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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 460

[Docket ID FCIC–22–0001]

RIN 0563–AC77

Pandemic Cover Crop Program; Correction

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

ACTION: Final rule; correction.

SUMMARY: Due to inadvertently having not included valid cover cropping practices because of the timing of acreage reporting, the Federal Crop Insurance Corporation (FCIC) is correcting a final rule that published in the **Federal Register** on February 11, 2022. The final rule announced the Pandemic Cover Crop Program (PCCP) that provides support for agricultural producers impacted by the COVID–19 pandemic for the 2022 crop year. With a specific focus on strengthening outreach to underserved producers and communities and small and medium agricultural operations, USDA dedicated funding to reaching a broader set of producers than was reached in previous COVID–19 assistance programs. As a part of that initiative, the final rule established PCCP for 2022.

DATES: Effective April 12, 2022.

FOR FURTHER INFORMATION CONTACT: David Zanoni; telephone (816) 926–6142; email *david.zanoni@usda.gov.* Persons with disabilities who require alternative means of communication should contact the USDA Target Center at (202) 720–2600 or 844–433–2774.

SUPPLEMENTARY INFORMATION: In FR Doc. 2022–02965, which published on February 11, 2022 at 87 FR 7927, the following corrections are made:

■ 1. On page 7929, in the second column, correct the definition of ''eligible insured acres'' and in the third column, correct the definition of ''eligible WFRP acres'' to read as follows:

§ 460.9 [Corrected]

* * * * *

Eligible insured acres means insured acres on which the producer planted a qualifying cover crop after June 15, 2021, during the 2021 crop year, or during the 2022 crop year, as reported on the Farm Service Agency's (FSA) common land unit(s) (CLU) to FSA via a completed and signed Form 578-Report of Acreage on or before March 15, 2022, or May 31, 2022, for 2022 crop year qualifying cover crops planted after March 15, 2022, which may be prior to FSA's acreage reporting date, and reported the same CLU(s) on their crop insurance acreage report by the applicable Federal crop insurance acreage reporting date for a 2022 crop year crop insurance policy for a first insured crop.

* * * * *

Eligible WFRP acres means acres on which a person with a 2022 crop year WFRP policy planted a qualifying cover crop after June 15, 2021, during the 2021 crop year, or during the 2022 crop year, as reported on the CLU(s) to FSA via a completed and signed Form 578-Report of Acreage on or before March 15, 2022, or May 31, 2022, for 2022 crop year qualifying cover crops planted after March 15, 2022, which may be prior to FSA's acreage reporting date.

* * * * *

§ 460.10 [Corrected]

■ 3. On page 7930, in the first column, in paragraph (a)(3), ''Only acreage reports that are filed or amended prior to March 15 will be considered for PCCP'' is corrected to read

''Only acreage reports that are filed or amended prior to March 15, 2022, (or May 31, 2022, for 2022 crop year qualifying cover crops planted after March 15, 2022), will be considered for PCCP''.

Marcia Bunger,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2022–05785 Filed 3–18–22; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 13 and 406

Office of the Secretary

14 CFR Part 383

Great Lakes St. Lawrence Seaway Development Corporation

33 CFR Part 401

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Federal Motor Carrier Safety Administration

49 CFR Part 386

National Highway Traffic Safety Administration

49 CFR Part 578

RIN 2105–AF11

Revisions to Civil Penalty Amounts

AGENCY: Department of Transportation (DOT or the Department).

ACTION: Final rule.

SUMMARY: This final rule provides the statutorily-prescribed 2022 adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. In addition, this rule notes new DOT civil penalties authority provided in the Bipartisan Infrastructure Law (BIL, enacted as the Infrastructure Investment and Jobs Act).

DATES: This rule is effective March 21, 2022.

FOR FURTHER INFORMATION CONTACT: Elizabeth Kohl, Attorney-Advisor,

Office of the General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–7253; *elizabeth.kohl@dot.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

This rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law 101–410, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114–74, 129 Stat. 599, codified at 28 U.S.C. 2461 note. The FCPIAA and the 2015 Act require Federal agencies to adjust minimum and maximum civil penalty amounts to preserve their deterrent impact. The 2015 Act amended the formula and frequency of the adjustments. It required an initial catch-up adjustment in the form of an interim final rule, followed by annual adjustments of civil penalty amounts using a statutorily mandated formula. Section 4(b)(2) of the 2015 Act specifically directs that the annual adjustment be accomplished through final rule without notice and comment. This rule is effective immediately.

This rule also notes new DOT authority to assess civil penalties for violations of requirements related to newly manufactured and operating railroad freight cars. The authority to assess these civil penalties was provided in the BIL, enacted as the Infrastructure Investment and Jobs Act, Public Law 117–58 (Nov. 15, 2021) and codified at 49 U.S.C. 20171. The Department's authorities over the specific civil penalty regulations being amended by this rule are provided in the preamble discussion below.

I. Background

On November 2, 2015, the President signed into law the 2015 Act, which amended the FCPIAA, to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Act requires Federal agencies to: (1) Adjust the level of civil monetary penalties with an initial ''catch-up'' adjustment through an interim final rule (IFR); and (2) make subsequent annual adjustments.

The 2015 Act directed the Office of Management and Budget (OMB) to issue guidance on implementing the required annual adjustment no later than December 15 of each year.[1] On December 15, 2021, OMB released this required guidance, in OMB Memorandum M22–07, which provides instructions on how to calculate the 2022 annual adjustment. To derive the 2022 adjustment, the Department must multiply the maximum or minimum penalty amount by the percent change between the October 2021 Consumer Price Index for All Urban Consumers (CPI–U) and the October 2020 CPI–U. In this case, as explained in OMB Memorandum M–22–07, the percent change between the October 2021 CPI–U and the October 2020 CPI–U is 1.06222.

II. Issuance of a Final Rule

This final rule is being published without notice and comment and with an immediate effective date.

The 2015 Act provides clear direction for how to adjust the civil penalties, and clearly states at section 4(b)(2) that this adjustment shall be made ''notwithstanding section 553 of title 5, United States Code.'' By operation of the 2015 Act, DOT must publish an annual adjustment by January 15 of every year, and the new levels take effect upon publication of the rule.

In addition, as noted previously in the discussion of the authority for this rulemaking, the BIL (Infrastructure Investment and Jobs Act, section 22425) provides authority for DOT to assess civil penalties for violations of requirements related to newly manufactured and operating railroad freight cars. DOT does not have discretion in this rulemaking to change the specified penalties set out in the statute. In addition, the statute directs DOT to issue any necessary implementing regulations and specifies that violations for which penalties may be assessed occur after the issuance of such regulations. As a result, no new civil penalties are being established in this rulemaking.

Accordingly, DOT is publishing this final rule without prior notice and comment, and with an immediate effective date.

III. Discussion of the Final Rule

In 2016, OST and DOT's operating administrations with civil monetary penalties promulgated the ''catch up'' IFR required by the 2015 Act. All DOT operating administrations have already finalized their ''catch up'' IFRs, and this rule makes the annual adjustment required by the 2015 Act.

The Department emphasizes that this rule adjusts penalties prospectively, and therefore the penalty adjustments made by this rule will apply only to violations that take place after this rule becomes effective. This rule also does not change previously assessed or enforced penalties that DOT is actively collecting or has collected.

A. Office of the Secretary (OST) 2022 Adjustments

OST's 2022 civil penalty adjustments are summarized in the chart below.

BILLING CODE 4910–9X–P

[1] 28 U.S.C. 2461 note.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty X 1.06222)
General civil penalty for violations of certain aviation economic regulations and statutes	49 U.S.C. 46301(a)(1)	$35,188	$37,377
General civil penalty for violations of certain aviation economic regulations and statutes involving an individual or small business concern[2]	49 U.S.C. 46301(a)(1)	$1,548	$1,644
Civil penalties for individuals or small businesses for violations of most provisions of Chapter 401 of Title 49, including the anti-discrimination provisions of sections 40127 and 41705 and rules and orders issued pursuant to these provisions	49 U.S.C. 46301(a)(5)(A)	$14,074	$14,950
Civil penalties for individuals or small businesses for violations of 49 U.S.C. 41719 and rules and orders issued pursuant to that provision	49 U.S.C. 46301(a)(5)(C)	$7,037	$7,475
Civil penalties for individuals or small businesses for violations of 49 U.S.C. 41712 or consumer protection rules and orders issued pursuant to that provision	49 U.S.C. 46301(a)(5)(D)	$3,519	$3,738

B. Federal Aviation Administration (FAA) 2022 Adjustments

FAA's 2022 civil penalty adjustments are summarized in the chart below.

[2] Note that the reference to this penalty amount in the regulatory text at 14 CFR 383.2(b) was edited to reference that same penalty amount in 14 CFR 383.2(a). The edit was made to simplify reference to this penalty amount in 14 CFR 383.2 by referencing the dollar amount only once. Note also that the penalty amount in the 14 CFR 383.2(b) was incorrectly stated in DOT's 2021 civil monetary penalty (CMP) update as $1,483 rather than $1,548. This rulemaking, by referencing the correct amount in 14 CFR 383.2(a), correct that error.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.06222)
Violation of hazardous materials transportation law	49 U.S.C. 5123(a)(1)	$84,425	$89,678
Violation of hazardous materials transportation law resulting in death, serious illness, severe injury, or substantial property destruction	49 U.S.C. 5123(a)(2)	$196,992	$209,249
Minimum penalty for violation of hazardous materials transportation law relating to training	49 U.S.C. 5123(a)(3)	$508	$540
Maximum penalty for violation of hazardous materials transportation law relating to training	49 U.S.C. 5123(a)(3)	$84,425	$89,678
Knowing presentation of a nonconforming aircraft for issuance of an initial airworthiness certificate by a production certificate holder	49 U.S.C. 44704(d)(3)(B)	$1,000,000	$1,062,220
Knowing failure by an applicant for or holder of a type certificate to submit safety critical information or include certain such information in an airplane flight manual or flight crew	49 U.S.C. 44704(e)(4)(A)	$1,000,000	$1,062,220

operating manual contrary to 49 U.S.C. 44704(e)(1)-(3)			
Operation of an unmanned aircraft or unmanned aircraft system equipped or armed with a dangerous weapon	49 U.S.C. 44802 note	$25,742	$27,344
Violation by a person other than an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B)	49 U.S.C. 46301(a)(1)	$35,188	$37,377
Violation by an airman serving as an airman under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered by 46301(a)(5)(A) or (B))	49 U.S.C. 46301(a)(1)	$1,548	$1,644
Violation by an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered in 49 U.S.C. 46301(a)(5))	49 U.S.C. 46301(a)(1)	$1,548	$1,644
Violation by an individual or small business concern (except an airman serving as an airman) under 49 U.S.C. 46301(a)(5)(A)(i) or (ii)	49 U.S.C. 46301(a)(5)(A)	$14,074	$14,950
Violation by an individual or small business concern related to the transportation of hazardous materials	49 U.S.C. 46301(a)(5)(B)(i)	$14,074	$14,950
Violation by an individual or small business concern related to the registration or	49 U.S.C. 46301(a)(5)(B)(ii)	$14,074	$14,950

recordation under 49 U.S.C. chapter 441, of an aircraft not used to provide air transportation			
Violation by an individual or small business concern of 49 U.S.C. 44718(d), relating to limitation on construction or establishment of landfills	49 U.S.C. 46301(a)(5)(B)(iii)	$14,074	$14,950
Violation by an individual or small business concern of 49 U.S.C. 44725, relating to the safe disposal of life-limited aircraft parts	49 U.S.C. 46301(a)(5)(B)(iv)	$14,074	$14,950
Individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft	49 U.S.C. 46301 note	$26,929	$28,605
Tampering with a smoke alarm device	49 U.S.C. 46301(b)	$4,518	$4,799
Knowingly providing false information about alleged violation involving the special aircraft jurisdiction of the United States	49 U.S.C. 46302	$24,539	$26,066
Physical or sexual assault or threat to physically or sexually assault crewmember or other individual on an aircraft, or action that poses an imminent threat to the safety of the aircraft or individuals on board	49 U.S.C. 46318	$36,948	$39,247

Permanent closure of an airport without providing sufficient notice	49 U.S.C. 46319	$14,074	$14,950
Operating an unmanned aircraft and in so doing knowingly or recklessly interfering with a wildfire suppression, law enforcement, or emergency response effort	49 U.S.C. 46320	$21,544	$22,884
Violation of 51 U.S.C. 50901-50923, a regulation issued under these statutes, or any term or condition of a license or permit issued or transferred under these statutes.	51 U.S.C. 50917(c)	$247,280	$262,666

C. National Highway Traffic Safety Administration (NHTSA) 2022 Adjustments

NHTSA's 2022 civil penalty adjustments are summarized in the chart below. DOT's annual civil monetary penalty adjustments have not included adjustments of NHTSA's civil penalties for violations of applicable corporate average fuel economy (CAFE) standards. Those standards, including any statutorily-required adjustments, are being addressed in a separate rulemaking proceeding (*see* NHTSA's supplemental notice of proposed rulemaking published in August 2021 (86 FR 46811 (Aug. 20, 2021)). Subsequent to conclusion of that rulemaking proceeding, DOT intends to update the CAFE civil penalties addressed in that rulemaking in the DOT annual civil monetary penalties adjustment.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.06222)
Maximum penalty amount for each violation of: 49 U.S.C. 30112, 30115, 30117-30122, 30123(a), 30125(c), 30127, 30141-30147, 30166 or 31137, or a regulation prescribed under any of these sections	49 U.S.C. 30165(a)(1), 30165(a)(3)	$22,992	$24,423
Maximum penalty amount for a related series of violations of: 49 U.S.C. 30112, 30115, 30117-30122, 30123(a), 30125(c), 30127, 30141-30147, 30166 or 31137, or a regulation prescribed under any of these sections	49 U.S.C. 30165(a)(1), 30165(a)(3)	$114,954,525	$122,106,996
Maximum penalty per school bus related violation of 49 U.S.C. 30112(a)(1) or 30112(a)(2)	49 U.S.C. 30165(a)(2)(A)	$13,072	$13,885
Maximum penalty amount for a series of school bus related violations of 49 U.S.C. 30112(a)(1) or 30112(a)(2)	49 U.S.C. 30165(a)(2)(B)	$19,607,465	$20,827,441
Maximum penalty per violation for filing false or misleading reports	49 U.S.C. 30165(a)(4)	$5,628	$5,978

Maximum penalty amount for a series of violations related to filing false or misleading reports	49 U.S.C. 30165(a)(4)	$1,125,668	$1,195,707
Maximum penalty amount for each violation of the reporting requirements related to maintaining the National Motor Vehicle Title Information System	49 U.S.C. 30505	$1,835	$1,949
Maximum penalty amount for each violation of a bumper standard under 49 U.S.C. 32506	49 U.S.C. 32507(a)	$3,011	$3,198
Maximum penalty amount for a series of violations of a bumper standard under 49 U.S.C. 32506	49 U.S.C. 32507(a)	$3,352,932	$3,561,551
Maximum penalty amount for each violation of 49 U.S.C. 32308(a) related to providing information on crashworthiness and damage susceptibility	49 U.S.C. 32308(b)	$3,011	$3,198
Maximum penalty amount for a series of violations of 49 U.S.C. 32308(a) related to providing information on crashworthiness and damage susceptibility	49 U.S.C. 32308(b)	$1,642,208	$1,744,386
Maximum penalty for each violation related to the tire fuel efficiency	49 U.S.C. 32308(c)	$62,314	$66,191

information program			
Maximum civil penalty for willfully failing to affix, or failing to maintain, the label required in 49 U.S.C. 32304	49 U.S.C. 32309	$1,835	$1,949
Maximum penalty amount per violation related to odometer tampering and disclosure	49 U.S.C. 32709	$11,256	$11,956
Maximum penalty amount for a related series of violations related to odometer tampering and disclosure	49 U.S.C. 32709	$1,125,668	$1,195,707
Maximum penalty amount per violation related to odometer tampering and disclosure with intent to defraud	49 U.S.C. 32710	$11,256	$11,956
Maximum penalty amount for each violation of 49 U.S.C. 33114(a)(1)–(4)	49 U.S.C. 33115(a)	$2,473	$2,627
Maximum penalty amount for a related series of violations of 49 U.S.C. 33114(a)(1)–(4)	49 U.S.C. 33115(a)	$618,201	$656,665
Maximum civil penalty for violations of 49 U.S.C. 33114(a)(5)	49 U.S.C. 33115(b)	$183,629	$195,054
Maximum civil penalty for violations under 49 U.S.C. 32911(a) related to automobile fuel economy	49 U.S.C 32912(a)	$43,280	$45,973
Maximum civil penalty for a violation under the	49 U.S.C. 32902	$42,621	$45,273

medium- and heavy-duty vehicle fuel efficiency program			

D. Federal Motor Carrier Safety Administration (FMCSA) 2022 Adjustments

FMCSA's civil penalties affected by this rule are all located in appendices A and B to 49 CFR part 386. The 2022 adjustments to these civil penalties are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.06222)
Appendix A II Subpoena	49 U.S.C. 525	$1,125	$1,195
Appendix A II Subpoena	49 U.S.C. 525	$11,256	$11,956
Appendix A IV (a) Out-of-service order (operation of commercial motor vehicle (CMV) by driver)	49 U.S.C. 521(b)(7)	$1,951	$2,072
Appendix A IV (b) Out-of-service order (requiring or permitting operation of CMV by driver)	49 U.S.C. 521(b)(7))	$19,505	$20,719
Appendix A IV (c) Out-of-service order (operation by driver of CMV or intermodal equipment that was placed out of service)	49 U.S.C. 521(b)(7)	$1,951	$2,072
Appendix A IV (d) Out-of-service order (requiring or permitting operation of CMV or intermodal equipment that was placed out of service)	49 U.S.C. 521(b)(7)	$19,505	$20,719

Appendix A IV (e) Out-of-service order (failure to return written certification of correction)	49 U.S.C. 521(b)(2)(B)	$975	$1,036
Appendix A IV (g) Out-of-service order (failure to cease operations as ordered)	49 U.S.C. 521(b)(2)(F)	$28,142	$29,893
Appendix A IV (h) Out-of-service order (operating in violation of order)	49 U.S.C. 521(b)(7)	$24,730	$26,269
Appendix A IV (i) Out-of-service order (conducting operations during suspension or revocation for failure to pay penalties)	49 U.S.C. 521(b)(2)(A) and (b)(7))	$15,876	$16,864
Appendix A IV (j) (conducting operations during suspension or revocation)	49 U.S.C. 521(b)(7)	$24,730	$26,269
Appendix B (a)(1) Recordkeeping--maximum penalty per day	49 U.S.C. 521(b)(2)(B)(i)	$1,307	$1,388
Appendix B (a)(1) Recordkeeping--maximum total penalty	49 U.S.C. 521(b)(2)(B)(i)	$13,072	$13,885
Appendix B (a)(2) Knowing falsification of records	49 U.S.C. 521(b)(2)(B)(ii)	$13,072	$13,885
Appendix B (a)(3) Non-recordkeeping violations	49 U.S.C. 521(b)(2)(A)	$15,876	$16,864
Appendix B (a)(4) Non-recordkeeping violations by drivers	49 U.S.C. 521(b)(2)(A)	$3,969	$4,216
Appendix B (a)(5) Violation of 49 CFR 392.5 (first conviction)	49 U.S.C. 31310(i)(2)(A)	$3,268	$3,471
Appendix B (a)(5) Violation of 49 CFR 392.5 (second or subsequent conviction)	49 U.S.C. 31310(i)(2)(A)	$6,536	$6,943
Appendix B (b) Commercial driver's license (CDL) violations	49 U.S.C. 521(b)(2)(C)	$5,902	$6,269

Appendix B (b)(1): Special penalties pertaining to violation of out-of-service orders (first conviction)	49 U.S.C. 31310(i)(2)(A)	$3,268	$3,471
Appendix B (b)(1) Special penalties pertaining to violation of out-of-service orders (second or subsequent conviction)	49 U.S.C. 31310(i)(2)(A)	$6,536	$6,943
Appendix B (b)(2) Employer violations pertaining to knowingly allowing, authorizing employee violations of out-of-service order (minimum penalty)	49 U.S.C. 521(b)(2)(C)	$5,902	$6,269
Appendix B (b)(2) Employer violations pertaining to knowingly allowing, authorizing employee violations of out-of-service order (maximum penalty)	49 U.S.C. 31310(i)(2)(C)	$32,679	$34,712
Appendix B (b)(3) Special penalties pertaining to railroad-highway grade crossing violations	49 U.S.C. 31310(j)(2)(B)	$16,941	$17,995
Appendix B (d) Financial responsibility violations	49 U.S.C. 31138(d)(1), 31139(g)(1)	$17,416	$18,500
Appendix B (e)(1) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (transportation or shipment of hazardous materials)	49 U.S.C. 5123(a)(1)	$84,425	$89,678
Appendix B (e)(2) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (training)--minimum penalty	49 U.S.C. 5123(a)(3)	$508	$540

Appendix B (e)(2): Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (training)--maximum penalty	49 U.S.C. 5123(a)(1)	$84,425	$89,678
Appendix B (e)(3) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (packaging or container)	49 U.S.C. 5123(a)(1)	$84,425	$89,678
Appendix B (e)(4): Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (compliance with FMCSRs)	49 U.S.C. 5123(a)(1)	$84,425	$89,678
Appendix B (e)(5) Violations of Hazardous Materials Regulations (HMRs) and Safety Permitting Regulations (death, serious illness, severe injury to persons; destruction of property)	49 U.S.C. 5123(a)(2)	$196,992	$209,249
Appendix B (f)(1) Operating after being declared unfit by assignment of a final “unsatisfactory” safety rating (generally)	49 U.S.C. 521(b)(2)(F)	$28,142	$29,893
Appendix B (f)(2) Operating after being declared unfit by assignment of a final “unsatisfactory” safety rating (hazardous materials)-maximum penalty	49 U.S.C. 5123(a)(1)	$84,425	$89,678

Appendix B (f)(2): Operating after being declared unfit by assignment of a final "unsatisfactory" safety rating (hazardous materials)-maximum penalty if death, serious illness, severe injury to persons; destruction of property	49 U.S.C. 5123(a)(2)	$196,992	$209,249
Appendix B (g)(1): Violations of the commercial regulations (CRs) (property carriers)	49 U.S.C. 14901(a)	$11,256	$11,956
Appendix B (g)(2) Violations of the CRs (brokers)	49 U.S.C. 14916(c)	$11,256	$11,956
Appendix B (g)(3) Violations of the CRs (passenger carriers)	49 U.S.C. 14901(a)	$28,142	$29,893
Appendix B (g)(4) Violations of the CRs (foreign motor carriers, foreign motor private carriers)	49 U.S.C. 14901(a)	$11,256	$11,956
Appendix B (g)(5) Violations of the operating authority requirement (foreign motor carriers, foreign motor private carriers)-maximum penalty for intentional violation	49 U.S.C. 14901 note	$15,480	$16,443
Appendix B (g)(5) Violations of the operating authority requirement (foreign motor carriers, foreign motor private carriers)-maximum penalty for a pattern of intentional violations	49 U.S.C. 14901 note	$38,702	$41,110
Appendix B (g)(6) Violations of the CRs (motor carrier or broker for transportation of hazardous wastes)-minimum penalty	49 U.S.C. 14901(b)	$22,514	$23,915

Appendix B (g)(6) Violations of the CRs (motor carrier or broker for transportation of hazardous wastes)-maximum penalty	49 U.S.C. 14901(b)	$45,027	$47,829
Appendix B (g)(7): Violations of the CRs (household goods (HHG) carrier or freight forwarder, or their receiver or trustee)	I49 U.S.C. 14901(d)(1)	$1,693	$1,798
Appendix B (g)(8) Violation of the CRs (weight of HHG shipment, charging for services)-minimum penalty for first violation	49 U.S.C. 14901(e)	$3,389	$3,600
Appendix B (g)(8) Violation of the CRs (weight of HHG shipment, charging for services)-minimum penalty for subsequent violation	49 U.S.C. 14901(e)	$8,471	$8,998
Appendix B (g)(10) Tariff violations	49 U.S.C. 13702, 14903	$169,412	$179,953
Appendix B (g)(11) Additional tariff violations (rebates or concessions)--first violation	49 U.S.C. 14904(a)	$338	$359
Appendix B (g)(11) Additional tariff violations (rebates or concessions)--subsequent violations	49 U.S.C. 14904(a)	$423	$449
Appendix B (g)(12): Tariff violations (freight forwarders)--maximum penalty for first violation	49 U.S.C. 14904(b)(1)	$848	$901
Appendix B (g)(12): Tariff violations (freight forwarders)--maximum penalty for subsequent violations	49 U.S.C. 14904(b)(1)	$3,389	$3,600

Appendix B (g)(13): service from freight forwarder at less than rate in effect--maximum penalty for first violation	49 U.S.C. 14904(b)(2)	$848	$901
Appendix B (g)(13): service from freight forwarder at less than rate in effect--maximum penalty for subsequent violation(s)	49 U.S.C. 14904(b)(2)	$3,389	$3,600
Appendix B (g)(14): Violations related to loading and unloading motor vehicles	49 U.S.C. 14905	$16,941	$17,995
Appendix B (g)(16): Reporting and recordkeeping under 49 U.S.C. subtitle IV, part B (except 13901 and 13902(c))--minimum penalty	49 U.S.C. 14901	$1,125	$1,195
Appendix B (g)(16): Reporting and recordkeeping under 49 U.S.C. subtitle IV, part B--maximum penalty	49 U.S.C. 14907	$8,471	$8,998
Appendix B (g)(17): Unauthorized disclosure of information	49 U.S.C. 14908	$3,389	$3,600
Appendix B (g)(18): Violation of 49 U.S.C. subtitle IV, part B, or condition of registration	49 U.S.C. 14910	$848	$901
Appendix B (g)(21)(i): Knowingly and willfully fails to deliver or unload HHG at destination	49 U.S.C. 14915	$16,941	$17,995
Appendix B (g)(22): HHG broker estimate before entering into an agreement with a motor carrier	49 U.S.C. 14901(d)(2)	$13,072	$13,885
Appendix B (g)(23): HHG transportation or broker services--registration requirement	49 U.S.C. 14901 (d)(3)	$32,679	$34,712

	Appendix B (h): Copying of records and access to equipment, lands, and buildings--maximum penalty per day	49 U.S.C. 521(b)(2)(E)	$1,307	$1,388
	Appendix B (h): Copying of records and access to equipment, lands, and buildings--maximum total penalty	49 U.S.C. 521(b)(2)(E)	$13,072	$13,885
	Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of ch. 311 (except 31138 and 31139), 31302-31304, 31305(b), 31310(g)(1)(A), or 31502--minimum penalty for first violation	49 U.S.C. 524	$2,252	$2,392
	Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of ch. 311 (except 31138 and 31139), 31302-31304, 31305(b), 31310(g)(1)(A), or 31502--maximum penalty for first violation	49 U.S.C. 524	$5,628	$5,978
	Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of ch. 311 (except 31138 and 31139), 31302-31304, 31305(b), 31310(g)(1)(A), or 31502--minimum penalty for subsequent violation(s)	49 U.S.C. 524	$2,813	$2,988

Appendix B (i)(1): Evasion of regulations under 49 U.S.C. ch. 5, 51, subchapter III of ch. 311 (except 31138 and 31139), 31302-31304, 31305(b), 31310(g)(1)(A), or 31502--maximum penalty for subsequent violation(s)	49 U.S.C. 524	$8,433	$8,958
Appendix B (i)(2): Evasion of regulations under 49 U.S.C. subtitle IV, part B--minimum penalty for first violation	49 U.S.C. 14906	$2,252	$2,392
Appendix B (i)(2): Evasion of regulations under 49 U.S.C. subtitle IV, part B--minimum penalty for subsequent violation(s)	49 U.S.C. 14906	$5,628	$5,978

E. Federal Railroad Administration (FRA) 2022 Adjustments

FRA's 2022 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.06222)
Minimum rail safety penalty	49 U.S.C. ch. 213	$919	$976
Ordinary maximum rail safety penalty	49 U.S.C. ch. 213	$30,058	$31,928
Maximum penalty for an aggravated rail safety violation	49 U.S.C. ch. 213	$120,231	$127,712
Minimum penalty for hazardous materials training violations	49 U.S.C. 5123	$508	$540
Maximum penalty for ordinary hazardous materials violations	49 U.S.C. 5123	$84,425	$89,678
Maximum penalty for aggravated hazardous materials violations	49 U.S.C. 5123	$196,992	$209,249

On November 15, 2021, the BIL (enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117–58), was signed into law. The statute set forth requirements related to: (1) For newly manufactured railroad freight cars, manufactured by qualified manufacturers at qualified facilities, the inclusion of sensitive technology from countries of concern or sourced from a state-owned enterprise, and the inclusion of content other than sensitive technology from countries of concern or state-owned enterprises that meet certain specified criteria; and (2) for freight cars operating on the United States general railroad system, percentage limitations on railroad freight car content, originating from a country of concern or state-owned enterprise. The statute further directed the Secretary to issue any necessary implementing regulations, including for the monitoring and sensitive technology requirements. The statute also specified that the requirements for both newly manufactured and operating railroad freight cars would apply after issuance of the regulations. DOT acknowledges the civil penalties authority and direction to issue any necessary implementing regulations set forth in the statute.

