalities and injuries that occur in non-traffic crashes and non-crash incidents. Non-traffic crashes are crashes that occur off a public trafficway (*e.g.,* private roads, parking lots, or driveways), and non-crash incidents are incidents involving motor vehicles but do not involve a crash scenario, such as carbon monoxide poisoning and hypo/hyperthermia. NTS non-traffic crash data are obtained through NHTSA's data collection efforts for the Crash Report Sampling System (CRSS), the Crash Investigation Sampling System (CISS),[1] and the Fatality Analysis Reporting System (FARS)[2]. NTS also includes data outside of NHTSA's own data collections. NTS' non-crash injury data is based upon emergency department records from a special study conducted by the Consumer Product Safety Commission's National Electronic Injury Surveillance System (NEISS) All Injury Program. NTS non-crash fatality data is derived from death certificate information from the Centers for Disease Control's National Vital Statistics System.

For the NTS data collection this notice only discusses for the non-traffic crash portion that is collected using methods for the CRSS data collection. The non-traffic crash data that feed into NTS from the FARS and CISS data collection efforts are covered under information collection clearances for those data collection efforts. This is done because the data is collected differently under each of NHTSA's three data collection efforts. During the CRSS and CISS sampling process, NTS applicable crashes will be chosen from the same sample sites. The FARS data collection effort uncovers NTS applicable reports received from the State during their normal data collection activities for FARS. Therefore, the burden for NTS is included in each study's calculation. No additional data will be collected beyond the NTS applicable reports. Once the crash reports are received, each case will be coded and entered into the NTS RBIS application. NHTSA uses NTS data to estimate fatalities and injuries in non-traffic crashes, which are crashes which occur off the trafficways such as nonpublic roads, driveways, and parking lots.

In addition to CRSS data collection, NHTSA may require special studies to further analyze motor vehicle crashes in the CRSS jurisdictions. One type of special study is the collection of data from the non-sampled crashes from CRSS Police Jurisdictions (PJs) by the crash report Strata, NTS applicable, or out of scope, to help assess the accuracy of the PJ frame. Non-sample PJs are defined as PJs that investigate motor vehicle crashes within the CRSS PSU boundaries but are not sampled through the CRSS study.

Another special study NHTSA may require is the CRSS PJ frame evaluation. The PJ frame is constantly changing: new PJs start operating, existing PJs are closed, multiple PJs are merged into one PJ, or one PJ splits into multiple PJs. The current CRSS PJ sample was selected from the 2016 PJ frame and the PJ weights were calculated accordingly. If the PJ frame has changed dramatically from the 2016 PJ frame, the CRSS PJ weights are no longer correct and the CRSS estimates may be biased. To prevent this, NHTSA needs to evaluate the current PJ frame to identify all PJs that currently generate PCRs for the sampled non-Electronic Data Transfer (EDT) PSUs and collect 6 crash counts (total crashes, fatal crashes, injury crashes, pedestrian crashes, motorcycle crashes, and commercial motor vehicle crashes). The EDT is the nightly transfer of crash data. EDT PSUs have been collapsed into one PJ and sample crash reports throughout the county. Thus, the concern of completeness of the PJ frame in EDT PSUs, isn't an issue. Additionally, this study is different from the non-sample count special study, because the six crash counts are unrelated to CRSS or NTS applicability. These crash counts will be used as PJ measurement of size for PJ sample selection or PJ weight adjustment if needed.

NHTSA is seeking approval to modify the existing information collection to (a) reduce the burden hour estimates for CRSS information collection to account for previous inflated estimates and current efficiencies and (b) add the non-sampled Special Study into this package. The combined impact is an increase of 7,000 burden hours to NHTSA's overall total.

Description of the Need for the Information and Proposed Use of the Information

NHTSA's mission is to save lives, prevent injuries, and reduce economic losses resulting from motor vehicle crashes. In order to accomplish this mission, NHTSA needs high-quality data on motor vehicle crashes. The CRSS supports this mission by providing the agency with vital information about a nationally representative sample involving motor vehicle traffic crashes that occur on our nation's roadways.

CRSS data is used extensively by all the NHTSA program and research offices, other DOT modes, States, and local jurisdictions. The highway research community uses the CRSS data for trend analysis, problem identification, and program evaluation. Congress uses the CRSS data for making

[1] NHTSA's information collection for CISS is covered by the ICR with OMB Control No. 2127–0706.

[2] NHTSA's information collection for FARS is covered by the ICR with OMB Control No. 2127–0006.

decisions concerning safety programs. The CRSS data is made publicly available to anyone interested in highway safety.

The NTS is a Congressionally mandated data collection effort, which provides counts and details regarding injuries and fatalities that occur in non-traffic crashes and in non-crash incidents. NTS annual data is used to produce estimates for injuries and fatalities in non-traffic crashes. The NTS data is also made publicly available for highway safety research purposes.

The special studies such as the non-sample count and PJ frame evaluation are critical to assessing the quality of the PJ frame of the CRSS PSUs to determine PJ weights and measure of size for the CRSS PJ sample selection. Without the special studies, NHTSA may fail to accurately assess the national crash picture by missing pertinent crash data.

Affected Public: Various Police Jurisdiction and State Agencies.

Local police jurisdictions (PJs) and State agencies that collect and maintain central databases of motor vehicle crashes partner with NHTSA to provide access to crash reports for the CRSS sample sites on a routine basis. CRSS collects data from sampled police jurisdictions in order to collect a nationally representative sample. However, because CRSS only collects information from police crash reports for many jurisdictions, NHTSA is able to collect the data directly from the States. This is because States have been moving toward more electronic and centralized data collection systems.

Estimated Number of Respondents: NHTSA estimates that approximately 28 States and 44 police jurisdictions will provide crash data to support CRSS in each of the next three years. Because the portion of NTS data that comes from the CRSS data collection relies on the CRSS data collection methodologies, NHTSA estimates that the same 72 respondents will also provide data to NHTSA through the CRSS data collection effort. The estimated number of respondents for the non-sample count special study is approximately 136 PJs. The estimated number of respondents for the PJ frame evaluation is approximately 1,248 PJs.

Frequency: Varies. The frequency of providing crash reports is established by the local PJs and state agencies. Typically, weekly, or bi-weekly access to crash reports is provided.

Estimated Number of Responses Annually: NHTSA estimates 677,005 crash reports, which includes both the CRSS and NTS crashes from the sample PJs. However, of the 677,005 crashes, it is estimated that 3,000 of those will be NTS applicable crashes and thus remainder could be CRSS applicable crashes is 674,005. Additionally, it is estimated that the non-sample special studies will generate 247,110 crashes from the non-sample PJs. The number of crashes for the PJ frame evaluation will be estimated at the total of crash reports generated from combining the sample and non-sample PJs to derive the six crash counts. Thus, the number of generated crash reports estimated is 677,005 + 247,110 = 1,410,551 crashes.

Study	Estimated number of crashes
CRSS	674,005
NTS	3,000
Non-Sample Special Study	247,100
PJ Frame Evaluation Special Study	1,410,551
Grand Total	1,410,551

Estimated Total Annual Burden Hours: 42,680 Hours.

Within the 30 States or 60 CRSS Primary Sampling Units (PSUs) there are Police Jurisdictions (PJs), from which a CRSS sampler must obtain crash reports for listing, categorization, and sampling. Currently, 50 PSUs provide NHTSA data electronically—through EDT, State website access, or web service portal. For one State, the crash reports are obtained through EDT and manually since not all crashes are reported through EDT. Therefore, NHTSA counted that state more than once due to the crash report acquisition method. However, there is a total of 10 PSUs, or 21 local PJs, where crash reports collection is conducted in the field using a combination of electronic and manual methods as dictated by the sample PJ's crash report collection methods. These PJs required field samplers which incur an increased burden due to the labor-intensive administrative practices and privacy protections associated with manually accessing the crash reports. The total respondents doesn't equal to 30 States or 60 PSUs, due to the variation in accessing crash reports throughout the sample.

The annual burden estimate detailed in Table 1 is produced by identifying the crash report access method for each PSU and PJ and assigning the appropriate burden hours for that method as outlined below.

- EDT Maintenance—For PSUs providing crash report through EDT, the burden is estimated at 5 hours annually. This accounts for yearly updates to programming needed to successfully transmit data, such as updating data structures if new data elements are added or any changes to the state made to their crash report and/or databases.
- State Website—User Access Only: For PSUs providing crash reports via a state repository/website or database, the burden is estimated at 10 hours annually. This represents time to process user account requests, establish credentials, and routine maintenance of the State's data repositories.
- State Website—User Access and Additional Administrative Functions: For PSUs providing crash reports directly to NHTSA via web service or where the State employees provide user access accounts in addition to regularly searches for crash reports, compiles the lists of crashes to send to NHTSA monthly, the burden is estimated at 60 hours annually. This represents implementation, data transfer monitoring, and communications with NHTSA and its contractors.
- For PSUs providing crash reports to NHTSA via manual crash report access methods (*i.e.,* weekly physical visits to a PJ, copying crash reports and mailing them, and searching for recently completed crash reports and uploading crash reports to secure email links), the burden is estimated at 470 hours annually. This represents—but is not limited to—maintaining a law enforcement presence while the crash reports are being reviewed, and/or providing resources to the CRSS sampler in order to access the crash reports. This is the most labor extensive access type due to the administrative burden and the additional processes required to protect PII. Other local police jurisdictions may photocopy crash reports and FedEx to the contractors or download electronic crash reports to submit electronically via secure email or thumb drive monthly.

Access method	Hours per jurisdiction	Number of respondents—police jurisdiction (PJ) or states	Total hours
EDT (Maintenance)	5	14	70
State Website (user access only)	10	11	110
State Website (user access and additional administrative functions)	60	2	120
Web Service (user access and States query and compile info)	60	1	60
Mixed Manual	470	44	20,680
Grand Total		72	21,040

On an ad-hoc basis, NHTSA requests a non-sample count special study to assess the Police Jurisdiction (PJ) frame. The non-sample count and the PJ Frame evaluation studies are critical to assessing the quality of the PJ frame of the CRSS PSUs to determine PJ weights and measure of size for the CRSS PJ sample selection. Without the special studies, NHTSA may fail to accurately assess the national crash picture by missing pertinent crash data.

Number of Respondents: 136 (Non-Sample Count Special Study).

Estimated Total Annual Burden Hours: 21,307 (Non-Sample Count Special Study).

The burden calculation for the non-sample count special study is difficult to determine. Each burden calculation is associated with the agreed upon crash report access method for sample sites. For non-sample PJs we have no established relationship nor is it known which type of access to crash report is feasible. Most importantly, non-sample count special studies are conducted on an ad-hoc basis and not implemented every year. Table 2 illustrates non-sample counts by access method in the state for sample sites.

EDT has been removed from the table because CRSS samples from the entire county, there is no distinction between the non-sample and sample PJs. This is an added benefit to EDT implementation as we get an accurate assessment of the PSU frame by CRSS strata. State websites with user access have non-sample PJs however, there is no added burden because the initial access granted is at the state level. State website with user access and additional administrative functions provide NHTSA data at the county level, which includes both sample and non-sample PJs, thus there is no additional burden to the state. Webservice agreements also provide data at the county level, thus there is no additional burden to the state. States noted as having manual methods only account for the sample PJs. Without established cooperation, NHTSA can't forecast individual PJs access methods for the purposes of the burden calculation. Thus, the maximum burden for the non-sample count special study's estimated burden is 21,307 with the possibility of reduction with cooperative agreements finalized.

Access method	Hours per jurisdiction	Number of respondents—police jurisdiction (PJ) or states	Total hours
State Website (user access only)	10	0	0
State Website (user access and additional administrative functions)	60	0	0
Web Service (user access and States query and compile info)	60	0	0
Manual	470	136	*21,307 (470 136/3)
Grand Total		136	21,307

Number of Respondents: 1,248 (PJ Frame Evaluation Special Study).

Estimated Total Annual Burden Hours: 333 (PJ Frame Evaluation Special Study).

The activities associated with PJ frame evaluation special study include identifying the in-scope PJs and contacting the in-scope PJs for the 6 crash counts. NHTSA estimates there are total 40 non-EDT PSUs and about 1,248 PJs in those non-EDT PSUs. NHTSA estimates it would about 1 minute per PJ to confirm if any changes to the PJ since the 2016. NHTSA anticipates approximately 15 minutes (0.25 hours) for each PJ to prepare the 6 crash counts. NHTSA estimates the total number of hours of response burden is about 333 hours.

PJ frame evaluation	Hours per jurisdiction	Number of respondents jurisdiction (PJ)	Total hours
Manual	16 Minutes	1,248	*333 (16/60 1,248)
Grand Total		1,248	333

This hourly burden was calculated using the Bureau of Labor Statistics' mean hourly wage estimate for Court, Municipal, and License Clerks (Standard Occupational Classification

#43–4031) [3] from May 2021 of $21.57. Therefore, NHTSA estimates the hourly wage associated with the estimated 21,040 burden hours to be $453,832.80 (21,040 hours × $21.57 per hour). This is a reduction of the previously reported burden of 35,680 labor hours and estimated costs of $705,036.80. The efficiencies with the increased implementation of the EDT and better understanding of local and state crash repositories contribute to the reduction in burden labor hours and subsequent costs. The Bureau of Labor Statistics estimates that for State and local government workers, wages represent 54.96% of total compensation.[4] Therefore, the total cost of burden associated with this collection is estimated to be $825,751.09 ($453,832.80/.5496).

The total burden hours are presented in the table below but described for each study.

Study	Total burden hours
CRSS	21,040
NTS	0
Non-Sample Special Study	21,307
PJ Frame Evaluation Special Study	333
Grand Total	42,680

Estimated Total Annual Burden Cost: $0.

NHTSA estimates that there are no costs associated with this information collection other than labor costs associated with burden hours. This is a drastic decrease from the $1.7 M from when NHTSA last sought approval for this information collection. The decrease in costs is a result of removing labor costs associated with labor hours that were included in response to question 12, but unfortunately were incorrect.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection. You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Chou Lin Chen,

Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. 2022–21037 Filed 9–27–22; 8:45 am]

BILLING CODE 4910–59–P

[3] *See* May 2021 National Industry-Specific Occupational Employment and Wage Estimates, 43–4031—Court, Municipal, and License Clerks, available at *https://www.bls.gov/oes/current/oes434031.htm* (accessed May 18, 2022).

[4] *See* Table 1. Employer Costs for Employee Compensation by ownership (Dec. 2021), available at *https://www.bls.gov/news.release/ecec.t01.htm* (accessed May 18, 2022).

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing an update to the identifying information of one vessel currently included on the Specially Designated Nationals and Blocked Persons List. The vessel remains the blocked property of a person who has an interest under the relevant sanctions authority listed below.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: *OFAC:* Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel. 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action

On September 15, 2022, OFAC updated the Specially Designated Nationals and Blocked Persons List entry for the following vessel, in which a blocked person has an interest and continues to be blocked pursuant to the prohibitions in Executive Order 13726.

Vessel

1. BONU 5 Malta flag; Vessel Registration Identification 15411 (Malta) (vessel) [LIBYA3] (Linked To: ANDREA MARTINA LIMITED).

Dated: September 15, 2022.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2022–20348 Filed 9–27–22; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing updates to the identifying information of one person currently included on the SDN List. OFAC is further publishing the name of one person that has been removed from the SDN List.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions

Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

A. On September 15, 2022, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

BILLING CODE 4810–AL–P

Individuals

1. IBRAGIMOV, Turpal-Ali Vakhayevich (Cyrillic: ИБРАГИМОВ, Турпал-Али Вахаевич) (a.k.a. IBRAGIMOV, Turpal-Ali Vakhaevich), Chechen Republic, Russia; DOB 24 Jul 1979; POB Germenchuk, Chechen Republic, Russia; nationality Russia; citizen Russia; Gender Male; Tax ID No. 774317638795 (Russia) (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(iii)(A) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249 (Apr. 15, 2021) (E.O. 14024) for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

2. MILCHAKOV, Alexey Yurevich (a.k.a. MILCHAKOV, Aleksey Yuryevich; a.k.a. MILCHAKOV, Alexei; a.k.a. "Fritz"; a.k.a. "Gimler"; a.k.a. "Serb"; a.k.a. "Serbian"), Russia; Ukraine; DOB 30 Apr 1991; POB St. Petersburg, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: TASK FORCE RUSICH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Task Force Rusich, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

3. PETROVSKIY, Yan Igorevich (a.k.a. PETROVSKY, Jan; a.k.a. PETROVSKY, Yan; a.k.a. "Veliki Slavian"; a.k.a. "Velikyi Slavyan"), Russia; Ukraine; Norway; DOB 02 Jan 1987; POB Irkutsk, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: TASK FORCE RUSICH).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Task Force Rusich, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

4. LVOVA-BELOVA, Maria Alexeyevna (Cyrillic: ЛЬВОВА-БЕЛОВА, Мария Алексеевна), Russia; DOB 25 Oct 1984; POB Penza, Russia; nationality Russia; Gender Female; Tax ID No. 583712612853 (Russia) (individual) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(iii)(A) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

5. AKHMADOVA, Aminat (Cyrillic: АХМАДОВА, Аминат), Republic of Chechnya, Russia; DOB 1985; POB Grozny, Republic of Chechnya, Russia; nationality Russia;

Gender Female (individual) [RUSSIA-EO14024] (Linked To: KADYROV, Ramzan Akhmatovich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being the spouse or adult child of Ramzan Akhmatovich Kadyrov, a person whose property and interests in property are blocked pursuant to subsection 1(a)(ii) or (iii) of E.O. 14024.

6. KADYROV, Ramzan Akhmatovich (Cyrillic: КАДЫРОВ, Рамзан Ахматович) (a.k.a. KADYROV, Ramzan Akhmadovitch), Republic of Chechnya, Russia; Palm Jumeirah, Dubai, United Arab Emirates; DOB 05 Oct 1976; POB Tsenteroi, Republic of Chechnya, Russia; nationality Russia; Gender Male (individual) [MAGNIT] [GLOMAG] [RUSSIA-EO14024].