F. Pipeline and Hazardous Materials Safety Administration (PHMSA) 2022 Adjustments

PHMSA's civil penalties affected by this rule for hazardous materials violations are located in 49 CFR 107.329, appendix A to subpart D of 49 CFR part 107, and § 171.1. The civil penalties affected by this rule for pipeline safety violations are located in § 190.223. PHMSA's 2022 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.06222
Maximum penalty for hazardous materials violation	49 U.S.C. 5123	$84,425	$89,678
Maximum penalty for hazardous materials violation that results in death, serious illness, or severe injury to any person or substantial destruction of property	49 U.S.C. 5123	$196,992	$209,249
Minimum penalty for hazardous materials training violations	49 U.S.C. 5123	$508	$540
Maximum penalty for each pipeline safety violation	49 U.S.C. 60122(a)(1)	$225,134	$239,142
Maximum penalty for a related series of pipeline safety violations	49 U.S.C. 60122(a)(1)	$2,251,334	$2,391,412
Maximum additional penalty for each liquefied natural gas pipeline facility violation	49 U.S.C. 60122(a)(2)	$82,245	$87,362
Maximum penalty for discrimination against employees providing pipeline safety information	49 U.S.C. 60122(a)(3)	$1,307	1,388

G. Maritime Administration (MARAD) 2022 Adjustments

MARAD's 2022 civil penalty adjustments are summarized in the chart below.

Description	Citation	Existing Penalty	New Penalty (Existing Penalty x 1.06222)
Maximum civil penalty for a single violation of any provision under 46 U.S.C. Chapter 313 and all of Subtitle III related MARAD regulations, except for violations of 46 U.S.C. 31329	46 U.S.C. 31309	$21,662	$22,967
Maximum civil penalty for a single violation of 46 U.S.C. 31329 as it relates to the court sales of documented vessels	46 U.S.C. 31330	$54,157	$57,527
Maximum civil penalty for a single violation of 46 U.S.C. 56101 as it relates to approvals required to transfer a vessel to a noncitizen	46 U.S.C. 56101(e)	$21,761	$23,115
Maximum civil penalty for failure to file an Automated Mutual Assistance Vessel Rescue System (AMVER) report	46 U.S.C. 50113(b)	$137	$146
Maximum civil penalty for violating procedures for the use and allocation of shipping services, port	50 U.S.C. 4513	$27,371	$29,074

facilities and services for national security and national defense operations			
Maximum civil penalty for violations in applying for or renewing a vessel's fishery endorsement	46 U.S.C. 12151	$158,772	$168,651

H. Great Lakes St. Lawrence Seaway Development Corporation (GLS) 2022 Adjustments

The 2022 civil penalty adjustment for GLS is as follows:

Description	Citation	Existing Penalty	New Penalty (Existing Penalty ×1.06222)
Maximum civil penalty for each violation of the Seaway Rules and Regulations at 33 CFR part 401	33 U.S.C. 1232	$97,014	$103,050

Regulatory Analysis and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule has been evaluated in accordance with existing policies and procedures and is considered not significant under Executive Order 12866 and DOT's Regulatory Policies and Procedures; therefore, the rule has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

B. Regulatory Flexibility Analysis

The Department has determined the Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601, *et seq.*) does not apply to this rulemaking. The RFA applies, in pertinent part, only when ''an agency is required . . . to publish general notice of proposed rulemaking.'' 5 U.S.C. 604(a).[3] The Small Business Administration's *A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act* (2012), explains that:

> If, under the [Administrative Procedure Act (APA)] or any rule of general applicability governing federal grants to state and local governments, the agency is required to publish a general notice of proposed rulemaking (NPRM), the RFA must be considered [citing 5 U.S.C. 604(a)] . . . . If an NPRM is not required, the RFA does not apply.

As stated above, DOT has determined that good cause exists to publish this final rule without notice and comment procedures under the APA. Therefore, the analytical requirements of the RFA do not apply.

C. Executive Order 13132 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This regulation has no substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. It does not contain any provision that imposes substantial direct compliance costs on State and local governments. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

D. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Because none of the measures in the rule have tribal implications or impose substantial direct compliance costs on Indian tribal governments, the funding and consultation requirements of Executive Order 13175 do not apply.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing notice of and a 60-day comment period on, and otherwise consult with members of the public and affected agencies concerning, each proposed collection of information. This final rule imposes no new information reporting or record keeping necessitating clearance by OMB.

F. National Environmental Policy Act

The Department has analyzed the environmental impacts of this final rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, Oct. 1, 1979, as amended July 13, 1982, and July 30, 1985). Categorical exclusions are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or

[3] Under 5 U.S.C. 603(a), the RFA also applies when an agency ''publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States.'' However, this rule does not involve the internal revenue laws of the United States.

environmental impact statement (EIS). *See* 40 CFR 1508.4. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* Paragraph 4(c)(5) of DOT Order 5610.1C incorporates by reference the categorical exclusions for all DOT Operating Administrations. This action qualifies for a categorical exclusion in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures (80 FR 44208, July 24, 2015), paragraph 5–6.6.f, which covers regulations not expected to cause any potentially significant environmental impacts. The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this final rule.

G. Unfunded Mandates Reform Act

The Department analyzed the final rule under the factors in the Unfunded Mandates Reform Act of 1995. The Department considered whether the rule includes a 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 Department has determined that this final rule will not result in such expenditures. Accordingly, no further assessment or analysis is required under the Unfunded Mandates Reform Act.

List of Subjects

14 CFR Part 13

Administrative practice and procedure, Air transportation, Hazardous materials transportation, Investigations, Law enforcement, Penalties.

14 CFR Part 383

Administrative practice and procedure, Penalties.

14 CFR Part 406

Administrative procedure and review, Commercial space transportation, Enforcement, Investigations, Penalties, Rules of adjudication.

33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

46 CFR Part 221

Administrative practice and procedure, Maritime carriers, Mortgages, Penalties, Reporting and recordkeeping requirements, Trusts and trustees.

46 CFR Part 307

Marine safety, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 340

Harbors, Maritime carriers, National defense, Packaging and containers.

46 CFR Part 356

Citizenship and naturalization, Fishing vessels, Mortgages, Penalties, Reporting and recordkeeping requirements, Vessels.

49 CFR Part 107

Administrative practices and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Administrative practice and procedure, Exports, Hazardous materials transportation, Hazardous waste, Imports, Information, Reporting and recordkeeping requirements.

49 CFR Part 190

Administrative practice and procedure, Penalties, Pipeline safety.

49 CFR Part 209

Administrative practice and procedure, Hazardous materials transportation, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 213

Bridges, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 214

Bridges, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 215

Freight, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Parts 216, 217, 221, 224, 229, 230, 232, 233, and 239

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 218

Occupational safety and health, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 219

Alcohol abuse, Drug abuse, Drug testing, Penalties, Railroad safety, Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Part 220

Penalties, Radio, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Parts 222, 235, 240, 242, 243, and 244

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 223

Glazing standards, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 225

Investigations, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 227

Noise control, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 228

Penalties, Railroad employees, Reporting and recordkeeping requirements.

49 CFR Part 231

Penalties, Railroad safety.

49 CFR Part 234

Highway safety, Penalties, Railroad safety, Reporting and recordkeeping requirements, State and local governments.

49 CFR Part 236

Penalties, Positive train control, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 237

Bridges, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 238

Fire prevention, Passenger equipment, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 241

Communications, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 272

Penalties, Railroad employees, Railroad safety, Railroads, Safety, Transportation.

49 CFR Part 386

Administrative procedures, Commercial motor vehicle safety, Highways and roads, Motor carriers, Penalties.

49 CFR Part 578

Imports, Motor vehicle safety, Motor vehicles, Penalties, Rubber and rubber products, Tires.

Accordingly, the Department of Transportation amends 14 CFR chapters I, II, and III, 33 CFR chapter IV, 46 CFR chapter II, and 49 CFR chapters I, II, III, and V as follows:

Title 14—Aeronautics and Space

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

■ 1. The authority citation for part 13 is revised to read as follows:

Authority: 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 106(g), 5121–5124, 40113–40114, 44103–44106, 44701–44704, 44709–44710, 44713, 44725, 44742, 44802 (note), 46101–46111, 46301, 46302 (for a violation of 49 U.S.C. 46504), 46304–46316, 46318–46320, 46501–46502, 46504, 46507, 47106, 47107, 47111, 47122, 47306, 47531–47532; 49 CFR 1.83.

■ 2. Amend § 13.301 by revising paragraphs (b) and (c) to read as follows:

§ 13.301 Inflation adjustments of civil monetary penalties.

* * * * *

(b) Each adjustment to a maximum civil monetary penalty or to minimum and maximum civil monetary penalties that establish a civil monetary penalty range applies to actions initiated under this part for violations occurring on or after March 21, 2022, notwithstanding references to specific civil penalty amounts elsewhere in this part.

(c) Minimum and maximum civil monetary penalties are as follows:

TABLE 1 TO § 13.301—MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS

United States Code citation	Civil monetary penalty description	2021 minimum penalty amount	New adjusted minimum penalty amount for violations occurring on or after March 21, 2022	2021 Maximum penalty amount	New adjusted maximum penalty amount for violations occurring on or after March 21, 2022
49 U.S.C. 5123(a)(1)	Violation of hazardous materials transportation law.	N/A	N/A	$84,425	$89,678.
49 U.S.C. 5123(a)(2)	Violation of hazardous materials transportation law resulting in death, serious illness, severe injury, or substantial property destruction.	N/A	N/A	$196,992	$209,249.
49 U.S.C. 5123(a)(3)	Violation of hazardous materials transportation law relating to training.	$508	$540	$84,425	$89,678.
49 U.S.C. 44704(d)(3) ...	Knowing presentation of a nonconforming aircraft for issuance of an initial airworthiness certificate by a production certificate holder.	N/A	N/A	$1,000,000	$1,062,220.
49 U.S.C. 44704(e)(4) ...	Knowing failure by an applicant for or holder of a type certificate to submit safety critical information or include certain such information in an airplane flight manual or flight crew operating manual.	N/A	N/A	$1,000,000	$1,062,220.
49 U.S.C. 44704(e)(5) ...	Knowing false statement by an airline transport pilot (ATP) certificate holder with respect to the submission of certain safety critical information.	N/A	N/A	See entries for 49 U.S.C. 46301(a)(1) and (a)(5).	See entries for 49 U.S.C. 46301(a)(1) and (a)(5).
49 U.S.C. 44742	Interference by a supervisory employee of an organization designation authorization (ODA) holder that manufactures a transport category airplane with an ODA unit member's performance of authorized functions.	N/A	N/A	See entries for 49 U.S.C. 46301(a)(1).	See entries for 49 U.S.C. 46301(a)(1).
49 U.S.C. 44802 note ...	Operation of an unmanned aircraft or unmanned aircraft system equipped or armed with a dangerous weapon.	N/A	N/A	$25,742	$27,344.
49 U.S.C. 46301(a)(1) ...	Violation by a person other than an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B).	N/A	N/A	$35,188	$37,377.
49 U.S.C. 46301(a)(1) ...	Violation by an airman serving as an airman under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered by 46301(a)(5)(A) or (B)).	N/A	N/A	$1,548	$1,644.
49 U.S.C. 46301(a)(1) ...	Violation by an individual or small business concern under 49 U.S.C. 46301(a)(1)(A) or (B) (but not covered in 49 U.S.C. 46301(a)(5)).	N/A	N/A	$1,548	$1,644.

TABLE 1 TO § 13.301—MINIMUM AND MAXIMUM CIVIL MONETARY PENALTY AMOUNTS FOR CERTAIN VIOLATIONS—Continued

United States Code citation	Civil monetary penalty description	2021 minimum penalty amount	New adjusted minimum penalty amount for violations occurring on or after March 21, 2022	2021 Maximum penalty amount	New adjusted maximum penalty amount for violations occurring on or after March 21, 2022
49 U.S.C. 46301(a)(3) ...	Violation of 49 U.S.C. 47107(b) (or any assurance made under such section) or 49 U.S.C. 47133.	N/A	N/A	Increase above otherwise applicable maximum amount not to exceed 3 times the amount of revenues used in violation of such section.	No change.
49 U.S.C. 46301(a)(5)(A).	Violation by an individual or small business concern (except an airman serving as an airman) under 49 U.S.C. 46301(a)(5)(A)(i) or (ii).	N/A	N/A	$14,074	$14,950.
49 U.S.C. 46301(a)(5)(B)(i).	Violation by an individual or small business concern related to the transportation of hazardous materials.	N/A	N/A	$14,074	$14,950.
49 U.S.C. 46301(a)(5)(B)(ii).	Violation by an individual or small business concern related to the registration or recordation under 49 U.S.C. chapter 441, of an aircraft not used to provide air transportation.	N/A	N/A	$14,074	$14,950.
49 U.S.C. 46301(a)(5)(B)(iii).	Violation by an individual or small business concern of 49 U.S.C. 44718(d), relating to limitation on construction or establishment of landfills.	N/A	N/A	$14,074	$14,950.
49 U.S.C. 46301(a)(5)(B)(iv).	Violation by an individual or small business concern of 49 U.S.C. 44725, relating to the safe disposal of life-limited aircraft parts.	N/A	N/A	$14,074	$14,950.
49 U.S.C. 46301 note ...	Individual who aims the beam of a laser pointer at an aircraft in the airspace jurisdiction of the United States, or at the flight path of such an aircraft.	N/A	N/A	$26,929	$28,605.
49 U.S.C. 46301(b)	Tampering with a smoke alarm device.	N/A	N/A	$4,518	$4,799.
49 U.S.C. 46302	Knowingly providing false information about alleged violation involving the special aircraft jurisdiction of the United States.	N/A	N/A	$24,539	$26,066.
49 U.S.C. 46318	Physical or sexual assault or threat to physically or sexually assault crewmember or other individual on an aircraft, or action that poses an imminent threat to the safety of the aircraft or individuals on board.	N/A	N/A	$36,948	$39,247.
49 U.S.C. 46319	Permanent closure of an airport without providing sufficient notice.	N/A	N/A	$14,074	$14,950.
49 U.S.C. 46320	Operating an unmanned aircraft and in so doing knowingly or recklessly interfering with a wildfire suppression, law enforcement, or emergency response effort.	N/A	N/A	$21,544	$22,884.
49 U.S.C. 47531	Violation of 49 U.S.C. 47528–47530 or 47534, relating to the prohibition of operating certain aircraft not complying with stage 3 noise levels.	N/A	N/A	See entries for 49 U.S.C. 46301(a)(1) and (a)(5).	See entries for 49 U.S.C. 46301(a)(1) and (a)(5).

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PART 383—CIVIL PENALTIES

■ 3. The authority citation for part 383 continues to read as follows:

Authority: Sec. 701, Pub. L. 114–74, 129 Stat. 584; Sec. 503, Pub. L. 108–176, 117 Stat. 2490; Pub. L. 101–410, 104 Stat. 890; Sec. 31001, Pub. L. 104–134.

■ 4. Section 383.2 is revised to read as follows:

§ 383.2 Amount of penalty.

Civil penalties payable to the U.S. Government for violations of Title 49, Chapters 401 through 421, pursuant to 49 U.S.C. 46301(a), are as follows:

(a) A general civil penalty of not more than $37,377 (or $1,644 for individuals or small businesses) applies to violations of statutory provisions and rules or orders issued under those provisions, other than those listed in

paragraph (b) of this section (*see* 49 U.S.C. 46301(a)(1)); and

(b) With respect to small businesses and individuals, notwithstanding the general civil penalty specified in paragraph (a) of this section, the following civil penalty limits apply:

(1) A maximum civil penalty of $14,950 applies for violations of most provisions of Chapter 401, including the anti-discrimination provisions of sections 40127 (general provision), and 41705 (discrimination against the disabled) and rules and orders issued pursuant to those provisions (*see* 49 U.S.C. 46301(a)(5)(A));

(2) A maximum civil penalty of $7,475 applies for violations of section 41719 and rules and orders issued pursuant to that provision (*see* 49 U.S.C. 46301(a)(5)(C)); and

(3) A maximum civil penalty of $3,738 applies for violations of section 41712 or consumer protection rules or orders (*see* 49 U.S.C. 46301(a)(5)(D)).

PART 406—INVESTIGATIONS, ENFORCEMENT, AND ADMINISTRATIVE REVIEW

■ 5. The authority citation for part 406 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 6. Amend § 406.9 by revising paragraph (a) to read as follows:

§ 406.9 Civil penalties.

(a) *Civil penalty liability.* Under 51 U.S.C. 50917(c), a person found by the Federal Aviation Administration (FAA) to have violated a requirement of the Act, a regulation issued under the Act, or any term or condition of a license or permit issued or transferred under the Act, is liable to the United States for a civil penalty of not more than $262,666 for each violation. A separate violation occurs for each day the violation continues.

* * * * *

Title 33—Navigation and Navigable Waters

PART 401—SEAWAY REGULATIONS AND RULES

Subpart B—Penalties—Violations of Seaway Regulations

■ 7. The authority citation for subpart B of part 401 is revised to read as follows:

Authority: 33 U.S.C. 981–990; 46 U.S.C. 70001–70004, 70011, and 70032; 49 CFR 1.101, unless otherwise noted.

■ 8. Amend § 401.102 by revising paragraph (a) to read as follows:

§ 401.102 Civil penalty.

(a) A person, as described in § 401.101(b) who violates a regulation in this chapter is liable to a civil penalty of not more than $103,050.

* * * * *

Title 46—Shipping

PART 221—REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS

■ 9. The authority citation for part 221 continues to read as follows:

Authority: 46 U.S.C. chs. 301, 313, and 561; Pub. L. 114–74; 49 CFR 1.93.

■ 10. Amend § 221.61 by revising paragraph (b) to read as follows:

§ 221.61 Compliance.

* * * * *

(b) Pursuant to 46 U.S.C. 31309, a general penalty of not more than $22,967 may be assessed for each violation of chapter 313 or 46 U.S.C. subtitle III administered by the Maritime Administration, and pursuant to the regulations in this part a person violating 46 U.S.C. 31329 is liable for a civil penalty of not more than $57,527 for each violation. A person who charters, sells, transfers, or mortgages a vessel, or an interest therein, in violation of 46 U.S.C. 56101(e) is liable for a civil penalty of not more than $21,115 for each violation.

PART 307—ESTABLISHMENT OF MANDATORY POSITION REPORTING SYSTEM FOR VESSELS

■ 11. The authority citation for part 307 continues to read as follows:

Authority: Pub. L. 109–304; 46 U.S.C. 50113; Pub. L. 114–74; 49 CFR 1.93.

■ 12. Section 307.19 is revised to read as follows:

§ 307.19 Penalties.

The owner or operator of a vessel in the waterborne foreign commerce of the United States is subject to a penalty of $146.00 for each day of failure to file an AMVER report required by this part. Such penalty shall constitute a lien upon the vessel, and such vessel may be libeled in the district court of the United States in which the vessel may be found.

PART 340—PRIORITY USE AND ALLOCATION OF SHIPPING SERVICES, CONTAINERS AND CHASSIS, AND PORT FACILITIES AND SERVICES FOR NATIONAL SECURITY AND NATIONAL DEFENSE RELATED OPERATIONS

■ 13. The authority citation for part 340 continues to read as follows:

Authority: 50 U.S.C. 4501 *et seq.* (''The Defense Production Act''); Executive Order 13603 (77 FR 16651); Executive Order 12656 (53 FR 47491); Pub. L. 114–74; 49 CFR 1.45; 49 CFR 1.93(l).

■ 14. Section 340.9 is revised to read as follows:

§ 340.9 Compliance.

Pursuant to 50 U.S.C. 4513, any person who willfully performs any act prohibited, or willfully fails to perform any act required, by the provisions of this part shall, upon conviction, be fined not more than $29,074 or imprisoned for not more than one year, or both.

PART 356—REQUIREMENTS FOR VESSELS OF 100 FEET OR GREATER IN REGISTERED LENGTH TO OBTAIN A FISHERY ENDORSEMENT TO THE VESSEL'S DOCUMENTATION

■ 15. The authority citation for part 356 continues to read as follows:

Authority: 46 U.S.C. 12102; 46 U.S.C. 12151; 46 U.S.C. 31322; Pub. L. 105–277, division C, title II, subtitle I, section 203 (46 U.S.C. 12102 note), section 210(e), and section 213(g), 112 Stat. 2681; Pub. L. 107–20, section 2202, 115 Stat. 168–170; Pub. L. 114–74; 49 CFR 1.93.

■ 16. Amend § 356.49 by revising paragraph (b) to read as follows:

§ 356.49 Penalties.

* * * * *

(b) A fine of up to $168,651 may be assessed against the vessel owner for each day in which such vessel has engaged in fishing (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) within the exclusive economic zone of the United States; and

* * * * *

Title 49—Transportation

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

■ 17. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 Section 4; Pub. L. 104–121 Sections 212–213; Pub. L. 104–134 Section 31001; Pub. L. 114–74 Section 4 (28 U.S.C.

2461 note); 49 CFR 1.81 and 1.97; 33 U.S.C. 1321.

■ 18. Revise § 107.329 to read as follows:

§ 107.329 Maximum penalties.

(a) A person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued thereunder, this subchapter, subchapter C of this chapter, or a special permit or approval issued under this subchapter applicable to the transportation of hazardous materials or the causing of them to be transported or shipped is liable for a civil penalty of not more than $89,678 for each violation, except the maximum civil penalty is $209,249 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of $540 for violations relating to training. When the violation is a continuing one, each day of the violation constitutes a separate offense.

(b) A person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued thereunder, this subchapter, subchapter C of this chapter, or a special permit or approval issued under this subchapter applicable to the design, manufacture, fabrication, inspection, marking, maintenance, reconditioning, repair or testing of a package, container, or packaging component which is represented, marked, certified, or sold by that person as qualified for use in the transportation of hazardous materials in commerce is liable for a civil penalty of not more than $89,678 for each violation, except the maximum civil penalty is $209,249 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of $540 for violations relating to training.

Appendix A to Subpart D of Part 107 [Amended]

■ 19. Amend appendix A to subpart D of part 107 by removing ''$84,425 or $196,992'' and ''May 3, 2021'' and adding in their places ''$89,678 or $209,249'' and ''March 21, 2022,'' respectively.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 20. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4; Pub. L. 104–134, section 31001; Pub. L. 114–74 section 4 (28 U.S.C. 2461 note); 49 CFR 1.81 and 1.97.

■ 21. Amend § 171.1 by revising paragraph (g) to read as follows:

§ 171.1 Applicability of Hazardous Materials Regulations (HMR) to persons and functions.

* * * * *

(g) *Penalties for noncompliance.* Each person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued under Federal hazardous material transportation law, subchapter A of this chapter, or a special permit or approval issued under subchapter A or C of this chapter is liable for a civil penalty of not more than $89,678 for each violation, except the maximum civil penalty is $209,249 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of $540 for a violation relating to training.

PART 190—PIPELINE SAFETY ENFORCEMENT AND REGULATORY PROCEDURES

■ 22. The authority citation for part 190 continues to read as follows:

Authority: 33 U.S.C. 1321(b); 49 U.S.C. 60101 et seq.

■ 23. Amend § 190.223 by revising paragraphs (a), (c), and (d) to read as follows:

§ 190.223 Maximum penalties.

(a) Any person found to have violated a provision of 49 U.S.C. 60101, *et seq.,* or any regulation in 49 CFR parts 190 through 199, or order issued pursuant to 49 U.S.C. 60101, *et seq.* or 49 CFR part 190, is subject to an administrative civil penalty not to exceed $239,142 for each violation for each day the violation continues, with a maximum administrative civil penalty not to exceed $2,391,412 for any related series of violations.

* * * * *

(c) Any person found to have violated any standard or order under 49 U.S.C. 60103 is subject to an administrative civil penalty not to exceed $87,362, which may be in addition to other penalties to which such person may be subject under paragraph (a) of this section.

(d) Any person who is determined to have violated any standard or order under 49 U.S.C. 60129 is subject to an administrative civil penalty not to exceed $1,388, which may be in addition to other penalties to which such person may be subject under paragraph (a) of this section.

* * * * *

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

■ 24. The authority citation for part 209 is revised to read as follows:

Authority: 49 U.S.C. 5123, 5124, 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 25. Amend § 209.103 by revising paragraphs (a) and (c) to read as follows:

§ 209.103 Minimum and maximum penalties.

(a) A person who knowingly violates a requirement of the Federal hazardous materials transportation laws, an order issued thereunder, subchapter A or C of chapter I, subtitle B, of this title, or a special permit or approval issued under subchapter A or C of chapter I, subtitle B, of this title is liable for a civil penalty of not more than $89,678 for each violation, except that—

(1) The maximum civil penalty for a violation is $209,249 if the violation results in death, serious illness, or severe injury to any person, or substantial destruction of property; and

(2) A minimum $540 civil penalty applies to a violation related to training.

* * * * *

(c) The maximum and minimum civil penalties described in paragraph (a) of this section apply to violations occurring on or after March 21, 2022.

■ 26. Amend § 209.105 by revising the last sentence of paragraph (c) to read as follows:

§ 209.105 Notice of probable violation.

* * * * *

(c) * * * In an amended notice, FRA may change the civil penalty amount proposed to be assessed up to and including the maximum penalty amount of $89,678 for each violation, except that if the violation results in death, serious illness or severe injury to any person, or substantial destruction of property, FRA may change the penalty amount proposed to be assessed up to and including the maximum penalty amount of $209,249.

§ 209.409 [Amended]

■ 27. Amend § 209.409 as follows:

■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';

■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and

■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

■ 28. Amend appendix A to part 209 in the section ''Penalty Schedules; Assessment of Maximum Penalties'' as follows:
■ a. Add a sentence at the end of the sixth paragraph;
■ b. Revise the fourth sentence in the seventh paragraph; and
■ c. Revise the first sentence of the tenth paragraph.

The addition and revisions read as follows:

Appendix A to Part 209—Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws

* * * * *

Penalty Schedules; Assessment of Maximum Penalties

* * * * *

* * * Effective March 21, 2022, the minimum civil monetary penalty was raised from $919 to $976, the ordinary maximum civil monetary penalty was raised from $30,058 to $31,928, and the aggravated maximum civil monetary penalty was raised from $120,231 to $127,712.

* * * For each regulation in this part or order, the schedule shows two amounts within the $976 to $31,928 range in separate columns, the first for ordinary violations, the second for willful violations (whether committed by railroads or individuals). * * *

* * * * *

Accordingly, under each of the schedules (ordinarily in a footnote), and regardless of the fact that a lesser amount might be shown in both columns of the schedule, FRA reserves the right to assess the statutory maximum penalty of up to $127,712 per violation where a pattern of repeated violations or a grossly negligent violation has created an imminent hazard of death or injury or has caused death or injury. * * *

* * * * *

Appendix B to Part 209 [Amended]

■ 29. Amend appendix B to part 209 as follows:
■ a. Remove the dollar amount ''$84,425'' everywhere it appears and add in its place ''$89,678'';
■ b. Remove the dollar amount ''$196,992'' everywhere it appears and add in its place ''$209,249''; and
■ c. Remove the dollar amount ''$508'' and add in its place ''$540''.

PART 213—TRACK SAFETY STANDARDS

■ 30. The authority citation for part 213 is revised to read as follows:

Authority: 49 U.S.C. 20102–20114 and 20142; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 213.15 [Amended]

■ 31. Amend § 213.15 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 214—RAILROAD WORKPLACE SAFETY

■ 32. The authority citation for part 214 is revised to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 21301–21302, 31304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 214.5 [Amended]

■ 33. Amend § 214.5 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

■ 34. The authority citation for part 215 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 215.7 [Amended]

■ 35. Amend § 215.7 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 216—SPECIAL NOTICE AND EMERGENCY ORDER PROCEDURES: RAILROAD TRACK, LOCOMOTIVE AND EQUIPMENT

■ 36. The authority citation for part 216 is revised to read as follows:

Authority: 49 U.S.C. 20102–20104, 20107, 20111, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 216.7 [Amended]

■ 37. Amend § 216.7 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 217—RAILROAD OPERATING RULES

■ 38. The authority citation for part 217 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 217.5 [Amended]

■ 39. Amend § 217.5 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 218—RAILROAD OPERATING PRACTICES

■ 40. The authority citation for part 218 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20131, 20138, 20144, 20168; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 218.9 [Amended]

■ 41. Amend § 218.9 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 219—CONTROL OF ALCOHOL AND DRUG USE

■ 42. The authority citation for part 219 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461 note; Div. A, Sec. 412, Pub. L. 110–432, 122 Stat. 4889 (49 U.S.C. 20140 note); and 49 CFR 1.89.

§ 219.10 [Amended]

■ 43. Amend § 219.10 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 220—RAILROAD COMMUNICATIONS

■ 44. The authority citation for part 220 is revised to read as follows:

Authority: 49 U.S.C. 20102–20103, 20103, note, 20107, 21301–21302, 20701–20703, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 220.7 [Amended]

■ 45. Amend § 220.7 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 221—REAR END MARKING DEVICE—PASSENGER, COMMUTER AND FREIGHT TRAINS

■ 46. The authority citation for part 221 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 221.7 [Amended]

■ 47. Amend § 221.7 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

■ 48. The authority citation for part 222 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 222.11 [Amended]

■ 49. Amend § 222.11 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 223—SAFETY GLAZING STANDARDS—LOCOMOTIVES, PASSENGER CARS AND CABOOSES

■ 50. The authority citation for part 223 is revised to read as follows:

Authority: 49 U.S.C. 20102–20103, 20133, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 223.7 [Amended]

■ 51. Amend § 223.7 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 224—REFLECTORIZATION OF RAIL FREIGHT ROLLING STOCK

■ 52. The authority citation for part 224 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20148 and 21301; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 224.11 [Amended]

■ 53. Amend § 224.11 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 225—RAILROAD ACCIDENTS/INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS

■ 54. The authority citation for part 225 is revised to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 225.29 [Amended]

■ 55. Amend § 225.29 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 227—OCCUPATIONAL NOISE EXPOSURE

■ 56. The authority citation for part 227 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20103, note, 20701–20702; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 227.9 [Amended]

■ 57. Amend § 227.9 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 228—PASSENGER TRAIN EMPLOYEE HOURS OF SERVICE; RECORDKEEPING AND REPORTING; SLEEPING QUARTERS

■ 58. The authority citation for part 228 is revised to read as follows:

Authority: 49 U.S.C. 103, 20103, 20107, 21101–21109; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 228.6 [Amended]

■ 59. Amend § 228.6 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

■ 60. Amend appendix A to part 228, under the heading ''General Provisions,'' in the ''Penalty'' paragraph by adding a sentence at the end of the first paragraph to read as follows:

Appendix A to Part 228—Requirements of the Hours of Service Act: Statement of Agency Policy and Interpretation

* * * * *

General Provisions

* * * * *

Penalty. * * * Effective March 21, 2022, the minimum civil monetary penalty was raised from $919 to $976, the ordinary maximum civil monetary penalty was raised from $30,058 to $31,928, and the aggravated maximum civil monetary penalty was raised from $120,231 to $127,712.

* * * * *

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

■ 61. The authority citation for part 229 is revised to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–02, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 229.7 [Amended]

■ 62. Amend § 229.7 in paragraph (b) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and

■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 230—STEAM LOCOMOTIVE INSPECTION AND MAINTENANCE STANDARDS

■ 63. The authority citation for part 230 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20702; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 230.4 [Amended]

■ 64. Amend § 230.4 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

■ 65. The authority citation for part 231 is revised to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20131, 20301–20303, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 231.0 [Amended]

■ 66. Amend § 231.0 in paragraph (f) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

■ 67. The authority citation for part 233 is revised to read as follows:

Authority: 49 U.S.C. 504, 522, 20103, 20107, 20501–20505, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 233.11 [Amended]

■ 68. Amend § 233.11 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 234—GRADE CROSSING SAFETY

■ 69. The authority citation for part 234 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20152, 20160, 21301, 21304, 21311, 22907 note; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 234.6 [Amended]

■ 70. Amend § 234.6 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM OR RELIEF FROM THE REQUIREMENTS OF PART 236

■ 71. The authority citation for part 235 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 235.9 [Amended]

■ 72. Amend § 235.9 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 236—RULES, STANDARDS, AND INSTRUCTIONS GOVERNING THE INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SIGNAL AND TRAIN CONTROL SYSTEMS, DEVICES, AND APPLIANCES

■ 73. The authority citation for part 236 is revised to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20157, 20301–20303, 20306, 20501–20505, 20701–20703, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 236.0 [Amended]

■ 74. Amend § 236.0 in paragraph (f) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 237—BRIDGE SAFETY STANDARDS

■ 75. The authority citation for part 237 is revised to read as follows:

Authority: 49 U.S.C. 20102–20114; 28 U.S.C. 2461 note; Div. A, Sec. 417, Pub. L. 110–432, 122 Stat. 4848; and 49 CFR 1.89.

§ 237.7 [Amended]

■ 76. Amend § 237.7 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

■ 77. The authority citation for part 238 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 238.11 [Amended]

■ 78. Amend § 238.11 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 239—PASSENGER TRAIN EMERGENCY PREPAREDNESS

■ 79. The authority citation for part 239 is revised to read as follows:

Authority: 49 U.S.C. 20102–20103, 20105–20114, 20133, 21301, 21304, and 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 239.11 [Amended]

■ 80. Amend § 239.11 as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 240—QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS

■ 81. The authority citation for part 240 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 240.11 [Amended]

■ 82. Amend § 240.11 in paragraph (a) as follows:

■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712.

PART 241—UNITED STATES LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS

■ 83. The authority citation for part 241 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89.

§ 241.15 [Amended]

■ 84. Amend § 241.15 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 242—QUALIFICATION AND CERTIFICATION OF CONDUCTORS

■ 85. The authority citation for part 242 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 20138, 20162, 20163, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 242.11 [Amended]

■ 86. Amend § 242.11 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 243—TRAINING, QUALIFICATION, AND OVERSIGHT FOR SAFETY-RELATED RAILROAD EMPLOYEES

■ 87. The authority citation for part 243 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20131–20155, 20162, 20301–20306, 20701–20702, 21301–21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 243.7 [Amended]

■ 88. Amend § 243.7 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 244—REGULATIONS ON SAFETY INTEGRATION PLANS GOVERNING RAILROAD CONSOLIDATIONS, MERGERS, AND ACQUISITIONS OF CONTROL

■ 89. The authority citation for part 244 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301; 5 U.S.C. 553 and 559; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 244.5 [Amended]

■ 90. Amend § 244.5 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 272—CRITICAL INCIDENT STRESS PLANS

■ 91. The authority citation for part 272 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20109 note; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 272.11 [Amended]

■ 92. Amend § 272.11 in paragraph (a) as follows:
■ a. Remove the dollar amount ''$919'' and add in its place ''$976'';
■ b. Remove the dollar amount ''$30,058'' and add in its place ''$31,928''; and
■ c. Remove the dollar amount ''$120,231'' and add in its place ''$127,712''.

PART 386—RULES OF PRACTICE FOR FMCSA PROCEEDINGS

■ 93. The authority citation for part 386 continues to read as follows:

Authority: 28 U.S.C. 2461 note; 49 U.S.C. 113, 1301 note, 31306a; 49 U.S.C. chapters 5, 51, 131–141, 145–149, 311, 313, and 315; and 49 CFR 1.81, 1.87.

■ 94. Amend appendix A to part 386 by revising the introductory text, section II, and section IV.a. through e. and g. through j. to read as follows:

Appendix A to Part 386—Penalty Schedule: Violations of Notices and Orders

The Civil Penalties Inflation Adjustment Act Improvements Act of 2015 [Pub. L. 114–74, sec. 701, 129 Stat. 599] amended the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to adjust civil penalties. Pursuant to that authority, the adjusted civil penalties identified in this appendix supersede the corresponding civil penalty amounts identified in title 49, United States Code.

* * * * *

II. Subpoena

Violation—Failure to respond to Agency subpoena to appear and testify or produce records.

Penalty—minimum of $1,195 but not more than $11,956 per violation.

* * * * *

IV. Out-of-Service Order

a. Violation—Operation of a commercial vehicle by a driver during the period the driver was placed out of service.

Penalty—Up to $2,072 per violation.

(For purposes of this violation, the term ''driver'' means an operator of a commercial motor vehicle, including an independent contractor who, while in the course of operating a commercial motor vehicle, is employed or used by another person.)

b. Violation—Requiring or permitting a driver to operate a commercial vehicle during the period the driver was placed out of service.

Penalty—Up to $20,719 per violation.

(This violation applies to motor carriers including an independent contractor who is not a ''driver,'' as defined under paragraph IV(a) above.)

c. Violation—Operation of a commercial motor vehicle or intermodal equipment by a driver after the vehicle or intermodal equipment was placed out-of-service and before the required repairs are made.

Penalty—$2,072 each time the vehicle or intermodal equipment is so operated.

(This violation applies to drivers as defined in IV(a) above.)

d. Violation—Requiring or permitting the operation of a commercial motor vehicle or intermodal equipment placed out-of-service before the required repairs are made.

Penalty—Up to $20,719 each time the vehicle or intermodal equipment is so operated after notice of the defect is received.

(This violation applies to intermodal equipment providers and motor carriers, including an independent owner operator who is not a ''driver,'' as defined in IV(a) above.)

e. Violation—Failure to return written certification of correction as required by the out-of-service order.

Penalty—Up to $1,036 per violation.

* * * * *

g. Violation—Operating in violation of an order issued under § 386.72(b) to cease all or part of the employer's commercial motor vehicle operations or to cease part of an intermodal equipment provider's operations, *i.e.,* failure to cease operations as ordered.

Penalty—Up to $29,893 per day the operation continues after the effective date and time of the order to cease.

h. Violation—Operating in violation of an order issued under § 386.73.

Penalty—Up to $26,269 per day the operation continues after the effective date and time of the out-of-service order.

i. Violation—Conducting operations during a period of suspension under § 386.83 or § 386.84 for failure to pay penalties.

Penalty—Up to $16,864 for each day that operations are conducted during the suspension or revocation period.

j. Violation—Conducting operations during a period of suspension or revocation under § 385.911, § 385.913, § 385.1009, or § 385.1011 of this subchapter.

Penalty—Up to $26,269 for each day that operations are conducted during the suspension or revocation period.

■ 95. Amend appendix B to part 386 by removing the heading preceding the introductory text and revising the introductory text and paragraphs (a)(1) through (5), (b), (d) through (f), (g)(1) through (8), (10) through (14), and (16) through (18), (g)(21)(i), (g)(22) and (23), (h), and (i) to read as follows:

Appendix B to Part 386—Penalty Schedule: Violations and Monetary Penalties

The Civil Penalties Inflation Adjustment Act Improvements Act of 2015 [Pub. L. 114–74, sec. 701, 129 Stat. 599] amended the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to adjust civil penalties. Pursuant to that authority, the adjusted civil penalties identified in this appendix supersede the corresponding civil penalty amounts identified in title 49, United States Code.

What are the types of violations and maximum monetary penalties?

(a) * * *

(1) *Recordkeeping.* A person or entity that fails to prepare or maintain a record required by part 40 of this title and parts 382, subpart A, B, C, D, E, or F, 385, and 390 through 399 of this subchapter, or prepares or maintains a required record that is incomplete, inaccurate, or false, is subject to a maximum civil penalty of $1,388 for each day the violation continues, up to $13,885.

(2) *Knowing falsification of records.* A person or entity that knowingly falsifies, destroys, mutilates, or changes a report or record required by parts 382, subpart A, B, C, D, E, or F, 385, and 390 through 399 of this subchapter, knowingly makes or causes to be made a false or incomplete record about an operation or business fact or transaction, or knowingly makes, prepares, or preserves a record in violation of a regulation order of the Secretary is subject to a maximum civil penalty of $13,885 if such action misrepresents a fact that constitutes a violation other than a reporting or recordkeeping violation.

(3) *Non-recordkeeping violations.* A person or entity that violates part 382, subpart A, B, C, D, E, or F, part 385, or parts 390 through 399 of this subchapter, except a recordkeeping requirement, is subject to a civil penalty not to exceed $16,864 for each violation.

(4) *Non-recordkeeping violations by drivers.* A driver who violates parts 382, subpart A, B, C, D, E, or F, 385, and 390 through 399 of this subchapter, except a recordkeeping violation, is subject to a civil penalty not to exceed $4,216.

(5) *Violation of 49 CFR 392.5.* A driver placed out of service for 24 hours for violating the alcohol prohibitions of 49 CFR 392.5(a) or (b) who drives during that period is subject to a civil penalty not to exceed $3,471 for a first conviction and not less than $6,943 for a second or subsequent conviction.

* * * * *

(b) *Commercial driver's license (CDL) violations.* Any employer, employee, medical review officer, or service agent who violates any provision of 49 CFR part 382, subpart G, or any person who violates 49 CFR part 383, subpart B, C, E, F, G, or H, is subject to a civil penalty not to exceed $6,269; except:

(1) A CDL-holder who is convicted of violating an out-of-service order shall be subject to a civil penalty of not less than $3,471 for a first conviction and not less than $6,943 for a second or subsequent conviction;

(2) An employer of a CDL-holder who knowingly allows, requires, permits, or authorizes an employee to operate a CMV during any period in which the CDL-holder is subject to an out-of-service order, is subject to a civil penalty of not less than $6,269 or more than $34,712; and

(3) An employer of a CDL–holder who knowingly allows, requires, permits, or authorizes that CDL-holder to operate a CMV in violation of a Federal, State, or local law or regulation pertaining to railroad-highway grade crossings is subject to a civil penalty of not more than $17,995.

* * * * *

(d) *Financial responsibility violations.* A motor carrier that fails to maintain the levels of financial responsibility prescribed by part 387 of this subchapter or any person (except an employee who acts without knowledge) who knowingly violates the rules of part 387, subparts A and B, is subject to a maximum penalty of $18,500. Each day of a continuing violation constitutes a separate offense.

(e) *Violations of the Hazardous Materials Regulations (HMRs) and safety permitting regulations found in subpart E of part 385 of this subchapter.* This paragraph (e) applies to violations by motor carriers, drivers, shippers and other persons who transport hazardous materials on the highway in commercial motor vehicles or cause hazardous materials to be so transported.

(1) All knowing violations of 49 U.S.C. chapter 51 or orders or regulations issued under the authority of that chapter applicable to the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not more than $89,678 for each violation. Each day of a continuing violation constitutes a separate offense.

(2) All knowing violations of 49 U.S.C. chapter 51 or orders or regulations issued under the authority of that chapter applicable to training related to the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not less than $540 and not more than $89,678 for each violation.

(3) All knowing violations of 49 U.S.C. chapter 51 or orders, regulations, or exemptions under the authority of that chapter applicable to the manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of a packaging or container that is represented, marked, certified, or sold as being qualified for use in the transportation or shipment of hazardous materials by commercial motor vehicle on the highways are subject to a civil penalty of not more than $89,678 for each violation.

(4) Whenever regulations issued under the authority of 49 U.S.C. chapter 51 require compliance with the FMCSRs while transporting hazardous materials, any violations of the FMCSRs will be considered a violation of the HMRs and subject to a civil penalty of not more than $89,678.

(5) If any violation subject to the civil penalties set out in paragraphs (e)(1) through (4) of this appendix results in death, serious illness, or severe injury to any person or in substantial destruction of property, the civil penalty may be increased to not more than $209,249 for each offense.

(f) *Operating after being declared unfit by assignment of a final ''unsatisfactory'' safety rating.* (1) A motor carrier operating a commercial motor vehicle in interstate commerce (except owners or operators of commercial motor vehicles designed or used to transport hazardous materials for which placarding of a motor vehicle is required under regulations prescribed under 49 U.S.C. chapter 51) is subject, after being placed out of service because of receiving a final ''unsatisfactory'' safety rating, to a civil penalty of not more than $29,893 (49 CFR 385.13). Each day the transportation continues in violation of a final ''unsatisfactory'' safety rating constitutes a separate offense.

(2) A motor carrier operating a commercial motor vehicle designed or used to transport hazardous materials for which placarding of a motor vehicle is required under regulations prescribed under 49 U.S.C. chapter 51 is subject, after being placed out of service because of receiving a final ''unsatisfactory'' safety rating, to a civil penalty of not more than $89,678 for each offense. If the violation results in death, serious illness, or severe injury to any person or in substantial destruction of property, the civil penalty may be increased to not more than $209,249 for each offense. Each day the transportation continues in violation of a final ''unsatisfactory'' safety rating constitutes a separate offense.

(g) * * *

(1) A person who operates as a motor carrier for the transportation of property in violation of the registration requirements of 49 U.S.C. 13901 is liable for a minimum penalty of $11,956 per violation.

(2) A person who knowingly operates as a broker in violation of registration requirements of 49 U.S.C 13904 or financial security requirements of 49 U.S.C 13906 is liable for a penalty not to exceed $11,956 for each violation.

(3) A person who operates as a motor carrier of passengers in violation of the registration requirements of 49 U.S.C. 13901 is liable for a minimum penalty of $29,893 per violation.

(4) A person who operates as a foreign motor carrier or foreign motor private carrier of property in violation of the provisions of 49 U.S.C. 13902(c) is liable for a minimum penalty of $11,956 per violation.

(5) A person who operates as a foreign motor carrier or foreign motor private carrier without authority, outside the boundaries of a commercial zone along the United States-Mexico border, is liable for a maximum penalty of $16,443 for an intentional violation and a maximum penalty of $41,110 for a pattern of intentional violations.

(6) A person who operates as a motor carrier or broker for the transportation of hazardous wastes in violation of the registration provisions of 49 U.S.C. 13901 is liable for a minimum penalty of $23,915 and a maximum penalty of $47,829 per violation.

(7) A motor carrier or freight forwarder of household goods, or their receiver or trustee, that does not comply with any regulation relating to the protection of individual shippers, is liable for a minimum penalty of $1,798 per violation.

(8) A person—

(i) Who falsifies, or authorizes an agent or other person to falsify, documents used in the transportation of household goods by motor carrier or freight forwarder to evidence the weight of a shipment; or

(ii) Who charges for services which are not performed or are not reasonably necessary in the safe and adequate movement of the shipment is liable for a minimum penalty of $3,600 for the first violation and $8,998 for each subsequent violation.

* * * * *

(10) A person who offers, gives, solicits, or receives transportation of property by a carrier at a different rate than the rate in effect under 49 U.S.C. 13702 is liable for a maximum penalty of $179,953 per violation. When acting in the scope of his/her employment, the acts or omissions of a person acting for or employed by a carrier or shipper are considered the acts or omissions of that carrier or shipper, as well as of that person.

(11) Any person who offers, gives, solicits, or receives a rebate or concession related to motor carrier transportation subject to jurisdiction under subchapter I of 49 U.S.C. chapter 135, or who assists or permits another person to get that transportation at less than the rate in effect under 49 U.S.C. 13702, commits a violation for which the penalty is $359 for the first violation and $449 for each subsequent violation.

(12) A freight forwarder, its officer, agent, or employee, that assists or willingly permits a person to get service under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to $901 for the first violation and up to $3,600 for each subsequent violation.

(13) A person who gets or attempts to get service from a freight forwarder under 49 U.S.C. 13531 at less than the rate in effect under 49 U.S.C. 13702 commits a violation for which the penalty is up to $901 for the first violation and up to $3,600 for each subsequent violation.

(14) A person who knowingly authorizes, consents to, or permits a violation of 49 U.S.C. 14103 relating to loading and unloading motor vehicles or who knowingly violates subsection (a) of 49 U.S.C. 14103 is liable for a penalty of not more than $17,995 per violation.

* * * * *

(16) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under part B of subtitle IV, title 49, U.S.C., or an officer, agent, or employee of that person, is liable for a minimum penalty of $1,195 and for a maximum penalty of $8,998 per violation if it does not make the report, does not completely and truthfully answer the question within 30 days from the date the Secretary requires the answer, does not make or preserve the record in the form and manner prescribed, falsifies, destroys, or changes the report or record, files a false report or record, makes a false or incomplete entry in the record about a business-related fact, or prepares or preserves a record in violation of a regulation or order of the Secretary.

(17) A motor carrier, water carrier, freight forwarder, or broker, or their officer, receiver, trustee, lessee, employee, or other person authorized to receive information from them, who discloses information identified in 49 U.S.C. 14908 without the permission of the shipper or consignee is liable for a maximum penalty of $3,600.

(18) A person who violates a provision of part B, subtitle IV, title 49, U.S.C., or a regulation or order under part B, or who violates a condition of registration related to transportation that is subject to jurisdiction under subchapter I or III of chapter 135, or who violates a condition of registration of a foreign motor carrier or foreign motor private carrier under section 13902, is liable for a penalty of $901 for each violation if another penalty is not provided in 49 U.S.C. chapter 149.

* * * * *

(21) * * *

(i) Who knowingly and willfully fails, in violation of a contract, to deliver to, or unload at, the destination of a shipment of household goods in interstate commerce for which charges have been estimated by the motor carrier transporting such goods, and for which the shipper has tendered a payment in accordance with part 375, subpart G, of this subchapter, is liable for a civil penalty of not less than $17,995 for each violation. Each day of a continuing violation constitutes a separate offense.

* * * * *

(22) A broker for transportation of household goods who makes an estimate of the cost of transporting any such goods before entering into an agreement with a motor carrier to provide transportation of household goods subject to FMCSA jurisdiction is liable to the United States for a civil penalty of not less than $13,885 for each violation.

(23) A person who provides transportation of household goods subject to jurisdiction under 49 U.S.C. chapter 135, subchapter I, or provides broker services for such transportation, without being registered under 49 U.S.C. chapter 139 to provide such transportation or services as a motor carrier or broker, as the case may be, is liable to the United States for a civil penalty of not less than $34,712 for each violation.

(h) *Copying of records and access to equipment, lands, and buildings.* A person subject to 49 U.S.C. chapter 51 or a motor carrier, broker, freight forwarder, or owner or operator of a commercial motor vehicle subject to part B of subtitle VI of title 49 U.S.C. who fails to allow promptly, upon demand in person or in writing, the Federal Motor Carrier Safety Administration, an employee designated by the Federal Motor Carrier Safety Administration, or an employee of a MCSAP grant recipient to inspect and copy any record or inspect and examine equipment, lands, buildings, and other property, in accordance with 49 U.S.C. 504(c), 5121(c), and 14122(b), is subject to a civil penalty of not more than $1,388 for each offense. Each day of a continuing violation constitutes a separate offense, except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed $13,885.

(i) *Evasion.* A person, or an officer, employee, or agent of that person:

(1) Who by any means tries to evade regulation of motor carriers under title 49, United States Code, chapter 5, chapter 51, subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502, or a regulation in subtitle B, chapter I, subchapter C of this title, or this subchapter, issued under any of those provisions, shall be fined at least $2,392 but not more than $5,978 for the first violation and at least $2,988 but not more than $8,958 for a subsequent violation.

(2) Who tries to evade regulation under part B of subtitle IV, title 49, U.S.C., for carriers or brokers is liable for a penalty of at least $2,392 for the first violation or at least $5,978 for a subsequent violation.

PART 578—CIVIL AND CRIMINAL PENALTIES

■ 96. The authority citation for part 578 continues to read as follows:

Authority: Pub. L. 92–513, Pub. L. 94–163, Pub. L. 98–547, Pub. L. 101–410, Pub. L. 102–388, Pub. L. 102–519, Pub. L. 104–134, Pub. L. 109–59, Pub. L. 110–140, Pub. L. 112–141, Pub. L. 114–74, Pub. L. 114–94 (49 U.S.C. 30165, 30170, 30505, 32308, 32309, 32507, 32709, 32710, 32902, 32912, 33114, and 33115); delegation of authority at 49 CFR 1.81, 1.95.

■ 97. Amend § 578.6 by revising paragraphs (a)(1), (a)(2)(i)(B), (a)(3) and (4), (b) through (g), (h)(1), and (i) to read as follows:

§ 578.6 Civil penalties for violations of specified provisions of Title 49 of the United States Code.

(a) * * *

(1) *In general.* A person who violates any of sections 30112, 30115, 30117 through 30122, 30123(a), 30125(c), 30127, or 30141 through 30147 of Title

49 of the United States Code or a regulation in this chapter prescribed under any of those sections is liable to the United States Government for a civil penalty of not more than $24,423 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum civil penalty under this paragraph (a)(1) for a related series of violations is $122,106,996.

(2) * * *

(i) * * *

(B) Violates section 30112(a)(2) of Title 49 United States Code, shall be subject to a civil penalty of not more than $13,885 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by this section. The maximum penalty under this paragraph (a)(2)(i)(B) for a related series of violations is $20,827,441.

(3) *Section 30166.* A person who violates Section 30166 of Title 49 of the United States Code or a regulation in this chapter prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph (a)(3) is $24,423 per violation per day. The maximum penalty under this paragraph (a)(3) for a related series of daily violations is $122,106,996.

(4) *False and misleading reports.* A person who knowingly and willfully submits materially false or misleading information to the Secretary, after certifying the same information as accurate under the certification process established pursuant to Section 30166(o) of Title 49 of the United States Code, shall be subject to a civil penalty of not more than $5,978 per day. The maximum penalty under this paragraph (a)(4) for a related series of daily violations is $1,195,707.

(b) *National Automobile Title Information System.* An individual or entity violating 49 U.S.C. Chapter 305 is liable to the United States Government for a civil penalty of not more than $1,949 for each violation.

(c) *Bumper standards.* (1) A person that violates 49 U.S.C. 32506(a) is liable to the United States Government for a civil penalty of not more than $3,198 for each violation. A separate violation occurs for each passenger motor vehicle or item of passenger motor vehicle equipment involved in a violation of 49 U.S.C. 32506(a)(1) or (4)—

(i) That does not comply with a standard prescribed under 49 U.S.C. 32502; or

(ii) For which a certificate is not provided, or for which a false or misleading certificate is provided, under 49 U.S.C. 32504.

(2) The maximum civil penalty under this paragraph (c) for a related series of violations is $3,561,551.

(d) *Consumer information*—(1) *Crashworthiness and damage susceptibility.* A person who violates 49 U.S.C. 32308(a), regarding crashworthiness and damage susceptibility, is liable to the United States Government for a civil penalty of not more than $3,198 for each violation. Each failure to provide information or comply with a regulation in violation of 49 U.S.C. 32308(a) is a separate violation. The maximum penalty under this paragraph (d)(1) for a related series of violations is $1,744,386.

(2) *Consumer tire information.* Any person who fails to comply with the national tire fuel efficiency program under 49 U.S.C. 32304A is liable to the United States Government for a civil penalty of not more than $66,191 for each violation.

(e) *Country of origin content labeling.* A manufacturer of a passenger motor vehicle distributed in commerce for sale in the United States that willfully fails to attach the label required under 49 U.S.C. 32304 to a new passenger motor vehicle that the manufacturer manufactures or imports, or a dealer that fails to maintain that label as required under 49 U.S.C. 32304, is liable to the United States Government for a civil penalty of not more than $1,949 for each violation. Each failure to attach or maintain that label for each vehicle is a separate violation.

(f) *Odometer tampering and disclosure.* (1) A person that violates 49 U.S.C. Chapter 327 or a regulation in this chapter prescribed or order issued thereunder is liable to the United States Government for a civil penalty of not more than $11,956 for each violation. A separate violation occurs for each motor vehicle or device involved in the violation. The maximum civil penalty under this paragraph (f)(1) for a related series of violations is $1,195,707.

(2) A person that violates 49 U.S.C. Chapter 327 or a regulation in this chapter prescribed or order issued thereunder, with intent to defraud, is liable for three times the actual damages or $11,956, whichever is greater.

(g) *Vehicle theft protection.* (1) A person that violates 49 U.S.C. 33114(a)(1)–(4) is liable to the United States Government for a civil penalty of not more than $2,627 for each violation. The failure of more than one part of a single motor vehicle to conform to an applicable standard under 49 U.S.C. 33102 or 33103 is only a single violation. The maximum penalty under this paragraph (g)(1) for a related series of violations is $656,665.

(2) A person that violates 49 U.S.C. 33114(a)(5) is liable to the United States Government for a civil penalty of not more than $195,054 a day for each violation.

(h) * * *

(1) A person that violates 49 U.S.C. 32911(a) is liable to the United States Government for a civil penalty of not more than $45,973 for each violation. A separate violation occurs for each day the violation continues.

* * * * *

(i) *Medium- and heavy-duty vehicle fuel efficiency.* The maximum civil penalty for a violation of the fuel consumption standards of 49 CFR part 535 is not more than $45,273 per vehicle or engine. The maximum civil penalty for a related series of violations shall be determined by multiplying $45,273 times the vehicle or engine production volume for the model year in question within the regulatory averaging set.

Signed in Washington, DC, on February 25, 2022.

Peter Paul Montgomery Buttigieg,

Secretary of Transportation.

[FR Doc. 2022–04456 Filed 3–18–22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0289; Project Identifier MCAI–2022–00254–Q; Amendment 39–21992; AD 2022–07–05]

RIN 2120–AA64

Airworthiness Directives; MARS A.S. Parachutes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2022–05–09, which applied to certain MARS A.S. emergency parachutes. AD 2022–05–09 required removing emergency parachutes with certain manufacture dates or serial numbers from service. Since the FAA issued AD 2022–05–09, the European Union Aviation Safety Agency (EASA) superseded its mandatory continuing airworthiness

information (MCAI) to correct an unsafe condition on this aviation product. The MCAI identifies the unsafe condition as the length of the ripcord between the pins being too long, which could cause a malfunction of the emergency parachute. This AD retains the actions required by AD 2022–05–09 and expands the applicability.

DATES: This AD is effective April 5, 2022.

The FAA must receive any comments on this AD by May 5, 2022.

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

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

For service information identified in this final rule, contact MarS a.s, Okružní II 239, Jevíčko, 569 43, Czech Republic; phone: +420 461 353 841; email: *mars@marsjev.cz;* website: *https://www.marsjev.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0289; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Darren Gassetto, COS Program Manager, Boston ACO Branch, Compliance & Airworthiness Division, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (516) 228–7323; email: *9-AVS-AIR-BACO-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued AD 2022–05–09, Amendment 39–21960 (87 FR 10712, February 25, 2022) (AD 2022–05–09), for certain MARS A.S. ATL–88/90–1B (commercially known as ATL–15 SL) emergency parachutes with an extension of static line made of Microline cord. AD 2022–05–09 was prompted by MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA Emergency AD 2022–0018–E, dated January 28, 2022, to address malfunction of the emergency parachute. AD 2022–05–09 required removing emergency parachutes with certain manufacture dates or serial numbers from service. The FAA issued AD 2022–05–09 to address failure of an emergency parachute to deploy when needed.