Designated pursuant to section 1(a)(iii)(A) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

7. KADYROVA, Tabarik Ramzanovna (Cyrillic: КАДЫРОВА, Табарик Рамзановна), Republic of Chechnya, Russia; DOB 13 Jul 2004; nationality Russia; citizen Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: KADYROV, Ramzan Akhmatovich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being the spouse or adult child of Ramzan Akhmatovich Kadyrov, a person whose property and interests in property are blocked pursuant to subsection 1(a)(ii) or (iii) of E.O. 14024.

8. KADYROVA, Medni Musaevna (Cyrillic: КАДЫРОВА, Медни Мусаевна) (a.k.a. AYADMIROVA, Medni Musaevna (Cyrillic: АЙДАМИРОВА, Медни Мусаевна); a.k.a. KADYROVA, Medny (Cyrillic: КАДЫРОВА, Медни)), Republic of Chechnya, Russia; Moscow, Russia; DOB 07 Sep 1978; nationality Russia; citizen Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: KADYROV, Ramzan Akhmatovich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being the spouse or adult child of Ramzan Akhmatovich Kadyrov, a person whose property and interests in property are blocked pursuant to subsection 1(a)(ii) or (iii) of E.O. 14024.

9. KADYROVA, Ayshat Ramzanovna (Cyrillic: КАДЫРОВА, Айшат Рамзановна) (a.k.a. KADYROVA, Aishat Ramzanovna), Republic of Chechnya, Russia; DOB 31 Dec 1998; POB Tsentoroy, Kurchaloyesvsky, Republic of Chechnya, Russia; nationality Russia; citizen Russia; Gender Female; Tax ID No. 772975749950 (Russia) (individual) [RUSSIA-EO14024] (Linked To: KADYROV, Ramzan Akhmatovich).

Designated pursuant to section 1(a)(v) of E.O. 14024 for being the spouse or adult child of Ramzan Akhmatovich Kadyrov, a person whose property and interests in property are blocked pursuant to subsection 1(a)(ii) or (iii) of E.O. 14024.

10. KADYROVA, Karina Ramzanovna (Cyrillic: КАДЫРОВА, Карина Рамзановна) (a.k.a. KADYROVA, Khadizhat (Cyrillic: КАДЫРОВА, Хадижат)), Republic of Chechnya, Russia; DOB 17 Jan 2000; nationality Russia; citizen Russia; Gender Female; Tax ID No. 200606430092 (Russia) (individual) [RUSSIA-EO14024] (Linked To: KADYROV, Ramzan Akhmatovich).

    Designated pursuant to section 1(a)(v) of E.O. 14024 for being the spouse or adult child of Ramzan Akhmatovich Kadyrov, a person whose property and interests in property are blocked pursuant to subsection 1(a)(ii) or (iii) of E.O. 14024.

11. KHAZUEVA, Fatima Shaykhievna (Cyrillic: ХАЗУЕВА, Фатима Шайхиевна), Republic of Chechnya, Russia; Moscow, Russia; DOB 26 Jun 1991; POB Makhkety, Vedensky District, Republic of Chechnya, Russia; nationality Russia; citizen Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: KADYROV, Ramzan Akhmatovich).

    Designated pursuant to section 1(a)(v) of E.O. 14024 for being the spouse or adult child of Ramzan Akhmatovich Kadyrov, a person whose property and interests in property are blocked pursuant to subsection 1(a)(ii) or (iii) of E.O. 14024.

12. MELNIKOV, Andrei Gennadyevich (Cyrillic: МЕЛЬНИКОВ, Андрей Геннадьевич) (a.k.a. MELNIKOV, Andrey Gennadyevich), Russia; DOB 03 Sep 1969; POB Moscow, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13660] [RUSSIA-EO14024].

    Designated pursuant to sections 1(a)(i) and 1(a)(iii)(A) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy and for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

13. ASTANIN, Eddie Vladimirovich (Cyrillic: АСТАНИН, Эдди Владимирович) (a.k.a. ASTANIN, Eddi Vladimirovich), Russia; DOB 16 Dec 1961; POB Moscow, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

14. ZHIDKOV, Viktor Olegovich (Cyrillic: ЖИДКОВ, Виктор Олегович), Russia; DOB 08 Feb 1972; POB Vologda, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

15. KOMLEV, Vladimir Valerievich (Cyrillic: КОМЛЕВ, Владимир Валерьевич) (a.k.a. KOMLEV, Vladimir Valeryevich), Russia; DOB 11 Apr 1966; POB Moscow, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

    Designated pursuant to sections 1(a)(i) and 1(a)(iii)(A) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy and for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

16. ERMAKOVA, Mariya Gennadevna (Cyrillic: ЕРМАКОВА, Мария Геннадьевна) (a.k.a. YERMAKOVA, Maria (Cyrillic: ЕРМАКОВА, Мария)), Crimea, Ukraine; DOB 1984; nationality Russia; Gender Female; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13685].

    Designated pursuant to section 2(a)(i) of Executive Order 13685 of December 19, 2014, "Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to the Crimea Region of Ukraine" 79 FR 77357 (Dec. 19, 2014) (E.O. 13685) for operating in the Crimea region of Ukraine.

17. KRYLLO, Pavel Velerevich (Cyrillic: КРЫЛЛО, Павел Валерьевич) (a.k.a. KRILLO, Pavlo Valeriyovich (Cyrillic: КРИЛЛО, Павло Валерійович); a.k.a. KRYLLO, Pavel), Sevastopol, Ukraine; DOB 01 Dec 1981; POB Omsk, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13685].

    Designated pursuant to section 2(a)(i) of E.O. 13685 for operating in the Crimea region of Ukraine.

18. BULGAKOV, Sergei Viktorovich (Cyrillic: БУЛГАКОВ, Сергей Викторович) (a.k.a. BULGAKOV, Sergej Viktorovich; a.k.a. BULHAKOV, Serhiy Viktorovich (Cyrillic: БУЛГАКОВ, Сергій Вікторович)), 13/64, Apt 72, 60 Years of October Street, Simferopol, Crimea, Ukraine (Cyrillic: ул. 60 лет октября 13, 64, кв. 72, Симферополь, Крым, Ukraine); DOB 01 Mar 1976; POB Simferopol, Crimea, Ukraine; nationality Ukraine; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13685].

    Designated pursuant to section 2(a)(i) of E.O. 13685 for operating in the Crimea region of Ukraine.

19. BELOUSOV, Mikhail Nikolaevich (Cyrillic: БЕЛОУСОВ, Михаил Николаевич) (a.k.a. BELOUSOV, Mikhail Nikolayevich; a.k.a. BILOUSOV, Mikhailo Mikolaiovich (Cyrillic: БІЛОУСОВ, Михайло Миколайович)), ul. Balaklavskaya 117, kv. 48, Simferopol, Crimea, Ukraine (Cyrillic: ул. Балаклавская 117, кв. 48, Симферополь, Крым, Ukraine); DOB 26 Nov 1964; POB Russia; nationality Russia; alt. nationality Ukraine; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13685].

Designated pursuant to section 2(a)(i) of E.O. 13685 for operating in the Crimea region of Ukraine.

20. DOLGOPOLOV, Andrey Nikolayevich (Cyrillic: ДОЛГОПОЛОВ, Андрей Николаевич) (a.k.a. DOLGOPOLOV, Andrei Nikolaevich; a.k.a. DOLGOPOLOV, Andrej Nikolaevich; a.k.a. DOLHOPOLOV, Andriy Mikolaiovich (Cyrillic: ДОЛГОПОЛОВ, Андрій Миколайович); a.k.a. DOVHOPOLOV, Andrei), prosp. Pobedy 82, kv. 343, Simferopol, Crimea, Ukraine (Cyrillic: просп. Победы 82, кв. 343, Симферополь, Крым, Ukraine); DOB 15 Feb 1959; POB Kyrgyzstan; nationality Russia; alt. nationality Ukraine; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13685].

Designated pursuant to section 2(a)(i) of E.O. 13685 for operating in the Crimea region of Ukraine.

21. MOZHELYANSKIY, Viktor Anatolyevich (Cyrillic: МОЖЕЛЯНСКИЙ, Виктор Анатольевич) (a.k.a. MEZHEILIANSKY, Viktor; a.k.a. MOZHELYANSKIJ, Viktor Anatolevich; a.k.a. MOZHELYANSKIY, Viktor Anatoliiovich (Cyrillic: МОЖЕЛЯНСЬКИЙ, Віктор Анатолійович); a.k.a. MOZHELYANSKY, Viktor Anatolyevich; a.k.a. MOZHELYANSKYY, Viktor), ul. Marshala Zhukova 35, kv. 53, ul. Angarskaya, 8, Simferopol, Crimea, Ukraine (Cyrillic: ул. Маршала Жукова 35, кв. 53, ул. Ангарская, 8, Симферополь, Крым, Ukraine); DOB 10 May 1964; POB Kharkiv, Ukraine; nationality Russia; alt. nationality Ukraine; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13685].

Designated pursuant to section 2(a)(i) of E.O. 13685 for operating in the Crimea region of Ukraine.

22. GRAMASHOV, Dmitry Sergeevich (Cyrillic: ГРАМАШОВ, Дмитрий Сергеевич) (a.k.a. GRAMASHOV, Dmitrij Sergeevich (Cyrillic: ГРАМАШОВ, Дмитро Сергійович)), 60 Let SSSR St, 12A, kv 86, Alushta, Crimea, Ukraine (Cyrillic: ул. 60 лет СССР, 12А, кв. 86, г. Алушта, Крым, Ukraine); DOB 23 May 1988; POB Alushta, Ukraine; nationality Ukraine; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13660] [UKRAINE-EO13685].

Designated pursuant to section 2(a)(i) of E.O. 13685 for operating in the Crimea region of Ukraine.

Designated pursuant to section 1(a)(ii) of Executive Order 13660 of March 6, 2014, "Blocking Property of Certain Persons Contributing to the Situation in Ukraine," 79 FR 13491 (Mar. 6, 2014) for asserting governmental authority over any part or region of Ukraine without the authorization of the Government of Ukraine.

Entities

1. TASK FORCE RUSICH (a.k.a. MILITARY-PATRIOTIC CLUB RUSICH; a.k.a. RUSICH SABOTAGE AND ASSAULT RECONNAISSANCE GROUP; a.k.a. RUSICH TASK FORCE; a.k.a. SABOTAGE AND ASSAULT RECONNAISSANCE GROUP RUSICH; a.k.a. "DSHRG RUSICH" (Cyrillic: "ДШРГ РУСИЧ")), St. Petersburg, Russia; Ukraine; Digital Currency Address - XBT bc1ql7dlyh8xz6tpqk92vztrhqhqh88dmjvcwrmsemrm; Digital Currency Address - ETH 0xc2a3829F459B3Edd87791c74cD45402BA0a20Be3; Digital Currency Address - USDT TX5GV4DyfxNB3rPkzZJhmqZ1efVmL4rEqG [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(ii)(F) of E.O. 14024 for being responsible or complicit in, or having directly or indirectly engaged or attempted to engage in, activities that undermine the peace, security, political stability, or territorial integrity of the United States, its allies, or its partners, for or on behalf of, or for the benefit of, directly or indirectly, the Government of the Russian Federation.

2. LIMITED LIABILITY COMPANY FIRDAWS (a.k.a. FIRDAUS LIMITED; a.k.a. FIRDAWS LLC (Cyrillic: ООО ФИРДАУС); a.k.a. FIRDAWS LTD), UL. Kabardinskaya D. 22/24, Floor 2, Grozny, Republic of Chechnya 364024, Russia; Makhachkala, Republic of Dagestan, Russia; Organization Established Date 15 Apr 2011; Tax ID No. 2013002217 (Russia); Registration Number 1112031000872 (Russia) [RUSSIA-EO14024] (Linked To: KADYROVA, Ayshat Ramzanovna).

   Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Ayshat Ramzanovna Kadyrova, a person whose property and interested in property are blocked pursuant to E.O. 14024.

Updated Entry

1. KRIVORUCHKO, Aleksei Yurievich (Cyrillic: КРИВОРУЧКО, Алексей Юрьевич), Russia; DOB 17 Jul 1975; POB Stavropol, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13661].

-to-

KRIVORUCHKO, Aleksei Yurievich (Cyrillic: КРИВОРУЧКО, Алексей Юрьевич) (a.k.a. KRIVORUCHKO, Aleksey; a.k.a. KRIVORUCHKO, Alexei), Russia; DOB 17 Jul 1975; POB Stavropol, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

Removed Entry

1. KRIVORUCHKO, Aleksey (a.k.a. KRIVORUCHKO, Alexei), Russia; DOB 17 Jul 1975; POB Stavropol, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

Dated: September 15, 2022.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2022–21010 Filed 9–27–22; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request on Burden Related to U.S. Income Tax Return Forms for Individual Taxpayers

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the burden associated with the U.S. Income Tax Return Forms for Individual Taxpayers.

DATES: Written comments should be received on or before November 28, 2022 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this notice to *pra.comments@irs.gov.* Please include, ''OMB Number: 1545–0074—Public Comment Request Notice'' in the Subject line. Requests for additional information or copies of this collection can be directed to R. Joseph Durbala, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return for Individual Taxpayers.

OMB Control Number: 1545–0074.

Form Number: Form 1040 and affiliated return forms.

Abstract: IRC sections 6011 & 6012 of the Internal Revenue Code require individuals to prepare and file income tax returns annually. These forms and related schedules are used by individuals to report their income subject to tax and compute their correct tax liability. This information collection request (ICR) covers the actual reporting burden associated with preparing and submitting the prescribed return forms, by individuals required to file Form 1040 and any of its' affiliated forms as explained in the attached table.

Current Actions: There have been changes in regulatory guidance related to various forms approved under this approval package during the past year. There have been additions and removals of forms included in this approval package. It is anticipated that these changes will have an impact on the overall burden and cost estimates requested for this approval package, however these estimates were not finalized at the time of release of this notice. These estimated figures are expected to be available by the release of the 30-day comment period. This approval package is being submitted for renewal purposes only.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or Households, Farms.

Preliminary Estimated Number of Respondents: 172,556,400.

Preliminary Estimated Time per Respondent (Hours): 12.52.

Preliminary Estimated Total Annual Time (Hours): 2,160,119,237.

Preliminary Estimated Total Annual Monetized Time ($): $37,599,575,472.

Preliminary Estimated Total Out-of-Pocket Costs ($): $41,925,087,675.

Preliminary Estimated Total Monetized Burden ($): $79,524,663,147.

Note: Total Monetized Burden = Total Out-of-Pocket Costs + Total Annual Monetized Time.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any

internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: September 22, 2022.

Molly J. Stasko,

Senior Tax Analyst.