Actions Since AD 2022–05–09 Was Issued

Since the FAA issued AD 2022–05–09, EASA superseded EASA Emergency AD 2022–0018–E, dated January 28, 2022, and issued EASA Emergency AD 2022–0029–E, dated February 23, 2022 (referred to after this as ''the MCAI'') for MARS A.S. ATL–88/90–1B (commercially known as ATL–15 SL) emergency parachutes, all serial numbers (s/n) manufactured from 2016. The MCAI states:

> During the yearly inspection of one of the affected emergency parachutes, it has been found that the length of the ripcord between the pins was too large and, in some cases, only one of 2 loops of the parachute could be opened when the manual ripcord was pulled. Subsequent inspection revealed that the dimensions of the static line extension were out of production tolerances. It is expected that the manufacturer will develop a modification to restore the airworthiness of affected emergency parachutes.
>
> This condition, if not corrected, could cause a malfunction of the emergency parachute.
>
> To address this unsafe condition EASA issued Emergency AD 2022–0018–E to require removal from service of the affected emergency parachutes.
>
> Since that [EASA] AD was issued, following some additional tests, it was determined that additional emergency parachutes s/n may also be affected by this unsafe condition.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA Emergency AD 2022–0018–E, which is superseded, and expands its Applicability.
>
> This [EASA] AD is still considered to be an interim measure and further [EASA] AD action may follow.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0289.

The results of the additional tests referenced in the MCAI showed that even emergency parachutes with a metallic static line extension (not made of Microline cord) failed to deploy.

Related Service Information

The FAA reviewed MarS a.s. letter titled ''Information for dealers and users of the ATL–15 SL emergency parachute (ATL–88/90–1B),'' dated January 27, 2022. This letter provides information for identifying and suspending the use of affected emergency parachutes, which have an extension of static line made of Microline cord that was manufactured outside of production tolerances. EASA has since determined that the unsafe condition exists regardless of the design of the static line extension.

AD Requirements

This AD applies to emergency parachutes with certain manufacture dates and requires removing those emergency parachutes from service. This AD retains the actions required by AD 2022–05–09 and expands the applicability.

Differences Between This AD and the MCAI

The MCAI requires storing emergency parachutes in the unrigged condition in storage containers and visibly mark those storage containers with the words ''Parachute not airworthy. Do not use until further notice,'' while this AD requires removing the emergency parachutes from service.

This AD also requires removing from service any emergency parachute where the manufacture date is unknown, and the MCAI does not include that requirement.

Interim Action

The FAA considers this AD to be an interim action. If final action is later identified, the FAA might consider further rulemaking then.

FAA's Justification and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because failure of an emergency parachute to deploy when needed will lead to the parachutist freefalling to the surface without being slowed, resulting in serious injury or death. Thus, the affected parachutes must be removed from service as of the effective date of this AD. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

The FAA has also found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because there are no affected emergency parachutes used in the United States and thus, it is unlikely that the FAA will receive any adverse comments or useful information about this AD from U.S. operators. Accordingly, notice and opportunity for prior public comment are unnecessary pursuant to 5 U.S.C. 553(b)(3)(B).

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

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0289 and Project Identifier MCAI–2022–00254–Q'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent Darren Gassetto, COS Program Manager, Boston ACO Branch, Compliance & Airworthiness Division, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD does not affect any emergency parachutes used in the United States. According to the manufacturer, none of the affected emergency parachutes were sold through its distributors in the United States. In the event an affected emergency parachute is brought into the United States, the following is an estimate of the costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per parachute
Remove emergency parachute from service	0.5 work-hour × $85.00 per hour = $42.50	Not Applicable	$42.50

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:
■ a. Removing Airworthiness Directive 2022–05–09, Amendment 39–21960 (87 FR 10712, February 25, 2022); and
■ b. Adding the following new airworthiness directive:

2022–07–05 MARS A.S.: Amendment 39–21992; Docket No. FAA–2022–0289; Project Identifier MCAI–2022–00254–Q.

(a) Effective Date

This airworthiness directive (AD) is effective April 5, 2022.

(b) Affected ADs

This AD replaces AD 2022–05–09, Amendment 39–21960 (87 FR 10712, February 25, 2022).

(c) Applicability

This AD applies to MARS A.S. ATL–88/90–1B (commercially known as ATL–15 SL) emergency parachutes that meet either of the criterion in paragraph (c)(1) or (2) of this AD:

(1) The parachute has a date of manufacture of January 1, 2016, or later; or

(2) The date of manufacture of the parachute is unknown.

(d) Subject

Joint Aircraft System Component (JASC) Code 2563, Parachute.

(e) Unsafe Condition

This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as the length of the ripcord between the pins being too long, which could cause a malfunction of the emergency parachute. The unsafe condition, if not addressed, could result in failure of the emergency parachute to deploy when needed.

(f) Compliance

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

(g) Remove From Service

As of the effective date of this AD, remove each emergency parachute from service.

(h) Special Flight Permit

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD and email to: *9-AVS-AIR-BACO-COS@faa.gov.*

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

(j) Related Information

(1) For more information about this AD, contact Darren Gassetto, COS Program Manager, Boston ACO Branch, Compliance & Airworthiness Division, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (516) 228–7323; email: *9-AVS-AIR-BACO-COS@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) Emergency AD 2022–0029–E, dated February 23, 2022, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0289.

(k) Material Incorporated by Reference

None.

Issued on March 16, 2022.

Derek Morgan,

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

[FR Doc. 2022–05959 Filed 3–17–22; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0912; Airspace Docket No. 21–ASO–6]

RIN 2120–AA66

Establishment and Amendment of Area Navigation (RNAV) Routes; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies five existing high altitude area navigation (RNAV) routes (Q-routes), and establishes one new Q-route, in support of the FAA's VHF Omnidirectional Range (VOR) Minimum Operational Network (MON) Program. This action improves the efficiency of the National Airspace System (NAS) by expanding the availability of RNAV routing and reducing the dependency on ground-based navigational systems.

DATES: Effective date 0901 UTC, May 19, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–0912, in the **Federal Register** (86 FR 67370; November 26, 2021), to amend six existing Q-routes, and establish one new Q-route, in the eastern United States to support the VOR MON program.

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

RNAV routes are published in paragraph 2006 of FAA Order JO 7400.11F dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV routes listed in this document would be subsequently published in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES**

section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Differences From the Proposal

Q–81 is removed from this docket action for additional design work. It will be included in a separate rulemaking action at a later date.

The OVENP, FL, waypoint (WP) is removed from the description of Q–89. It was included in the route description in the NPRM in error.

In the description of Q–184, the location of the DOBIS WP is changed from ''TX'' to ''LA.'' The location was correct in the preamble of the NPRM, but was misstated in the regulatory text.

The Rule

The FAA is amending 14 CFR part 71 to amend five existing Q-routes, and establish one new Q-route, in the eastern United States to support the VOR MON program.

The Q-route amendments are as follows:

Q–19: Q–19 currently extends between the Nashville, TN, (BNA) VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) navigation aid (NAVAID), and the Aberdeen, SD, (ABR) VOR/Distance Measuring Equipment (DME) NAVAID. Because the Nashville VORTAC is planned for decommissioning, this action removes the Nashville VORTAC from Q–19 and replaces it with the HITMN, TN, WP. The HITMN WP is located about 60 feet southeast of the Nashville VORTAC location. Additionally, this action extends Q–19 from the HITMN WP southeastward to the BULZI, FL, WP, (located east to the Tallahassee International Airport (TLH), FL). As amended, Q–19 extends between BULZI, FL and Aberdeen, SD.

Q–30: Q–30 currently extends between the Sidon, MS, (SQS) VORTAC and the Vulcan, AL, (VUZ) VORTAC. New WPs are inserted to replace the Sidon and Vulcan VORTACs. The IZAAC, MS, WP replaces the Sidon VORTAC, and the VLKNN, AL, WP, replaces the Vulcan, AL, (VUZ) VORTAC. The IZAAC WP is located 60 feet east of the Sidon position, and VLKNN WP is located 49 feet east of the Vulcan position. In addition, Q–30 is slightly realigned to the south of its current track to extend from the IZAAC WP to a new SKNRR, MS, WP (which replaces the Bigbee, MS, (IGB) VORTAC), and then proceed to the VLKNN, AL, WP. The realignment of Q–30 overlies the segment of jet route J–52 between the Sidon and Vulcan VORTACs. As amended, Q–30 extends from IZAAC, MS, to SKNRR, MS, to VLKNN, AL.

Q–79: Q–79 currently extends between the MCLAW, FL, WP and the Atlanta, GA, (ATL) VORTAC. This action amends Q–79 by replacing the Atlanta VORTAC with the THRSR, GA, WP, which is located 60 feet north of the Atlanta VORTAC position. The YUESS, GA, WP is removed from the route and replaced by the ZPLEN, GA, WP. Q–79 is also be extended north from the THRSR WP to the Louisville, KY, (IIU) VORTAC. As amended, Q–79 extends between the MCLAW, FL, WP, and the Louisville, KY, VORTAC.

Q–89: Q–89 currently extends between the MANLE, FL, WP, and the Atlanta, GA, (ATL) VORTAC. The FAA removing the segment between the YANTI, GA, WP, and the Atlanta VORTAC. Instead, the route extends from the YANTI WP to the new HESPI, GA, WP, (located 30 nautical miles (NM) southeast of the Atlanta VORTAC). From that point Q–89 extends northward to the new CULTO, GA, WP, (approximately 20 NM northeast of the Atlanta VORTAC), and then northward to the SMTTH, TN, WP, (located west of the Volunteer, TN, VORTAC). As amended, Q–89 extends between the MANLE, FL, WP, and the SMTTH, TN, WP.

Q–118: Q–118 currently extends between the Marion, IN, (MZZ) VOR/DME and the PEAKY, FL, WP. This action removes the Marion VOR/DME and the Atlanta VORTAC from the route description and replaces them with WPs. The Marion VOR/DME is replaced by the BONNT, IN, WP (located 121 feet north of the Marion VOR/DME). The Atlanta VORTAC is replaced by the THRSR, GA, WP, (located 60 feet north of the Atlanta VORTAC). As amended, Q–118 extends between the BONNT, IN, WP, and the PEAKY, FL, WP.

Q–184: Q–184 is a new route that extends between the Ranger, TX, (FUZ) VORTAC, and the ARNNY, AL, WP (approximately 30 NM west of the Montgomery, AL, (MGM) VORTAC). Q–184 overlies those portions of jet route J–4 between the Ranger VORTAC and the Meridian, MS, (MEI), VORTAC, at which point Q–184 proceeds east to the ZRNNY, AL, WP. In support of efforts to reduce the dependency on ground-based navigation, new WPs are used in the Q–184 route description as follows: The MERDN, MS, WP, replaces the Meridian, MS, (MEI) VORTAC; the DOBIS, LA, WP, replaces the Belcher, LA, (EIC) VORTAC; and the SARKK, MS, WP, replaces the Magnolia, MS, (MHZ) VORTAC.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of modifying five existing RNAV routes (Q-routes), and establishing one new Q-route, in support of efforts to transition the NAS from ground-based to satellite-based navigation, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–19 BULZI, FL to Aberdeen, SD (ABR) [Amended]

BULZI, FL	WP	(Lat. 30°22′24.93″ N, long. 084°04′34.47″ W)
WYATT, GA	Fix	(Lat. 31°19′22.44″ N, long. 084°37′30.40″ W)
GOONS, GA	Fix	(Lat. 31°52′01.47″ N, long. 084°48′21.14″ W)
LAYIN, AL	WP	(Lat. 33°35′38.39″ N, long. 085°32′50.84″ W)
TOJXE, AL	WP	(Lat. 34°39′40.18″ N, long. 086°01′49.42″ W)
HITMN, TN	WP	(Lat. 36°08′12.47″ N, long. 086°41′05.25″ W)
PLESS, IL	Fix	(Lat. 37°48′34.48″ N, long. 088°57′47.48″ W)
St Louis, MO (STL)	VORTAC	(Lat. 38°51′38.48″ N, long. 090°28′56.52″ W)
Des Moines, IA (DSM)	VORTAC	(Lat. 41°26′15.45″ N, long. 093°38′54.81″ W)
Sioux Falls, SD (FSD)	VORTAC	(Lat. 43°38′58.14″ N, long. 096°46′52.02″ W)
Aberdeen, SD (ABR)	VOR/DME	(Lat. 45°25′02.48″ N, long. 098°22′07.39″ W)

* * * * * * *

Q–30 IZAAC, MS to VLKNN, AL [Amended]

IZAAC, MS	WP	(Lat. 33°27′49.87″ N, long. 090°16′37.75″ W)
SKNRR, MS	WP	(Lat. 33°29′07.75″ N, long. 088°30′49.63″ W)
VLKNN, AL	WP	(Lat. 33°40′12.47″ N, long. 086°53′58.83″ W)

* * * * * * *

Q–79 MCLAW, FL to Louisville, KY (IIU) [Amended]

MCLAW, FL	WP	(Lat. 24°33′49.00″ N, long. 081°01′00.00″ W)
VAULT, FL	WP	(Lat. 24°45′54.75″ N, long. 081°00′33.72″ W)
FEMID, FL	WP	(Lat. 26°06′29.59″ N, long. 081°27′23.07″ W)
WULFF, FL	WP	(Lat. 27°04′03.14″ N, long. 081°58′44.99″ W)
MOLIE, FL	WP	(Lat. 28°01′55.53″ N, long. 082°18′25.55″ W)
DOFFY, FL	WP	(Lat. 29°15′22.73″ N, long. 082°31′38.10″ W)
EVANZ, FL	WP	(Lat. 29°54′12.11″ N, long. 082°52′03.81″ W)
IISLY, GA	WP	(Lat. 30°42′37.70″ N, long. 083°17′57.72″ W)
ZPLEN, GA	WP	(Lat. 31°41′28.42″ N, long. 083°40′21.06″ W)
THRSR, GA	WP	(Lat. 33°37′45.26″ N, long. 084°26′06.36″ W)
KAILL, GA	WP	(Lat. 34°01′47.21″ N, long. 084°31′24.18″ W)
WUDEE, GA	Fix	(Lat. 34°34′43.52″ N, long. 084°39′58.83″ W)
RESPE, TN	Fix	(Lat. 35°35′30.56″ N, long. 084°55′12.31″ W)
SWAPP, TN	Fix	(Lat. 36°36′49.78″ N, long. 085°10′56.04″ W)
Louisville, KY (IIU)	VORTAC	(Lat. 38°06′12.47″ N, long. 085°34′38.77″ W)

* * * * * * *

Q–89 MANLE, FL to SMTTH, TN [Amended]

MANLE, FL	WP	(Lat. 28°42′26.16″ N, long. 080°24′23.71″ W)
WAKUP, FL	WP	(Lat. 28°51′47.62″ N, long. 080°40′26.97″ W)
PRMUS, FL	WP	(Lat. 29°49′05.67″ N, long. 081°07′20.74″ W)
SHRKS, FL	WP	(Lat. 30°37′23.23″ N, long. 081°45′59.13″ W)
YANTI, GA	WP	(Lat. 31°47′22.38″ N, long. 082°51′32.65″ W)
HESPI, GA	WP	(Lat. 33°14′21.16″ N, long. 084°05′38.77″ W)
CULTO, GA	WP	(Lat. 33°59′10.52″ N, long. 084°17′39.60″ W)
SMTTH, TN	WP	(Lat. 35°54′41.57″ N, long. 084°00′19.74″ W)

* * * * * * *

Q–118 BONNT, IN to PEAKY, FL [Amended]

BONNT, IN	WP	(Lat. 40°29′37.14″ N, long. 085°40′45.75″ W)
HEVAN, IN	WP	(Lat. 39°21′08.86″ N, long. 085°07′46.70″ W)
ROYYZ, IN	WP	(Lat. 38°56′28.93″ N, long. 084°56′10.19″ W)
VOSTK, KY	WP	(Lat. 38°28′15.86″ N, long. 084°43′03.58″ W)
HELUB, KY	WP	(Lat. 37°42′54.84″ N, long. 084°44′28.31″ W)
JEDER, KY	WP	(Lat. 37°19′30.54″ N, long. 084°45′14.17″ W)
GLAZR, TN	WP	(Lat. 36°25′20.78″ N, long. 084°46′49.29″ W)
KAILL, GA	WP	(Lat. 34°01′47.21″ N, long. 084°31′24.18″ W)
THRSR, GA	WP	(Lat. 33°37′45.26″ N, long. 084°26′06.36″ W)
JOHNN, GA	WP	(Lat. 31°31′22.94″ N, long. 083°57′26.55″ W)
JAMIZ, FL	WP	(Lat. 30°13′46.91″ N, long. 083°19′27.78″ W)
BRUTS, FL	WP	(Lat. 29°30′58.00″ N, long. 082°58′57.00″ W)
JINOS, FL	WP	(Lat. 28°28′46.00″ N, long. 082°08′52.00″ W)
KPASA, FL	WP	(Lat. 28°10′34.00″ N, long. 081°54′27.00″ W)
SHEEK, FL	WP	(Lat. 27°35′15.40″ N, long. 081°46′27.82″ W)
CHRRI, FL	WP	(Lat. 27°03′00.70″ N, long. 081°39′14.81″ W)
FEMID, FL	WP	(Lat. 26°06′29.59″ N, long. 081°27′23.07″ W)
PEAKY, FL	WP	(Lat. 24°35′23.72″ N, long. 081°08′53.91″ W)

* * * * * * *

Q–184 Ranger, TX (FUZ) to ARNNY, AL [New]

Ranger, TX (FUZ)	VORTAC	(Lat. 32°53′22.02″ N, long. 097°10′45.93″ W)
DOBIS, LA	WP	(Lat. 32°46′16.86″ N, long. 093°48′35.05″ W)
BERKE, LA	Fix	(Lat. 32°45′18.20″ N, long. 093°35′50.03″ W)
MIXIE, LA	Fix	(Lat. 32°43′19.40″ N, long. 093°10′51.57″ W)
STAGE, LA	Fix	(Lat. 32°42′42.76″ N, long. 093°03′21.82″ W)
KAMEN, LA	Fix	(Lat. 32°40′10.15″ N, long. 092°33′07.47″ W)
SARKK, MS	WP	(Lat. 32°26′02.24″ N, long. 090°05′58.67″ W)
MERDN, MS	WP	(Lat. 32°22′42.36″ N, long. 088°48′14.66″ W)
KWANE, MS	WP	(Lat. 32°22′00.47″ N, long. 088°27′29.43″ W)
ARNNY, AL	WP	(Lat. 32°20′40.60″ N, long. 086°59′28.57″ W)

* * * * *

Issued in Washington, DC, on March 10, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–05482 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0596; Airspace Docket No. 20–AGL–15]

RIN 2120–AA66

Amendment of V–6, V–10, V–30, V–100, and V–233 in the Vicinity of Litchfield, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends VHF Omnidirectional Range (VOR) Federal airways V–6, V–10, V–30, V–100, and V–233 in the vicinity of Litchfield, MI. The airway modifications are necessary due to the planned decommissioning of the VOR portion of the Litchfield, MI, VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID). The Litchfield VOR/DME NAVAID provides navigational guidance for portions of the affected VOR Federal airways listed above and is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, May 19, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA–2021–0596 in the **Federal Register** (86 FR 40969; July 30, 2021), amending VOR Federal airways V–6, V–10, V–30, V–100, and V–233 in the vicinity of Litchfield, MI. The proposed amendment actions were due to the planned decommissioning of the VOR portion of the Litchfield, MI, VOR/DME NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Prior to the NPRM, the FAA published a rule for Docket No. FAA–2020–1100 in the **Federal Register** (86 FR 39949; July 26, 2021), amending V–100 by removing the airway segment overlying the Rockford, IL, VOR/DME between the Dubuque, IA, VOR/Tactical Air Navigation (VORTAC) and the Northbrook, IL, VOR/DME. That airway amendment was effective October 7, 2021, and is included in this rule.

VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 to modify VOR Federal airways V–6, V–10, V–30, V–100, and V–233. The decommissioning of the VOR portion of the Litchfield, MI, VOR/DME NAVAID has made this action necessary.

The VOR Federal airway changes are outlined below.

V–6: V–6 extends between the Oakland, CA, VOR/DME and the DuPage, IL, VOR/DME; between the intersection of the Chicago Heights, IL, VORTAC 358° and Gipper, MI, VORTAC 271° radials (NILES fix) and the intersection of the Gipper, MI, VORTAC 092° and Litchfield, MI, VOR/DME 196° radials (MODEM fix); and between the Philipsburg, PA, VORTAC and the La Guardia, NY, VOR/DME. The airway segment between the Gipper, MI, VORTAC and the intersection of the Gipper, MI, VORTAC 092° and Litchfield, MI, VOR/DME 196° radials (MODEM fix) is removed. The unaffected portions of the existing airway remain as charted.

V–10: V–10 extends between the Pueblo, CO, VORTAC and the intersection of the Bradford, IL, VORTAC 058° and Joliet, IL, VOR/DME 287° radials (PLANO fix); between the intersection of the Chicago Heights, IL, VORTAC 358° and Gipper, MI, VORTAC 271° radials (NILES fix) and the Litchfield, MI, VOR/DME; and

between the Youngstown, OH, VORTAC and the Lancaster, PA, VOR/DME. The airway segment between the intersection of the Chicago Heights, IL, VORTAC 358° and Gipper, MI, VORTAC 271° radials (NILES fix) and the Litchfield, MI, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V–30: V–30 extends between the Badger, WI, VOR/DME and the Litchfield, MI, VOR/DME; and between the Philipsburg, PA, VORTAC and the Solberg, NJ, VOR/DME. The airway segment between the Pullman, MI, VOR/DME and the Litchfield, MI, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V–100: V–100 currently extends between the Medicine Bow, WY, VOR/DME and the O'Neill, NE, VORTAC; between the Fort Dodge, IA, VORTAC and the Dubuque, IA, VORTAC; and between the Northbrook, IL, VOR/DME and the Litchfield, MI, VOR/DME. The airway segment between the Keeler, MI, VOR/DME and the Litchfield, MI, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

V–233: V–233 extends between the Spinner, IL, VORTAC and the Litchfield, MI, VOR/DME; and between the Mount Pleasant, MI, VOR/DME and the Pellston, MI, VORTAC. The airway segment between the Goshen, IN, VORTAC and the Litchfield, MI, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

All NAVAID radials listed in the VOR Federal airway descriptions below are unchanged and stated in True degrees.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of modifying VOR Federal airways V–6, V–10, V–30, V–100, and V–233, due to the planned decommissioning of the VOR portion of the Litchfield, MI, VOR/DME NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–6 [Amended]

From Oakland, CA; INT Oakland 039° and Sacramento, CA, 212° radials; Sacramento; Squaw Valley, CA; Mustang, NV; Lovelock, NV; Battle Mountain, NV; INT Battle Mountain 062° and Wells, NV, 256° radials; Wells; 5 miles, 40 miles, 98 MSL, 85 MSL, Lucin, UT; 43 miles, 85 MSL, Ogden, UT; 11 miles, 50 miles, 105 MSL, Fort Bridger, WY; Rock Springs, WY; 20 miles, 39 miles, 95 MSL, Cherokee, WY; 39 miles, 27 miles, 95 MSL, Medicine Bow, WY; INT Medicine Bow 106° and Sidney, NE, 291° radials; Sidney; North Platte, NE; Grand Island, NE; Omaha, IA; Des Moines, IA; Iowa City, IA; Davenport, IA; INT Davenport 087° and DuPage, IL, 255° radials; to DuPage. From INT Chicago Heights, IL, 358° and Gipper, MI, 271° radials; to Gipper. From Philipsburg, PA; Selinsgrove, PA; Allentown, PA; Solberg, NJ; INT Solberg 107° and Yardley, PA, 068° radials; INT Yardley 068° and La Guardia, NY, 213° radials; to La Guardia.

* * * * *

V–10 [Amended]

From Pueblo, CO; 18 miles, 48 miles, 60 MSL, Lamar, CO; Garden City, KS; Dodge City, KS; Hutchinson, KS; Emporia, KS; INT Emporia 063° and Napoleon, MO, 243° radials; Napoleon; Kirksville, MO; Burlington, IA; Bradford, IL; to INT Bradford 058° and Joliet, IL, 287° radials. From Youngstown, OH; INT Youngstown 116° and Revloc, PA, 300° radials; Revloc; INT Revloc 107° and Lancaster, PA, 280° radials; to Lancaster.

* * * * *

V–30 [Amended]

From Badger, WI; INT Badger 102° and Pullman, MI, 303° radials; to Pullman. From Philipsburg, PA; Selinsgrove, PA; East Texas, PA; INT East Texas 095° and Solberg, NJ, 264° radials; to Solberg.

* * * * *

V–100 [Amended]

From Medicine Bow, WY; Scottsbluff, NE; Alliance, NE; Ainsworth, NE; to O'Neill, NE. From Fort Dodge, IA; Waterloo, IA; to Dubuque, IA. From Northbrook, IL; INT Northbrook 095° and Keeler, MI, 271° radials; to Keeler.

* * * * *

V–233 [Amended]

From Spinner, IL; INT Spinner 061° and Roberts, IL, 233° radials; Roberts; Knox, IN; to Goshen, IN. From Mount Pleasant, MI; INT Mount Pleasant 351° and Gaylord, MI, 207° radials; Gaylord; to Pellston, MI.

* * * * *

Issued in Washington, DC, on March 11, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–05546 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 723, 724, 845, and 846

[Docket ID: OSM 2022–0001; S1D1S SS08011000 SX064A000 222S180110; S2D2S SS08011000 SX064A00 22XS501520]

RIN 1029–AC80

Civil Monetary Penalty Inflation Adjustments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), and Office of Management and Budget (OMB) guidance, this rule adjusts for inflation the level of civil monetary penalties assessed under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

DATES: Effective March 21, 2022.

FOR FURTHER INFORMATION CONTACT: Khalia A. Boyd, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4558, Washington, DC 20240; Telephone (202) 208–2823. Email: *kboyd@osmre.gov*.

SUPPLEMENTARY INFORMATION:

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I. Background

A. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015

Section 518 of SMCRA, 30 U.S.C. 1268, authorizes the Secretary of the Interior to assess civil monetary penalties (CMPs) for violations of SMCRA. The Office of Surface Mining Reclamation and Enforcement's (OSMRE) regulations implementing the CMP provisions of section 518 are located in 30 CFR parts 723, 724, 845, and 846. We are adjusting CMPs in six sections—30 CFR 723.14, 723.15, 724.14, 845.14, 845.15, and 846.14.

On November 2, 2015, the President signed the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (2015 Act) into law. The 2015 Act, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (codified, as amended, at 28 U.S.C. 2461 note), requires Federal agencies to promulgate rules to adjust the level of CMPs to account for inflation. The 2015 Act required an initial ''catch-up'' adjustment. OSMRE published the initial adjustment in the **Federal Register** on July 8, 2016 (81 FR 44535), and the adjustment took effect on August 1, 2016. The 2015 Act also requires agencies to publish annual inflation adjustments in the **Federal Register** no later than January 15 of each year. These adjustments are aimed at maintaining the deterrent effect of civil penalties and furthering the policy goals of the statutes that authorize the penalties. Further, the 2015 Act provides that agencies must adjust civil monetary penalties ''notwithstanding section 553 of [the Administrative Procedure Act (APA)].'' Therefore, ''the public procedure the APA generally requires—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.'' December 15, 2021, Memorandum for the Heads of Executive Departments and Agencies (M–22–07) from Shalanda D. Young, Acting Director, Office of Management and Budget, *Implementation of Penalty Inflation Adjustments for 2022, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (OMB Memorandum), at 3–4.