INDIVIDUAL TAX FORMS

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form	Form 1040	U.S. Individual Tax Return.	*https://www.irs.gov/pub/irs-pdf/f1040.pdf.*	Form and Instruction.	Form 8396	Mortgage Interest Credit.	*https://www.irs.gov/pub/irs-pdf/f8396.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040gi.pdf.*	Form and Instruction.	Form 8453	U.S. Individual Income Tax Declaration for an IRS e-file Return.	*https://www.irs.gov/pub/irs-pdf/f8453.pdf.*
Form	Form*1040 (SP).	U.S Individual Tax Return in Spanish.	*https://www.irs.gov/pub/irs-pdf/f1040sp.pdf.*	Form and Instruction.	Form 8453(SP).	U.S. Individual Income Tax Declaration for an IRS e-file Return (Spanish version).	*https://www.irs.gov/pub/irs-pdf/f8453sp.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sp.pdf.*	Form	Form 8582	Passive Activity Loss Limitation.	*https://www.irs.gov/pub/irs-pdf/f8582.pdf.*
Form	Form 1040 Schedule 1.	Form 1040 Schedule 1 Additional Income and Adjustments to Income.	*https://www.irs.gov/pub/irs-pdf/f1040s1.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8582.pdf.*
Form	Form 1040 Schedule 1 (SP).	Additional Income and Adjustments to Income in Spanish.	*https://www.irs.gov/pub/irs-pdf/f1040s1s.pdf.*	Form	Form 8582–CR.	Passive Activity Credit Limitations.	*https://www.irs.gov/pub/irs-pdf/f8582cr.pdf.*
Form	Form 1040 Schedule 2.	Form 1040 Schedule 2 Tax.	*https://www.irs.gov/pub/irs-pdf/f1040s2.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8582cr.pdf.*
Form	Form 1040 Schedule 2 (SP).	Additional Taxes in Spanish.	*https://www.irs.gov/pub/irs-pdf/f1040s2s.pdf.*	Form	Form 8586	Low-Income Housing Credit.	*https://www.irs.gov/pub/irs-pdf/f8586.pdf.*
Form	Form 1040 Schedule 3.	Form 1040 Schedule 3 Nonrefundable Credits.	*https://www.irs.gov/pub/irs-pdf/f1040s3.pdf.*	Form	Form 8594	Asset Acquisition Statement Under Section 1060.	*https://www.irs.gov/pub/irs-pdf/f8594.pdf.*
Form	Form 1040 Schedule 3 (SP).	Additional Credits and Payments in Spanish.	*https://www.irs.gov/pub/irs-pdf/f1040s3s.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8594.pdf.*
Form	Form 1040–C	U.S. Departing Alien Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f1040c.pdf.*	Form	Form 8606	Nondeductible IRAs.	*https://www.irs.gov/pub/irs-pdf/f8606.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040c.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8606.pdf.*
Form	Form 1040 X	Amended U.S. Individual Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f1040x.pdf.*	Form	Form 8609–A	Annual Statement for Low-Income Housing Credit.	*https://www.irs.gov/pub/irs-pdf/f8609a.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040x.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8609a.pdf.*
Form	Form 1040 NR.	U.S. Nonresident Alien Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f1040nr.pdf.*	Form and Instruction.	Form 8611	Recapture of Low-Income Housing Credit.	*https://www.irs.gov/pub/irs-pdf/f8611.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040nr.pdf.*	Form	Form 8615	Tax for Certain Children Who Have Investment Income of More than $1,800.	*https://www.irs.gov/pub/irs-pdf/f8615.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form	Form 1040 NR(SP).	U.S. Nonresident Alien Income Tax Return (Spanish Version).	*https://www.irs.gov/pub/irs-pdf/f1040nrs.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8615.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040nrs.pdf.*	Form	Form 8621	Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund.	*https://www.irs.gov/pub/irs-pdf/f8621.pdf.*
Form	1040 NR (Schedule NEC).	Tax on Income Not Effectively Connected with a U.S. Trade or Business.	*https://www.irs.gov/pub/irs-pdf/f1040nrn.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8621.pdf.*
Form	1040 NR (Schedule NEC) (SP).	Tax on Income Not Effectively Connected with a U.S. Trade or Business (Spanish Version).	*https://www.irs.gov/pub/irs-pdf/f1040nec.pdf.*	Form	Form 8621–A	Return by a Shareholder Making Certain Late Elections to End Treatment as a Passive Foreign Investment Company.	*https://www.irs.gov/pub/irs-pdf/f8621a.pdf.*
Form	1040 NR (Schedule A).	Itemized Deductions.	*https://www.irs.gov/pub/irs-pdf/f1040nra.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8621a.pdf.*
Form	1040 NR (Schedule A) (SP).	Itemized Deductions (Spanish Version).	*https://www.irs.gov/pub/irs-pdf/f1040nas.pdf.*	Form and Instruction.	Form 8689	Allocation of Individual Income Tax to the Virgin Islands.	*https://www.irs.gov/pub/irs-pdf/f8689.pdf.*
Form	1040 NR (Schedule OI).	Other Information	*https://www.irs.gov/pub/irs-pdf/f1040nro.pdf.*	Form	Form 8697	Interest Computations Under the Look-Back Method for Completed Long-Term Contracts.	*https://www.irs.gov/pub/irs-pdf/f8697.pdf.*
Form	1040 NR (Schedule OI) (SP).	Other Information (Spanish Version).	*https://www.irs.gov/pub/irs-pdf/f1040ois.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8697.pdf.*
Form	Form 1040–PR.	Planilla para la Declaracion de la Contribucion Federal sobre el Trabajo por Cuenta Propia (Incluyendo el Credito Tributario Adicional por Hijos para Residentes Bona Fide de Puerto Rico).	*https://www.irs.gov/pub/irs-pdf/f1040pr.pdf.*	Form	Form 8801	Credit for Prior Year Minimum Tax-Individuals, Estates, and Trusts.	*https://www.irs.gov/pub/irs-pdf/f8801.pdf.*
Instruction		Instrucciones para el Formulario 1040–PR, Planilla Para La Declaracion De La Contribucion Federal Sobre El Trabajo Por Cuenta Propia—Puerto Rico.	*https://www.irs.gov/pub/irs-pdf/i1040pr.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8801.pdf.*
Form	Form 1040–SR.	U.S. Income Tax Return for Seniors.	*https://www.irs.gov/pub/irs-pdf/f1040s.pdf.*	Form and Instruction.	Form 8814	Parents' Election to Report Child's Interest and Dividends.	*https://www.irs.gov/pub/irs-pdf/f8814.pdf.*
Form	Form 1040–SR (SP).	Form 1040–SR (SP) U.S. Income Tax Return for Seniors in Spanish.	*https://www.irs.gov/pub/irs-pdf/f1040srs.pdf.*	Form and Instruction.	Form 8815	Exclusion of Interest from Series EE and I U.S. Savings Bonds Issued After 1989.	*https://www.irs.gov/pub/irs-pdf/f8815.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form	Form 1040–SS.	U.S. Self-Employment Tax Return (Including the Additional Child Tax Credit for Bona Fide Residents of Puerto Rico).	*https://www.irs.gov/pub/irs-pdf/f1040ss.pdf.*	Form and Instruction.	Form 8818	Optional Form to Record Redemption of Series EE and I U.S. Savings Bonds Issued After 1989.	*https://www.irs.gov/pub/irs-pdf/f8818.pdf.*
Instruction		Instructions for Form 1040–SS, U.S. Self-Employment Tax Return (Including the Additional Child Tax Credit for Bona Fide Residents of Puerto Rico).	*https://www.irs.gov/pub/irs-pdf/i1040ss.pdf.*	Form and Instruction.	Form 8820	Orphan Drug Credit.	*https://www.irs.gov/pub/irs-pdf/f8820.pdf.*
Form	Schedule A (1040).	Itemized Deductions.	*https://www.irs.gov/pub/irs-pdf/f1040sa.pdf.*	Form	Form 8824	Like-Kind Exchanges.	*https://www.irs.gov/pub/irs-pdf/f8824.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sca.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8824.pdf.*
Form and Instruction.	Schedule B (Form 1040).	Interest and Ordinary Dividends.	*https://www.irs.gov/pub/irs-pdf/f1040sb.pdf.*	Form and Instruction.	Form 8826	Disabled Access Credit.	*https://www.irs.gov/pub/irs-pdf/f8826.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sb.pdf.*	Form	Form 8828	Recapture of Federal Mortgage Subsidy.	*https://www.irs.gov/pub/irs-pdf/f8828.pdf.*
Form	Schedule C (Form 1040).	Profit or Loss from Business.	*https://www.irs.gov/pub/irs-pdf/f1040sc.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8828.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sc.pdf.*	Form	Form 8829	Expenses for Business Use of Your Home.	*https://www.irs.gov/pub/irs-pdf/f8829.pdf.*
Form	Schedule D (Form 1040).	Capital Gains and Losses.	*https://www.irs.gov/pub/irs-pdf/f1040sd.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8829.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sd.pdf.*	Form and Instruction.	Form 8833	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).	*https://www.irs.gov/pub/irs-pdf/f8833.pdf.*
Form	Schedule E (Form 1040).	Supplemental Income and Loss.	*https://www.irs.gov/pub/irs-pdf/f1040se.pdf.*	Form	Form 8834	Qualified Electric Vehicle Credit.	*https://www.irs.gov/pub/irs-pdf/f8834.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040se.pdf.*	Form and Instruction.	Form 8835	Renewable Electricity, Refined Coal, and Indian Coal Production Credit.	*https://www.irs.gov/pub/irs-pdf/f8835.pdf.*
Form and Instruction.	Schedule EIC (Form 1040).	Earned Income Credit.	*https://www.irs.gov/pub/irs-pdf/f1040sei.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8835.pdf.*
Form	Schedule EIC (SP) (F. 1040).	Earned Income Credit (Spanish version).	*https://www.irs.gov/pub/irs-pdf/f1040sep.pdf.*	Form and Instruction.	Form 8838	Consent to Extend the Time to Assess Tax Under Section 367-Gain Recognition Agreement.	*https://www.irs.gov/pub/irs-pdf/f8838.pdf.*
Form	Schedule F (Form 1040).	Profit or Loss from Farming.	*https://www.irs.gov/pub/irs-pdf/f1040sf.pdf.*	Form	Form 8839	Qualified Adoption Expenses.	*https://www.irs.gov/pub/irs-pdf/f8839.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sf.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8839.pdf.*
Form	Schedule H (Form 1040).	Household Employment Taxes.	*https://www.irs.gov/pub/irs-pdf/f1040sh.pdf.*	Form and Instruction.	Form 8840	Closer Connection Exception Statement for Aliens.	*https://www.irs.gov/pub/irs-pdf/f8840.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sh.pdf.*	Form and Instruction.	Form 8843	Statement for Exempt Individuals and Individuals with a Medical Condition.	*https://www.irs.gov/pub/irs-pdf/f8843.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form	Schedule J (Form 1040).	Income Averaging for Farmers and Fishermen.	*https://www.irs.gov/pub/irs-pdf/f1040sj.pdf.*	Form and Instruction.	Form 8844	Empowerment Zone and Renewal Community Employment Credit.	*https://www.irs.gov/pub/irs-pdf/f8844.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sj.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8844.pdf.*
Form	Schedule LEP (Form 1040).	Request for Alternative Language Products by Taxpayers with Limited English Proficiency (LEP).	*https://www.irs.gov/pub/irs-pdf/f1040lep.pdf.*	Form	Form 8845	Indian Employment Credit.	*https://www.irs.gov/pub/irs-pdf/f8845.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040lep.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8845.pdf.*
Form	Schedule LEP (SP) (Form 1040(SP)).	Schedule LEP Limited English Proficiency (SP).	*https://www.irs.gov/pub/irs-pdf/f1040les.pdf.*	Form and Instruction.	Form 8846	Credit for Employer Social Security and Medicare Taxes Paid on Certain Employee Tips.	*https://www.irs.gov/pub/irs-pdf/f8846.pdf.*
Form	Schedule R (Form 1040).	Credit for the Elderly or the Disabled.	*https://www.irs.gov/pub/irs-pdf/f1040sr.pdf.*	Form	Form 8853	Archer MSAa and Long-Term Care Insurance Contracts.	*https://www.irs.gov/pub/irs-pdf/f8853.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sr.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8853.pdf.*
Form	Schedule SE (Form 1040).	Self-Employment Tax.	*https://www.irs.gov/pub/irs-pdf/f1040sse.pdf.*	Form	Form 8854	Initial and Annual Expatriation Information Statement.	*https://www.irs.gov/pub/irs-pdf/f8854.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1040sse.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8854.pdf.*
Form and Instruction.	Form 1040 V	Payment Voucher	*https://www.irs.gov/pub/irs-pdf/f1040v.pdf.*	Form	Form 8858	Information Return of U.S. Persons with Respect to Foreign Disregarded Entities.	*https://www.irs.gov/pub/irs-pdf/f8858.pdf.*
Form and Instruction.	Form 1040 ES/OCR.	Estimated Tax for Individuals (Optical Character Recognition with Form 1040V).	Form 1040–ES(OCR) contains four estimated tax payment vouchers. Form 1040–ES (OCR) is included in the 2021 Tax Package 1040ES/V mail out	Instruction			*https://www.irs.gov/pub/irs-pdf/i8858.pdf.*
Form and Instruction.	Form 1040 ES	Estimate Tax for Individuals.	*https://www.irs.gov/pub/irs-pdf/f1040es.pdf.*	Form	Schedule M (Form 8858).	Transactions Between controlled Foreign Disregarded Entity and Filer or Other Related Entities.	*https://www.irs.gov/pub/irs-pdf/f8858sm.pdf.*
Form and Instruction.	Form 1040 ES (NR).	U.S. Estimated Tax for Nonresident Alien Individuals.	*https://www.irs.gov/pub/irs-pdf/f1040esn.pdf.*	Form	Form 8859	District of Columbia First-Time Homebuyer Credit.	*https://www.irs.gov/pub/irs-pdf/f8859.pdf.*
Form and Instruction.	Form 1040 ES (PR).	Federales Estimadas del Trabajo por Cuenta Propia y sobre el Impleo de Empleados Domestocs-Puerto Rico.	*https://www.irs.gov/pub/irs-pdf/f1040esp.pdf.*	Form	Form 8862	Information to Claim Earned Income Credit After Disallowance.	*https://www.irs.gov/pub/irs-pdf/f8862.pdf.*
Form	Schedule 8812 (Form 1040).	Additional Child Tax Credit.	*https://www.irs.gov/pub/irs-pdf/f1040s8.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8862.pdf.*

INDIVIDUAL TAX FORMS—Continued

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Instruction		Instructions for Schedule 8812.	*https://www.irs.gov/pub/irs-pdf/i1040s8.pdf.*	Form	Form 8862(SP).	Information to Claim Earned Income Credit After Disallowance (Spanish Version).	*https://www.irs.gov/pub/irs-pdf/f8862sp.pdf.*
Form	Schedule 8812(SP) (Form 1040).	Additional Tax Credit (Spanish version).	*https://www.irs.gov/pub/irs-pdf/f1040s8s.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8862sp.pdf.*
Instruction		Instructions for Schedule 8812 (Spanish version).	*https://www.irs.gov/pub/irs-pdf/i1040s8s.pdf.*	Form	Form 8863	Education Credits	*https://www.irs.gov/pub/irs-pdf/f8863.pdf.*
Form	Form 461	Limitation on Business Losses.	*https://www.irs.gov/pub/irs-pdf/f461.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8863.pdf.*
Instruction		Instructions for Form 461, Limitation on Business Losses.	*https://www.irs.gov/pub/irs-pdf/i461.pdf.*	Form	Form 8864	Biodiesel and Renewable Diesel Fuels Credit.	*https://www.irs.gov/pub/irs-pdf/f8864.pdf.*
Form and Instruction.	Form 673	Statement for Claiming Exemption from Withholding on Foreign Earned Income Eligible for the Exclusions Provided by Section 911.	*https://www.irs.gov/pub/irs-pdf/f673.pdf.*	Instruction		Instructions for Form 8864, Biodiesel and Renewable Diesel Fuels Credit.	*https://www.irs.gov/pub/irs-pdf/i8864.pdf.*
Form	Form 926	Return by a U.S. Transferor of Property to a Foreign Corporation.	*https://www.irs.gov/pub/irs-pdf/f926.pdf.*	Form	Form 8865	Return of U.S. Persons with Respect to Certain Foreign Partnerships.	*https://www.irs.gov/pub/irs-pdf/f8865.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i926.pdf.*	Form	Schedule K–1 (Form 8865).	Partner's Share of Income Deductions, Credits, etc.	*https://www.irs.gov/pub/irs-pdf/f8865sk1.pdf.*
Form	Form 965–A	Individual Report of Net 965 Tax Liability.	*https://www.irs.gov/pub/irs-pdf/f965a.pdf.*	Form	Schedule K–2 (Form 8865).	Partners' Distributive Share Items—International.	*https://www.irs.gov/pub/irs-pdf/f8865sk2.pdf.*
Instruction	Form 965–A		*https://www.irs.gov/pub/irs-pdf/i965a.pdf.*	Form	Schedule K–3 (Form 8865).	Partner's Share of Income, Deductions, Credits, etc. International.	*https://www.irs.gov/pub/irs-pdf/f8865sk3.pdf.*
Form	Form 965–C	Transfer Agreement Under 965(h)(3).	*https://www.irs.gov/pub/irs-pdf/f965c.pdf.*	Form	Schedule O (Form 8865).	Transfer of Property to a Foreign Partnership.	*https://www.irs.gov/pub/irs-pdf/f8865so.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i965c.pdf.*	Form	Schedule P (Form 8865).	Acquisitions, Dispositions, and Changes of Interests in a Foreign Partnership.	*https://www.irs.gov/pub/irs-pdf/f8865sp.pdf.*
Form and Instruction.	Form 970	Application to Use LIFO Inventory Method.	*https://www.irs.gov/pub/irs-pdf/f970.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8865.pdf.*
Form and Instruction.	Form 972	Consent of Shareholder to Include Specific Amount in Gross Income.	*https://www.irs.gov/pub/irs-pdf/f972.pdf.*	Form	Form 8866	Interest Corporation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.	*https://www.irs.gov/pub/irs-pdf/f8866.pdf.*
Form	Form 982	Reduction of Tax Attributes Due to Discharge of Indebtedness (and Section 1082 Basis Adjustment).	*https://www.irs.gov/pub/irs-pdf/f982.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8866.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i982.pdf.*		Form 8867	Paid Preparer's Due Diligence Checklist.	*https://www.irs.gov/pub/irs-pdf/f8867.pdf.*

INDIVIDUAL TAX FORMS—Continued

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Form	Form 1045	Application for Tentative Refund.	*https://www.irs.gov/pub/irs-pdf/f1045.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8867.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1045.pdf.*	Form	Form 8873	Extraterritorial Income Exclusion.	*https://www.irs.gov/pub/irs-pdf/f8873.pdf.*
Form	Form 1098–F	Fines, Penalties and Other Amounts.	*https://www.irs.gov/pub/irs-pdf/f1098f.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8873.pdf.*
Instruction		Instructions for Form 1098–F, Fines, Penalties and Other Amounts.	*https://www.irs.gov/pub/irs-pdf/i1098f.pdf.*	Form and Instruction.	Form 8874	New Markets Credit.	*https://www.irs.gov/pub/irs-pdf/f8874.pdf.*
Form	Form 1116	Foreign Tax Credit.	*https://www.irs.gov/pub/irs-pdf/f1116.pdf.*	Form and Instruction.	Form 8878	IRS e-file Signature Authorization for Form 4686 or Form 2350.	*https://www.irs.gov/pub/irs-pdf/f8878.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1116.pdf.*	Form and Instruction.	Form 8878 SP	Autorizacion de firma para presentar por medio del IRS e-file para el Formulario 4868 (SP) o el Formulario 2350 (SP).	*https://www.irs.gov/pub/irs-pdf/f8878sp.pdf.*
Form and Instruction.	Form 1127	Application for Extension of Time for Payment of Tax.	*https://www.irs.gov/pub/irs-pdf/f1127.pdf.*	Form and Instruction.	Form 8879	IRS e-file Signature Authorization.	*https://www.irs.gov/pub/irs-pdf/f8879.pdf.*
Form	Form 1128	Application to Adopt, Change, or Retain a Tax Year.	*https://www.irs.gov/pub/irs-pdf/f1128.pdf.*	Form and Instruction.	Form 8879 SP	Autorizacion de firm para presentar la Declaracion por medio del IRS e-file.	*https://www.irs.gov/pub/irs-pdf/f8879sp.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i1128.pdf.*	Form and Instruction.	Form 8880	Credit for Qualified Retirement Savings Contributions.	*https://www.irs.gov/pub/irs-pdf/f8880.pdf.*
Form and Instruction.	Form 1310	Statement of Person Claiming Refund Due to a Deceased Taxpayer.	*https://www.irs.gov/pub/irs-pdf/f1310.pdf.*	Form	Form 8881	Credit for Small Employer Pensions Plan Startup Costs.	*https://www.irs.gov/pub/irs-pdf/f8881.pdf.*
Form	Form 2106	Employee Business Expenses.	*https://www.irs.gov/pub/irs-pdf/f2106.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8881.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i2106.pdf.*	Form and Instruction.	Form 8882	Credit for Employer-Provided Childcare Facilities and Services.	*https://www.irs.gov/pub/irs-pdf/f8882.pdf.*
Form and Instruction.	Form 2120	Multiple Support Declaration.	*https://www.irs.gov/pub/irs-pdf/f2120.pdf.*	Form	Form 8886	Reportable Transaction Disclosure Statement.	*https://www.irs.gov/pub/irs-pdf/f8886.pdf.*
Form	Form 2210	Underpayment of Estimated Tax by Individuals, Estates, and Trusts.	*https://www.irs.gov/pub/irs-pdf/f2210.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8886.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i2210.pdf.*	Form and Instruction.	Form 8888	Direct Deposit of Refund to More than One Account.	*https://www.irs.gov/pub/irs-pdf/f8888.pdf.*
Form	Form 2210–F	Underpayment of Estimated Tax by Farmers and Fishermen.	*https://www.irs.gov/pub/irs-pdf/f2210f.pdf.*	Form	Form 8889	Health Savings Accounts (HSAs).	*https://www.irs.gov/pub/irs-pdf/f8889.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i2210f.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8889.pdf.*
Form and Instruction.	Form 2350	Application for Extension of Time to File U.S. Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f2350.pdf.*	Form and Instruction.	Form 8896	Low Sulfur Diesel Fuel Production Credit.	*https://www.irs.gov/pub/irs-pdf/f8896.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form and Instruction.	Form 2350 SP	Solicitud de Prorroga para Presentar la Declaracion del Impuesto Personal sobre el Ingreso de lose Estados Unidos.	*https://www.irs.gov/pub/irs-pdf/f2350sp.pdf.*	Form	Form 8898	Statement for Individuals Who Begin or End Bona Fide Residence in a U.S. Possession.	*https://www.irs.gov/pub/irs-pdf/f8898.pdf.*
Form	Form 2441	Child and Dependent Care Expenses.	*https://www.irs.gov/pub/irs-pdf/f2441.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8898.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i2441.pdf.*	Form	Form 8900	Qualified Railroad Track Maintenance Credit.	*https://www.irs.gov/pub/irs-pdf/f8900.pdf.*
Form	Form 2555	Foreign Earned Income.	*https://www.irs.gov/pub/irs-pdf/f2555.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8900.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i2555.pdf.*	Form	Form 8903	Domestic Production Activities Deduction.	*https://www.irs.gov/pub/irs-pdf/f8903.pdf.*
Form	Form 3115	Application for Change in Accounting Method.	*https://www.irs.gov/pub/irs-pdf/f3115.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8903.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3115.pdf.*	Form and Instruction.	Form 8906	Distills Spirits Credit.	*https://www.irs.gov/pub/irs-pdf/f8906.pdf.*
Form	Form 3468	Investment Credit	*https://www.irs.gov/pub/irs-pdf/f3468.pdf.*	Form	Form 8908	Energy Efficient Home Credit.	*https://www.irs.gov/pub/irs-pdf/f8908.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3468.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8908.pdf.*
Form	Form 3520	Annual Return to Report Transactions with Foreign Trusts and Receipt of Certain Foreign Gifts.	*https://www.irs.gov/pub/irs-pdf/f3520.pdf.*	Form	Form 8910	Alternative Motor Vehicle Credit.	*https://www.irs.gov/pub/irs-pdf/f8910.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3520.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8910.pdf.*
Form	Form 3800	General Business Credit.	*https://www.irs.gov/pub/irs-pdf/f3800.pdf.*	Form	Form 8911	Alternative Fuel Vehicle Refueling Property Credit.	*https://www.irs.gov/pub/irs-pdf/f8911.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3800.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8911.pdf.*
Form	Form 3903	Moving Expenses	*https://www.irs.gov/pub/irs-pdf/f3903.pdf.*	Form	Form 8912	Credit to Holders of Tax Credit Bonds.	*https://www.irs.gov/pub/irs-pdf/f8912.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i3903.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8912.pdf.*
Form	Form 4070	Employee's Report of Tips to Employer.	*https://www.irs.gov/pub/irs-pdf/p1244.pdf.*	Form	Form 8915–C	Qualified 2018 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/f8915c.pdf.*
Form	Form 4070A	Employee's Daily Record of Tips.	*https://www.irs.gov/pub/irs-pdf/p1244.pdf.*	Instruction		Instructions for Form 8915–C, Qualified 2018 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/i8915c.pdf.*
Form	Form 4136	Credit for Federal Tax Paid on Fuels.	*https://www.irs.gov/pub/irs-pdf/f4136.pdf.*	Form	8915–D	Qualified 2019 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/f8915d.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i4136.pdf.*	Instruction		Instructions for 8915–D Qualified 2019 Disaster Retirement Plan Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/i8915d.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form and Instruction.	Form 4137	Social Security and Medicare Tax on Unreported Tip Income.	*https://www.irs.gov/pub/irs-pdf/f4137.pdf.*	Form	Form 8915–F	Qualified Disaster Retirement Plan—Distributions and Repayments.	*https://www.irs.gov/pub/irs-pdf/f8915f.pdf.*
Form	Form 4255	Recapture of Investment Credit.	*https://www.irs.gov/pub/irs-pdf/f4255.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8915f.pdf.*
Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i4255.pdf.*	Form and Instruction.	Form 8919	Uncollected Social Security and Medicare Tax on Wages.	*https://www.irs.gov/pub/irs-pdf/f8919.pdf.*
Form and Instruction.	Form 4361	Application for Exemption from Self-Employment Tax for Use by Ministers, Members of Religious Orders, and Christian Science Practitioners.	*https://www.irs.gov/pub/irs-pdf/f4361.pdf.*	Form	Form 8925	Report of Employer-Owned Life Insurance Contracts.	*https://www.irs.gov/pub/irs-pdf/f8925.pdf.*
Form	Form 4562	Depreciation and Amortization.	*https://www.irs.gov/pub/irs-pdf/f4562.pdf.*	Form and Instruction.	Form 8932	Credit for Employer Differential Wage Payments.	*https://www.irs.gov/pub/irs-pdf/f8932.pdf.*
Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i4562.pdf.*	Form	Form 8933	Carbon Dioxide Sequestration Credit.	*https://www.irs.gov/pub/irs-pdf/f8933.pdf.*
Form and Instruction.	Form 4563	Exclusion of Income for Bona Fide Residents of American Samoa.	*https://www.irs.gov/pub/irs-pdf/f4563.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8933.pdf.*
Form	Form 4684	Causalities and Thefts.	*https://www.irs.gov/pub/irs-pdf/f4684.pdf.*	Form and Instruction.	Form 8936	Qualified Plug-In Electric Drive Motor Vehicle Credit.	*https://www.irs.gov/pub/irs-pdf/f8936.pdf.*
Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i4684.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8936.pdf.*
Form	Form 4797	Sale of Business Property.	*https://www.irs.gov/pub/irs-pdf/f4797.pdf.*	Form	Form 8941	Credit for Small Employer Health Insurance Premiums.	*https://www.irs.gov/pub/irs-pdf/f8941.pdf.*
Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i4797.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8941.pdf.*
Form and Instruction.	Form 4835	Farm Rental Income and Expenses.	*https://www.irs.gov/pub/irs-pdf/f4835.pdf.*	Form	Form 8949	Sales and other Dispositions of Capital Assets.	*https://www.irs.gov/pub/irs-pdf/f8949.pdf.*
Form and Instruction.	Form 4852	Substitute for Form W–2, Wage and Tax Statement or Form 1099–R, Distributions from Pension Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.	*https://www.irs.gov/pub/irs-pdf/f4852.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8949.pdf.*
Form and Instruction.	Form 4852(SP).	Substitute for Form W–2, Wage and Tax Statement or Form 1099–R, Distributions from Pension Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc. (Spanish Version).	Still under development at the time of release of this notice	Form	Form 8958	Allocation of Tax Amounts Between Certain Individuals in Community Property States.	*https://www.irs.gov/pub/irs-pdf/f8958.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form and Instruction.	Form 4868	Application for Automatic Extension of Time to File Individual U.S. Income Tax Return.	*https://www.irs.gov/pub/irs-pdf/f4868.pdf.*	Form	Form 8962	Premium Tax Credit.	*https://www.irs.gov/pub/irs-pdf/f8962.pdf.*
Form and Instruction.	Form 4868 SP	Solicitud de Prorroga Automatica para Presentar la Declaracion del Impuesto sobre el Ingreso Personal de los Estados Unidos.	*https://www.irs.gov/pub/irs-pdf/f4868sp.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8962.pdf.*
Form and Instruction.	Form 4952	Investment Interest Expense Deduction.	*https://www.irs.gov/pub/irs-pdf/f4952.pdf.*	Form	8993	Section 250 Deduction for Foreign-Derived Intangible Income (FDII) and Global Intangible Low-Taxed Income (GILTI).	*https://www.irs.gov/pub/irs-pdf/f8993.pdf.*
Form and Instruction.	Form 4970	Tax on Accumulation Distribution of Trusts.	*https://www.irs.gov/pub/irs-pdf/f4970.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8993.pdf.*
Form and Instruction.	Form 4972	Tax on Lump-Sum Distributions.	*https://www.irs.gov/pub/irs-pdf/f4972.pdf.*	Form	Form 8994	Employer Credit for Paid Family and Medical Leave.	*https://www.irs.gov/pub/irs-pdf/f8994.pdf.*
Form and Instruction.	Form 5074	Allocation of Individual Income Tax to Guam or the Commonwealth of the Northern Mariana Islands (CNMI).	*https://www.irs.gov/pub/irs-pdf/f5074.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8994.pdf.*
Form and Instruction.	Form 5213	Election to Postpone Determination as to Whether the Presumption Applies that an Activity is Engaged in for Profit.	*https://www.irs.gov/pub/irs-pdf/f5213.pdf.*	Form	Form 8995	Qualified Business Income Deduction Simplified Computation.	*https://www.irs.gov/pub/irs-pdf/f8995.pdf.*
Form	Form 5329	Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts.	*https://www.irs.gov/pub/irs-pdf/f5329.pdf.*	Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i8995.pdf.*
Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i5329.pdf.*	Form	Form 8995–A	Qualified Business Income Deduction.	*https://www.irs.gov/pub/irs-pdf/f8995a.pdf.*
Form	Form 5405	First-Time Homebuyer Credit.	*https://www.irs.gov/pub/irs-pdf/f5405.pdf.*	Form	Schedule A (Form 8995–A).	Specified Service Trades or Businesses.	*https://www.irs.gov/pub/irs-pdf/f8995aa.pdf.*
Instruction	.....	.....	*https://www.irs.gov/pub/irs-pdf/i5405.pdf.*	Form	Schedule B (Form 8995–A).	Aggregation of Business Operations.	*https://www.irs.gov/pub/irs-pdf/f8995ab.pdf.*
Form	Form 5471	Information Return of U.S. Persons with Respect to Certain Foreign Corporations.	*https://www.irs.gov/pub/irs-pdf/f5471.pdf.*	Form	Schedule C (Form 8995–A).	Loss Netting And Carryforward.	*https://www.irs.gov/pub/irs-pdf/f8995ac.pdf.*
Form	Schedule J (Form 5471).	Accumulated Earnings and Profits (E&P) and Taxes of Controlled Foreign Corporations.	*https://www.irs.gov/pub/irs-pdf/f5471sj.pdf.*	Form	Schedule D (Form 8995–A).	Special Rules for Patrons of Agricultural or Horticultural Cooperatives.	*https://www.irs.gov/pub/irs-pdf/f8995ad.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form	Schedule M (Form 5471).	Transactions Between Controlled Foreign Corporation and Shareholders or Other Related Persons.	*https://www.irs.gov/pub/irs-pdf/f5471sm.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i8995a.pdf.*
Form	Schedule O (Form 5471).	Organization or Reorganization of Foreign Corporation, and Acquisitions and Dispositions of its Stock.	*https://www.irs.gov/pub/irs-pdf/f5471so.pdf.*	Form	9000	Alternative Media Preference.	*https://www.irs.gov/pub/irs-pdf/f9000.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i5471.pdf.*	Form	9000(SP)	Alternative Media Preference (Spanish Version).	*https://www.irs.gov/pub/irs-pdf/f9000sp.pdf.*
Form	Form 5695	Residential Energy Credits.	*https://www.irs.gov/pub/irs-pdf/f5695.pdf.*	Form and Instruction.	Form 9465	Installment Agreement Request.	*https://www.irs.gov/pub/irs-pdf/f9465.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i5695.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i9465.pdf.*
Form	Form 5713	International Boycott Report.	*https://www.irs.gov/pub/irs-pdf/f5713.pdf.*	Form and Instruction.	Form 9465 SP	Solicitud para un Plan de Pagos a Plazos.	*https://www.irs.gov/pub/irs-pdf/f9465sp.pdf.*
Form	Schedule A (Form 5713).	International Boycott Factor (Section 999(c)(1)).	*https://www.irs.gov/pub/irs-pdf/f5713sa.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/i9465sp.pdf.*
Form	Schedule B (Form 5713).	Specifically Attributable Taxes and Income (Section 999(c)(2)).	*https://www.irs.gov/pub/irs-pdf/f5713sb.pdf.*	Form	Form T (Timber).	Forest Activities Schedules.	*https://www.irs.gov/pub/irs-pdf/ft.pdf.*
Form	Schedule C (Form 5713).	Tax Effect of the International Boycott Provisions.	*https://www.irs.gov/pub/irs-pdf/f5713sc.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/it.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i5713.pdf.*	Form and Instruction.	Form W–4	Employee's Withholding Allowance Certificate.	*https://www.irs.gov/pub/irs-pdf/fw4.pdf.*
Form	Form 5884	Work Opportunity Cost.	*https://www.irs.gov/pub/irs-pdf/f5884.pdf.*	Form and Instruction.	Form W–4 (SP).	Certificado de Exencion de la Retencion del Empleado.	*https://www.irs.gov/pub/irs-pdf/fw4sp.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i5884.pdf.*	Form and Instruction.	Form W–4 (KO).	Employee's Withholding Allowance Certificate (Korean Version).	*https://www.irs.gov/pub/irs-pdf/fw4ko.pdf.*
Form	Form 5884–A	Credits for Affected Disaster Area Employees.	*https://www.irs.gov/pub/irs-pdf/f5884a.pdf.*	Form and Instruction.	Form W–4 (RU).	Employee's Withholding Allowance Certificate (Russian Version).	*https://www.irs.gov/pub/irs-pdf/fw4ru.pdf.*
	Instruction (F5884A).		*https://www.irs.gov/pub/irs-pdf/i5884a.pdf.*	Form and Instructio.	Form W–4 (VIE).	Employee's Withholding Allowance Certificate (Vietnamese Version).	*https://www.irs.gov/pub/irs-pdf/fw4vie.pdf.*
Form	Form 6198	At-Risk Limitations.	*https://www.irs.gov/pub/irs-pdf/f6198.pdf.*	Form and Instruction.	Form W–4 (ZH–S).	Employee's Withholding Allowance Certificate (Chinese—Simple Version).	*https://www.irs.gov/pub/irs-pdf/fw4zhs.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i6198.pdf.*	Form and Instruction.	Form W–4 (ZH–T).	Employee's Withholding Allowance Certificate (Chinese—Traditional Version).	*https://www.irs.gov/pub/irs-pdf/fw4zht.pdf.*
Form	Form 6251	Alternative Minimum Tax—Individuals.	*https://www.irs.gov/pub/irs-pdf/f6251.pdf.*	Form and Instruction.	Form W–4 P	Withholding Certificate for Pension or Annuity Payments.	*https://www.irs.gov/pub/irs-pdf/fw4p.pdf.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Instruction	Form 6251		*https://www.irs.gov/pub/irs-pdf/i6251.pdf.*	Form and Instruction.	Form W–4 S	Request for Federal Income Tax Withholding from Sick Pay.	*https://www.irs.gov/pub/irs-pdf/fw4s.pdf.*
Form and Instruction.	Form 6252	Installment Sale Income.	*https://www.irs.gov/pub/irs-pdf/f6252.pdf.*	Form and Instruction.	Form W–4 V	Voluntary Withholding Request.	*https://www.irs.gov/pub/irs-pdf/fw4v.pdf.*
Form	Form 6478	Biofuel Producer Credit.	*https://www.irs.gov/pub/irs-pdf/f6478.pdf.*	Form and Instruction.	Form W–4 R	Withholding Certificate for Retirement Payments Other Than Pensions or Annuities.	*https://www.irs.gov/pub/irs-pdf/fw4r.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i6478.pdf.*	Form and Instruction.	Form W–7	Application for IRS Individual Taxpayer Identification Number.	*https://www.irs.gov/pub/irs-pdf/fw7.pdf.*
Form	Form 6765	Credit for Increasing Research Activities.	*https://www.irs.gov/pub/irs-pdf/f6765.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/iw7.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i6765.pdf.*	Form	Form W–7 A	Application for Taxpayer Identification Number for Pending U.S. Adoptions.	*https://www.irs.gov/pub/irs-pdf/fw7a.pdf.*
Form and Instruction.	Form 6781	Gains and Losses from Section 1256 Contracts and Straddles.	*https://www.irs.gov/pub/irs-pdf/f6781.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/iw7a.pdf.*
Form	Form 7203	S Corporation Shareholder Stock and Debt Basis Limitations.	*https://www.irs.gov/pub/irs-pdf/f7203.pdf.*	Form and Instruction.	Form W–7 (SP).	Solicitud de Numero de Indenticacion Personal del Contribuyente del Servico de Impuestos Internos.	*https://www.irs.gov/pub/irs-pdf/fw7sp.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i7203.pdf.*	Instruction			*https://www.irs.gov/pub/irs-pdf/iw7sp.pdf.*
Form	Form 7204	Consent to Extend the Time to Assess Tax Related to Contested Foreign Income Taxes—Provisional Foreign Tax Credit Agreement.	Still under development at the time of release of this notice.	Form	Form W–7 (COA).	Certificate of Accuracy for IRS Individual Taxpayer Identification Number.	*https://www.irs.gov/pub/irs-pdf/fw7coa.pdf.*
Instruction			Still under development at the time of release of this notice	Other: Notice 2006–52.			*https://www.irs.gov/pub/irs-irbs/irb06-26.pdf.*
Form	Form 8082	Notice of Inconsistent Treatment or Administrative Adjustment Request (AAR).	*https://www.irs.gov/pub/irs-pdf/f8082.pdf.*	Other: Notice 2008–40.			*https://www.irs.gov/pub/irs-irbs/irb08-14.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8082.pdf.*	Other: Publication 972 Tables.			*https://www.irs.gov/pub/irs-pdf/p972.pdf.*
Form	Form 8275	Disclosure Statement.	*https://www.irs.gov/pub/irs-pdf/f8275.pdf.*	Other: TD 9408.			*https://www.irs.gov/pub/irs-irbs/irb08-33.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8275.pdf.*	Other: Rev. Proc. 2004–12.			*https://www.irs.gov/pub/irs-irbs/irb04-09.pdf.*
Form	Form 8275–R	Regulation Disclosure Statement.	*https://www.irs.gov/pub/irs-pdf/f8275r.pdf.*				
Instruction			*https://www.irs.gov/pub/irs-pdf/i8275r.pdf.*	Other: TD 9902.			*https://www.govinfo.gov/content/pkg/FR-2020-07-23/pdf/2020-15351.pdf?utm_medium=email&utm_campaign=subscription+mailing+list&A1utm_source=federalregister.gov.*

INDIVIDUAL TAX FORMS—Continued

Type	Form No.	Form name	URL	Type	Form No.	Form name	URL
Form	Form 8283	Noncash Charitable Contributions.	*https://www.irs.gov/pub/irs-pdf/f8283.pdf.*	Other: TD 9920.			*https://www.govinfo.gov/content/pkg/FR-2020-10-01/pdf/2020-21777.pdf.*
Instruction			*https://www.irs.gov/pub/irs-pdf/i8283.pdf.*	Other: TD 9924.			*https://www.govinfo.gov/content/pkg/FR-2020-10-06/pdf/2020-22071.pdf.*
Form and Instruction.	Form 8332	Release of Claim to Exemption for Child of Divorced or Separated Parents.	*https://www.irs.gov/pub/irs-pdf/f8332.pdf.*	Other: TD 9959.			*https://www.govinfo.gov/content/pkg/FR-2022-01-04/pdf/2021-27887.pdf.*
Form and Instruction.	Form 8379	Injured Spouse Claim and Allocation.	*https://www.irs.gov/pub/irs-pdf/f8379.pdf.*				
Instruction			*https://www.irs.gov/pub/irs-pdf/i8379.pdf.*				

[FR Doc. 2022–20960 Filed 9–27–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Requesting Comments on Tax-Exempt Organization Forms

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning forms used by tax-exempt organizations. See Appendix A for a list of forms, schedules, and related attachments.