Pursuant to SMCRA and the 2015 Act, this final rule reflects the statutorily required CMP adjustments as follows:

CFR citation	Points (where applicable)	Current penalty dollar amounts	Adjusted penalty dollar amounts
30 CFR 723.14	1	$69	$73
	2	139	148
	3	208	221
	4	277	294
	5	346	368
	6	416	442
	7	485	515
	8	552	586
	9	623	662
	10	693	736
	11	761	808
	12	831	883
	13	898	954
	14	969	1,029
	15	1,040	1,105
	16	1,108	1,177
	17	1,177	1,250

CFR citation	Points (where applicable)	Current penalty dollar amounts	Adjusted penalty dollar amounts
	18	1,248	1,326
	19	1,316	1,398
	20	1,385	1,471
	21	1,455	1,546
	22	1,524	1,619
	23	1,593	1,692
	24	1,661	1,764
	25	1,731	1,839
	26	2,078	2,207
	27	2,424	2,575
	28	2,768	2,940
	29	2,984	3,170
	30	3,463	3,678
	31	3,808	4,045
	32	4,155	4,414
	33	4,502	4,782
	34	4,848	5,150
	35	5,194	5,517
	36	5,540	5,885
	37	5,888	6,254
	38	6,233	6,621
	39	6,579	6,988
	40	6,924	7,355
	41	7,273	7,726
	42	7,618	8,092
	43	7,963	8,458
	44	8,310	8,827
	45	8,656	9,195
	46	9,003	9,563
	47	9,348	9,930
	48	9,696	10,299
	49	10,041	10,666
	50	10,387	11,033
	51	10,732	11,400
	52	11,081	11,770
	53	11,427	12,138
	54	11,773	12,506
	55	12,121	12,875
	56	12,466	13,242
	57	12,811	13,608
	58	13,157	13,976
	59	13,505	14,345
	60	13,850	14,712
	61	14,196	15,079
	62	14,543	15,448
	63	14,890	15,816
	64	15,236	16,184
	65	15,581	16,550
	66	15,929	16,920
	67	16,274	17,287
	68	16,620	17,654
	69	16,966	18,022
	70	17,314	18,391
30 CFR 723.15(b) (Assessment of separate violations for each day)	.....	2,596	2,758
30 CFR 724.14(b) (Individual civil penalties)	.....	17,314	18,391
30 CFR 845.14	1	69	73
	2	139	148
	3	208	221
	4	277	294
	5	346	368
	6	416	442
	7	485	515
	8	552	586
	9	623	662
	10	693	736
	11	761	808
	12	831	883
	13	898	954
	14	969	1,029
	15	1,040	1,105
	16	1,108	1,177
	17	1,177	1,250
	18	1,248	1,326

CFR citation	Points (where applicable)	Current penalty dollar amounts	Adjusted penalty dollar amounts
	19	1,316	1,398
	20	1,385	1,471
	21	1,455	1,546
	22	1,524	1,619
	23	1,593	1,692
	24	1,661	1,764
	25	1,731	1,839
	26	2,078	2,207
	27	2,424	2,575
	28	2,768	2,940
	29	2,984	3,170
	30	3,463	3,678
	31	3,808	4,045
	32	4,155	4,414
	33	4,502	4,782
	34	4,848	5,150
	35	5,194	5,517
	36	5,540	5,885
	37	5,888	6,254
	38	6,233	6,621
	39	6,579	6,988
	40	6,924	7,355
	41	7,273	7,726
	42	7,618	8,092
	43	7,963	8,458
	44	8,310	8,827
	45	8,656	9,195
	46	9,003	9,563
	47	9,348	9,930
	48	9,696	10,299
	49	10,041	10,666
	50	10,387	11,033
	51	10,732	11,400
	52	11,081	11,770
	53	11,427	12,138
	54	11,773	12,506
	55	12,121	12,875
	56	12,466	13,242
	57	12,811	13,608
	58	13,157	13,976
	59	13,505	14,345
	60	13,850	14,712
	61	14,196	15,079
	62	14,543	15,448
	63	14,890	15,816
	64	15,236	16,184
	65	15,581	16,550
	66	15,929	16,920
	67	16,274	17,287
	68	16,620	17,654
	69	16,996	18,022
	70	17,314	18,391
30 CFR 845.15(b) (Assessment of separate violations for each day)	.....	2,596	2,758
30 CFR 846.14(b) (Individual civil penalties)	.....	17,314	18,391

In the chart above, there are no numbers listed in the ''Points'' column relative to 30 CFR 723.15(b), 30 CFR 724.14(b), 30 CFR 845.15(b), and 30 CFR 846.14(b) because those regulatory provisions do not set forth numbers of points. For those provisions, the current regulations only set forth the dollar amounts shown in the chart in the ''Current Penalty Dollar Amounts'' column; the adjusted amounts, which we are adopting in this rule, are shown in the ''Adjusted Penalty Dollar Amounts'' column.

B. Calculation of Adjustments

OMB issued guidance on the 2022 annual adjustments for inflation. *See* OMB Memorandum (December 15, 2021). The OMB Memorandum notes that the 1990 Act defines ''civil monetary penalty'' as ''any penalty, fine, or other sanction that . . . is for a specific monetary amount as provided by Federal law; or . . . has a maximum amount provided for by Federal law; and . . . is assessed or enforced by an agency pursuant to Federal law; and . . . is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts . . . .'' *Id.* at 2. It further instructs that agencies ''are to adjust 'the maximum civil monetary penalty or the range of minimum and maximum civil monetary penalties, as applicable, for each civil monetary penalty by the cost-of-living adjustment.' '' *Id.* The 1990 Act, as amended by the 2015 Act, and the OMB Memorandum specify that the annual inflation adjustments are based on the percent change between the Consumer Price Index for all Urban Consumers

(the CPI–U) published by the Department of Labor for the month of October in the year of the previous adjustment, and the October CPI–U for the preceding year. The recent OMB Memorandum specified that the cost-of-living adjustment multiplier for 2022, not seasonally adjusted, is 1.06222 (the October 2021 CPI–U (276.589) divided by the October 2020 CPI–U (260.388) = 1.06222). OSMRE used this guidance to identify applicable CMPs and calculate the required inflation adjustments. The 1990 Act, as amended by the 2015 Act, specifies that any resulting increases in CMPs must be rounded according to a stated rounding formula and that the increased CMPs apply only to CMP assessments that occur after the date that the increases take effect.

Generally, OSMRE assigns points to a violation as described in 30 CFR 723.13 and 845.13. The CMP owed is based on the number of points received, ranging from one point to 70 points. For example, under our existing regulations in 30 CFR 845.14, a violation totaling 70 points would amount to a $17,314 CMP. To adjust this amount, we multiply $17,314 by the 2021 inflation factor of 1.06222, resulting in a raw adjusted amount of $18,391.28. Because the 2015 Act requires us to round any increase in the CMP amount to the nearest dollar, in this case a violation of 70 points would amount to a new CMP of $18,391. Pursuant to the 2015 Act, the increases in this Final Rule apply to CMPs assessed after the date the increases take effect, even if the associated violation predates the applicable increase.

C. Effect of the Rule in Federal Program States and on Indian Lands

OSMRE directly regulates surface coal mining and reclamation operations within a State or on Indian lands if the State or Tribe does not obtain its own approved program pursuant to sections 503 or 710(j) of SMCRA, 30 U.S.C. 1253 or 1300(j). The increases in CMPs contained in this rule will apply to the following Federal program States: Arizona, California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for those States appear at 30 CFR parts 903, 905, 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively. Under 30 CFR 750.18, the increases in CMPs also apply to Indian lands under the Federal program for Indian lands.

D. Effect of the Rule on Approved State Programs

As a result of litigation, *see In re Permanent Surface Mining Regulation Litigation,* No. 79–1144, Mem. Op. (D.D.C. May 16, 1980), 19 Env't. Rep. Cas. (BNA) 1477, State regulatory programs are not required to mirror all of the penalty provisions of our regulations. Thus, this rule has no effect on CMPs in States with SMCRA primacy.

II. Procedural Matters

A. Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that agency regulations exclusively implementing the annual inflation adjustments are not significant, provided they are consistent with the OMB Memorandum. Because this final rule exclusively implements the annual inflation adjustments, is consistent with the OMB Memorandum, and will have an annual impact of less than $100 million, it is not significant under Executive Order 12866.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive Order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements, to the extent permitted by statute.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to adjust civil penalties annually for inflation ''notwithstanding section 553 [of the Administrative Procedure Act].'' Thus, no proposed rule will be published, and the RFA does not apply to this rulemaking.

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Will not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector, of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (Executive Order 12630)

This rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

F. Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism summary impact statement is not required.

G. Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written

in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (Executive Order 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy, under Departmental Manual Part 512, Chapters 4 and 5, and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on Federally-recognized Tribes or Alaska Native Claims Settlement Act (ANCSA) Corporations, and that consultation under the Department's Tribal consultation policy is not required.

I. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

J. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by a categorical exclusion. This rule is excluded from the requirement to prepare a detailed statement because it is a regulation of an administrative nature. (For further information *see* 43 CFR 46.210(i).) We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

K. Effects on Energy Supply, Distribution, and Use (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

L. Clarity of This Regulation

We are required by Executive Orders 12866 (section 1(b)(12)), 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use common, everyday words and clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you believe that we have not met these requirements in issuing this final rule, please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section. Your comments should be as specific as possible in order to help us determine whether any future revisions to the rule are necessary. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

M. Data Quality Act

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

N. Administrative Procedure Act

We are issuing this final rule without prior public notice or opportunity for public comment. As discussed above, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to publish adjusted penalties annually. Under the 2015 Act, the public procedure that the Administrative Procedure Act generally requires—notice, an opportunity for comment, and a delay in the effective date—is not required for agencies to issue regulations implementing the annual adjustments required by the 2015 Act. *See* OMB Memorandum, M–22–07, at 3–4.

O. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 3701 note *et seq.*) directs Federal agencies to use voluntary consensus standards when implementing regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. This final rule is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with SMCRA, and the requirements would not be applicable to this final rulemaking.

P. Protection of Children From Environmental Health Risks and Safety Risks (Executive Order 13045)

Executive Order 13045 requires that environmental and related rules separately evaluate the potential impact to children. However, Executive Order 13045 is inapplicable to this rulemaking because this is not a substantive rulemaking and a notice of proposed rulemaking was neither required nor prepared. *See* section 2–202 and 5–501 of Executive Order 13045.

List of Subjects

30 CFR Part 723

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 724

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 845

Administrative practice and procedure, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 846

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

Delegation of Signing Authority

The action taken herein is pursuant to an existing delegation of authority.

Laura Daniel-Davis,

Principal Deputy Assistant Secretary, Land and Minerals Management.

For the reasons given in the preamble, the Department of the Interior amends 30 CFR parts 723, 724, 845, and 846 as set forth below.

PART 723—CIVIL PENALTIES

■ 1. The authority citation for part 723 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* and 31 U.S.C. 3701.

■ 2. Revise the table in § 723.14 to read as follows:

§ 723.14 Determination of amount of penalty.

* * * * *

TABLE 1 TO § 723.14

Points	Dollars
1	73
2	148
3	221

TABLE 1 TO § 723.14—Continued

Points	Dollars
4	294
5	368
6	442
7	515
8	586
9	662
10	736
11	808
12	883
13	954
14	1,029
15	1,105
16	1,177
17	1,250
18	1,326
19	1,398
20	1,471
21	1,546
22	1,619
23	1,692
24	1,764
25	1,839
26	2,207
27	2,575
28	2,940
29	3,170
30	3,678
31	4,045
32	4,414
33	4,782
34	5,150
35	5,517
36	5,885
37	6,254
38	6,621
39	6,988
40	7,355
41	7,726
42	8,092
43	8,458
44	8,827
45	9,195
46	9,563
47	9,930
48	10,299
49	10,666
50	11,033
51	11,400
52	11,770
53	12,138
54	12,506
55	12,875
56	13,242
57	13,608
58	13,976
59	14,345
60	14,712
61	15,079
62	15,448
63	15,816
64	16,184
65	16,550
66	16,920
67	17,287
68	17,654
69	18,022
70	18,391

■ 3. In § 723.15, revise introductory text of paragraph (b) to read as follows:

§ 723.15 Assessment of separate violations for each day.

* * * * *

(b) In addition to the civil penalty provided for in paragraph (a) of this section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to section 521(a) of the Act, 30 U.S.C. 1271(a), a civil penalty of not less than $2,758 will be assessed for each day during which such failure to abate continues, except that:

* * * * *

PART 724—INDIVIDUAL CIVIL PENALTIES

■ 4. The authority citation for part 724 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* and 31 U.S.C. 3701.

■ 5. In § 724.14, revise the first sentence of paragraph (b) to read as follows:

§ 724.14 Amount of individual civil penalty.

* * * * *

(b) The penalty will not exceed $18,391 for each violation. * * *

PART 845—CIVIL PENALTIES

■ 6. The authority citation for part 845 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* 31 U.S.C. 3701, Pub. L. 100–202, and Pub. L. 100–446.

■ 7. Revise the table in § 845.14 to read as follows:

§ 845.14 Determination of amount of penalty.

* * * * *

TABLE 1 TO § 845.14

Points	Dollars
1	73
2	148
3	221
4	294
5	368
6	442
7	515
8	586
9	662
10	736
11	808
12	883
13	954
14	1,029
15	1,105
16	1,177
17	1,250
18	1,326
19	1,398
20	1,471
21	1,546

TABLE 1 TO § 845.14—Continued

Points	Dollars
22	1,619
23	1,692
24	1,764
25	1,839
26	2,207
27	2,575
28	2,940
29	3,170
30	3,678
31	4,045
32	4,414
33	4,782
34	5,150
35	5,517
36	5,885
37	6,254
38	6,621
39	6,988
40	7,355
41	7,726
42	8,092
43	8,458
44	8,827
45	9,195
46	9,563
47	9,930
48	10,299
49	10,666
50	11,033
51	11,400
52	11,770
53	12,138
54	12,506
55	12,875
56	13,242
57	13,608
58	13,976
59	14,345
60	14,712
61	15,079
62	15,448
63	15,816
64	16,184
65	16,550
66	16,920
67	17,287
68	17,654
69	18,022
70	18,391

■ 8. In § 845.15, revise introductory text of paragraph (b) to read as follows:

§ 845.15 Assessment of separate violations for each day.

* * * * *

(b) In addition to the civil penalty provided for in paragraph (a) of this section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to section 521(a) of the Act, 30 U.S.C. 1271(a), a civil penalty of not less than $2,758 will be assessed for each day during which such failure to abate continues, except that:

* * * * *

PART 846—INDIVIDUAL CIVIL PENALTIES

■ 9. The authority citation for part 846 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* and 31 U.S.C. 3701.

■ 10. In § 846.14, revise the first sentence of paragraph (b) to read as follows:

§ 846.14 Amount of individual civil penalty.

* * * * *

(b) The penalty will not exceed $18,391 for each violation. * * *

[FR Doc. 2022–05624 Filed 3–18–22; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0174]

RIN 1625–AA87

Security Zone; Cooper River Bridge Run, Cooper River and Town Creek Reaches, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone on certain waters of the Cooper River and Town Creek Reaches. This action is necessary to provide for the safety of life on these navigable waters near Charleston, South Carolina, during the Cooper River Bridge Run. This regulation prohibits persons and vessels from entering, transiting through, anchoring in, or remaining within the security zone unless authorized by the Captain of the Port Charleston (COTP) or a designated representative.

DATES: This rule is effective from 7:30 a.m. to 11 a.m., on April 2, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0174 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Chad Ray, Sector Charleston Waterways Management Division, Coast Guard; telephone (843) 740–3184, email *Chad.L.Ray@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. The primary justification for this action is that the Coast Guard was given short notice from the event sponsor. Therefore, the Coast Guard lacks sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. It would be impracticable and contrary to the public interest to delay promulgating this rule, as it is necessary to protect the safety of participants, spectators, and vessels transiting near the race area during the Cooper River Bridge 10–K Run event.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because the temporary security zone must be established on April 2, 2022 to ensure the safety of participants, spectators, and vessels during the event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The COTP Charleston has determined that potential hazards associated with the large number of participants and spectators during the run will be a safety and security concern. The purpose of the rule is to ensure the safety and security of participants, spectators, the general public, vessels and the navigable waters in the security zone before, during and after the scheduled race.

IV. Discussion of the Rule

This rule establishes a security zone from 7:30 a.m. to 11 a.m., on April 2, 2022. The security zone will cover certain navigable waters of the Cooper River and Town Creek Reaches in Charleston, South Carolina. The duration of the zone is intended to ensure the safety and security of the participants, spectators, and the general public during the scheduled 7:30 a.m. to 11 a.m. race. No vessel or person will be permitted to enter, transit through, anchor in or remain within the security zone without obtaining permission from the COTP or a designated representative. If authorization to enter, transit through, anchor in, or remain within the security zone is granted by the COTP or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP or a designated representative. The Coast Guard will provide notice of the security zone by Local Notice to Mariners, Broadcast Notice to Mariners, or by on-scene designated representatives.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the following reasons: (1) The security zone only being enforced for a total of three and a half hours; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the zone without authorization from the COTP or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the areas during the enforcement period if authorized by the COTP or a designated representative; and (4) the Coast Guard

will provide advance notification of the zone to the local maritime community by Broadcast Notice to Mariners, or by on-scene designated representatives.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a security zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area surrounding the Cooper River Bridge on the waters of the Cooper River and Town Creek Reaches during a race event lasting three and a half hours. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034; 46 U.S.C. 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2.

■ 2. Add § 165. T07–0110 to read as follows:

§ 165.T07–0110 Security Zone; Cooper River Bridge Run, Charleston SC.

(a) *Location.* All waters of the Cooper River, and Town Creek Reaches encompassed within the following points: Beginning at 32°48′32″ N, 079°56′08″ W, thence east to 32°48′20″ N, 079°54′20″ W, thence south to 32°47′20″ N, 079°54′29″ W, thence west to 32°47′20″ N, 079°55′28″ W, thence north to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port (COTP) Charleston in the enforcement of the regulated areas.

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

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP Charleston by telephone at 843–740–7050, or a

designated representative via VHF radio on channel 16, to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Broadcast Notice to Mariners, or by on-scene designated representatives.

(d) *Enforcement Period.* This rule will be enforced from 7:30 a.m. until 11 a.m., on April 2, 2022.

Dated: March 12, 2022.

J.D. Cole,

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

[FR Doc. 2022–05779 Filed 3–18–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 361

[Docket ID ED–2019–OSERS–0140]

State Vocational Rehabilitation Services Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final interpretation.

SUMMARY: The U.S. Department of Education (Department) issues this final notification of interpretation (NOI) in response to comments made on the NOI published in the **Federal Register** on February 28, 2020. That NOI became effective on the date it was issued and clarified current policy regarding the permissibility of using funds reserved for pre-employment transition services for auxiliary aids and services, and it announced a change in policy regarding the use of Federal vocational rehabilitation (VR) funds reserved for the provision of pre-employment transition services. The Department's policy expressed in this final NOI is unchanged from that in the NOI published on February 28, 2020.

DATES: This final interpretation is issued: March 21, 2022. Pursuant to the NOI, this interpretation is applicable as of February 28, 2020.

FOR FURTHER INFORMATION CONTACT: Carol Dobak, U.S. Department of Education, 400 Maryland Avenue SW, Room 5153, Potomac Center Plaza, Washington, DC 20202–0001. Telephone: (202) 245–7325. Email: *Carol.Dobak@ed.gov*.

SUPPLEMENTARY INFORMATION:

Background

The amendments to the Rehabilitation Act of 1973 (Rehabilitation Act) made by title IV of the Workforce Innovation and Opportunity Act (WIOA) place heightened emphasis on the provision of services to students and youth with disabilities to ensure that they have meaningful opportunities to receive the training and other services they need to achieve employment outcomes in competitive integrated employment. The Rehabilitation Act, as amended by WIOA, expanded not only the population of students with disabilities who may receive services under the VR program but also the kinds of services the designated State units (DSUs) may provide to these students with disabilities who are transitioning from school to postsecondary education and employment.

Most notably, section 110(d)(1) of the Rehabilitation Act and 34 CFR 361.65(a)(3)(i) requires States to reserve at least 15 percent of their Federal VR grant for the provision of pre-employment transition services. Section 113(a) of the Rehabilitation Act and 34 CFR 361.48(a) require DSUs for the VR program to use the reserved funds to provide, or arrange for the provision of, pre-employment transition services to all students with disabilities in need of such services who are eligible or potentially eligible for services under the VR program.

Section 113(b) of the Rehabilitation Act and 34 CFR 361.48(a)(2) list the five required pre-employment transition services that DSUs, in collaboration with local educational agencies (LEAs), must make available to students with disabilities in need of these services.

These services are—

- Job exploration counseling;
- Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that are provided in an integrated environment to the maximum extent possible;
- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
- Workplace readiness training to develop social skills and independent living; and
- Instruction in self-advocacy, which may include peer mentoring.

Pre-employment transition services represent the earliest set of services available for students with disabilities under the VR program, are short-term in nature, and are designed to help students identify career interests.

Following implementation of the pre-employment transition services requirements, the Department received comments from DSUs and other stakeholders regarding: (1) The need for further clarification about the extent to which funds reserved for the provision of pre-employment transition services may be used to pay for auxiliary aids and services; and (2) the ability of States to reserve and expend at least 15 percent of their VR grants on the provision of pre-employment transition services under the Department's general interpretation of the statutory requirements related to the allowable use of funds. Specifically, DSUs and stakeholders asked if funds reserved for pre-employment transition services may be used to cover the costs of auxiliary aids and services provided directly to students with disabilities as well as other VR services, such as transportation, tuition for postsecondary education, rehabilitation technology, and job coaching.

On February 28, 2020, the Department published an NOI in the **Federal Register** (85 FR 11848) to clarify current policy regarding the permissibility of using funds reserved for pre-employment transition services for auxiliary aids and services, and to announce a change in policy regarding the use of Federal VR funds reserved for pre-employment transition services. There are no changes between the original interpretation published on February 28, 2020, and this final interpretation. Through this document, the Department also rescinds the Dear Director email transmitted to VR agencies on December 28, 2016, regarding the use of reserved funds for the provision of auxiliary aids and services because the substance of that email was incorporated into and clarified by the February 28, 2020, NOI.

Public Comment: In response to our invitation in the NOI, 26 parties submitted comments.

Analysis of Comments and Changes: An analysis of the comments on the interpretation since its publication follows. We do not address comments that raised concerns not directly related to the interpretation.

Support for Interpretation

Comments: Commenters generally expressed appreciation for the flexibilities described in the NOI. Some commenters noted that the flexibilities would allow students with the most significant disabilities to benefit from the expansion of services needed to access and support the provision of pre-employment transition services. One commenter stated that the new

flexibilities would promote accountability and strengthen partnership with schools and employers.

Discussion: The Department appreciates the positive comments and feedback regarding this interpretation.

Changes: None.

Use of Reserved Funds for Certain Services

Comments: Commenters stated that postsecondary tuition and fees should be an allowable cost under pre-employment transition services, indicating that the Department's interpretation was too narrow, and that postsecondary training aligns with workplace readiness training under the five required activities and also falls under authorized activities.

Discussion: The Department disagrees that the interpretation is too narrow or unnecessarily restrictive. Pre-employment transition services, including work readiness training, represent the earliest activities in career exploration and are designed to assist students with disabilities to identify their employment goals. On the other hand, financial support for postsecondary education tuition and fees, as authorized by section 103(a)(5) of the Rehabilitation Act and 34 CFR 361.48(b)(6), is provided to individuals transitioning from secondary school to postsecondary education for purposes of achieving a specific employment outcome. Therefore, we continue to maintain that tuition and fees for postsecondary education are outside the nature, scope, and purpose of pre-employment transition services and the required activities specified in section 113(b) of the Rehabilitation Act and 34 CFR 361.48(a)(2).

In addition, those authorized activities listed in section 113(c) of the Rehabilitation Act and 34 CFR 361.48(a)(3) are systemic in nature and encompass strategies the DSUs develop and use for the delivery of pre-employment transition services. In other words, given the systemic nature of the authorized services listed in section 113(c) of the Rehabilitation Act and 34 CFR 361.48(a)(3), they are not services that are provided directly to students with disabilities, but rather facilitate the systemic delivery of pre-employment transition services. Because financial support for postsecondary education tuition and fees is a service provided directly to eligible individuals with disabilities on an individual basis under an individualized plan for employment (IPE), this service is not within the scope of the authorized activities in section 113(c) of the Rehabilitation Act and 34 CFR 361.48(a)(3).

For these reasons, a DSU may not use the funds reserved for the provision of pre-employment transition services to pay for tuition and other costs of attending postsecondary education, since this is not among those activities that are required or authorized under section 113 of the Rehabilitation Act and 34 CFR 361.48(a), and this service is not necessary for a student with a disability to access or participate in one of the required pre-employment transition services listed in section 113(b) of the Rehabilitation Act and 34 CFR 361.48(a)(2).

Changes: None.

Comments: One commenter emphasized the importance of driver education training and suggested that it be considered as an allowable service under workplace readiness training.

Discussion: Whether driver education may be considered to be within the scope of workplace readiness training (*i.e.,* development of social skills and independent living) for the purposes of section 113(b) of the Rehabilitation Act and 34 CFR 361.48(a)(2) depends on the circumstances under which this service is provided to any student with a disability. Consistent with the Federal cost principles at 2 CFR 200.403 through 200.405, costs incurred with the funds reserved under section 110(d)(1) of the Rehabilitation Act and 34 CFR 361.65(a)(3)(i) must be—

- Necessary for the provision or receipt of pre-employment transition services;
- Reasonable, that is, those that a prudent person would agree are necessary for the provision or receipt of pre-employment transition services; and
- Allocable, that is, those that benefit the provision or receipt of pre-employment transition services.

Thus, students with disabilities, regardless of whether they have been determined eligible or have an IPE, for example, who live in rural areas lacking public transportation, may need to learn to drive to enhance their independence and ability to explore a wider range of career options. Under this circumstance, it may be reasonable to determine that driver's education would be within the scope of workplace readiness training as described in section 113(b) and 34 CFR 361.48(a)(2) and allocate the cost of this service to the funds reserved for the provision of pre-employment transition services.

However, some students with disabilities may require more advanced driver's education to obtain employment involving public or commercial transportation (*e.g.,* bus or commercial truck driver). It would not be reasonable to conclude that this advanced driver's education is within the scope of pre-employment transition services as workplace readiness training when students have chosen a specific career for which advanced driver's education and a special driver's license is required. Rather, such a service would be considered a job training service provided pursuant to section 103(a)(5) of the Rehabilitation Act and 34 CFR 361.48(b)(6). Under this circumstance, this service must be provided using funds for other VR services (*i.e.,* funds not reserved for the provision of pre-employment transition services) to support the eligible student with a disability's specific employment goal under an approved IPE.

Changes: None.

Use of Reserved Funds for Auxiliary Aids and Services

Comments: Several commenters recommended that we consider job coaching an auxiliary aid and service and that we not limit the availability of this service to students with significant disabilities who apply and are determined eligible to receive this service under an IPE. Commenters also requested clarification about the differences between job coaches and work site trainers.

Discussion: ''Auxiliary aids and services,'' under the Americans with Disabilities Act's (ADA) title II implementing regulations in 28 CFR 35.104, include services such as the acquisition or modification of equipment or devices, or other effective methods, to make aurally delivered information available to individuals who are deaf or hard of hearing, or visually delivered materials available to individuals who are blind or have low vision. The definition of ''auxiliary aids and services'' includes effective methods of delivering materials in an alternative format for individuals who are deaf or hard of hearing, or who are blind or have low vision, which are distinct from job coaching services designed to assist individuals with disabilities perform on-the-job tasks. Thus, job coaching services are not within the scope of auxiliary aids and services for the purpose of providing access to pre-employment transition services using funds reserved under section 110(d) of the Rehabilitation Act. The Department disagrees with the commenter's suggestion that job coaching should be considered an auxiliary aid and service. It has been and continues to be the Department's interpretation, as stated in the NOI, that DSUs may use funds reserved for the

provision of pre-employment transition services to pay for auxiliary aids and services needed by all students with disabilities with sensory and communicative disorders who need such aids and services to access or participate in pre-employment transition services (85 FR at 11849–11850).

In addition, the Department disagrees that funds reserved for the provision of pre-employment transition services should be used to pay for costs of job coaching needed by all students with disabilities, regardless of whether they have applied and been determined eligible for the VR program and have an approved IPE. There is no authority under the Rehabilitation Act to provide job coaching or other coaching services to students with disabilities who do not have an approved IPE. As stated in the NOI, DSUs may provide any service that an eligible individual needs to achieve an employment outcome in accordance with an approved IPE. In the context of pre-employment transition services, one such service is coaching services for eligible students with disabilities participating in work-based learning experiences under section 113(b)(2) and 34 CFR 361.48(a)(2)(ii). These coaches perform functions similar to job coaches in supported employment settings by assisting the eligible student with a disability to perform the tasks assigned during the work-based learning experiences. While these particular coaching services are not specifically listed in section 103(a), they would be considered allowable VR services under section 103(a) and 34 CFR 361.48(b)(21) if needed by an eligible student with a disability, in accordance with an approved IPE, to participate in pre-employment transition services. Given that pre-employment transition services are among the earliest types of services available to students with disabilities, it is reasonable to expect that these eligible students may need extra assistance through coaching services to participate in these activities and, thus, these coaching services would be allocable to those pre-employment transition services. Therefore, DSUs may use funds reserved for the provision of pre-employment transition services to pay for the costs of coaching services when needed by eligible students with disabilities to participate in a work-based learning experience pursuant to an IPE, and when costs would be reasonable and allocable to the provision of pre-employment transition services in accordance with requirements governing Federal cost principles.

Changes: None.

Administrative Costs

Comments: One commenter recommended that the 15 percent reserve be used to fulfill data collection requirements associated with pre-employment transition services.

Discussion: The Department acknowledges the recommendation; however, fulfilling data collection requirements associated with pre-employment transition services is an administrative cost and section 110(d)(2) of the Rehabilitation Act and 34 CFR 361.65(a)(3)(ii)(B) prohibit the use of funds reserved for pre-employment transition services to pay for administrative costs . DSUs can use other VR grant funds not reserved for the provision of pre-employment transition services to pay these administrative costs.

Changes: None.

Services for Potentially Eligible Students With Disabilities

Comments: A few commenters emphasized the need for additional flexibilities surrounding the 15 percent reserve funds and allowable services. Specifically, they commented on the importance of foreign language interpreters and transportation services for potentially eligible students and their families to facilitate access to pre-employment transition services.

Discussion: The Department appreciates the comments related to the scope and types of services that may be charged to the minimum of 15 percent reserved funds for pre-employment transition services for potentially eligible and eligible students with disabilities. We believe the issue of foreign language interpreters is different from that of transportation and must be handled separately. Section 101(a)(7)(C) of the Rehabilitation Act and 34 CFR 361.18 require States to assure in the VR services portions of their Unified or Combined State Plans that they will establish and maintain minimum standards to ensure DSU personnel or other individuals are available to communicate in the native language or mode of communication of applicants, recipients of VR services, and eligible individuals. As such, it is the responsibility of the DSUs to ensure that their staff are trained to communicate in the native language of VR program participants, including students with disabilities receiving pre-employment transition services. If such staff are not available because of personnel turnover or other reasons, it would be necessary and reasonable under the Federal cost principles for a DSU to use VR funds to pay for such an interpreter so that the individual with a disability could access the service. This would be true for any student with a disability who needs such interpreter services to access pre-employment transition services. However, these expenditures would be considered administrative costs to the VR agency. As such, they may not be paid with funds reserved for the provision of pre-employment transition services since these reserved funds may not be used to pay for administrative costs, pursuant to section 110(d)(2) of the Rehabilitation Act, regardless of whether the student with a disability has been determined eligible for the VR program.