DATES: Written comments should be received on or before November 28, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include OMB Control No. 1545–0047 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Jon Callahan, (737) 800–7639, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *jon.r.callahan@irs.gov.*

SUPPLEMENTARY INFORMATION: Today, 93 percent of all tax-exempt organization returns are prepared using software by the taxpayer or with preparer assistance. Section 3101 of the Taxpayer First Act, Public Law 116–25, requires all tax-exempt organizations to electronically file statements or returns in the Form 990 series or Form 8872, with a temporary waiver for small organizations.

These are forms used by tax-exempt organizations. These include Forms 990, 990–BL, 990–EZ, 990–N, 990–PF, 990–T, 990–W, and related forms and schedules tax-exempt organizations attach to their tax returns (see Appendix-A to this notice). In addition, there are numerous regulations, notices and Treasury Decisions that are covered by the burden estimate provided in this notice. See Appendix-B for a list.

Taxpayer Compliance Burden

Tax compliance burden is defined as the time and money taxpayers spend to comply with their tax filing responsibilities. Time-related activities include recordkeeping, tax planning, gathering tax materials, learning about the law and what you need to do, and completing and submitting the return. Out-of-pocket costs include expenses such as purchasing tax software, paying a third-party preparer, and printing and postage. Tax compliance burden does not include a taxpayer's tax liability, economic inefficiencies caused by sub-optimal choices related to tax deductions or credits, or psychological costs.

Proposed PRA Submission to OMB

Title: U.S. Tax-Exempt Income Tax Return.

OMB Number: 1545–0047.

Form Numbers: Forms 990, 990–BL, 990–EZ, 990–N, 990–PF, 990–T, 990–W, 1023, 1023–EZ, 1024, 1024–A, 1028, 1120–POL, 4720, 5578, 5884–C, 5884–D, 6069, 6497, 7203, 8038, 8038–B, 8038–CP, 8038–G, 8038–GC, 8038–R, 8038–T, 8038–TC, 8282, 8328, 8330, 8453–TE., 8453–X, 8718, 8868, 8870, 8871, 8872, 8879–TE, 8886–T, 8899 and all other related forms, schedules, and attachments. (see Appendix-A to this notice).

Abstract: These forms and schedules are used to determine that tax-exempt organizations fulfill the operating conditions within the limitations of their tax exemption. The data is also used for general statistical purposes.

Current Actions: There have been changes in IRS guidance documents related to various forms approved under this approval package during the past year. There have been additions of forms included in this approval package. It is anticipated that these changes will have an impact on the overall burden and cost estimates requested for this approval package, however these estimates were not finalized at the time of release of this notice. These estimated figures are expected to be available by the release of the 30-comment notice from OMB. This approval package is being submitted for renewal purposes.

Type of Review: Revision of a currently approved collection.

Affected Public: Tax-Exempt Organizations.

Preliminary Estimated Number of Responses: 1,684,700.

Preliminary Estimated Time Per Respondent (Hours): 33.46.

Preliminary Estimated Total Time (Hours): 56,366,435.

Preliminary Estimated Total Monetized Time ($): $2,986,782,081.

Preliminary Estimated Total Out-of-Pocket Costs ($): $1,671,920,252.

Preliminary Estimated Total Monetized Burden ($): $4,658,702,333.

Note: Total Monetized Burden = Total Out-of-Pocket Costs + Total Monetized Time.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 22, 2022.

Jon R. Callahan,

Tax Analyst.

Appendix A

Form No.	Title
1023	Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code.
1023–EZ	Streamlined Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code.
1024	Application for Recognition of Exemption Under Section 501(a).
1024–A	Application for Recognition of Exemption Under Section 501(c)(4) of the Internal Revenue Code.
1028	Application for Recognition of Exemption Under Section 521 of the Internal Revenue Code.
1116	Foreign Tax Credit.
1120–POL	U.S. Income Tax Return for Certain Political Organizations.
1127	Application for Extension of Time for Payment of Tax Due to Undue Hardship.
2220	Underpayment of Estimated Tax by Corporations.
2439	Notice to Shareholder of Undistributed Long-Term Gains.
3115	Application for Change in Accounting Method.
4136	Credit for Federal Tax Paid on Fuels.
4562	Depreciation and Amortization.
461	Limitation on Business Loss.
4720	Return of Certain Excise Taxes Under Chapters 41 and 42 of the Internal Revenue Code.
4797	Sale of Business Property.
5471	Information Return of U.S. Persons With Respect to Certain Foreign Corporations.
5471 Sch E	Income, War Profits, and Excess Profits Taxes Paid or Accrued.
5471 Sch H	Current Earnings and Profits.
5471 Sch I–1	Information for Global Intangible Low-Taxed Income.
5471 Sch J	Accumulated Earnings & Profits (E&P) of Controlled Foreign Corporation.
5471 Sch M	Transactions Between Controlled Foreign Corporation and Shareholders or Other Related Persons.
5471 Sch O	Organization or Reorganization of Foreign Corporation, and Acquisitions and Dispositions of its Stock.
5471 Sch P	Previously Taxed Earnings and Profits of U.S. Shareholder of Certain Foreign Corporations.
5471 Sch Q	CFC Income by CFC Income Groups.
5471 Sch R	Distributions From a Foreign Corporation.
5578	Annual Certification of Racial Nondiscrimination for a Private School Exempt from Federal Income Tax.
5884–C	Work Opportunity Credit for Qualified Tax-Exempt Organizations Hiring Qualified Veterans.
5884–D	Employee Retention Credit for Certain Tax-Exempt Organizations Affected by Qualified Disasters.
6069	Return of Certain Excise Taxes on Mine Operators, Black Lung Trusts, and Other Persons Under Sections 4951, 4952, and 4953.
6198	At-Risk Limitations.
6497	Information Return of Nontaxable Energy Grants or Subsidized Energy Financing.
7203	S Corporation Shareholder Stock and Debt Basis Limitations.
8038	Information Return for Tax-Exempt Private Activity Bond Issues.
8038–B	Information Return for Build America Bonds and Recovery Zone.
8038–CP	Return for Credit Payments to Issuers of Qualified Bonds.
8038–CP Sch A	Specified Tax Credit Bonds Interest Limit Computation.
8038–G	Information Return for Tax-Exempt Governmental Bonds.
8038–GC	Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales.
8038–R	Request for Recovery of Overpayments Under Arbitrage Rebate Provisions.
8038–T	Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate.
8038–TC	Information Return for Tax Credit Bonds and Specified Tax Credit Bonds.
8282	Donee Information Return.
8328	Carryforward Election of Unused Private Activity Bond Volume Cap.
8330	Issuer's Quarterly Information Return for Mortgage Credit Certificates (MCCs).
8453–EO	Exempt Organization Declaration and Signature for Electronic Filing.
8453–TE	Tax Exempt Entity Declaration and Signature for Electronic Filing.
8453–X	Political Organization Declaration for Electronic Filing of Notice of Section 527 Status.
8718	User Fee for Exempt Organization Determination Letter Request.
8865	Return of U.S. Persons with Respect to Certain Foreign Partnerships.
8865 Sch G	Statement of Application of the Gain Deferral Method under Section 721(c).
8865 Sch H	Acceleration Events and Exceptions Reporting Relating to Gain Deferral Method Under Section 721(c).
8865 Sch K–1	Partner's Share of Income, Deductions, Credits, etc.
8865 Sch K–2	Partners' Distributive Share Items—International.
8865 Sch K–3	Partner's Share of Income, Deductions, Credits, etc.—International.

Form No.	Title
8865 Sch O	Transfer of Property to a Foreign Partnership.
8865 Sch P	Acquisitions, Dispositions, and Changes of Interest in a Foreign Partnership.
8868	Application for Automatic Extension of Time To File an Exempt Organization Return.
8870	Information Return for Transfers Associated With Certain Personal Benefit Contracts.
8871	Political Organization Notice of Section 527 Status.
8872	Political Organization Report of Contributions and Expenditures.
8879–EO	IRS e-file Signature Authorization for an Exempt Organization.
8879–TE	IRS e-file Signature Authorization for a Tax-Exempt Entity.
8886	Reportable Transaction Disclosure Statement.
8886–T	Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction.
8899	Notice of Income From Donated Intellectual Property.
8940	Request for Miscellaneous Determination.
8941	Credit for Small Employer Health Insurance Premiums.
8949	Sales and Other Dispositions of Capital Assets.
8976	Notice of Intent to Operate Under Section 501(c)(4).
926	Return by a U.S. Transferor of Property to a Foreign Corporation.
990	Return of Organization Exempt From Income Tax Under Section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations).
990 Sch A	Public Charity Status and Public Support.
990 Sch B	Schedule of Contributors.
990 Sch C	Political Campaign and Lobbying Activities.
990 Sch D	Supplemental Financial Statements.
990 Sch E	Schools.
990 Sch F	Statement of Activities Outside the United States.
990 Sch G	Supplemental Information Regarding Fundraising or Gaming Activities.
990 Sch H	Hospitals.
990 Sch I	Grants and Other Assistance to Organizations, Governments, and Individuals in the United States.
990 Sch J	Compensation Information.
990 Sch K	Supplemental Information on Tax-Exempt Bonds.
990 Sch L	Transactions With Interested Persons.
990 Sch M	Noncash Contributions.
990 Sch N	Liquidation, Termination, Dissolution, or Significant Disposition of Assets.
990 Sch O	Supplemental Information to Form 990 or 990–EZ.
990 Sch R	Related Organizations and Unrelated Partnerships.
990–BL	Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons.
990–EZ	Short Form Return of Organization Exempt From Income Tax Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations).
990–N	Form 990–N Electronic Notice (e-Postcard) for Tax-Exempt Organizations Not Required to File Form 990 or Form 990–EZ.
990–PF	Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation.
990–T	Exempt Organization Business Income Tax Return (and proxy tax under section 6033(e)).
990–T Sch A	Unrelated Business Taxable Income From an Unrelated Trade or Business.
990–T Sch M	UBTI Calculation Form Unrelated Trade or Business.
990–W	Estimated Tax on Unrelated Business Taxable Income for Tax-Exempt Organizations (and on Investment Income for Private Foundations).

Appendix B

Title/document	Description
Announcement 2004–38	Election of Alternative Deficit Reduction Contribution.
Announcement 2004–43	Election of Alternative Deficit Reduction Contribution.
Notice 97–45	Highly Compensated Employee Definition.
Notice 2002–27	IRA Required Minimum Distribution Reporting.
Notice 2004–59	Plan Amendments Following Election of Alternative Deficit Reduction Contribution.
Notice 2005–41	Guidance Regarding Qualified Intellectual Property Contributions.
Notice 2006–105	Extension of Election of Alternative Deficit Reduction Contribution.
Notice 2006–107	Diversification Requirements for Qualified Defined Contribution Plans Holding Publicly Traded Employer Securities.
Notice 2006–109	Interim Guidance Regarding Supporting Organizations and Donor Advised Funds.
Notice 2007–70	Charitable Contributions of Certain Motor Vehicles, Boats, and Airplanes. Reporting requirements under Sec. 170(f)(12)(D).
Notice 2008–113	Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with § 409A(a) in Operation.
Notice 2009–26	Build America Bonds and Direct Payment Subsidy Implementation.
Notice 2009–31	Election and Notice Procedures for Multiemployer Plans under Sections 204 and 205 of WRERA.
Notice 2010–6	Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with § 409A(a).
Notice 2010–80	Modification to the Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with § 409A(a).
Notice 2011–43	Transitional Relief under Internal Revenue Code § 6033(j) for Small Organizations.
Notice 2012–48	Tribal Economic Development Bonds.

Title/document	Description
Notice 2014–4	Interim Guidance Regarding Supporting Organizations.
Notice 2015–83	Tribal Economic Development Bonds: Use of Volume Cap for Draw-down Loans.
Notice 2017–9	De Minimis Error Safe Harbor to the I.R.C. §§ 6721 and 6722 Penalties.
Revenue Procedure 98–19	Exceptions to the notice and reporting requirements of section 6033(e)(1) and the tax imposed by section 6033(e)(2).
Revenue Procedure 2004–15	Waivers of Minimum Funding Standards.
Revenue Procedure 2008–62 and 2017–55.	Substitute Mortality Tables for Single Employer Defined Benefit Plans.
Revenue Procedure 2009–43	Revocation of Elections by Multiemployer Defined Benefit Pension Plans to Freeze Funded Status under section 204 of WRERA.
Revenue Procedure 2010–52	Extension of the Amortization Period for Plan Sponsor of a Multiemployer Pension Plan.
Revenue Procedure 2014–11	Procedures for reinstating the tax-exempt status of organizations that have had their tax-exempt status automatically revoked under section 6033(j)(1) of the Internal Revenue Code (''Code'') for failure to file required Annual Returns or notices for three consecutive years.
Revenue Procedure 2014–40	Procedures for applying for and for issuing determination letters on the exempt status under § 501(c)(3) of the Internal Revenue Code (Code) using Form 1023–EZ, Streamlined Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code.
Revenue Procedure 2014–55	Election Procedures and Information Reporting with Respect to Interests in Certain Canadian Retirement Plans.
Revenue Procedure 2016–27	Application Procedures for Approval of Benefit Suspensions for Certain Multiemployer Defined Benefit Pension Plans under § 432(e)(9).
Revenue Procedure 2017–43	Application Procedures for Approval of Benefit Suspensions for Certain Multiemployer Defined Benefit Pension Plans under § 432(e)(9).
Revenue Procedure 2017–57	Procedures for Requesting Approval for a Change in Funding Method.
Revenue Procedure 2018–4	Updating Procedures for Guidance on Matters Under IRS TE/GE Division.
Revenue Procedure 2021–1	Rulings and Determination Letters.
Revenue Procedure 2021–37	Pre-Approved Pension Plans.
Revenue Procedure 2022–14	List of Automatic Changes.
Revenue Procedure 2022–4	Types of Advice Available to Taxpayers.
Revenue Procedure 2022–5	Procedures for Issuing Determination Letters.
Revenue Ruling 2000–35	Automatic Enrollment in Section 403(b) Plans.
TD 7845	Inspection of Applications for Tax Exemption and Applications for Determination Letters for Pension and Other Plans.
TD 7852	Registration Requirements with Respect to Debt Obligations.
TD 7898	Employers Qualified Educational Assistance Programs.
TD 7952	Indian Tribal Governments Treated As States For Certain Purposes.
TD 8002	Substantiation of Charitable Contributions.
TD 8019	Public Inspection of Exempt Organization Return.
TD 8033	Tax Exempt Entity Leasing.
TD 8069	Qualified Conservation Contributions.
TD 8073	Effective Dates and Other Issues Arising Under the Employee Benefit Provisions of the Tax Reform Act of 1984.
TD 8086	Election for $10 Million Limitation on Exempt Small Issues of Industrial Development Bonds; Supplemental Capital Expenditure Statements (LR–185–84 Final).
TD 8124	Time and Manner of Making Certain Elections Under the Tax Reform Act of 1986.
TD 8357	Certain cash or deferred arrangements (CODAs) and employee and matching contributions under employee plans.
TD 8376	Qualified Separate Lines of Business.
TD 8396	Regulations relating to a bank's determination of worthlessness of a debt.
TD 8400	Taxation of Gain or Loss from Certain Nonfunctional Currency Transactions (Section 988 Transactions).
TD 8476	Arbitrage Restrictions on Tax-Exempt Bonds.
TD 8540	Final regulations relating to the valuation of annuities, interests for life or terms of years, and remainder or reversionary interests.
TD 8619	Final regulations relating to eligible rollover distributions from tax-qualified retirement plans and section 403(b) annuities.
TD 8635	Nonbank Trustee Net Worth Requirements.
TD 8690	Deductibility, Substantiation, and Disclosure of Certain Charitable Contributions.
TD 8712	Definition of Private Activity Bonds.
TD 8718	Arbitrage Restrictions on Tax-Exempt Bonds.
TD 8769	Permitted Elimination of Pre-retirement Optional Forms of Benefit.
TD 8791	Guidance Regarding Charitable Remainder Trusts and Special Valuation Rules for Transfers of Interests in Trusts.
TD 8801	Arbitrage Restrictions on Tax-Exempt Bonds.
TD 8802	Certain Asset Transfers to a Tax-Exempt Entity.
TD 8814	Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefit Plans.
TD 8816	Roth IRAs.
TD 8861	Private Foundation Disclosure Rules.
TD 8933	Qualified Transportation Fringe Benefits.
TD 8978	Excise Taxes on Excess Benefit Transactions (REG–246256–96).
TD 8987	Required Distributions from Retirement Plans.
TD 9075	Compensation Deferred Under Eligible Deferred Compensation Plans.
TD 9076	Special Rules Under Section 417(a)(7) for Written Explanations Provided by Qualified Retirement Plans After Annuity Starting Dates.
TD 9079	Ten or More Employer Plan Compliance Information.

Title/document	Description
TD 9083	Golden Parachute Payments.
TD 9088	Compensatory Stock Options Under Section 482.
TD 9092	Split-Dollar Life Insurance Arrangements.
TD 9097	Arbitrage Restrictions Applicable to Tax-Exempt Bonds Issued by State and Local Governments.
TD 9099	Disclosure of Relative Values of Optional Forms of Benefit.
TD 9142	Deemed IRAs in Qualified Retirement Plans.
TD 9169	Retirement plans; Cash or deferred arrangements under section 401(k) and matching contributions or employee contributions under section 401(m) Regulations.
TD 9237	Designated Roth Contributions to Cash or Deferred Arrangements Under Section 401(k).
TD 9324	Designated Roth Contributions Under Section 402A.
TD 9334	Requirement of Return and Time for Filing.
TD 9340	Revised Regulations Concerning Section 403(b) Tax-Sheltered Annuity Contracts.
TD 9447	Automatic Contribution Arrangements.
TD 9472	Notice Requirements for Certain Pension Plan Amendments Significantly Reducing the Rate of Future Benefit Accrual.
TD 9492	Excise Taxes on Prohibited Tax Shelter Transactions and Related Disclosure Requirements; Disclosure Requirements with Respect to Prohibited Tax Shelter Transactions; Requirement of Return and Time for Filing.
TD 9495	Qualified Zone Academy Bonds: Obligations of States and Political Subdivisions.
TD 9641	Reduction or Suspension of Safe Harbor Contributions.
TD 9708	Additional Requirements for Charitable Hospitals; Community Health Needs Assessments for Charitable Hospitals; Requirement of a Section 4959 Excise Tax Return and Time for Filing the Return.
TD 9724	Summary of Benefits and Coverage, Uniform Glossary for ACA Group Health Plans.
TD 9741	General Allocation and Accounting Regulations Under Section 141; Remedial Actions for Tax-Exempt Bonds.
TD 9765	Suspension of Benefits under the Multiemployer Pension Reform Act of 2014.
TD 9777	Arbitrage Guidance for Tax-Exempt Bonds.
TD 9801	Issue Price Definition for Tax-Exempt Bonds.
TD 9845	Public Approval of Tax-Exempt Private Activity Bonds.
TD 9846	Regulations Regarding the Transition Tax Under Section 965 and Related Provisions.
TD 9855	Regulations To Prescribe Return and Time for Filing for Payment of Section 4960, 4966, 4967, and 4968 Taxes and To Update the Abatement Rules for Section 4966 and 4967 Taxes.
TD 9866	Guidance Related to Section 951A (Global Intangible Low-Taxed Income) and Certain Guidance Related to Foreign Tax Credits.
TD 9873	Regulations on the Requirement To Notify the IRS of Intent To Operate as a Section 501(c)(4) Organization.
TD 9898	Guidance Under Section 6033 Regarding the Reporting Requirements of Exempt Organizations.
TD 9902	Guidance Under Sections 951A and 954 Regarding Income Subject to a High Rate of Foreign Tax.
TD 9917	Guidance on the Determination of the Section 4968 Excise Tax Applicable to Certain Colleges and Universities.
TD 9933	Unrelated Business Taxable Income Separately Computed for Each Trade or Business.
TD 9938	Tax on Excess Tax-Exempt Organization Executive Compensation.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1065, 1066, 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–S,1120–SF,1120–FSC,1120–L,1120–PC,1120–REIT,1120–RIC,1120–POL, and Related Attachments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (PRA). The IRS is soliciting comments on forms used by business entity taxpayers. (See Appendix-A of this notice for a list of forms, schedules, and related attachments).

DATES: Written comments should be received on or before November 28, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include OMB Control No. 1545–0123 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, at (202)-317–5744, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *sara.l.covington@irs.gov.*

SUPPLEMENTARY INFORMATION: Today, over 90 percent of all business entity tax returns are prepared using software by the taxpayer or with preparer assistance.

These are forms used by business taxpayers. These include Forms *1065, 1066, 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–S, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–REIT, 1120–RIC, 1120–POL,* and related schedules, that business entity taxpayers attach to their tax returns (see Appendix A to this notice). In addition, there are numerous OMB numbers that report burden already included in this OMB number. In order to eliminate this duplicative burden reporting, multiple OMB numbers are being obsoleted. See Appendix B in this notice for the list of the obsoleted OMB numbers.

Tax Compliance Burden

Tax compliance burden is defined as the time and money taxpayers spend to comply with their tax filing responsibilities. Time-related activities include recordkeeping, tax planning, gathering tax materials, learning about the law and what you need to do, and completing and submitting the return.

Out-of-pocket costs include expenses such as purchasing tax software, paying a third-party preparer, and printing and postage. Tax compliance burden does not include a taxpayer's tax liability, economic inefficiencies caused by sub-optimal choices related to tax deductions or credits, or psychological costs.

Proposed PRA Submission to OMB

Title: U.S. Business Income Tax Return.

OMB Number: 1545–0123.

Form Numbers: Forms 1065, 1066, 1120, 1120–C, 1120–F, 1120–H, 1120–ND, 1120–S, 1120–SF, 1120–FSC, 1120–L, 1120–PC, 1120–REIT, 1120–RIC, 1120–POL and all attachments to these forms (see the Appendix to this notice).

Abstract: These forms are used by businesses to report their income tax liability.

Current Actions: There have been changes in regulatory guidance related to various forms approved under this approval package during the past year. There has been additions and removals of forms included in this approval package. It is anticipated that these changes will have an impact on the overall burden and cost estimates requested for this approval package, however these estimates were not finalized at the time of release of this notice. These estimated figures are expected to be available by the release of the 30-day comment notice from Treasury. This approval package is being submitted for renewal purposes.

Type of Review: Revision of currently approved collections.

Affected Public: Corporations, Partnerships and Pass-Through Entities.

Preliminary Estimated Number of Respondents: 12,500,000.

Preliminary Total Estimated Time (Hours): 1,156,504,065.

Preliminary Estimated Time per Respondent (Hours): 92.52.

Preliminary Total Monetized Time: $56,824,210,366.

Preliminary Total Estimated Out-of-Pocket Costs: $49,088,414,634.

Preliminary Total Monetized Burden: $105,912,601,626.

Note: Total Monetized Burden = Total Out-of-Pocket Costs + Total Annual Monetized Time.

Note: Amounts below are for estimates for FY 2023. Reported time and cost burdens are national averages and do not necessarily reflect a ''typical case. Most taxpayers experience lower than average burden, with taxpayer burden varying considerably by taxpayer type. Detail may not add due to rounding.

FISCAL YEAR 2022 ICB ESTIMATES FOR FORM 1120, 1120S AND 1065 SERIES OF RETURNS AND FORMS AND SCHEDULES

	FY 23		FY 22
Number of Taxpayers	12,500,000	200,000	12,300,000
Burden in Hours	1,156,504,065	18,504,065	1,138,000,000
Burden in Dollars	49,088,414,634	785,414,634	48,303,000,000
Monetized Total Burden	105,912,601,626	1,694,601,626	104,218,000,000

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB Control Number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 22, 2022.

Sara L Covington,

IRS Tax Analyst.

Appendix A

Product	Title
Form 1042	Annual Withholding Tax Return for U.S. Source Income of Foreign Persons.
Form 1042 (SCH Q)	Schedule Q (Form 1042).
Form 1042–S	Foreign Person's U.S. Source Income Subject to Withholding.
Form 1042–T	Annual Summary and Transmittal of Forms 1042–S.
Form 1065	U.S. Return of Partnership Income.
Form 1065 (SCH B–1)	Information for Partners Owning 50% or More of the Partnership.
Form 1065 (SCH B–2)	Election Out of the Centralized Partnership Audit Regime.
Form 1065 (SCH C)	Additional Information for Schedule M–3 Filers.
Form 1065 (SCH D)	Capital Gains and Losses.
Form 1065 (SCH K–1)	Partner's Share of Income, Deductions, Credits, etc.
Form 1065 (SCH K–2)	Partner's Distributive Share Items-International.
Form 1065 (SCH K–3)	Partner's Share of Income, Deductions, Credits, etc.—International.
Form 1065 (SCH M–3)	Net Income (Loss) Reconciliation for Certain Partnerships.
Form 1065X	Amended Return or Administrative Adjustment Request (AAR).
Form 1066	U.S. Real Estate Mortgage Investment Conduit (REMIC) Income Tax Return.
Form 1066 (SCH Q)	Quarterly Notice to Residual Interest Holder of REMIC Taxable Income or Net Loss Allocation.
Form 1118	Foreign Tax Credit-Corporations.
Form 1118 (SCH I)	Reduction of Foreign Oil and Gas Taxes.

Product	Title
Form 1118 (SCH J)	Adjustments to Separate Limitation Income (Loss) Categories for Determining Numerators of Limitation Fractions, Year-End Recharacterization Balances, and Overall Foreign and Domestic Loss Account Balances.
Form 1118 (SCH K)	Foreign Tax Carryover Reconciliation Schedule.
Form 1118 (SCH L)	Foreign Tax Redeterminations.
Form 1120	U.S. Corporation Income Tax Return.
Form 1120 (SCH B)	Additional Information for Schedule M–3 Filers.
Form 1120 (SCH D)	Capital Gains and Losses.
Form 1120 (SCH G)	Information on Certain Persons Owning the Corporation's Voting Stock.
Form 1120 (SCH H)	Section 280H Limitations for a Personal Service Corporation (PSC).
Form 1120 (SCH M–3)	Net Income (Loss) Reconciliation for Corporations With Total Assets of $10 Million of More.
Form 1120 (SCH N)	Foreign Operations of U.S. Corporations.
Form 1120 (SCH O)	Consent Plan and Apportionment Schedule for a Controlled Group.
Form 1120 (SCH PH)	U.S. Personal Holding Company (PHC) Tax.
Form 1120 (SCH UTP)	Uncertain Tax Position Statement.
Form 1120–C	U.S. Income Tax Return for Cooperative Associations.
Form 1120–F	U.S. Income Tax Return of a Foreign Corporation.
Form 1120–F (SCH H)	Deductions Allocated to Effectively Connected Income Under Regulations Section 1.861–8.
Form 1120–F (SCH I)	Interest Expense Allocation Under Regulations Section 1.882–5.
Form 1120–F (SCH M1 & M2)	Reconciliation of Income (Loss) and Analysis of Unappropriated Retained Earnings per Books.
Form 1120–F (SCH M–3)	Net Income (Loss) Reconciliation for Foreign Corporations With Reportable Assets of $10 Million or More.
Form 1120–F (SCH P)	List of Foreign Partner Interests in Partnerships.
Form 1120–F (SCH Q)	Tax Liability of Qualified Derivatives Dealer (QDD).
Form 1120–F (SCH S)	Exclusion of Income From the International Operation of Ships or Aircraft Under Section 883.
Form 1120–F (SCH V)	List of Vessels or Aircraft, Operators, and Owners.
Form 1120–FSC	U.S. Income Tax Return of a Foreign Sales Corporation.
Form 1120–FSC (SCH P)	Transfer Price or Commission.
Form 1120–H	U.S. Income Tax Return for Homeowners Associations.
Form 1120–IC–DISC	Interest Charge Domestic International Sales Corporation Return.
Form 1120–IC–DISC (SCH K)	Shareholder's Statement of IC–DISC Distributions.
Form 1120–IC–DISC (SCH P)	Intercompany Transfer Price or Commission.
Form 1120–IC–DISC (SCH Q)	Borrower's Certificate of Compliance With the Rules for Producer's Loans.
Form 1120–L	U.S. Life Insurance Company Income Tax Return.
Form 1120–L (SCH M–3)	Net Income (Loss) Reconciliation for U.S. Life Insurance Companies With Total Assets of $10 Million or More.
Form 1120–ND*	Return for Nuclear Decommissioning Funds and Certain Related Persons.
Form 1120–PC	U.S. Property and Casualty Insurance Company Income Tax Return.
Form 1120–PC (SCH M–3)	Net Income (Loss) Reconciliation for U.S. Property and Casualty Insurance Companies With Total Assets of $10 Million or More.
Form 1120–POL	U.S. Income Tax Return for Certain Political Organizations.
Form 1120–REIT	U.S. Income Tax Return for Real Estate Investment Trusts.
Form 1120–RIC	U.S. Income Tax Return for Regulated Investment Companies.
Form 1120–S	U.S. Income Tax Return for an S Corporation.
Form 1120–S (SCH B–1)	Information on Certain Shareholders of an S Corporation.
Form 1120–S (SCH D)	Capital Gains and Losses and Built-In Gains.
Form 1120–S (SCH K–1)	Shareholder's Share of Income, Deductions, Credits, etc.
Form 1120–S (SCH K–2)	Shareholder's Pro Rata Share Items-International.
Form 1120–S (SCH K–3)	Shareholder's Share of Income, deductions, Credits, etc.—International.
Form 1120–S (SCH M–3)	Net Income (Loss) Reconciliation for S Corporations With Total Assets of $10 Million or More.
Form 1120–SF	U.S. Income Tax Return for Settlement Funds (Under Section 468B).
Form 1120–W	Estimated Tax for Corporations.
Form 1120–X	Amended U.S. Corporation Income Tax Return.
Form 1122	Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income Tax Return.
Form 1125–A	Cost of Goods Sold.
Form 1125–E	Compensation of Officers.
Form 1127	Application for Extension of Time for Payment of Tax Due to Undue Hardship.
Form 1128	Application to Adopt, Change, or Retain a Tax Year.
Form 1138	Extension of Time For Payment of Taxes By a Corporation Expecting a Net Operating Loss Carryback.
Form 1139	Corporation Application for Tentative Refund.
Form 2220	Underpayment of Estimated Tax By Corporations.
Form 2438	Undistributed Capital Gains Tax Return.
Form 2439	Notice to Shareholder of Undistributed Long-Term Capital Gains.
Form 2553	Election by a Small Business Corporation.
*Form 2848	Power of Attorney and Declaration of Representative.
*Form 3115	Application for Change in Accounting Method.
*Form 3468	Investment Credit.
*Form 3520	Annual Return To Report Transactions With Foreign Trusts and Receipt of Certain Foreign Gifts.
*Form 3520–A	Annual Return of Foreign Trust With a U.S. Owner.
*Form 3800	General Business Credit.
*Form 4136	Credit for Federal Tax Paid on Fuels.

Product	Title
*Form 4255	Recapture of Investment Credit.
*Form 4466	Corporation Application for Quick Refund of Overpayment of Estimated Tax.
*Form 4562	Depreciation and Amortization (Including Information on Listed Property).
*Form 4684	Casualties and Thefts.
*Form 4797	Sales of Business Property.
*Form 4810	Request for Prompt Assessment Under Internal Revenue Code Section 6501(d).
*Form 4876–A	Election to Be Treated as an Interest Charge DISC.
Form 5452	Corporate Report of Nondividend Distributions.
Form 5471	Information Return of U.S. Persons With Respect To Certain Foreign Corporations.
Form 5471 (SCH E)	Income, War Profits, and Excess Profits Taxes Paid or Accrued.
Form 5471 (SCH H)	Current Earnings and Profits.
Form 5471 (SCH I–1)	Information for Global Intangible Low-Taxed Income.
Form 5471 (SCH J)	Accumulated Earnings and Profits (E&P) of Controlled Foreign Corporation.
Form 5471 (SCH M)	Transactions Between Controlled Foreign Corporation and Shareholders or Other Related Persons.
Form 5471 (SCH O)	Organization or Reorganization of Foreign Corporation, and Acquisitions and Dispositions of its Stock.
Form 5471 (SCH P)	Previously Taxed Earnings and Profits of U.S. Shareholder of Certain Foreign Corporations.
Form 5471 (SCH Q)	CFC Income by CFC Income Groups.
Form 5471 (SCH R)	Distributions From a Foreign Corporation.
Form 5472	Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business.
*Form 56	Notice Concerning Fiduciary Relationship.
*Form 56–F	Notice Concerning Fiduciary Relationship of Financial Institution.
*Form 5713	International Boycott Report.
*Form 5713 (SCH A)	International Boycott Factor (Section 999€(1)).
*Form 5713 (SCH B)	Specifically, Attributable Taxes and Income (Section 999€(2)).
*Form 5713 (SCH C)	Tax Effect of the International Boycott Provisions.
*Form 5735	American Samoa Economic Development Credit.
*Form 5735 Schedule P	Allocation of Income and Expenses Under Section 936(h)(5).
*Form 5884	Work Opportunity Credit.
*Form 5884–A	Credits for Affected Midwestern Disaster Area Employers (for Employers Affected by Hurricane Harvey, Irma, or Maria or Certain California Wildfires).
*Form 6198	At-Risk Limitations.
*Form 6478	Biofuel Producer Credit.
*Form 6627	Environmental Taxes.
*Form 6765	Credit for Increasing Research Activities.
*Form 6781	Gains and Losses From Section 1256 Contracts and Straddles.
*Form 7004	Application for Automatic Extension of Time To File Certain Business Income Tax, Information, and Other Returns.
Form 8023	Elections Under Section 338 for Corporations Making Qualified Stock Purchases.
Form 8050	Direct Deposit Corporate Tax Refund.
*Form 8082	Notice of Inconsistent Treatment or Administrative Adjustment Request (AAR).
*Form 8275	Disclosure Statement.
*Form 8275–R	Regulation Disclosure Statement.
*Form 8288	U.S. Withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interests.
*Form 8288–A	Statement of Withholding on Dispositions by Foreign Persons of U.S. Real Property Interests.
*Form 8288–B	Application for Withholding Certificate for Dispositions by Foreign Persons of U.S. Real Property Interests.
*Form 8300	Report of Cash Payments Over $10,000 Received In a Trade or Business.
Form 8302*	Electronic Deposit of Tax Refund of $1 Million or More.
Form 8308	Report of a Sale or Exchange of Certain Partnership Interests.
Form 8329*	Lender's Information Return for Mortgage Credit Certificates (MCCs).
Form 8404	Interest Charge on DISC-Related Deferred Tax Liability.
Form 8453–C	U.S. Corporation Income Tax Declaration for an IRS e-file Return.
Form 8453–I	Foreign Corporation Income Tax Declaration for an IRS e-file Return.
Form 8453–PE	U.S. Partnership Declaration for an IRS e-file Return.
Form 8453–S	U.S. S Corporation Income Tax Declaration for an IRS e-file Return.
Form 8453–CORP	E-file Declaration for Corporations.
Form 851	Affiliations Schedule.
*Form 8586	Low-Income Housing Credit.
*Form 8594	Asset Acquisition Statement Under Section 1060.
*Form 8609	Low-Income Housing Credit Allocation and Certification.
*Form 8609–A	Annual Statement for Low-Income Housing Credit.
*Form 8611	Recapture of Low-Income Housing Credit.
*Form 8621	Information Return By Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund.
*Form 8621–A	Return by a Shareholder Making Certain Late Elections to End Treatment as a Passive Foreign Investment Company.
*Form 8655	Reporting Agent Authorization.
*Form 8697	Interest Computation Under the Look-Back Method for Completed Long-Term Contracts.
*Form 8703	Annual Certification of a Residential Rental Project.
Form 8716	Election To Have a Tax Year Other Than a Required Tax Year.