With respect to transportation costs to and from the pre-employment transition services, whether a DSU may use funds reserved for the provision of pre-employment transition services for these expenditures depends on whether the student with a disability has been determined eligible for the VR program and whether he or she has an approved IPE. For potentially eligible students with disabilities, the DSU may provide only the five required pre-employment transition services in section 113(b) of the Rehabilitation Act, as well as auxiliary aids and services, as appropriate. As such, funds reserved for the provision of pre-employment transition services may be used to cover only these costs with respect to those students with disabilities who have not yet been determined eligible for the VR program and who do not have an approved IPE (*i.e.,* potentially eligible students with disabilities). Any other VR service (*e.g.,* transportation) needed by a student with a disability to participate in pre-employment transition services could only be provided once the student with a disability has been determined eligible for the VR program and has an approved IPE that lists the other service as necessary for the participation in pre-employment transition services. Therefore, transportation for potentially eligible students with disabilities would not be chargeable to the reserved funds. By contrast, for eligible students with disabilities, section 103(a) of the Rehabilitation Act authorizes the provision of VR services under an IPE. To the extent that transportation services are necessary to support the eligible student with a disability's participation in pre-employment transition services and are identified on the IPE, the reasonable cost of such services may be charged to the reserved funds.

Changes: None.

Order of Selection

Comments: Two commenters noted a need to extend the flexibilities described in the interpretation to students determined eligible for VR services but who are placed on a waiting list due to a State's implementation of an order of selection.

Discussion: As noted in existing guidance, if a student with a disability begins one or more of the required pre-employment transition service activities prior to being determined eligible for VR services, the eligible student with a disability may continue to receive all pre-employment transition services even if the student is assigned to a closed order of selection category. In addition to the pre-employment transition services, the student may participate in group transition services, as described in section 103(b)(7) of the Rehabilitation Act and in accordance with 34 CFR 361.49(a)(7), while in a closed order of selection category. For a student with a disability who has not begun receiving pre-employment transition services and has been determined eligible for the VR program and placed into a closed order of selection priority category, VR agencies may provide general transition services that benefit a group of students with disabilities, as described above, to ensure the continuation of beneficial services. However, those students may not begin pre-employment transition services (see 81 FR 55691–55693).

Changes: None.

Application of Interpretation

Comments: Commenters asked if the flexibilities discussed in the NOI are applicable to services provided, and costs incurred, on or before October 1, 2020.

Discussion: The Department clarifies that the effective date for the interpretations in the NOI is February 28, 2020. As such, the effective date is well before the October 1, 2020, date mentioned by the commenters. With respect to the application of these flexibilities to expenditures incurred prior to February 28, 2020, the Department believes it would be reasonable and permissible to allow DSUs to make accounting adjustments, as appropriate, to cover the costs of these additional expenditures described in the NOI with funds reserved for the provision of pre-employment transition services incurred at any time after July 22, 2014, when the requirements of sections 110(d) and 113 of the Rehabilitation Act took effect, so long as DSUs can document that the expenditures were incurred for the provision of pre-employment transition services for students with disabilities. We believe it would be reasonable and permissible to allow such accounting of funds, as described in the NOI, because doing so will be a benefit to all States in making it easier for them to satisfy the Federal requirements of sections 110(d)(1) and 113(a) of the Rehabilitation Act, which took effect July 22, 2014, to reserve and expend at least 15 percent of the State's VR grant on the provision of these services, and will not harm any State. If a DSU wants to make accounting adjustments on previously submitted financial reports, for purposes of satisfying the pre-employment transition services requirements, so that reserved funds may be used to pay for the expanded costs described in the NOI, DSUs must be able to document that the expenditures were incurred for the provision of pre-employment transition services or to support the receipt of those services as described in the NOI. States should contact their Rehabilitation Services Administration (RSA) Financial Management Specialists to make changes in their expenditures reported for pre-employment transition services.

Changes: None.

Changes Requiring Statutory Amendment

Comments: A few commenters requested the Department consider the following changes to the interpretation: (1) Allowing States to expend reserved funds on students who have reached the maximum age for receiving pre-employment transition services but were unable to complete services because of the State's statutory age limit; (2) reducing the requirement for States to reserve 15 percent of their grant allotment for the provision of pre-employment transition services to enable States to meet the needs of other individuals seeking VR services; and (3) making pre-employment transition services available to students with disabilities who have dropped out of school.

Discussion: The Department acknowledges the various recommendations offered by commenters related to extending the maximum age requirements for receiving pre-employment transition services, reducing the amount of Federal VR allotments States are required to reserve for pre-employment transition services to enable them to meet the needs of other individuals seeking VR services, and broadening the population of individuals eligible for pre-employment transition services to include youth with disabilities not in school. These recommendations would require statutory changes and, therefore, cannot be implemented by the Department through an interpretation of existing law.

Changes: None.

Miscellaneous

Comments: Commenters recommended improvements in the quality of services related to pre-employment transition services, noting a need to ensure parity of access across States with services provided by credentialed staff with skills and knowledge specific to students with disabilities.

Discussion: In accordance with 34 CFR 361.48(a)(1), pre-employment transition services must be made available statewide to all students with disabilities, regardless of whether the student has applied or been determined eligible for VR services. Within this context, the Department agrees there is a need to ensure quality services and parity of access to students with disabilities; however, the delivery and provision of pre-employment transition services is unique to each State, and each State has the responsibility for ensuring that the needs of students with disabilities for pre-employment transition services are appropriately met.

Changes: None.

Comments: Commenters posed specific questions and provided input about the implementation of pre-employment transition services and services on behalf of students with disabilities, including during the COVID–19 pandemic, that were not specific to the flexibilities addressed in the NOI. These included a suggestion for collaboration between VR and the Social Security Administration related to work-related expenses, accommodations, and benefits planning; disability-specific flexibilities; the negative impact of the COVID–19 pandemic on pre-employment transition services; concerns for students with disabilities found ineligible for the VR program; the continuum of transition services; and requests for clarification about the differences between job coaches and work site trainers.

Discussion: The Department appreciates all comments and questions related to the implementation of pre-employment transition services and has addressed specific questions regarding the COVID–19 pandemic and the provision of pre-employment transition services in Frequently Asked Questions documents posted on *https://rsa.ed.gov/whats-new?page=1*. We will continue to

provide additional guidance and clarification as requested on the implementation of pre-employment transition services and invite direct communication with RSA State liaisons and the National Technical Assistance Center on Transition: the Collaborative (NTACT: C) funded by RSA at *https://transitionta.org/*.

Changes: None.

Final Policy Interpretation

The Department maintains without change its interpretation published in the **Federal Register** on February 28, 2020, and available at *https://www.federalregister.gov/documents/2020/02/28/2020-03208/state-vocational-rehabilitation-services-program*. In that interpretation, the Department clarified current policy that DSUs may use VR funds reserved under section 110(d)(1) of the Rehabilitation Act and 34 CFR 361.65(a)(3)(i) to pay for auxiliary aids and services needed by all students with disabilities (*i.e.,* both eligible and potentially eligible students with disabilities) who have sensory and communicative disorders to access or participate in pre-employment transition services. ''Auxiliary aids and services,'' under the ADA's title II implementing regulations in 28 CFR 35.104, includes the acquisition or modification of equipment or devices, or other effective methods, to make aurally delivered information available to individuals who are deaf or hard of hearing, or visually delivered materials available to individuals who are blind or have low vision. Through this interpretation, the Department also announced a change in policy with respect to additional VR services needed by eligible students with disabilities that may be paid for with Federal VR grant funds reserved for the provision of pre-employment transition services, including the circumstances under which those funds may be used to pay for those additional VR services. DSUs may use the reserved funds to pay for those additional VR services that are needed by eligible students with disabilities to participate in the receipt of pre-employment transition services. These services are described in section 103(a) of the Rehabilitation Act and 34 CFR 361.48(b) and are provided in accordance with an approved IPE. Further, under this interpretation, the Department clarifies that the flexibilities discussed in the interpretation may be applied to services provided, and costs incurred, prior to February 28, 2020, at any time after July 22, 2014, when the requirements of sections 110(d) and 113 of the Rehabilitation Act took effect—so long as DSUs can document expenditures for pre-employment transition services in any given year following the amendments to the Rehabilitation Act made by title IV of WIOA. This interpretation is consistent with the ''Statement of the Managers to Accompany the Workforce Innovation and Opportunity Act,'' the statutory purpose for the reservation of these Federal VR funds, and the fiscal requirements of the Office of Management and Budget's (OMB) Uniform Guidance.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Katherine Neas,

Deputy Assistant Secretary, delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2022–05940 Filed 3–18–22; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0656; FRL–9326–01–OCSPP]

Alcohols, C10–16, ethoxylated, sulfates, mono(hydroxyethyl) ammonium salts (CAS No. 157627–92–4); Tolerance Exemption

Correction

In Rule document 2022–01486, appearing on pages 5703–5708, in the issue of Wednesday, February 2, 2022, make the following correction:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance. [Corrected]

■ On page 5708, the table heading ''TABLE 1 TO 180.910'' is corrected to read ''TABLE 1 TO 180.930''.

[FR Doc. C1–2022–01486 Filed 3–18–22; 8:45 am]

BILLING CODE 0099–10–D

Proposed Rules

Federal Register
Vol. 87, No. 54
Monday, March 21, 2022

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0282; Project Identifier MCAI–2021–01208–R]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AW169 helicopters. This proposed AD was prompted by a report of a blockage in a fuel tank vent line. This proposed AD would require inspecting the fuel tank vent lines, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 5, 2022.

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

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

For EASA material that is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find the EASA material on the EASA website at *https://ad.easa.europa.eu.* For Leonardo Helicopters service information identified in this NPRM, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://customerportal.leonardocompany.com/en-US/.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. The EASA material is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0282.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0282; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0282; Project Identifier MCAI–2021–01208–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0238, dated November 2, 2021 (EASA AD 2021–0238), to correct an unsafe condition for Leonardo S.p.a., formerly Finmeccanica S.p.A., AgustaWestland S.p.A., Model AW169 helicopters, serial numbers (S/N) from 69006 up to 69125 inclusive, except S/N 69040; and S/N 69130, 69132, 69133, 69134, 69136, and 69139.

This proposed AD was prompted by a report of a blockage in a fuel tank vent line. The FAA is proposing this AD to detect and address the blockage, which

if not addressed, could result in dual engine flameout due to fuel starvation and a subsequent forced landing. See EASA AD 2021–0238 for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0238 requires a one-time inspection of the fuel tank vent lines and, depending on findings, accomplishment of applicable corrective action(s).

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

Other Related Service Information

The FAA also reviewed Leonardo Helicopters Alert Service Bulletin No. 169–205, dated September 20, 2021. This service information specifies procedures for a one-off boroscopic inspection of the right and left fuel tank vent lines.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0238, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Differences Between this Proposed AD and the EASA AD.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0238 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0238 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0238 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0238. Service information referenced in EASA AD 2021–0238 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0282 after the FAA final rule is published.

Differences Between This Proposed AD and the EASA AD

EASA AD 2021–0238 states to remove the sealant obstructions in accordance with the instructions of the service information and to contact Leonardo for approved corrective actions instructions and accomplishing those instructions within the compliance time specified therein; whereas, this proposed AD would require repair done before further flight in accordance with a method approved by the Manager, General Aviation and Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

EASA AD 2021–0238 states to inspect the fuel tank vent lines in accordance with the instructions of the service information, which specifies inspecting for evidence of a partial or total Proseal obstruction. This proposed AD would require inspecting for a partial or total Proseal obstruction.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 6 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Boroscopic inspecting the fuel tank vent lines would take approximately 6 work-hours for an estimated cost of $510 per helicopter and up to $3,060 for the U.S. fleet. The FAA has no way of knowing the cost to repair a fuel tank vent line.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Leonardo S.p.a.: Docket No. FAA–2022–0282; Project Identifier MCAI–2021–01208–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 5, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW169 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021–0238, dated November 2, 2021 (EASA AD 2021–0238).

(d) Subject

Joint Aircraft Service Component (JASC) Code: 2800, Aircraft Fuel System.

(e) Unsafe Condition

This AD was prompted by a report of blockage in a fuel tank vent line. The FAA is issuing this AD to detect and address the blockage. The unsafe condition, if not addressed, could result in dual engine flameout due to fuel starvation and a subsequent forced landing.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0238.

(h) Exceptions to EASA AD 2021–0238

(1) Where EASA AD 2021–0238 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2021–0238 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the service information referenced in paragraph (1) of EASA AD 2021–0238 specifies recording the inspection outcome in the report in ANNEX A (of the service information), this AD does not require that action.

(4) Where the service information referenced in paragraph (1) of EASA AD 2021–0238 specifies inspecting ''the left/right vent line for evidence of a partial or total Proseal obstruction,'' this AD requires inspecting for a partial or total Proseal obstruction.

(5) Where the service information referenced in EASA AD 2021–0238 specifies immediately contacting Leonardo Company Product Support Engineering and waiting for further instructions before proceeding if there is any Proseal obstruction in any fuel tank vent line, this AD does not require that action.

(6) Where the service information referenced in paragraph (2) of EASA AD 2021–0238 specifies to ''carefully remove the Proseal obstruction by means of a suitable method,'' this AD requires, before further flight, accomplishing repairs in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(7) Where paragraph (2) of EASA AD 2021–0238 specifies contacting Leonardo for approved corrective actions and accomplishing those instructions within the compliance time specified therein, this AD requires, before further flight, accomplishing repairs in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters' EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(8) This AD does not mandate compliance with the ''Remarks'' section of EASA AD 2021–0238.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0238 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(k) Related Information

(1) For EASA AD 2021–0238, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find the EASA material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0282.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

Issued on March 10, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–05590 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0160; Project Identifier AD–2022–00009–E]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain CFM International, S.A. (CFM) LEAP–1A model turbofan engines. This proposed AD was prompted by reports of two in-flight shutdowns (IFSDs) and subsequent investigation by the manufacturer that revealed cracks in the high-pressure turbine (HPT) rotor stage 1 blades. This proposed AD would require initial and repetitive borescope inspections (BSIs) of the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set. Depending on the results of the BSIs, this proposed AD would require either additional BSIs at reduced intervals or replacement of the HPT rotor stage 1 blades or HPT stator stage 1 nozzle set. This proposed AD would also require sending the inspection results to CFM if any unserviceable finding is found. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 5, 2022.

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

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

p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com*. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0160; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7743; email: *Mehdi.Lamnyi@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0160; Project Identifier AD–2022–00009–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA received reports of two single-engine IFSDs on airplanes powered by LEAP–1A model turbofan engines, operating extensively in the Middle East and North Africa (MENA) region. A post-flight BSI of the HPT module revealed that the engine failures were due to cracks in the HPT rotor stage 1 blades. After investigation, the manufacturer determined that engines operating in the MENA region are susceptible to accelerated HPT rotor stage 1 blade deterioration and airfoil distress due to the build-up of dust. This unsafe condition, if not addressed, could result in failure of the engine, in-flight shutdown, loss of thrust control, and loss of the airplane.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed CFM Service Bulletin (SB) LEAP–1A–72–00–0461–01A–930A–D, Issue 002–00, dated December 21, 2021. This SB specifies procedures for performing a BSI of the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set for LEAP–1A model turbofan engines operating in the MENA region, performing all applicable corrective actions, and reporting any unserviceable results to CFM. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Proposed AD Requirements in This NPRM

This proposed AD would require initial and repetitive BSIs of the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set and, depending on the results of the inspections, additional BSIs at reduced intervals or replacement of the HPT rotor stage 1 blades or HPT stator stage 1 nozzle set. This proposed AD would also require a BSI of the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set installed on the sister engine of the same airplane if certain criteria are met. This proposed AD would also require sending the inspection results to CFM if any unserviceable finding is found.

Differences Between This Proposed AD and the Service Information

The Accomplishment Instructions, paragraphs 5.E.(1)(g)2 and 5.E.(1)(g)3, of CFM SB LEAP–1A–72–00–0461–01A–930A–D, Issue 002–00, dated December 21, 2021, specify removing one engine if certain conditions exist, whereas this proposed AD would require replacement of the HPT rotor stage 1 blades or HPT stator stage 1 nozzle set if certain conditions exist.

Interim Action

The FAA considers that this proposed AD would be an interim action. The inspection reports that would be required by this proposed AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the cracking, and eventually to develop final action to address the unsafe condition. Once final action has been identified, the FAA might consider additional rulemaking.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 0 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
BSI the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set.	4 work-hours × $85 per hour = $340 ...	$0	$340	$0

The FAA estimates the following costs to do any necessary reporting and replacements that would be required based on the results of the proposed inspections. The agency has no way of determining the number of airplanes that might need these replacements.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the HPT rotor stage 1 blades	150 work-hours × $85 per hour = $12,750	$988,200	$1,000,950
Replace the HPT stator stage 1 nozzle set	24 work-hours × $85 per hour = $2,040	701,460	703,500
BSI the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set (on the sister engine).	4 work-hours × $85 per hour = $340	0	340
Report BSI results to CFM	1 work-hour × $85 per hour = $85	0	85

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

CFM International, S.A.: Docket No. FAA–2022–0160; Project Identifier AD–2022–00009–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 5, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to CFM International, S.A. (CFM) LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A model turbofan engines with an installed high-pressure turbine (HPT) rotor stage 1 blade, having part number (P/N) 2747M92P01, P/N 2553M91G03, P/N 2553M91G05, P/N 2553M91G06, P/N 2553M91G07, or P/N 2553M91G08 that has accumulated more than 800 Middle East and North Africa (MENA) takeoffs.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by reports of two in-flight shutdowns and subsequent investigation by the manufacturer that revealed cracks in the HPT rotor stage 1 blades. The FAA is issuing this AD to prevent failure of the HPT rotor stage 1

blades. The unsafe condition, if not addressed, could result in failure of the engine, in-flight shutdown, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Group 1 Engines: Borescope Inspection (BSI) of HPT Rotor Stage 1 Blades and HPT Stator Stage 1 Nozzle Set

For Group 1 engines with an affected HPT rotor stage 1 blade installed:

(i) Within 100 flight cycles (FCs) after accumulating 800 MENA takeoffs on the HPT rotor stage 1 blade, before the HPT rotor stage 1 blade accumulates 1,750 cycles since new (CSN), or within 100 FCs after the effective date of this AD, whichever occurs later, perform an initial BSI of the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set in accordance with the Accomplishment Instructions, paragraphs 5.E.(1)(c) and 5.E.(1)(d), of CFM Service Bulletin LEAP–1A–72–00–0461–01A–930A–D, Issue 002–00, dated December 21, 2021 (the SB).

(ii) Thereafter, at intervals not to exceed 150 FCs since the last BSI, perform a repetitive BSI of the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set in accordance with the Accomplishment Instructions, paragraphs 5.E.(1)(c) and 5.E.(1)(d), of the SB.

(2) Group 2 Engines: BSI of HPT Rotor Stage 1 Blades and HPT Stator Stage 1 Nozzle Set

For Group 2 engines with an affected HPT rotor stage 1 blade installed:

(i) Within 100 FCs after accumulating 800 MENA takeoffs on the HPT rotor stage 1 blade, before the HPT rotor stage 1 blade accumulates 2,600 CSN, or within 100 FCs after the effective date of this AD, whichever occurs later, perform an initial BSI of the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set in accordance with the Accomplishment Instructions, paragraphs 5.E.(1)(c) and 5.E.(1)(d), of the SB.

(ii) Thereafter, at intervals not to exceed 300 FCs since the last BSI, perform a repetitive BSI of the HPT rotor stage 1 blades and HPT stator stage 1 nozzle set in accordance with the Accomplishment Instructions, paragraphs 5.E.(1)(c) and 5.E.(1)(d), of the SB.

(3) BSI Results Disposition

Based on the results of the BSI required by paragraph (g)(1) or (2) of this AD, as applicable, either re-inspect or replace the HPT rotor stage 1 blades or HPT stator stage 1 nozzle set using the criteria, compliance times, and procedures referenced in the Accomplishment Instructions, paragraph 5.E.(1)(f), of the SB.

(4) Conditional Inspection of the Sister Engine on the Same Airplane

(i) Based on the BSI results disposition required by paragraph (g)(3) of this AD, if re-inspection or replacement of the HPT rotor stage 1 blades or HPT stator stage 1 nozzle set is required within 50 FCs based on the criteria, compliance times, and procedures referenced in the Accomplishment Instructions, paragraph 5.E.(1)(f), of the SB, then perform the actions required in paragraph (g)(4)(ii) of this AD.

(ii) Within 5 FCs after performing the inspection required by paragraph (g)(1) or (2) of this AD, as applicable, either inspect or replace the HPT rotor stage 1 blades or HPT stator stage 1 nozzle set on the sister engine using the procedures and compliance times in the Accomplishment Instructions, paragraph, 5.E.(1)(g), of the SB. Where the SB specifies to remove the engine, this AD requires replacement of the HPT rotor stage 1 blades or HPT stator stage 1 nozzle set, as applicable.

(5) Reporting Requirements

If, during any inspection required by paragraph (g)(1), (2), (3), or (4) of this AD, as applicable, any HPT unserviceable finding is found on an engine as identified in the Accomplishment Instructions, paragraph 5.E.(1)(f) of the SB, within 30 days of performing the inspection, report the HPT unserviceable finding to CFM in accordance with the Accomplishment Instructions, paragraph 5.E.(1)(f)1, of the SB.

Note 1 to paragraph (g): The Accomplishment Instructions in paragraph 5.E.(1)(f) of the SB reference applicable aircraft maintenance manual tasks for procedures and compliance times for the actions required by paragraphs (g)(3) through (5) of this AD.

(h) Definitions

(1) Group 1 engines are CFM LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A model turbofan engines.

(2) Group 2 engines are CFM LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, and LEAP–1A26E1 model turbofan engines.

(3) For the purpose of this AD, a ''MENA takeoff'' is any takeoff accomplished in the MENA region, as defined in the Planning Information, paragraph 3.D., of the SB.

(4) For the purpose of this AD, ''sister engine'' refers to the other engine installed on the same airplane.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For more information about this AD, contact Mehdi Lamnyi, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7743; email: *Mehdi.Lamnyi@faa.gov.*

(2) For service information identified in this AD, contact CFM International, S.A., Aviation Operations Center, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45125; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

Issued on March 10, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–05524 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0283; Project Identifier MCAI–2021–01285–R]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AB139 and AW139 helicopters. This proposed AD was prompted by a large crack detected on the tail gearbox (TGB) fitting during a scheduled inspection and the determination that certain TGB fittings are required to be inspected by the use of a borescope. This proposed AD would require a one-time borescope inspection of certain part-numbered TGB fittings, and depending on the inspection results, removing the affected part from service and replacing with an airworthy part, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 5, 2022.

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

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.

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

For EASA material that is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find the EASA material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0283.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0283; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0283; Project Identifier MCAI–2021–01285–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0259, dated November 17, 2021 and corrected November 22, 2021 (EASA AD 2021–0259), to correct an unsafe condition for Leonardo S.p.A. Helicopters, formerly Finmeccanica S.p.A, AgustaWestland S.p.A., Agusta S.p.A.; and AgustaWestland Philadelphia Corporation, formerly Agusta Aerospace Corporation, Model AB139 and AW139 helicopters, all serial numbers.

EASA advises that during a scheduled inspection of a Model AW139 helicopter, a large crack was detected on the inner forward-right side of TGB fitting part number 3G5351A01151. EASA further advises that investigation results determined previous inspections on the inner-right side of the TGB fitting were accomplished without the use of a borescope. The FAA is proposing this AD to detect cracks on the TGB fitting. The unsafe condition, if not addressed, could result in crack propagation up to a critical length, reduced load capability of the TGB and tail rotor, and subsequent reduced control of the helicopter. See EASA AD 2021–0259 for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0259 specifies procedures, within the applicable compliance times, for a one-time borescope inspection of certain TGB fittings for a crack or any discrepancy, and replacement of an affected part with a new part as specified in the manufacturer's service information.

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

Other Related Service Information

The FAA also reviewed Leonardo Helicopters Alert Service Bulletin No.139–686, dated November 8, 2021 (ASB 139–686). This service information specifies procedures for borescope inspecting the right-hand and forward parts of certain TGB fittings for any cracks or damage and replacing the TGB fitting with a new one, if any cracks or damage are detected. ASB 139–686 also specifies procedures for reporting inspection results if a crack or discrepancy is detected.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type designs.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0259, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Differences Between this Proposed AD and EASA AD 2021–0259.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0259 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0259 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0259 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0259. Service information referenced in EASA AD 2021–0259 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0283 after the FAA final rule is published.

Differences Between This Proposed AD and EASA AD 2021–0259

EASA AD 2021–0259 applies to Model AB139 and AW139 helicopters, all serial numbers, whereas this proposed AD would only apply to Model AB139 and AW139 helicopters with certain part-numbered TGB fittings installed. This proposed AD would not require compliance with paragraph (3) of EASA AD 2021–0259.

Service information referenced in EASA AD 2021–0259 specifies that if any crack or damage is found, replace the damaged TGB fitting with a new one, whereas this proposed AD would require before further flight, removing the affected TGB fitting from service and replacing with an airworthy part.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 129 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Borescope inspecting the TGB fitting for a crack and any discrepancy (*i.e.,* damage) would take about 4 work-hours for an estimated cost of $340 per helicopter and $43,860 for the U.S. fleet.

Replacing the TGB fitting with an airworthy TGB fitting would take about 36 work-hours and parts would cost about $6,650 for an estimated cost of $9,710 per replacement.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Leonardo S.p.a.: Docket No. FAA–2022–0283; Project Identifier MCAI–2021–01285–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 5, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AB139 and AW139 helicopters, certificated in any category, with an affected part as identified in European Union Aviation Safety Agency (EASA) AD 2021–0259, dated November 17, 2021, and corrected November 22, 2021 (EASA AD 2021–0259).

(d) Subject

Joint Aircraft Service Component (JASC) Code: 5300, Fuselage Structure.

(e) Unsafe Condition

This AD was prompted by a large crack detected on the tail gearbox (TGB) fitting during a scheduled inspection and the determination that certain TGB fittings are required to be inspected by the use of a borescope. The FAA is issuing this AD to detect cracks on the TGB fitting. The unsafe condition, if not addressed, could result in crack propagation up to a critical length, reduced load capability of the TGB and tail rotor, and subsequent reduced control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0259.

(h) Exceptions to EASA AD 2021–0259

(1) Where EASA AD 2021–0259 requires compliance in terms of flight hours (FH), this AD requires using hours time-in-service.

(2) Where EASA AD 2021–0259 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2021–0259 specifies ''inspect, using a borescope,

the affected part in accordance with the instructions of Section 3 Part I of the ASB,'' for this AD replace ''in accordance with the instructions of Section 3 Part I of the ASB'' with ''in accordance with the Accomplishment Instructions, Section 3 Part I, paragraphs 5. through 5.5 of the ASB.''

(4) Where paragraph (2) of EASA AD 2021–0259 specifies ''if, during the inspection as required by paragraph (1) this AD, a crack or any discrepancy is detected, replace the affected part in accordance with the instructions of Section 3 Part II of the ASB,'' this AD requires before further flight, removing the TGB fitting from service and replacing with an airworthy part, if any crack or discrepancy is detected. For this AD, discrepancies include damage, which includes scratches and dents on the outer surfaces of the forward and right-hand sides of the TGB fitting above the horizontal row of fastener holes. The instructions specified in paragraph (2) of EASA AD 2021–0259 are for reference only and are not required for the replacement required by this paragraph.

(5) Where paragraph (4) of EASA AD 2021–0259 allows (re)installing an affected part provided it is inspected as required by paragraph (1) of EASA AD 2021–0259, for this AD, the inspected part cannot be (re)installed if any crack or discrepancy is detected.

(6) This AD does not mandate compliance with paragraph (3) of EASA AD 2021–0259.

(7) This AD does not mandate compliance with the ''Remarks'' section of EASA AD 2021–0259.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided no passengers are onboard.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

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

(k) Related Information

(1) For EASA AD 2021–0259, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0283.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

Issued on March 10, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–05588 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0103; Project Identifier AD–2021–00977–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 777 airplanes. This proposed AD was prompted by reports of discrepancies between the center wing tank (CWT) fuel quantity, as indicated by the fuel quantity indicating system (FQIS), and the refueling truck uploaded fuel amount, followed by certain engine-indicating and crew-alerting system (EICAS) messages. This proposed AD would require installing new software in the fuel quantity processor unit (FQPU), or replacing the FQPU with one that includes new software, depending on airplane configuration; and doing a software version check and FQPU operational check. This proposed AD would also prohibit the installation of certain FQPUs on certain airplanes. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 5, 2022.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0103.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0103; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Kevin Nguyen, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3555; email: *kevin.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0103; Project Identifier AD–2021–00977–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments

received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Kevin Nguyen, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3555; email: *kevin.nguyen@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received reports of discrepancies between the airplane FQIS, specifically the CWT fuel quantity and the refueling truck uploaded fuel amount, followed by an engine-indicating and crew-alerting system (EICAS) FUEL DISAGREE message at an early stage of flight (for example, within 3 hours after takeoff), and/or an EICAS INSUFFICIENT FUEL message. At least 25 in-service events have been reported by operators. In at least 17 of these events, the airplanes continued with the mission; of those, six landed at the destination airport, and 11 had to land at a diversion airport.