Product	Title
Form 8752	Required Payment or Refund Under Section 7519.
Form 8804	Annual Return for Partnership Withholding Tax (Section 1446).
Form 8804 (SCH A)	Penalty for Underpayment of Estimated Section 1446 Tax for Partnerships.
Form 8804–C	Certificate of Partner-Level Items to Reduce Section 1446 Withholding.
Form 8804–W	Installment Payments of Section 1446 Tax for Partnerships.
Form 8805	Foreign Partner's Information Statement of Section 1446 Withholding tax.
Form 8806	Information Return for Acquisition of Control or Substantial Change in Capital Structure.
Form 8810	Corporate Passive Activity Loss and Credit Limitations.
Form 8813*	Partnership Withholding Tax Payment Voucher (Section 1446).
Form 8816	Special Loss Discount Account and Special Estimated Tax Payments for Insurance Companies.
Form 8819	Dollar Election Under Section 985.
*Form 8820	Orphan Drug Credit.
*Form 8822–B	Change of Address—Business.
*Form 8824	Like-Kind Exchanges.
Form 8825	Rental Real Estate Income and Expenses of a Partnership or an S Corporation.
*Form 8826	Disabled Access Credit.
Form 8827	Credit for Prior Year Minimum Tax-Corporations.
*Form 8830	Enhanced Oil Recovery Credit.
*Form 8832	Entity Classification Election.
*Form 8833	Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b).
*Form 8834	Qualified Electric Vehicle Credit.
*Form 8835	Renewable Electricity, Refined Coal, and Indian Coal Production Credit.
*Form 8838	Consent to Extend the Time To Assess Tax Under Section 367–Gain Recognition Agreement.
*Form 8838–P	Consent To Extend the Time To Assess Tax Pursuant to the Gain Deferral Method (Section 721€).
Form 8842	Election to Use Different Annualization Periods for Corporate Estimated Tax.
*Form 8844	Empowerment Zone Employment Credit.
Form 8845	Indian Employment Credit.
Form 8846	Credit for Employer Social Security and Medicare Taxes Paid on Certain Employee Tips.
Form 8848	Consent to Extend the Time to Assess the Branch Profits Tax Under Regulations Sections 1.884–2(a) and (c).
*Form 8858	Information Return of U.S. Persons With Respect to Foreign Disregarded Entities (FDEs) and Foreign Branches (FBs).
*Form 8858 (SCH M)	Transactions Between Foreign Disregarded Entity (FDE) or Foreign Branch (FB) and the Filer or Other Related Entities.
*Form 8864	Biodiesel and Renewable Diesel Fuels Credit.
Form 8865	Return of U.S. Persons With Respect to Certain Foreign Partnerships.
Form 8865 (SCH G)	Statement of Application for the Gain Deferral Method Under Section 721€.
Form 8865 (SCH H)	Acceleration Events and Exceptions Reporting Relating to Gain Deferral Method Under Section 721€.
Form 8865 (SCH K–1)	Partner's Share of Income, Deductions, Credits, etc.
Form 8865 (SCH K–2)	Partner's Distributive Share Items–International.
Form 8865 (SCH K–3)	Partner's Share of Income, Deductions, Credits, etc.—International.
Form 8865 (SCH O)	Transfer of Property to a Foreign Partnership.
Form 8865 (SCH P)	Acquisitions, Dispositions, and Changes of Interests in a Foreign Partnership.
*Form 8866	Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.
Form 8869	Qualified Subchapter S Subsidiary Election.
*Form 8873	Extraterritorial Income Exclusion.
*Form 8874	New Markets Credit.
Form 8875	Taxable REIT Subsidiary Election.
*Form 8878–A	IRS e-file Electronic Funds Withdrawal Authorization for Form 7004.
Form 8879–C	IRS e-file Signature Authorization for Form 1120.
Form 8879–I	IRS e-file Signature Authorization for Form 1120–F.
Form 8879–PE	IRS e-file Signature Authorization for Form 1065.
Form 8879–S	IRS e-file Signature Authorization for Form 1120S.
Form 8879–CORP	e-file Authorization for Corporations.
*Form 8881	Credit for Small Employer Pension Plan Startup Costs.
*Form 8882	Credit for Employer-Provided Childcare Facilities and Services.
*Form 8883	Asset Allocation Statement Under Section 338.
*Form 8886	Reportable Transaction Disclosure Statement.
*Form 8894	Request to Revoke Partnership Level Tax Treatment Election.
*Form 8896	Low Sulfur Diesel Fuel Production Credit.
*Form 8900	Qualified Railroad Track Maintenance Credit.
*Form 8902	Alternative Tax on Qualified Shipping Activities.
*Form 8903	Domestic Production Activities Deduction.
*Form 8906	Distilled Spirits Credit.
*Form 8908	Energy Efficient Home Credit.
*Form 8910	Alternative Motor Vehicle Credit.
*Form 8911	Alternative Fuel Vehicle Refueling Property Credit.
*Form 8912	Credit to Holders of Tax Credit Bonds.
Form 8916	Reconciliation of Schedule M–3 Taxable Income with Tax Return Taxable Income for Mixed Groups.

Product	Title
Form 8916–A	Supplemental Attachment to Schedule M–3.
*Form 8918	Material Advisor Disclosure Statement.
Form 8923	Mining Rescue Team Training Credit.
*Form 8925	Report of Employer-Owned Life Insurance Contracts.
*Form 8926	Disqualified Corporate Interest Expense disallowed under section 163(j) and Related Information.
*Form 8927	Determination Under Section 860€(4) by a Qualified Investment Entity.
*Form 8932	Credit for Employer Differential Wage Payments.
*Form 8933	Carbon Oxide Sequestration Credit.
*Form 8936	Qualified Plug-In Electric Drive Motor Vehicle Credit.
*Form 8937	Report of Organizational Actions Affecting Basis of Securities.
*Form 8938	Statement of Foreign Financial Assets.
*Form 8941	Credit for Small Employer Health Insurance Premiums.
*Form 8947	Report of Branded Prescription Drug Information.
*Form 8966	FATCA Report.
*Form 8966–C	Cover Sheet for Form 8966 Paper Submissions.
Form 8978	Partner's Additional Reporting Year Tax.
Form 8979	Partnership Representative Revocation/Resignation and Designation.
Form 8990	Limitation on Business Interest Expense IRC 163(j).
Form 8991	Tax on Base Erosion Payments of Taxpayers with Substantial Gross Receipts.
Form 8992	U.S Shareholder Calculation of Global Intangible Low-Taxed Income (GILTI).
Form 8992 Sch–A	Schedule A, Global Intangible Low-taxed Income (GILTI).
Form 8992–Sch–B	Calculation of Global Intangible Low-Taxed Income (GILTI) for Members of a U.S. Consolidated Group Who Are U.S. Shareholders of a CFC.
Form 8993	Section 250 Deduction for Foreign-Derived Intangible Income (FDII) and Global Intangible Low-Taxed Income (GILTI).
*Form 8994	Employer Credit for Paid Family and Medical Leave.
*Form 8995	Qualified Business Income Deduction Simplified Computation.
*Form 8995–A Here	Qualified Business Income Deduction.
*Form 8995–A (SCH A)	Specified Service Trades or Businesses.
*Form 8995–A (SCH B)	Aggregation of Business Operations.
*Form 8995–A (SCH C)	Loss Netting And Carryforward.
*Form 8995–A (SCH D)	Special Rules for Patrons Of Agricultural Or Horticultural Cooperatives.
Form 8996	Qualified Opportunity Fund.
Form 8997	Initial and Annual Statement of Qualified Opportunity Fund (QOF) Investments.
Form 926	Return by a U.S. Transferor of Property to a Foreign Corporation.
Form 965	Inclusion of Deferred Foreign Income Upon Transition to Participation Exemption System.
Form 965 (SCH–D) LP	U.S. Shareholder's Aggregate Foreign Cash Position.
Form 965 (SCH–F)	Foreign Taxes Deemed Paid by Domestic Corporation (for U.S. Shareholder Tax).
Form 965 (SCH–H)	Disallowance of Foreign Tax Credit and Amounts Reported on Forms 1116 and 1118.
Form 965–B	Corporate and Real Estate Investment Trust (REIT) Report of Net 965 Tax Liability and Electing REIT Report of 965 Amounts.
Form 965–C	Transfer Agreement Under Section 965(h)(3).
Form 965–D	Transfer Agreement Under 965(i)(2).
Form 965–E	Consent Agreement Under 965(i)(4)(D).
Form 966	Corporate Dissolution or Liquidation.
*Form 970	Application to Use LIFO Inventory Method.
*Form 972	Consent of Shareholder to Include Specific Amount in Gross Income.
Form 973	Corporation Claim for Deduction for Consent Dividends.
Form 976	Claim for Deficiency Dividends Deductions by a Personal Holding Company, Regulated Investment Company, or Real Estate Investment Trust.
*Form 982	Reduction of Tax Attributes Due to Discharge of Indebtedness (and Section 1082 Basis Adjustment).
*Form SS–4	Application for Employer Identification Number.
*Form SS–4(PR)	Solicitud de Número de Identificación Patronal (EIN).
*Form T (TIMBER)	Forest Activities Schedule.
*Form W–8BEN	Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding (Individuals).
*Form W–8BEN(E)	Certificate of Entities Status of Beneficial Owner for United States Tax Withholding (Entities).
*Form W–8ECI	Certificate of Foreign Person's Claim That Income is Effectively Connected With the Conduct of a Trade or Business in the United States.
*Form W–8IMY	Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding and Reporting.

Appendix B

OMB numbers that will no longer be separately reported in order to eliminate duplicate burden reporting. For business filers, the following OMB numbers are or will be retired.

OMB No.	Title
1545–0731	Definition of an S Corporation.

OMB No.	Title
1545–0746	LR–100–78 (Final) Creditability of Foreign Taxes.
1545–0755	Related Group Election With Respect to Qualified Investments in Foreign Base Company Shipping Operations.
1545–0771 *	TD 8864 (Final); EE–63–88 (Final and temp regulations) Taxation of Fringe Benefits and Exclusions From Gross Income for Certain Fringe Benefits; IA–140–86 (Temporary) Fringe Benefits Treas reg 1.274.
1545–0807	(TD 7533) Final, DISC Rules on Procedure and Administration; Rules on Export Trade Corporations, and (TD 7896) Final, Income from Trade Shows.
1545–0879	TD 8426—Certain Returned Magazines, Paperbacks or Records (IA–195–78).
1545–1018	FI–27–89 (Temporary and Final) Real Estate Mortgage Investment Conduits; Reporting Requirements and Other Administrative Matters; FI–61–91 (Final) Allocation of Allocable Investment.
1545–1041	TD 8316 Cooperative Housing Corporations.
1545–1051	TD 8556 (Final)—Computation and Characterization of Income and Earnings and Profits Under the Dollar Approximate Separate Transactions Method of Accounting (DASTM).
1545–1068	T.D. 8618—Definition of a Controlled Foreign Corporation, Foreign Base Company Income, and Foreign Personal Holding Company Income of a Controlled Foreign Corporation (INTL–362–88).
1545–1070	Effectively connected income and the branch profits tax.
1545–1072	INTL–952–86 (Final-TD 8410) and TD 8228 Allocation and Apportionment of Interest Expense and Certain Other Expenses.
1545–1083 *	Treatment of Dual Consolidated Losses.
1545–1093	Final Minimum Tax-Tax Benefit Rule (TD 8416).
1545–1102	PS–19–92 (TD 9420–Final) Carryover Allocations and Other Rules Relating to the Low-Income Housing Credit.
1545–1130 *	Special Loss Discount Account and Special Estimated Tax Payments for Insurance Companies.
1545–1138	TD–8350 (Final) Requirements For Investments to Qualify under Section 936(d)(4) as Investments in Qualified Caribbean Basin Countries.
1545–1146 *	Applicable Conventions Under the Accelerated Cost.
1545–1191	Information with Respect to Certain Foreign-Owned Corporations—IRC Section 6038A.
1545–1218	CO–25–96 (TD 8824—Final) Regulations Under Section 1502 of the Internal Revenue Code of 1986; Limitations on Net Operating Loss Carryforwards and Certain Built-in Losses and Credits Following.
1545–1224	T. D. 8337 (Final) Allocation and Apportionment of Deduction for State Income Taxes (INTL–112–88).
1545–1233 *	Adjusted Current Earnings (IA–14–91) (Final).
1545–1237 *	REG–209831–96 (TD 8823) Consolidated Returns—Limitation on the Use of Certain Losses and Deductions.
1545–1251 *	TD 8437—Limitations on Percentage Depletion in the Case of Oil and Gas Wells.
1545–1254	TD 8396—Conclusive Presumption of Worthlessness of Debts Held by Banks (FI–34–91).
1545–1260 *	CO–62–89 (Final) Final Regulations under Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards.
1545–1271	Treatment of transfers of stock or securities to foreign corporations.
1545–1275	Limitations on net operating loss carryforwards and certain built-in losses following ownership change.
1545–1287	FI–3–91 (TD 8456—Final) Capitalization of Certain Policy Acquisition Expenses.
1545–1290	TD 8513—Bad Debt Reserves of Banks.
1545–1299	TD 8459—Settlement Funds.
1545–1300	Treatment of Acquisition of Certain Financial Institutions: Certain Tax Consequences of Federal Financial Assistance to Financial Institutions.
1545–1308	TD 8449 (Final) Election, Revocation, Termination, and Tax Effect of Subchapter S Status.
1545–1324	CO–88–90 (TD 8530) Limitation on Net Operating Loss Carryforwards and Certain Built-in Losses Following Ownership Change; Special Rule for Value of a Loss Corporation Under the Jurisdiction.
1545–1338	Election Out of Subchapter K for Producers of Natural Gas—TD 8578.
1545–1344 *	TD 8560 (CO–30–92) Consolidated Returns—Stock Basis and Excess Loss Accounts, Earnings and Profits, Absorption of Deductions and Losses, Joining and Leaving Consolidated Groups, Worthless (Final).
1545–1352	TD 8586 (Final) Treatment of Gain From Disposition of Certain Natural Resource Recapture Property.
1545–1357	PS–78–91 (TD 8521)(TD 8859) Procedures for Monitoring Compliance with Low-Income Housing Credit Requirements; PS–50–92 Rules to Carry Out the Purposes of Section 42 and for Correcting.
1545–1364	Methods to Determine Taxable Income in connection with a Cost Sharing Arrangement—IRC Section 482.
1545–1412	FI–54–93 (Final) Clear Reflection of Income in the Case of Hedging Transactions.
1545–1417 *	Form 8845—Indian Employment Credit.
1545–1433	Consolidated and Controlled Groups—Intercompany Transactions and Related Rules.
1545–1434	CO–26–96 (Final) Regulations Under Section 382 of the Internal Revenue Code of 1986; Application of Section 382 in Short Taxable Years and With Respect to Controlled Groups.
1545–1438	TD 8643 (Final) Distributions of Stock and Stock Rights.
1545–1440	TD 8611, Conduit Arrangements Regulations—Final (INTL–64–93).
1545–1447 *	CO–46–94 (TD 8594—Final) Losses on Small Business Stock.
1545–1462	PS–268–82 (TD 8696) Definitions Under Subchapter S of the Internal Revenue Code.
1545–1476	Source of Income From Sales of Inventory and Natural Resources Produced in One Jurisdiction and Sold in Another Jurisdiction.
1545–1480	TD 8985—Hedging Transactions.
1545–1484	TD 8881(Final) REG–242282–97 (formerly Intl–62–90, Intl–32–93, Intl–52–86, and Intl–52–94) General Revision of Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign.
1545–1491	TD 8746—Amortizable Bond Premium.
1545–1493	TD 8684—Treatment of Gain From the Disposition of Interest in Certain Natural Resource Recapture Property by S Corporations and Their Shareholders.
1545–1507	(TD 8701)—Treatment of Shareholders of Certain Passive Investment Companies; (TD 8178)—Passive Foreign Investment Companies.
1545–1522 *	Revenue Procedure 2017–52, 2017–1, 2017–3 Rulings and determination letters.
1545–1530	Rev. Proc. 2007–32—Tip Rate Determination Agreement (Gaming Industry); Gaming Industry Tip Compliance Agreement Program.