As a result of those reports, the FAA issued AD 2020–11–11, Amendment 39–19915 (85 FR 34090, June 3, 2020) (AD 2020–11–11) for certain The Boeing Company Model 777 airplanes. AD 2020–11–11 requires a repetitive check of the FQIS fuel quantity calculation for the CWT, developing a process to provide documentation to the flight crew that this check was done, and revising the existing airplane flight manual (AFM) to incorporate verification procedures and flight crew awareness. The preamble to AD 2020–11–11 explains that the FAA considered the requirements ''interim action'' and was considering further rulemaking. The FAA has now determined that further rulemaking is indeed necessary, and this proposed AD follows from that determination.

Insufficient fuel in the CWT as a result of this discrepancy is due to a design flaw in the FQIS in which the FQIS ultrasonic tank units calibrate incorrect velocity of sound (VOS) in the jet fuel during center tank fueling, which leads to an improper fuel density calculation, and results in the FQIS showing a different fuel amount from the actual fuel quantity in the CWT. Current FQPU gauging software is subjected to this stale VOS value under certain conditions due to insufficient VOS reset functions.

In almost all of the events, the FQIS showed more fuel than the actual fuel quantity in the CWT, resulting in less fuel on the airplane than the required fuel load for the mission. Alternatively, the FQIS could show less fuel than the actual fuel quantity in the CWT, resulting in more fuel on the airplane than the required fuel load for the mission. This issue affects only the CWT and not the main tanks. This incorrect fuel quantity information is also provided to the flight deck Fuel Quantity Display and the flight management function (FMF) of the Airplane Information Management System (AIMS).

The existing airplane maintenance manual and operator fueling procedures require verification that the correct fuel amount required for the current mission has been loaded onto the airplane. The FAA has received reports that verification tasks are either not accomplished or done incorrectly. As a result, the flight crew may be unaware of insufficient fuel loaded in the CWT and the airplane is dispatched for the mission. The airplane onboard fuel management system typically reports fuel quantity anomalies within the first three hours of flight resulting in a FUEL DISAGREE EICAS message and/or an INSUFFICIENT FUEL EICAS message that necessitates fuel check (*e.g.,* leak check) and fuel quantity monitoring. These messages may require the flight crew to take action, such as performing an air turn back or a diversion.

This AD was prompted by reports of discrepancies between the CWT fuel quantity, as indicated by the FQIS, and the actual amount uploaded from the refueling truck. The FAA is issuing this AD to address discrepancies in the CWT FQIS, which can result in an airplane being dispatched with insufficient fuel in the CWT and with the flight crew unaware of the insufficient fuel prior to departure. This condition, coupled with continued flight to the destination airport after receiving EICAS messages while en route to the destination, could result in fuel exhaustion and subsequent power loss to all engines, thereby resulting in the inability to land at the destination airport or at a diversion airport, possibly leading to flight into terrain.

Other Relevant Rulemaking

AD 2020–11–11 addresses the same unsafe condition addressed by this proposed AD. While an operator is incorporating the requirements in this proposed AD on their fleet, they will have a mixed fleet with different requirements, depending on whether or not the actions in this proposed AD have been accomplished on a given airplane. This could make it challenging for fuel vendors or other personnel to determine whether a particular airplane needed to undergo the procedures required by AD 2020–11–11 when fueling that airplane. The FAA has therefore determined that the actions required by this proposed AD must be accomplished on all affected airplanes in an operator's fleet before the requirements of AD 2020–11–11 are terminated for that fleet. However, once the actions required by this proposed AD are accomplished on all affected airplanes in an operator's fleet, the requirements of AD 2020–11–11 are terminated for that fleet.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 777–28A0090 RB, dated March 30, 2021. This service information specifies procedures for a check of maintenance or delivery records or an inspection to determine the part number of the FQPU for Group 1 airplanes. For Group 1 airplanes with a FQIS–1 FQPU, this service information specifies procedures for removing the existing FQPU and installing certain FQIS–2 FQPU with upgraded software, and doing a software version check and FQPU operational check. For Group 1 airplanes with a FQIS–2 FQPU and Group 2 airplanes, this service information specifies procedures for upgrading the FQPU

software and doing a software version check.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described. For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0103.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 257 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Records review or inspection of FQPU part number for Group 1 airplanes (143 airplanes).	1 work-hour × $85 per hour = $85	$0	$85	$12,155
Group 1 with FQIS–1 FQPU (125 airplanes): Replace FQPU with FQIS–2 FQPU, and do software and FQPU checks.	1 work-hour × $85 per hour = $85	48,300	48,385	6,048,125
Group 1 with FQIS–2 FQPU and Group 2 (132 airplanes): Upgrade software and do software check.	1 work-hour × $85 per hour = $85	0	85	11,220

The FAA has included all known costs in its cost estimate. According to the software manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2022–0103; Project Identifier AD–2021–00977–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 5, 2022.

(b) Affected ADs

This AD affects AD 2020–11–11, Amendment 39–19915 (85 FR 34090, June 3, 2020) (AD 2020–11–11).

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F series airplanes, certificated in any category, Group 1 and Group 2 as identified in Boeing Alert Requirements Bulletin 777–28A0090 RB, dated March 30, 2021.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by reports of discrepancies between the center wing tank (CWT) fuel quantity, as indicated by the fuel quantity indicating system (FQIS), and the actual amount uploaded from the refueling truck. The FAA is issuing this AD to address discrepancies in the CWT FQIS, which can result in an airplane being dispatched with insufficient fuel in the CWT and with the flight crew unaware of the insufficient fuel prior to departure. This condition, coupled with continued flight to the destination airport after receiving engine-indicating and crew-alerting system (EICAS) messages while in route to the destination, could result in fuel exhaustion and subsequent power loss to all engines, thereby resulting in the inability to land at the destination airport or at a diversion airport, possibly leading to flight into terrain.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–28A0090 RB, dated March 30, 2021, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 777–28A0090 RB, dated March 30, 2021.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 777–28A0090, dated March 30, 2021, which is referred to in Boeing Alert Requirements Bulletin 777–28A0090 RB, dated March 30, 2021.

(h) Exceptions to Service Information Specifications

Where the Compliance Time column of the tables in the ''Compliance'' paragraph of

Boeing Alert Requirements Bulletin 777–28A0090 RB, dated March 30, 2021, uses the phrase ''the original issue date of Requirements Bulletin 777–28A0090 RB,'' this AD requires using ''the effective date of this AD.''

(i) Terminating Action for AD 2020–11–11

Accomplishing the actions required by this AD on all affected airplanes in an operator's fleet terminates the requirements of AD 2020–11–11 for that fleet.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install a fuel quantity processor unit (FQPU), part number (P/N) 0320KPU01 (Boeing P/N S345W001–010), on any airplane identified as Group 1 in Boeing Alert Requirements Bulletin 777–28A0090 RB, dated March 30, 2021.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(l) Related Information

(1) For more information about this AD, contact Kevin Nguyen, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3555; email: *kevin.nguyen@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on February 11, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–05602 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0215; Airspace Docket No. 19–AAL–61]

RIN 2120–AA66

Proposed Amendment of United States Area Navigation (RNAV) Route T–228; Cape Newenham, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend United States Area Navigation (RNAV) route T–228 in the vicinity of Cape Newenham, AK in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Comments must be received on or before May 5, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2022–0215; Airspace Docket No. 19–AAL–61 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Christopher McMullin, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would expand the availability of RNAV in Alaska and improve the efficient flow of air traffic within the National Airspace System (NAS) by lessoning the dependency on ground based navigation.

Comments Invited

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

Communications should identify both docket numbers (FAA Docket No. FAA–2022–0215; Airspace Docket No. 19–AAL–61) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2022–0215; Airspace Docket No. 19–AAL–61.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRM

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

Background

In 2003, Congress enacted the Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108–176), which established a joint planning and development office in the FAA to manage the work related to the Next Generation Air Transportation System (NextGen). Today, NextGen is an ongoing FAA-led modernization of the nation's air transportation system to make flying safer, more efficient, and more predictable.

In support of NextGen, this proposal is part of a larger and comprehensive T-route modernization project in the state of Alaska. The project mission statement states: ''To modernize Alaska's Air Traffic Service route structure using satellite based navigation Development of new T-routes and optimization of existing T-routes will enhance safety, increase efficiency and access, and will provide enroute continuity that is not subject to the restrictions associated with ground based airway navigation.'' As part of this project, the FAA evaluated the existing Colored airway structure for: (a) Direct replacement (*i.e.,* overlay) with a T-route that offers a similar or lower Minimum Enroute Altitude (MEA) or Global Navigation Satellite System Minimum Enroute Altitude (GNSS MEA); (b) the replacement of the Colored airway with a T-route in an optimized but similar geographic area, while retaining similar or lower MEA; or (c) removal with no route structure (T-route) restored in that area because the value was determined to be insignificant.

The aviation industry/users have indicated a desire for the FAA to transition the Alaskan en route navigation structure away from dependency on Non-Directional Beacons (NDB), and move to develop and improve the RNAV route structure. To ensure proper connectivity to associated routes, the FAA has been developing waypoints (WP) to allow a smoother transition between airways. Due to the pending decommissioning of the Cape Newenham, AK, (EHM) and the Shishmaref, AK, (SHH) NDBs, the FAA is proposing to provide WPs in their place. ZINKI, AK, WP would replace EHM and HIPIV, AK, WP would replace SHH.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend RNAV route T–228 in the vicinity of Cape Newenham, AK in support of a large and comprehensive T-route modernization project for the state of Alaska. The proposed amendment is described below.

T–228: The FAA proposes to update the legal description contained in FAA Order JO 7400.11 by replacing the Cape Newenham, AK, (EHM), NDB with the ZINKI, AK, WP and the Shishmaref, AK, (SHH), NDB with the HIPIV, AK, WP due to their pending decommissioning. This proposal would also correct the legal description by removing the HIKAX, AK, WP, since it is not considered a turn point. The rest of the route would remain unchanged.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F dated August 10, 2021 and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document would be published subsequently in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–228 ZINKI, AK to ROCES, AK [Amended]

ZIKNI, AK	WP	(Lat. 58°39′21.68″ N, long. 162°04′13.87″ W)
RUFVY, AK	WP	(Lat. 59°56′34.16″ N, long. 164°02′03.72″ W)
Hooper Bay, AK (HPB)	VOR/DME	(Lat. 61°30′51.65″ N, long. 166°08′04.13″ W)
Nome, AK (OME)	VOR/DME	(Lat. 64°29′06.39″ N, long. 165°15′11.43″ W)
HIPIV, AK	WP	(Lat. 66°15′29.11″ N, long. 166°03′23.59″ W)
ECIPI, AK	WP	(Lat. 67°55′48.11″ N, long. 165°29′58.07″ W)
Barrow, AK (BRW)	VOR/DME	(Lat. 71°16′24.33″ N, long. 156°47′17.22″ W)
Deadhorse, AK (SCC)	VOR/DME	(Lat. 70°11′57.11″ N, long. 148°24′58.17″ W)
ROCES, AK	WP	(Lat. 70°08′34.29″ N, long. 144°08′15.59″ W)

* * * * *

Issued in Washington, DC, on March 10, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–05481 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–105954–20]

RIN 1545–BP82

Required Minimum Distributions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to a notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains corrections to a notice of proposed rulemaking and notice of public hearing that was published in the **Federal Register** on Thursday, February 24, 2022. The proposed regulations relating to required minimum distributions from qualified plans; section 403(b) annuity contracts, custodial accounts, and retirement income accounts; individual retirement accounts and annuities; and eligible deferred compensation plans under section 457.

DATES: Written or electronic comments and outlines for a public hearing are still being accepted and must be received by May 25, 2022. Outlines of topics to be discussed at the public hearing scheduled for June 15, 2022, at 10:00 a.m. must be received by May 25, 2022.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–105954–20) by following the online instructions for submitting comments. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The IRS expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comment submitted electronically, and to the extent practicable on paper, to its public docket. Send paper submissions to: CC:PA:LPD:PR (REG–105954–20), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Brandon M. Ford, or Laura B. Warshawsky, (202) 317–6700; concerning submissions of comments and outlines of topics for the public hearing, Regina Johnson, (202) 317–5177 (not toll-free numbers) or *publichearings@irs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is subject of this document is under section 401 of the Internal Revenue Code.

Need for Correction

As published on February 24, 2022, the notice of proposed rulemaking (REG–105954–20) contain errors that need to be corrected.

Correction of Publication

Accordingly, the notice of proposed rulemaking (REG–105954–20), that was the subject of FR Doc. 2022–02522, published February 24, 2022, at 87 FR 10504, is corrected as follows:

§ 1.401(a)(9)–6 [Corrected]

■ 1. Section 1.401(a)(9)–6 is corrected by:

■ a. On page 10539, second column, the fifth line of paragraph (g)(1)(ii), the language ''attains age 70½0 (or January 1, 1997, if'' is corrected to read ''attains age 70½ for January 1, 1997, if''.

■ b. On page 10544, second column, the heading for paragraph (o)(2), the language ''*Eligible cost of living index*'' is corrected to read ''*Eligible cost-of-living index*''.

■ c. On page 10548, first column, the fifth line of paragraph (q)(2)(ii) introductory text, the language ''(q)(4)(ii)(A) of this section), exceeds the'' is corrected to read ''(q)(4)(ii)(A) of this section) exceeds the''.

Oluwafunmilayo A. Taylor,

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

[FR Doc. 2022–05805 Filed 3–18–22; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register
Vol. 87, No. 54
Monday, March 21, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Pulse Surveys for USAID's Non-U.S. Direct-Hire Workforce

AGENCY: United States Agency for International Development (USAID)

ACTION: Notice of emergency OMB approval.

SUMMARY: In accordance with the emergency review procedures of the Paperwork Reduction Act of 1995 (PRA), the United States Agency for International Development (USAID), is announcing that it is requesting emergency approval from the Office of Management and Budget (OMB) for a new information collection to survey its collective workforce to share their thoughts to help inform leadership actions specifically on how best to strengthen, empower, and support our global workforce in accordance with Pillar I of the President's Management Agenda.

DATES: USAID plans initially to seek information between March and December of 2022.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Lynn Winston @ *lwinston@usaid.gov* or on (202) 921–5068.

SUPPLEMENTARY INFORMATION: Pursuant to 5 CFR 1320.13, the Agency submitted a request for emergency approval of a new information collection from the agency's complementary workforce (everyone who has a *usaid.gov* email address excluding USDH who have already been surveyed), including Personal Services Contractors, Institutional Support Contractors and other categories on three the topics included in the government-wide pulse surveys: Navigation of the ongoing pandemic and the safe, increased return of Federal employees to physical workplaces; equity and inclusion and employee engagement and burnout.

Description of Proposed Use of Information

The information will be collected via digital surveys and by USAID managers to inform decision making to appropriately respond to findings to strengthen and empower the workforce.

Time Burden

OMB's approval enables USAID to engage a total of 7,000 individual respondents. Each respondent will be requested to provide five minutes for each survey. As such, the total estimated time burden of this proposed information collection request is 1,167 hours.

Ruth Buckley,

Director, Bureau for Management, Office of Management, Policy, Budget and Performance.

[FR Doc. 2022–05890 Filed 3–18–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 15, 2022.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 20, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Economic Research Service

Title: Generic Clearance for Survey Research Studies.

OMB Control Number: 0536–0073.

Summary of Collection: The Economic Research Service (ERS) of the U.S. Department of Agriculture is requesting renewal for a generic clearance that will allow them to conduct research to improve the quality of data collection by developing, testing, and evaluating its survey instruments, methodologies, technology, interview processes, and respondent recruitment protocols. The primary objective of ERS is providing timely research and analysis to public and private decision makers on topics related to agriculture, food, the environment, and rural America. This request is part of an on-going initiative to improve the quality of ERS' data products in general and surveys in specific as recommended by both its own guidelines and those of OMB. Data collection for this collection is authorized by the 7 U.S.C. 2204(a).

Need and Use of the Information: The information collected will be used by staff from the ERS and sponsoring agencies to evaluate and improve the quality of the data in the surveys and censuses that are ultimately conducted. Specifically, the information will be used to reduce respondent burden while simultaneously improving the quality of the data collected in these surveys. This clearance involves one-time questionnaire and/or procedural

development activities for each survey that is connected to the clearance. If this project were not carried out, the quality of the data collected in the surveys would suffer.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; State, Local or Tribal Government.

Number of Respondents: 3,630.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,815.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–05846 Filed 3–18–22; 8:45 am]

BILLING CODE 3410–18–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: April 28, 2022, 2:00 p.m. EDT (2 hours).

PLACE: The meeting will be held virtually via ZOOM. The access information will be provided by email to registrants. Registration is required via the below link: *https://www.zoomgov.com/meeting/register/vJItde2pqjMtHCuA_6JltSsLYaKxkqOk1dc.*

After registering, you will receive a confirmation email containing information about joining the meeting.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on Thursday, April 28, 2022, at 2:00 p.m. EDT. This meeting serves to fulfill its quarterly April public meeting requirement. The Board will review the CSB's progress in meeting its mission and highlight safety products newly released through investigations and safety recommendations.

CONTACT PERSON FOR FURTHER INFORMATION: Hillary Cohen, Communications Manager, at *public@csb.gov* or (202) 446–8094. Further information about this public meeting can be found on the CSB website at: *www.csb.gov.*

Additional Information

Background

The CSB is an independent federal agency charged with investigating incidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Participation

The meeting is free and open to the public. This meeting will only be available via ZOOM. Close captions (CC) will be provided.

To submit public comments for the record please email us at *public@csb.gov.* Public comments sent in advance may be addressed at the meeting.

Dated: March 16, 2022.

Tamara Qureshi,

Assistant General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2022–06020 Filed 3–17–22; 4:15 pm]

BILLING CODE 6350–01–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Senior Executive Service Performance Review Board—Appointment of Members

AGENCY: U.S. Chemical Safety and Hazard Investigation Board (CSB).

ACTION: Notice of members of Senior Executive Service Performance Review Board.

SUMMARY: This notice announces the membership of the Chemical Safety and Hazard Investigation Review Board (CSB) Senior Executive Service (SES) Performance Review Board (PRB).

DATES: These appointments are effective on the date of publication of this notice to March 2024.

FOR FURTHER INFORMATION CONTACT: Selena Simmons-Ferguson, HR Director, CSB, 1750 Pennsylvania Ave. NW, Suite 910, (202) 510–3054.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c)(1) requires each agency to establish, in accordance with regulations with regulations prescribed by the Office of Personnel Management, a performance review board (PRB). The PRB reviews the initial performance ratings of members of the Senior Executive Service (SES) and makes recommendations for final annual performance ratings for senior executives. In addition, the PRB will review and recommend executive performance bonuses and pay increases.

Publication of the PRB membership is required by 5 U.S.C. 4314(c)(4). Because the CSB is a small independent Federal agency, in addition to members from the CSB, the agency is drawing an additional SES member for its PRB from another Federal agency. The members of the CSB's PRB have committed to serving a two-year term.

The Board shall consist of at least three members, and more than half of the members shall consist of career appointees. The following persons comprise a standing roster to serve as members of the CSB Senior Executive Service PRB: Bruce Walker, Senior Advisor, CSB; David LaCerte, Senior Advisor/Executive Counsel, CSB; Steven Klejst, Executive Director—Investigations and Recommendations, CSB; Susan Kantrowitz, Managing Director, CSB; and Jerold Gidner, Director, Bureau of Trust Funds Administration, U.S. Department of Interior.

Dated: March 16, 2022.

Tamara Qureshi,

Assistant General Counsel, Chemical Safety and Hazard Investigation Board.

[FR Doc. 2022–05868 Filed 3–18–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; American Community Survey 2022 Content Test

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 February 9, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau, Department of Commerce.

Title: American Community Survey 2022 Content Test.

OMB Control Number: 0607–0936.

Form Number(s): ACS–1, ACS CAPI, ACS internet.

Type of Request: Regular submission, Request for a Nonsubstantive Change of a Currently Approved Collection.

Number of Respondents: 120,000 (initial interview); 58,800 (follow-up interview).

Average Hours per Response: 40 minutes (initial interview); 20 minutes (follow-up).

Total Burden Hours: 99,600 (80,000 initial interview; 19,600 follow-up).

Needs and Uses: Content testing is conducted by the Census Bureau periodically to improve data quality. The 2022 ACS Content Test will be a field test of new and revised content. Data from the test will help determine if the proposed wording produces data quality that is as good as or better than the existing questions. For new questions, the test will help determine if there are any data quality issues from the proposed question, or if two versions are being tested which one performs better. The results of this test will help determine which new or revised questions will be implemented in the ACS.

The Census Bureau, in coordination with the Office of Management and Budget Interagency Committee for the ACS, solicited proposals for question changes or additions from over twenty Federal agencies. The following topics will be included in the field test: Household roster, educational attainment, health insurance coverage, disability, income, Supplemental Nutrition Assistance Program (SNAP) and labor force questions. Additionally, three new questions will be tested on solar panels, electric vehicles, and sewage disposal. A summary of changes for each topic are as follows:

Household Roster—The roster instructions have not changed since the 1990s while household living arrangements have increased in complexity. The revisions attempt to capture more complex living situations and improve within household coverage, especially among young children and tenuously attached residents.

Educational Attainment—A relatively high percentage of respondents are selecting the response category, ''No schooling completed.'' Ongoing research suggests that this includes adults who have completed some level of schooling. The revision attempts to reduce the erroneous reports in this category through formatting and wording changes to clarify the response options.

Health Insurance Coverage—The purpose of testing the revised health insurance question is to enhance question reliability and validity. Since implementation in 2008, research has found that Medicaid and other means-tested programs are underreported in the ACS and that direct-purchase coverage is overreported, in part due to misreporting of non-comprehensive health plans and reporting multiple coverage types for the same plan (Mach & O'Hara, 2011; Lynch et al., 2011; Boudreaux et al., 2014; O'Hara, 2010; Boudreaux et al., 2011; Boudreaux et al., 2013). Moreover, revisions to the health insurance coverage question would help capture changes to the health insurance landscape that occurred with and since the passage of the Patient Protection and Affordable Care Act.

Changes to the health insurance coverage question include the following: Reordering some response options and rewording response options for direct purchase, Medicaid, employer, and veteran's health care. A second version of the question will test these same changes along with a change to the format of the question that adds an explicit response category for those who are uninsured.

Disability—The series of six disability questions are being revised to capture population information on functioning in a manner that reflects advances in the measurement of disability and is conceptually consistent the World Health Organization's International Classification of Functioning, Disability, and Health (ICF) disability framework (World Health Organization, 2001). Changes include using graded response categories to reflect the continuum of functional abilities (the current questions use a dichotomous yes/no response), reordering the questions, and modifying question text. Additionally, a new question being tested attempts to capture difficulties related to psychosocial and cognitive disability in addition to problems with speech.

Income and SNAP—The Census Bureau is conducting research to determine the feasibility of using administrative sources as a replacement or supplement to the income questions currently fielded on the survey. Administrative data sources on employment, income, and public assistance benefits from the Internal Revenue Service, Social Security Administration, and state administrative offices could meet the agency needs for many types of income, transfer benefits, and employment data. If administrative data use in ACS production is implemented, it could provide far-reaching benefits for multiple ACS topics including income, SNAP, and employment.

To better align with administrative data sources on many types of income and transfer benefits, we are testing a change in the reference period from the ''past 12 months'' to asking about the prior calendar year. Aside from the reference period change, overall instructions are being updated along with instructions for public assistance and retirement income, question wording is being changed for self-employment, public assistance, and total income, and rental income is being collected separately from the interest question. Two versions of the income questions will be tested: One with a change in reference period and the question modifications and the other with only question modifications. The SNAP question will only test changes to the reference period, the question itself is not changing.

Labor Force Questions—The changes proposed to the Labor Force question series are linked to the changes proposed to the Income series of questions, which change the reference period from ''during the past 12 months'' to asking about the prior calendar year. Changing the reference period to the prior calendar year will allow the ACS to better align with administrative records, which, if used, could improve the quality of ACS estimates. In order to implement the change in reference period, an additional question is also added for respondents who have worked in the past five years. Aside from the change of reference period, changes to the question instructions will also be tested (in two formats).

Electric Vehicles—This new question asks if there are plug-in electric vehicles kept at the housing unit. By adding this question, we will be able to project future energy sources, infrastructure, and consumer needs for the growing popularity of electric vehicles. The ACS would be the only data source at the housing unit level to adequately make these projections.

Solar Panels—This new question asks if the housing unit uses solar panels that generate electricity. By adding this question, we will be able to obtain data for operational solar panels on a housing unit level across the country. This information will help the Energy Information Administration (EIA) match energy consumption to energy production across the United States.

Sewage Disposal—This new question asks if the housing unit is connected to a public sewer, septic tank, or other type of sewage system. By adding this question, we will be able to obtain consistent data on the decentralized wastewater infrastructure status in rural and other communities. This is needed to protect public health, water quality, and to understand and meet the

country's growing infrastructure needs. The ACS is the only available survey that can provide these levels of data in a timely, consistent, and standardized manner.

To evaluate the proposed changes, the 2022 Content Test will include a control and two experimental treatments. The Control Treatment will include the current ACS (production) version of the questions. New topics will also be included in this treatment. The Test Treatment will include the test question version for all topics except household roster. Because changes to within-household coverage can impact results of person-level questions, the household roster question(s) will be the current production version in order to avoid confounding. Changes to the roster question(s) will be tested in a separate treatment, called the Roster Treatment. Additionally, health insurance coverage, labor force, and income will include a second set of experimental questions to be tested in the Roster Treatment.

Each topic will be evaluated using a variety of metrics, including item missing data rates, response distributions, comparisons to benchmarks and administrative data, response reliability, and other topic-specific metrics. Comparisons will be made between the Control Treatment and the experimental treatments. In some cases, the two experimental treatments will also be compared. Results of the test will inform decisions about changing content on the ACS.

Affected Public: Individuals or households.

Frequency: One-time test.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. Sections 141, 193, and 221.

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 0607–0936.

Sheleen Dumas,

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

[FR Doc. 2022–05937 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–8–2022]

Foreign-Trade Zone (FTZ) 43—Battle Creek, Michigan; Notification of Proposed Production Activity; Pfizer, Inc. (Lipid Active Pharmaceutical Ingredients), Kalamazoo, Michigan

Pfizer, Inc. (Pfizer) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Kalamazoo, Michigan within Subzone 43E. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on March 11, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed finished products and materials/components would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished products include active pharmaceutical ingredients for Pfizer's COVID–19 vaccine—Lipid ALC-0159 K Finished and Lipid ALC-0315 Crude (duty rate is 3.7% or 6.5%).

The proposed foreign-status materials and components include: Methoxy Polyethylene Glycol (MPEG) Acid; Enzyme CDX-616; Registered Starter Chemical PF-07321332; 2,2,6,6-Tetramethylpiperidine-1-Oxyl; 1-Propanephosphonic Acid Cyclic Andydrid; 4-Amino-1-Butanol; Tetamine NS Succinate Salt; and, 2-Hexyldecanoic Acid (duty rate ranges from duty free to 6.5%). The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is May 2, 2022.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Diane Finver at *Diane.Finver@trade.gov.*

Dated: March 15, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–05810 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Emerging Technology Technical Advisory Committee; Notice of Partially Closed Meeting

The Emerging Technology Technical Advisory Committee (ETTAC) will meet on April 8, 2022, at 11 a.m., Eastern Daylight Time. The meeting will be available via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration on the identification of emerging and foundational technologies with potential dual-use applications as early as possible in their developmental stages both within the United States and abroad.

Agenda

Open Session

1. Welcome and Introductions.
2. Introduction by the Bureau of Industry and Security Leadership.
3. *Presentation:* Bringing the Chipmakers Home—Attracting Manufactures and the Talent to Sustain Them. Questions and Answers.
4. Public Comments/Announcements.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. App. 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than April 1, 2022.

To the extent time permits, members of the public may present oral statements to the Committee. The public

may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 1, 2022, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. App. 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, please contact Yvette Springer via email.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2022–05856 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020

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

SUMMARY: The Department of Commerce (Commerce) determines that NTSF Seafoods Joint Stock Company (NTSF), an exporter of certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam), did not sell subject merchandise in the United States at prices below normal value during the period of review (POR) August 1, 2019, through July 31, 2020. Commerce also determines that it is appropriate to apply facts available, with adverse inferences (AFA), to East Sea Seafoods Joint Stock Company (ESS), an exporter of fish fillets from Vietnam. Further, Commerce determines that one additional company, Green Farms Seafood Joint Stock Company (Green Farms), is eligible for separate rate status, 32 companies did not establish eligibility for a separate rate and are part of the Vietnam-wide entity, and 15 companies had no shipments during the POR.