OMB No.	Title
1545–1539 *	REG–208172–91 (TD 8787—final) Basis Reduction Due to Discharge of Indebtedness.
1545–1541 *	Revenue Procedure 97–27, Changes in Methods of Accounting.
1545–1546 *	Revenue Procedure 97–33, EFTPS (Electronic Federal Tax Payment System).
1545–1548 *	Rev. Proc. 2013–30, Uniform Late S Corporation Election Revenue Procedure.
1545–1549	Tip Reporting Alternative Commitment (TRAC) Agreement and Tip Rate Determination (TRDA) for Use in the Food and Beverage Industry.
1545–1551	Changes in Methods of Accounting (RP 2016–29).
1545–1555	REG–115795–97 (Final) General Rules for Making and Maintaining Qualified Electing Fund Elections.
1545–1556	TD 8786—Source of Income From Sales of Inventory Partly From Sources Within a Possession of the U.S.; Also, Source of Income Derived From Certain Purchases From a Corp. Electing Sec. 936.
1545–1558	Rev. Proc. 98–46 (modifies Rev. Proc.97–43)—Procedures for Electing Out of Exemptions Under Section 1.475(c)-1; and Rev. Rul. 97–39, Mark-to-Market Accounting Method for Dealers in Securities.
1545–1559	Revenue Procedures 98–46 and 97–44, LIFO Conformity Requirement.
1545–1566	Notice 2010–46, Prevention of Over-Withholding of U.S. Tax Avoidance With Respect to Certain Substitute Dividend Payments.
1545–1588	Adjustments Following Sales of Partnership Interests.
1545–1590 *	REG–251698–96 (T.D. 8869—Final) Subchapter S Subsidiaries.
1545–1617 *	REG–124069–02 (Final) Section 6038—Returns Required with Respect to Controlled Foreign Partnerships; REG–118966–97 (Final) Information Reporting with Respect to Certain Foreign Partnership.
1545–1634	TD 9595 (REG–141399–07) Consolidated Overall Foreign Losses, Separate Limitation Losses, and Overall Domestic Losses.
1545–1641	Rev. Proc. 99–17—Mark to Market Election for Commodities Dealers and Securities and Commodities Traders.
1545–1642	TD 8853 (Final), Recharacterizing Financing Arrangements Involving Fast-Pay Stock.
1545–1646	TD 8851—Return Requirement for United States Persons Acquiring or Disposing of an Interest in a Foreign Partnership, or Whose Proportional Interest in a Foreign Partnership Changes.
1545–1647 *	Revenue Procedure 2001–21 Debt Roll-Ups.
1545–1657 *	Revenue Procedure 99–32—Conforming Adjustments Subsequent to Section 482 Allocations.
1545–1658	Purchase Price Allocations in Deemed Actual Asset Acquisitions.
1545–1661	Qualified lessee construction allowances for short-term leases.
1545–1672	T.D. 9047—Certain Transfers of Property to Regulated Investment Companies (RICs) and Real Estate Investment Trusts (REITs).
1545–1675	Treatment of taxable income of a residual interest holder in excess of daily accruals.
1545–1677	Exclusions From Gross Income of Foreign Corporations.
1545–1684	Pre-Filing Agreements Program.
1545–1690 *	Notice 2000–28, Coal Exports.
1545–1699	TD 9715; Rev. Proc. 2015–26 (Formerly TD 9002; Rev Proc 2002–43), Agent for Consolidated Group.
1545–1701	Revenue Procedure 2000–37—Reverse Like-kind Exchanges (as modified by Rev Proc. 2004–51).
1545–1706	TD 9315—Section 1503(d) Closing Agreement Requests.
1545–1711	TD 9273—Stock Transfer Rules: Carryover of Earnings and Taxes (REG–116050–99).
1545–1714	Tip Reporting Alternative Commitment (TRAC) for most industries.
1545–1716	Employer-Designed Tip Reporting Program for the Food and Beverage Industry (EmTRAC)—Notice 2001–1.
1545–1717	Tip Rate Determination Agreement (TRDA) for Most Industries.
1545–1718	Source of Income from Certain Space and Ocean Activities; Source of Communications Income (TD 9305—final).
1545–1730	Manner of making election to terminate tax-exempt bond financing.
1545–1731	Extraterritorial Income Exclusion Elections.
1545–1736	Advanced Insurance Commissions—Revenue Procedure 2001–24.
1545–1748	Changes in Accounting Periods—REG–106917–99 (TD 8669/Final).
1545–1752	Revenue Procedure 2008–38, Revenue Procedure 2008–39, Revenue Procedure 2008–40, Revenue Procedure 2008–41, Revenue Procedure 2008–42.
1545–1756	Revenue Procedure 2001–56, Demonstration Automobile Use.
1545–1765	T.D. 9171, New Markets Tax Credit.
1545–1768	Revenue Procedure 2003–84, Optional Election to Make Monthly Sec. 706 Allocations.
1545–1774	Extensions of Time to Elect Method for Determining Allowable Loss.
1545–1784	Rev Proc 2002–32 as Modified by Rev Proc 2006–21, Waiver of 60-month Bar on Reconsolidation after Disaffiliation.
1545–1786	Changes in Periods of Accounting.
1545–1799	Notice 2002–69, Interest Rates and Appropriate Foreign Loss Payment Patterns For Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(f).
1545–1801 *	Revenue Procedure 2002–67, Settlement of Section 351 Contingent Liability Tax Shelter Cases.
1545–1806	Form 8883—Asset Allocation Statement Under Section 338.
1545–1820	Revenue Procedure 2003–33, Section 9100 Relief for 338 Elections.
1545–1828 *	TD 9048; 9254—Guidance under Section 1502; Suspension of Losses on Certain Stock Disposition (REG–131478–02).
1545–1831	TD 9157 (Final) Guidance Regarding the Treatment of Certain Contingent Payment Debt Instruments w/one or more Payments that are Denominated in, or Determined by Reference to, a Nonfunctional Currency.
1545–1833 *	Revenue Procedure 2003–37, Documentation Provisions for Certain Taxpayers Using the Fair Market Value Method of Interest Expense Apportionment.
1545–1834	Revenue Procedure 2003–39, Section 1031 LKE (Like-Kind Exchanges) Auto Leasing Programs.
1545–1837 *	Revenue Procedure 2003–36, Industry Issue Resolution Program.
1545–1847	Revenue Procedure 2004–29—Statistical Sampling in Sec. 274 Context.
1545–1855 *	TD 9285—Limitation on Use of the Nonaccrual-Experience Method of Accounting Under Section 448(d)(5).
1545–1861	Revenue Procedure 2004–19—Probable or Prospective Reserves Safe Harbor.
1545–1870	TD 9107—Guidance Regarding Deduction and Capitalization of Expenditures.
1545–1893	Rollover of Gain from Qualified Small Business Stock to Another Qualified Small Business Stock.

OMB No.	Title
1545–1900	(TD 9212) Final, Source of Compensation for Labor or Personal Services.
1545–1903	TD 9168—Optional 10-Year Writeoff of Certain Tax Preferences (REG–124405–03).
1545–1905	TD 9289 (Final) Treatment of Disregarded Entities Under Section 752.
1545–1906	TD 9210—LIFO Recapture Under Section 1363(d).
1545–1915	Notice 2005–4, Fuel Tax Guidance, as modified.
1545–1927	Form 8878–A IRS e-file Electronic Funds Withdrawal Authorization for Form 7004.
1545–1939	Notification Requirement for Transfer of Partnership Interest in Electing Investment Partnership (EIP).
1545–1945	26 U.S. Code § 475—Mark to market accounting method for dealers in securities.
1545–1946	T.D. 9315 (Final) Dual Consolidated Loss Regulations.
1545–1965	TD 9360 (REG–133446–03)(Final) Guidance on Passive Foreign Company (PFIC) Purging Elections.
1545–1983 *	Qualified Railroad Track Maintenance Credit.
1545–1986 *	Notice 2006–47, Elections Created or Effected by the American Jobs Creation Act of 2004.
1545–1990 *	Application of Section 338 to Insurance Companies.
1545–2001 *	Rev. Proc. 2006–16, Renewal Community Depreciation Provisions.
1545–2002 *	Notice 2006–25 (superseded by Notice 2007–53), Qualifying Gasification Project Program.
1545–2003	Notice 2006–24, Qualifying Advanced Coal Project Program.
1545–2004	Deduction for Energy Efficient Commercial Buildings.
1545–2008 *	Nonconventional Source Fuel Credit.
1545–2014 *	TD 9452—Application of Separate Limitations to Dividends from Noncontrolled Section 902 Corporations.
1545–2017	Notice 2006–46 Announcement of Rules to be included in Final Regulations under Section 897(d) and (e) of the Internal Revenue Code.
1545–2019	TD 9451—Guidance Necessary to Facilitate Business Election Filing; Finalization of Controlled Group Qualification Rules (TD 9329).
1545–2028	Fuel Cell Motor Vehicle Credit.
1545–2030	REG–120509–06 (TD 9465 -Final), Determination of Interest Expense Deduction of Foreign Corporations.
1545–2036	Taxation and Reporting of REIT Excess Inclusion Income by REITs, RICs, and Other Pass-Through Entities (Notice 2006–97).
1545–2070	Rev. Proc. 2007–48 Rotable Spare Parts Safe Harbor Method.
1545–2072	Revenue Procedure 2007–35—Statistical Sampling for Purposes of Section 199.
1545–2091	TD 9512 (Final)—Nuclear Decommissioning Funds.
1545–2096	Loss on Subsidiary Stock—REG–157711–02 (TD 9424—Final).
1545–2103	Election to Expense Certain Refineries.
1545–2110	REG–127770–07 (Final), Modifications of Commercial Mortgage Loans Held by a Real Estate Mortgage Investment Conduit.
1545–2114	S Corporation Guidance under AJCA of 2004 (TD 9422 Final—REG–143326–05).
1545–2122 *	Form 8931—Agricultural Chemicals Security Credit.
1545–2125	REG–143544–04 Regulations Enabling Elections for Certain Transaction Under Section 336(e).
1545–2133 *	Rev. Proc. 2009–16, Section 168(k)(4) Election Procedures and Rev. Proc. 2009–33, Section 168(k)(4) Extension Property Elections.
1545–2134 *	Notice 2009–41—Credit for Residential Energy Efficient Property.
1545–2145	Notice 2009–52, Election of Investment Tax Credit in Lieu of Production Tax Credit; Coordination with Department of Treasury Grants for Specified Energy Property in Lieu of Tax Credits.
1545–2147	Internal Revenue Code Section 108(i) Election.
1545–2149	Treatment of Services Under Section 482; Allocation of Income and Deductions From Intangibles; Stewardship Expense (TD 9456).
1545–2150	Notice 2009–58, Manufacturers' Certification of Specified Plug-in Electric Vehicles.
1545–2151	Qualifying Advanced Energy Project Credit—Notice 2013–12.
1545–2153	Notice 2009–83—Credit for Carbon Dioxide Sequestration Under Section 45Q.
1545–2155 *	TD 9469 (REG–102822–08) Section 108 Reduction of Tax Attributes for S Corporations.
1545–2156	Revenue Procedure 2010–13, Disclosure of Activities Grouped under Section 469.
1545–2158	Notice 2010–54: Production Tax Credit for Refined Coal.
1545–2165	Notice of Medical Necessity Criteria under the Mental Health Parity and Addiction Equity Act of 2008.
1545–2183	Transfers by Domestic Corporations That Are Subject to Section 367(a)(5); Distributions by Domestic Corporations That Are Subject to Section 1248(f). (TD 9614 & 9615).
1545–2186	TD 9504, Basis Reporting by Securities Brokers and Basis Determination for Stock; TD 9616, TD9713, and TD 9750.
1545–2194	Rules for Certain Rental Real Estate Activities.
1545–2209	REG–112805–10—Branded Prescription Drugs.
1545–2242	REG–135491–10—Updating of Employer Identification Numbers.
1545–2245	REG–160873–04—American Jobs Creation Act Modifications to Section 6708, Failure to Maintain List of Advisees With Respect to Reportable Transactions.
1545–2247	TD 9633—Limitations on Duplication of Net Built-in Losses.
1545–2259	Performance & Quality for Small Wind Energy Property.
1545–2276	Safe Harbor for Inadvertent Normalization Violations.

* Discontinued in FY21.

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BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Senior Executive Service Performance Review Boards

AGENCY: Department of the Treasury.

ACTION: Notice of appointments to Performance Review Boards (PRBs).

SUMMARY: This notice announces the appointment of members to the Department of the Treasury's Performance Review Boards (PRBs). The purpose of these Boards are to review and make recommendations concerning proposed performance appraisals, ratings, bonuses and other appropriate personnel actions for incumbents of SES positions in the Department.

Composition of the PRB: The Boards shall consist of at least three members. In the case of an appraisal of a career appointee, more than half the members shall consist of career appointees. The persons listed below may be selected to serve on one or more PRB within Treasury.

Names for Federal Register Publication

Top Officials

- Anna Canfield Roth, Acting Assistant Secretary for Management
- Leonard Olijar, Director for the Bureau of Engraving and Printing
- Patricia Greiner, Deputy Director for Bureau of Engraving and Printing and Chief Administrative Officer
- Charlene Williams, Deputy Director for Bureau of Engraving and Printing and Chief Operating Officer
- Timothy Gribben, Commissioner for the Bureau of the Fiscal Service
- Tami Perriello, Deputy Commissioner (Finance and Administration), Bureau of the Fiscal Service
- Matthew J. Miller, Deputy Commissioner (Financial Services and Operations), Bureau of the Fiscal Service
- Jeffrey J. Schramek, Deputy Commissioner (Accounting and Shared Services), Bureau of the Fiscal Service
- Kristie L. McNally, Deputy Director of the Mint
- Jeffrey Tribiano, Deputy Commissioner for Operations Support (IRS)
- Douglas O'Donnell, Deputy Commissioner for Services and Enforcement (IRS)
- Mary G. Ryan, Administrator for the Alcohol and Tobacco Tax and Trade Bureau
- David Wulf, Deputy Administrator for the Alcohol and Tobacco Tax and Trade Bureau
- David Lebryk, Fiscal Assistant Secretary
- Laurie Schaffer, Principal Deputy General Counsel
- Addar Levi, Deputy General Counsel
- Eric Nguyen, Deputy General Counsel

Departmental Offices

- John M. Farley, Director, Executive Office for Asset Forfeiture
- Marti Pentheny Adams-Baker, Executive Secretary
- Donna Ragucci, Director for the Office of Small and Disadvantaged Business Utilization
- Janis Bowdler, Counselor for Racial Equity
- Aditi Hardikar, Deputy Chief of Staff
- Julie Siegel, Deputy Chief of Staff
- Brent Neiman, Counselor to the Secretary
- John Morton, Climate Counselor
- Andy Baukol, Counselor to the Secretary
- Jay Shambaugh, Counselor
- David Lipton, Counselor
- Brian Reissaus, DAS Investment Security Operations
- Andrew Fair, Director, Investment Reviews and Investigations
- James Secreto, Counselor
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- John F. Schorn, Chief Counsel for the U.S. Mint
- Lillian Lai-Lin Cheng, Chief Counsel for the Bureau of the Fiscal Service

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- Douglas Anderson, Assistant Commissioner (Retail Securities Services)
- Marisa F. Anthony, Deputy Assistant Commissioner (Debt Management Services)
- Daniel Berger, Assistant Commissioner (Management and Chief Financial Officer)
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- Christina M. Cox, Deputy Assistant Commissioner (Payment Management)
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- Dara N. Seaman, Senior Advisor
- Thomas T. Vannoy, Deputy Assistant Commissioner (Wholesale Securities Services)
- Daniel J. Vavasour, Senior Advisor

DATES: Membership is effective on the date of this notice.

FOR FURTHER INFORMATION CONTACT: Julia J. Markham or Kimberly Jackson, Office of Executive Resources, 1500 Pennsylvania Avenue NW, ATTN: 1722 Eye Street, 9th Floor, Washington, DC 20220, Telephone: 202–622–0774.

Kimberly Jackson,

Human Resources Specialist, Office of Executive Resources.

[FR Doc. 2022–20895 Filed 9–27–22; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0662]

Agency Information Collection Activity: Civil Rights Discrimination Complaint

AGENCY: Human Resources and Administration/Operations, Security, and Preparedness (HRA/OSP), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Human Resources and Administration/Operations, Security, and Preparedness, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 28, 2022.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Human Resources and Administration/Operations, Security, and Preparedness (HRA/OSP), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Sterling.Akins@va.gov.*

Please refer to ''OMB Control No. 2900–0662'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

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. 2900–0662'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, HRA/OSP invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of HRA/OSP's functions, including whether the information will have practical utility; (2) the accuracy of HRA/OSP'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 44 U.S.C. 3501–21. Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, HRA/OSP invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of ORMDI's functions, including whether the information will have practical utility; (2) the accuracy of HRA/OSP'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 respondents, including through the use of automated collection techniques or

the use of other forms of information technology.

Title: Civil Rights Discrimination Complaint, VA Form 08–0381.

OMB Control Number: 2900–0662.

Type of Review: Revision of a currently approved collection.

Abstract: Veterans and other customers who believe that civil rights were violated by agency employees while receiving medical care or services in VA medical centers or institutions such as state homes receiving federal financial assistance from VA, complete VA Form 08–0381 to file a formal complaint of the alleged discrimination.

Affected Public: Individuals and households.

Estimated Annual Burden: 113 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 450.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, (Alt) Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–20916 Filed 9–27–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0747]

Agency Information Collection Activity Under OMB Review: Application for Disability Compensation and Related Compensation Benefits

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0747.

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. 2900–0747'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 110–389 Section 221, 38 U.S.C. 5101.

Title: Application for Disability Compensation and Related Compensation Benefits (VA Form 21–526EZ).

OMB Control Number: 2900–0747.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–526EZ is used to collect the information needed to process a claim for disability compensation and related compensation benefits. Though, this form was initially created to be used to submit fully developed claims (FDC), it has evolved into a standard claim form to be used for any benefit associated with disability compensation: to include new or initial claims, reopened claims, and claims for increase.

The respondent burden for VA Form 21–526EZ has increased due to: the number of receivables averaged over the past year, general program changes—such as regulatory changes, and the continuing improvement of VA's electronic claims processing systems.

VA Form 21–526EZ has been updated, to include: new instructions associated with 'The Sergeant First Class (SFC) Heath Robinson Honoring our Promise to Address Comprehensive Toxics (PACT) Act'; the GENDER question has been removed; a new Section IV: Exposure Information, including new PACT Act questions that identify toxic exposures the claimant may have been exposed to during service; and an 'Addendum' has been added to provide additional space for disabilities if the claimant has more than the space provided in Section V: Claim Information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 87 FR 40885 on July 8, 2022, pages 40885 and 40886.

Affected Public: Individuals or Households.

Estimated Annual Burden: 587,815.

Estimated Average Burden per Respondent: 17.5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,015,367.

By direction of the Secretary.

Dorothy Glasgow,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–21017 Filed 9–27–22; 8:45 am]

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