DATES: Applicable March 21, 2022.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos or Christopher Maciuba, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2243 and (202) 482–0413, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2021, Commerce published the preliminary results of this administrative review and invited interested parties to comment.[1] On November 16, 2021, Green Farms, the petitioners,[2] and Colorado Boxed Beef Company (CBBC) [3] submitted case briefs.[4] On November 29, 2021, the petitioners, CBBC, Nam Viet Corporation (NAVICO) [5] and NTSF submitted rebuttal briefs.[6]

On December 22, 2021, we extended the deadline for issuance of these final results to March 9, 2022.[7] In February 2022, we requested that the petitioners refile a submission made prior to the *Preliminary Results* after revising their bracketing of certain information designated as business proprietary information, and we permitted interested parties to comment on the newly public information.[8] On February 15, 2022, we held a public hearing.[9]

Scope of the Order [10]

The products covered by the *Order* are frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti, Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*) and *Pangasius Micronemus.* For a complete description of the scope of this order, *see* the Issues and Decision Memorandum.[11]

Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs filed by interested parties in the Issues and Decision Memorandum. Attached to this notice, in Appendix I, is a list of the issues which parties raised. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Determination of No Shipments

In the *Preliminary Results,* Commerce preliminarily determined that 15 companies had no shipments of subject merchandise during the POR.[12] Following the publication of the *Preliminary Results,* we received no comments from interested parties regarding 14 of these companies, nor

[1] *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Partial Rescission of Antidumping Duty Administrative Review; 2019–2020,* 86 FR 50698 (September 10, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] The petitioners are the Catfish Farmers of America and individual U.S. catfish processors: America's Catch, Inc., Alabama Catfish, LLC d/b/a Harvest Select Catfish, Inc.; Consolidated Catfish Companies, LLC d/b/a Country Select Catfish; Delta Pride Catfish, Inc.; Guidry's Catfish, Inc.; Heartland Catfish Company, Magnolia Processing, Inc. d/b/a Pride of the Pond; and Simmons Farm Raised Catfish, Inc. (collectively, the petitioners).

[3] CBBC is a domestic wholesaler of fish fillets.

[4] *See* Green Farm's Letter, ''AR17 Case Brief on Behalf of Green Farms Seafood Joint Stock Company,'' dated November 16, 2021; Petitioners' Letter, ''Case Brief of the Catfish Farmers of America, et al.,'' dated November 16, 2021; and CBBC's Letter, ''AR17 Case Brief on behalf of Colorado Boxed Beef Company,'' dated November 16, 2021.

[5] NAVICO is an exporter of fish fillets from Vietnam.

[6] *See* NAVICO's Letter, ''Rebuttal Brief of Nam Viet Corporation,'' dated November 29, 2021; *see also* CBBC's Letter, ''Colorado Boxed Beef Company Rebuttal to CFA's Case Brief,'' dated November 29, 2021; NTSF's Letter, ''Rebuttal Brief,'' dated November 29, 2021; and Petitioners' Letter, ''Rebuttal Brief of the Catfish Farmers of America, *et al.,*'' dated November 29, 2021.

[7] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated December 22, 2021.

[8] *See* Memorandum, ''Refiled Submission—Rebuttal Factual Information,'' dated February 2, 2022; *see also* CBBC's Letter, ''Colorado Boxed Beef Company Response to Petitioners' Revised Double Bracket Submission,'' dated February 7, 2022; NAVICO's Letter, ''Rebuttal Comments on Previously Double Bracketed Submission,'' dated February 7, 2022; Petitioners' Letter, ''Reply to Navico's and CBBC's February 7, 2022, Rebuttal Comments,'' dated February 10, 2022; and CBBC's Letter, ''CBBC Comments on Navico's Double Bracket Comments,'' dated February 10, 2022.

[9] *See* Transcript, ''United States of America, Department of Commerce, Enforcement and Compliance: Public Hearing in the Matter of: the Administrative Review of the Antidumping Order on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,'' dated February 15, 2022.

[10] *See Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,* 68 FR 47909 (August 12, 2003) (*Order*).

[11] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review; 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum), at 3.

[12] *See Preliminary Results,* 86 FR at 50699.

has any party submitted record evidence which would call our preliminary no shipment determination into question for these companies. Therefore, for these final results, we find that these 14 companies had no shipments during the POR. For a list of the companies for which we made a no-shipment determination in these final results, *see* Appendix II.

With respect to the remaining company, NAVICO, we received comments from interested parties requesting that Commerce reevaluate our no-shipment determination. However, for the reasons explained in the Issues and Decision Memorandum, Commerce also continues to find that NAVICO had no shipments during the POR.[13]

Consistent with our practice, we will issue appropriate instructions to Customs and Border Protection (CBP).[14]

Separate Rates

We continue to find that the non-individually-examined exporter Green Farms and individually-examined respondents ESS and NTSF have demonstrated eligibility for separate rates.[15] As noted below, we have assigned Green Farms the average of the rates established for ESS and NTSF, consistent with our practice in administrative reviews and section 735(c)(5)(B) of the Tariff Act of 1930, as amended (the Act).[16]

Vietnam-Wide Entity

In the *Preliminary Results,* Commerce found that certain additional companies for which a review was requested did not establish eligibility for a separate rate.[17] We have received no information since the issuance of the *Preliminary Results* that provides a basis for reconsidering this preliminary finding. Therefore, Commerce continues to find that these companies are part of the Vietnam-wide entity.[18]

Use of Adverse Facts Available

Pursuant to sections 776(a) and (b) of the Act, Commerce has assigned ESS a dumping margin of $3.87 per kilogram based on AFA. ESS ceased participating in this review and did not provide information requested by Commerce; accordingly, we find that necessary information is not available on the record, ESS failed to provide the requested information in the form and manner requested and significantly impeded the proceeding, pursuant to section 776(a) of the Act. Additionally, we find that ESS had necessary information in its possession and elected not to submit the information and, thus, ESS did not act to the best of its ability in responding to Commerce's information request by the applicable deadline, pursuant to section 776(b) of the Act. For further information, *see* Comment 6 in the Issues and Decision Memorandum.

Changes Since the Preliminary Results

We made no changes from the *Preliminary Results.*

Final Results of Administrative Review

The weighted-average dumping margins for the final results of this administrative review are as follows:

Exporter	Weighted- average dumping margin (dollars per kilogram)
NTSF Seafoods Joint Stock Company	0.00
East Sea Seafoods Joint Stock Company	* 3.87
Review-Specific Rate Applicable to the Following Company: [19]	
Green Farms Seafood Joint Stock Company	1.94

* This rate was determined wholly under section 776 of the Act.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For NTSF, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. Pursuant to Commerce's assessment practice, for entries of NTSF's merchandise that were not reported in the U.S. sales data submitted by NTSF during this review, Commerce will instruct CBP to liquidate such entries at the Vietnam-wide entity rate.

Because Commerce determined ESS's margin on the basis of AFA in the final results of this review, Commerce will instruct, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise at the rate of $3.87 per kilogram. Because we assigned a rate of $1.94 per kilogram to Green Farms in the final results of this review, we will instruct, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise at the rate of $1.94 per kilogram.

Where we determined that an exporter under review had no shipments of the subject merchandise to the United States during the POR, any suspended entries that entered during the POR under that exporter's CBP case number will be liquidated at a rate of $2.39 per kilogram, the rate for the Vietnam-wide entity, consistent with Commerce's assessment practice.[20] Likewise, for companies that were found to be ineligible for a separate rate, we will instruct CBP to liquidate entries of subject merchandise exported by such companies at a rate of $2.39 per kilogram, the rate for the Vietnam-wide entity.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication

[13] *See* Issues and Decision Memorandum at Comment 9.

[14] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[15] *See* Issues and Decision Memorandum at Comments 6 and 7.

[16] *Id.* at Comment 8.

[17] *See Preliminary Results,* 86 FR at 50699.

[18] *See* Appendix III.

[19] This rate is based on an average of the rates assigned to ESS and NTSF, pursuant to section 735(c)(5)(B) of the Act.

[20] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

date, as provided for by section 751(a)(2)(C) of the Act: (1) For the companies listed above, the cash deposit rate will be equal to the dumping margin established in the final results of this review (except, if the rate is zero or *de minimis,* then the cash deposit rate will be zero); (2) for previously examined Vietnamese and non-Vietnamese exporters not listed above that maintain separate rates based on a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate; (3) for all Vietnamese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the Vietnam-wide entity (*i.e.,* $2.39 per kilogram); and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter that supplied that non-Vietnamese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(l) and 777(i) of the Act.

Dated: March 9, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Separate Rates
V. Discussion of the Issues
Comment 1: Colorado Boxed Beef Company (CBBC)'s Standing to Request a Review
Comment 2: Whether to Calculate a Margin for NTSF Seafoods Joint Stock Company (NTSF)
Comment 3: Unit for NTSF's Reported Fingerling Consumption
Comment 4: Whether to Grant NTSF's Dead Fish and Fish Fat By-Product Offsets
Comment 5: Whether to Rely on NTSF's Reported Water Allocation Methodology
Comment 6: Whether to Apply Adverse Facts Available (AFA) to East Sea Seafoods (ESS)
Comment 7: Separate-Rate Status for Green Farms Seafood (Green Farms)
Comment 8: Selection of a Separate Rate
Comment 9: Nam Viet Corporation (NAVICO) and Its Affiliation with Company X
Comment 10: Selection of Surrogate Country
VI. Recommendation

Appendix II

Companies With No Shipments During the POR

1. Ben Tre Forestry and Aquaproduct Import-Export Joint Stock Company (aka Faquimex, or Ben Tre)
2. C.P. Vietnam Corporation
3. Cafatex Corporation (aka Cafatex)
4. Cantho Import-Export Seafood Joint Stock Company (aka CASEAMEX, Cantho Import Export Seafood Joint Stock Company, Cantho Import-Export Joint Stock Company, Can Tho Import Export Seafood Joint Stock Company, Can Tho Import-Export Seafood Joint Stock Company, or Can Tho Import-Export Joint Stock Company)
5. Colorado Boxed Beef Company (aka CBBC)
6. Dai Thanh Seafoods Company Limited (aka DATHACO)
7. The Great Fish Company LLC
8. Hai Huong Seafood Joint Stock Company (aka HHFish, HH Fish, or Hai Huong Seafood)
9. Hung Vuong Group [21]
10. Nam Viet Corporation (aka NAVICO)
11. PREFCO Distribution LLC
12. QMC Foods, Inc.
13. Riptide Foods
14. QVD Food Company Ltd. (aka QVD, QVD Food Co., Ltd., or QVD Aquaculture) [22]
15. Vinh Quang Fisheries Corporation (aka Vinh Quang, Vinh Quang Fisheries Corp., Vinh Quang Fisheries Joint Stock Company, or Vinh Quang Fisheries Co., Ltd.)

Appendix III

Vietnam-Wide Entity

1. Anchor Seafood Corp.
2. An Phat Import-Export Seafood Co., Ltd. (aka An Phat Seafood Co. Ltd. or An Phat Seafood Co., Ltd.)
3. Anvifish Joint Stock Company (aka Anvifish, Anvifish JSC, or Anvifish Co., Ltd.)
4. Basa Joint Stock Company (aka BASACO)
5. Binh Dinh Import Export Company (aka Binh Dinh)
6. Cadovimex II Seafood Import-Export and Processing Joint Stock Company (aka Cadovimex II)
7. Can Tho Animal Fishery Products Processing Export Enterprise
8. Cuu Long Fish Import-Export Corporation (aka CL Panga Fish)
9. Cuu Long Fish Joint Stock Company (aka CL-Fish, CL-FISH CORP, or Cuu Long Fish Joint Stock Company)
10. GF Seafood Corp.
11. Go Dang An Hiep One Member Limited Company
12. Go Dang Ben Tre One Member Limited Liability Company
13. Hoa Phat Seafood Import-Export and Processing J.S.C. (aka HOPAFISH, Hoa Phat Seafood Import-Export and Processing Joint Stock Company, Hoa Phat Seafood Import-Export and Processing JSC)
14. Hoang Long Seafood Processing Company Limited (aka HLS)
15. Indian Ocean One Member Company Limited (aka Indian Ocean Co., Ltd.)
16. Lian Heng Investment Co., Ltd. (aka Lian Heng or Lian Heng Investment)
17. Lian Heng Trading Co., Ltd. (aka Lian Heng or Lian Heng Trading)
18. Nam Phuong Seafood Co., Ltd. (aka Nam Phuong, or NAFISHCO)
19. New Food Import, Inc.
20. NTACO Corporation (aka NTACO)
21. Seafood Joint Stock Company No. 4 (aka SEAPRIEXCO No. 4)
22. Seafood Joint Stock Company No. 4 Branch Dongtam Fisheries Processing Company (aka DOTASEAFOODCO or Seafood Joint Stock Company No. 4—Branch Dong Tam Fisheries Processing Company)
23. Southern Fishery Industries Company, Ltd. (aka South Vina)
24. Thanh Hung Co., Ltd. (aka Thanh Hung Frozen Seafood Processing Import Export Co., Ltd.)
25. Thien Ma Seafood Co., Ltd (aka THIMACO)
26. Thuan An Production Trading and

[21] Hung Vuong Group is a single entity comprised of the following individual companies: (1) An Giang Fisheries Import and Export Joint Stock Company; (2) Asia Pangasius Company Limited; (3) Hung Vuong Ben Tre Seafood Processing Company Limited; (4) Europe Joint Stock Company; (5) Hung Vuong-Sa Dec Co., Ltd.; (6) Hung Vuong-Vinh Long Co. Ltd.; (7) Hung Vuong Corporation; and (8) Hung Vuong Mascato Company Limited.

[22] QVD is a single entity that also includes QVD Dong Thap Food Co., Ltd. and Thuan Hung Co., Ltd.

Service Co., Ltd. (aka TAFISHCO)
27. To Chau Joint Stock Company (aka TOCHAU, TOCHAU JSC, or TOCHAU Joint Stock Company)
28. Viet Hai Seafood Company Limited (aka Viet Hai)
29. Viet Phu Foods and Fish Corporation (aka Vietphu)
30. Viet Phu Foods & Fish Co., Ltd.
31. Vietnam Seaproducts Joint Stock Company (aka Seaprodex or Vietnam Seafood Corporation—Joint Stock Company)
32. Vinh Long Import-Export Company (aka Vinh Long)

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–943, C–570–944]

Oil Country Tubular Goods From the People's Republic of China: Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews

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

SUMMARY: On February 14, 2022, the Department of Commerce (Commerce) published the initiation and preliminary results of the changed circumstances reviews of the antidumping and countervailing duty orders on oil country tubular goods (OCTG) from the People's Republic of China (China). For these final results, Commerce continues to find that HLDS (B) Steel Sdn Bhd (HLDS (B)) and HLD Clark Steel Pipe Co., Inc. (HLD Clark) (collectively, HLD companies) are eligible to participate in a certification process because the HLD companies have demonstrated that they can identify OCTG that they produced in either Brunei or the Philippines using non-Chinese hot-rolled steel.

DATES: Applicable March 21, 2022.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5760.

SUPPLEMENTARY INFORMATION:

Background

On November 26, 2021, Commerce found that imports of welded OCTG completed in Brunei or the Philippines using inputs manufactured in China are circumventing the antidumping and countervailing duty orders on OCTG from China.[1] In the *Final Determinations,* Commerce found that welded OCTG ''assembled or completed in Brunei or the Philippines using non-Chinese inputs is not subject to these circumvention inquiries,'' but because the HLD companies were ''unable to track welded OCTG to the country of origin of inputs used in the production of welded OCTG,'' Commerce decided not to ''implement a certification process for welded OCTG already suspended,'' and required ''cash deposits on all entries of welded OCTG produced in either Brunei or the Philippines.'' [2] However, Commerce indicated that ''producers and/or exporters in Brunei or the Philippines may request reconsideration of our denial of the certification process in a future segment of the proceeding, *i.e.,* a changed circumstances review or administrative review.'' [3]

On December 23, 2021, the HLD companies submitted changed circumstances review requests, in which they claimed that they are able to identify and segregate welded OCTG made using non-Chinese hot-rolled steel by either HLDS (B) in Brunei or HLD Clark in the Philippines and then subsequently exported from either Brunei or the Philippines to the United States.[4] The HLD companies request that Commerce find them eligible for certification of these welded OCTG as non-subject merchandise. In response to Commerce's requests for additional information, the HLD companies submitted their supplemental responses on January 18, 2022,[5] and January 24, 2022.[6]

Commerce preliminarily determined ''that the HLD companies are now able to identify and effectively segregate welded OCTG produced by either HLDS (B) in Brunei or HLD Clark in the Philippines using non-Chinese hot-rolled steel from other OCTG produced at their facilities.'' [7]

No party commented on the *Initiation and Preliminary Results* regarding Commerce's analysis of the HLD companies' practices to track the country of origin of the hot-rolled steel they used to produce OCTG which are exported to the United States, the sufficiency of the certification process, or the certification language.

Scope of the Orders

The scope of these orders consists of certain OCTG, which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread protectors are attached. The scope of the orders also covers OCTG coupling stock. Excluded from the scope of the orders are casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise covered by the orders is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00,

[1] *See Oil Country Tubular Goods from the People's Republic of China: Final Affirmative Determinations of Circumvention,* 86 FR 67443 (November 26, 2021) (*Final Determinations*); *see also Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 75 FR 28551 (May 21, 2010); and *Certain Oil Country Tubular Goods from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 75 FR 3203 (January 20, 2010).

[2] *See Final Determinations,* 86 FR at 67444.

[3] *Id.*

[4] *See* HLD Companies' Letters, ''Request for Changed Circumstances Review,'' dated December 23, 2021; and ''First Supplemental Questionnaire Response,'' dated January 18, 2022 (First Supplemental Response).

[5] *See* First Supplemental Response.

[6] *See* HLD Companies' Letter, ''Second Supplemental Questionnaire Response,'' dated January 24, 2022.

[7] *See Oil Country Tubular Goods from the People's Republic of China: Initiation and Preliminary Results of Antidumping and Countervailing Duty Changed Circumstances Reviews,* 87 FR 8230, 8231 (February 14, 2022) (*Initiation and Preliminary Results*).

7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The OCTG coupling stock covered by the orders may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, and 7304.59.80.80.

The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of the orders is dispositive.

Final Results of Changed Circumstances Reviews

Commerce is conducting these changed circumstances reviews in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216. For the reasons stated in the *Initiation and Preliminary Results,* and because we received no comments from interested parties, we continue to find that, since the publication of the *Final Determinations,* ''the HLD companies are now able to identify and effectively segregate welded OCTG produced by either HLDS (B) in Brunei or HLD Clark in the Philippines using non-Chinese hot-rolled steel from other OCTG produced at their facilities.'' [8]

Accordingly, effective on the publication date of these final results, the HLD companies and their exporters and importers will be eligible to certify that welded OCTG produced by either HLDS (B) in Brunei or HLD Clark in the Philippines and exported from either Brunei or the Philippines were produced using non-Chinese hot-rolled steel. OCTG entering the United States with such certification, which may be subject to verification, will not be subject to suspension of liquidation or a requirement to post cash deposits of estimated antidumping and countervailing duties. The final certification language is attached as an appendix to this notice.

Suspension of Liquidation and Certification Requirements

In accordance with 19 CFR 351.225(l)(3), the suspension of liquidation instructions will remain in effect until further notice. Commerce will direct CBP to suspend liquidation and to require a cash deposit of estimated duties on unliquidated entries of welded OCTGs produced (*i.e.,* assembled or completed) by either HLDS (B) in Brunei or HLD Clark in the Philippines using Chinese hot-rolled steel and exported from either Brunei or the Philippines that were entered, or withdrawn from warehouse, for consumption on or after the date of initiation of the changed circumstances reviews.

Welded OCTG produced by either HLDS (B) in Brunei or HLD Clark in the Philippines using non-Chinese hot-rolled steel and exported from either Brunei or the Philippines are not subject to the antidumping and countervailing duty orders on OCTG from China. However, imports of such merchandise are subject to certification requirements, and cash deposits may be required if the certification requirements are not satisfied. Accordingly, if an importer enters welded OCTG produced by either HLDS (B) in Brunei or HLD Clark in the Philippines and exported from either Brunei or the Philippines and claims that the welded OCTG was produced from non-Chinese hot-rolled steel, in order not to be subject to cash deposit requirements, the importer and exporter are required to meet the certification and documentation requirements described herein and in the certifications contained in the appendix. Where no certification is provided for an entry of welded OCTG produced by either HLDS (B) in Brunei or HLD Clark in the Philippines and exported from either Brunei or the Philippines to the United States, the antidumping and countervailing duty orders on OCTG from China apply to that entry and Commerce intends to instruct CBP to suspend the entry and collect cash deposits of estimated antidumping duties equal to the rate established for the China-wide entity, *i.e.,* 99.14 percent,[9] and cash deposits of estimated countervailing duties equal to the current all-others rate, *i.e.,* 27.08 percent.[10]

For shipments and/or entry summaries made on or after the date of publication of the initiation of the changed circumstances reviews through 30 days after the date of publication of the final results of these changed circumstances reviews for which certifications are required, importers and exporters should complete the required certification within 30 days after the publication of the final results of these changed circumstances reviews in the **Federal Register**. Accordingly, where appropriate, the relevant item in the certification should be modified to reflect that the certification was completed within the time frame specified above. For such entries/shipments, importers and exporters each have the option to complete a blanket certification covering multiple entries/shipments, individual certifications for each entry/shipment, or a combination thereof. For shipments and/or entries made on or after 31 days after the date of publication of the final results of these changed circumstances reviews in the **Federal Register**, for which certifications are required, importers should complete the required certification at or prior to the date of entry summary, and exporters should complete the required certification and provide it to the importer at or prior to the date of shipment.

Notification to Interested Parties

We are issuing and publishing the notice of these final results in accordance with sections 751(b)(1) and 777(i) of the Act, and 19 CFR 351.216.

Dated: March 14, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

Exporter Certification

Special Instructions: The party that made the sale to the United States should fill out the exporter certification. Only parties that exported welded OCTG produced by either HLDS (B) Steel Sdn. Bhd. in Brunei or HLD Clark Steel Pipe Co., Inc. in the Philippines are eligible for this certification process.

I hereby certify that:

A. My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF EXPORTING COMPANY}, located at {ADDRESS};

B. I have direct personal knowledge of the facts regarding the production and exportation of the welded oil country tubular goods (OCTG) identified below. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own books and records. For example, an exporter should have direct personal knowledge of the producer's identity and location.

C. Welded OCTG produced in either Brunei or the Philippines and covered by this certification were not manufactured using hot-rolled steel produced in the People's Republic of China (China).

[8] *See Initiation and Preliminary Results,* 87 FR at 8231.

[9] *See Oil Country Tubular Goods from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 32125, 32126 (July 5, 2019).

[10] *See Oil Country Tubular Goods from the People's Republic of China: Notice of Court Decision Not in Harmony With the Amended Final Determination of the Countervailing Duty Investigation,* 82 FR 25770 (June 5, 2017).

D. This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}. (repeat this block as many times as necessary):

Foreign Seller's Invoice # to U.S. Customer:
Foreign Seller's Invoice to U.S. Customer Line item #:
Producer Name:
Producer's Address:
Producer's Invoice # to Foreign Seller: (If the foreign seller and the producer are the same party, put NA here.)

E. The welded OCTG covered by this certification were shipped to {NAME OF U.S. PARTY TO WHOM MERCHANDISE WAS SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

F. I understand that {NAME OF EXPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, *etc.*) for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

G. I understand that {NAME OF EXPORTING COMPANY} must provide a copy of this Exporter Certification to the U.S. importer by the date of shipment.

H. I understand that {NAME OF EXPORTING COMPANY} is required to provide a copy of this certification and supporting records, upon request, to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce).

I. I understand that the claims made herein, and the substantiating documentation are subject to verification by CBP and/or Commerce.

J. I understand that failure to maintain the required certification and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all sales to which this certification applies are within the scope of the antidumping and countervailing duty orders on welded OCTG from China. I understand that such finding will result in:

1. Suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met; and

2. the requirement that the importer post applicable antidumping and countervailing duty cash deposits (as appropriate) equal to the rates as determined by Commerce; and

3. the revocation of {NAME OF EXPORTING COMPANY}'s privilege to certify future exports of welded OCTG from either Brunei or the Philippines as not manufactured using hot-rolled steel from China.

K. This certification was completed at or prior to the date of shipment;

L. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature
NAME OF COMPANY OFFICIAL
TITLE
DATE

Importer Certification

I hereby certify that:

A. My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY}.

B. I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of welded oil country tubular goods (OCTG) produced in either Brunei or the Philippines that entered under entry summary number(s) identified below and are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of the product (*e.g.,* the name of the exporter) in its records.

C. If the importer is acting on behalf of the first U.S. customer, complete this paragraph, if not put ''NA'' at the end of this paragraph: welded OCTG covered by this certification were imported by {NAME OF IMPORTING COMPANY} on behalf of {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER}.

D. Welded OCTG covered by this certification were shipped to {NAME OF PARTY TO WHOM MERCHANDISE WAS FIRST SHIPPED IN THE UNITED STATES}, located at {ADDRESS OF SHIPMENT}.

E. I have personal knowledge of the facts regarding the production of the welded OCTG identified below. ''Personal knowledge'' includes facts obtained from another party, (*e.g.,* correspondence received by the importer (or exporter) from the producer regarding the country of manufacture of the imported products).

F. Welded OCTG covered by this certification were not manufactured using hot-rolled steel produced in the People's Republic of China (China).

G. This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:
Entry Summary Line Item #: Foreign Seller:
Foreign Seller's Address: Foreign Seller's Invoice #:
Foreign Seller's Invoice Line Item #:
Producer:
Producer's Address:

H. I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, mill certificates, production records, invoices, *etc.*) for the later of (1) a period of five years from the date of entry, or (2) a period of three years after the conclusion of any litigation in the United States courts regarding such entries.

I. I understand that {NAME OF IMPORTING COMPANY} is required to provide this certification and supporting records to U.S. Customs and Border Protection (CBP) and/or the Department of Commerce (Commerce), upon request by the respective agency.

J. I understand that {NAME OF IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to the production and/or export of the imported merchandise identified above), and any supporting records provided by the exporter to the importer, for the later of (1) a period of five years from the date of entry or (2) a period of three years after the conclusion of any litigation in United States courts regarding such entries.

K. I understand that {NAME OF IMPORTING COMPANY} is required, upon request, to provide a copy of the exporter's certification and any supporting records provided by the exporter to the importer, to CBP and/or Commerce.

L. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce.

M. I understand that failure to maintain the required certifications, and/or failure to substantiate the claims made herein, and/or failure to allow CBP and/or Commerce to verify the claims made herein, may result in a de facto determination that all entries to which this certification applies are within the scope of the antidumping and countervailing duty orders on welded OCTG from China. I understand that such finding will result in:

1. Suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

2. the requirement that the importer post applicable antidumping and countervailing duty cash deposits (as appropriate) equal to the rates determined by Commerce; and

3. the revocation of {NAME OF IMPORTING COMPANY}'s privilege to certify future imports of welded OCTG from either Brunei or the Philippines as not manufactured using hot-rolled steel from China.

N. I understand that agents of the importer, such as brokers, are not permitted to make this certification. Where a broker or other party was used to facilitate the entry process, {NAME OF IMPORTING COMPANY} obtained the entry summary number and date of entry summary from that party.

O. This certification was completed at or prior to the date of entry summary.

P. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature
NAME OF COMPANY OFFICIAL
TITLE
DATE

[FR Doc. 2022–05837 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Survey To Collect Economic Data From Recreational Anglers Along the Atlantic Coast

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 20, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0783 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Scott Steinback, Economist, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543. Tel: (508) 645–6443 or *scott.steinback@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision and extension of a currently approved information collection and is sponsored by NOAA's Northeast Fisheries Science Center (NEFSC).

The original data collection effort in 2019 under OMB Control Number 0648–0783 was to assess how changes in saltwater recreational fishing regulations affect angler effort, angler welfare, fishing mortality, and future stock levels. That data collection effort focused on anglers who fished for Atlantic cod and haddock off the Atlantic coast from Maine to Massachusetts. In 2020, the collection was revised to remove the cod and haddock survey and add a survey focused on anglers who fish for summer flounder and black sea bass along the Atlantic coast from Massachusetts to North Carolina. This current revision will re-add the original cod and haddock survey to this control number.

The objective of the surveys will be to understand how anglers respond to changes in management options and fishing regulations (*e.g.,* bag limits, size limits, dates of open seasons, etc.) along the Atlantic coast. We are conducting this survey to improve our ability to understand and predict how changes in management options and regulations may change the number of trips anglers take for highly sought after recreational fish species. This data will allow fisheries managers to conduct updated and improved analysis of the socio-economic effects to recreational anglers and to coastal communities of proposed changes in fishing regulations. The recreational fishing community and regional fisheries management councils have requested more species-specific socio-economic studies of recreational fishing that can be used in the analysis of fisheries policies. These surveys will address that stated need for more species-specific studies. The population consists of those anglers who fish in saltwater along the Atlantic coast and who possess a license to fish. A sample of anglers will be drawn from state fishing license frames. The survey will be conducted using both mail and email to contact anglers and invite them to take the survey online. Anglers not responding to the online survey may receive a paper survey in the mail.

II. Method of Collection

The survey will be conducted using two modes: Mail and internet.

III. Data

OMB Control Number: 0648–0783.

Form Number(s): None.

Type of Review: Regular submission (revision and extension of a currently approved information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 4,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 1,000 hours.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

Respondent's Obligation: Voluntary.

Legal Authority:

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2022–05948 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB893]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Ad Hoc Marine Planning Committee (MPC) will hold a public meeting.

DATES: The meeting will be held Tuesday April 5, 2022, from 1 p.m. to 4:30 p.m., Pacific Daylight Time or until

business for the day has been completed.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer, Pacific Council; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The primary purpose of this online meeting is for the MPC to discuss several issues related to offshore wind energy development and NOAA Aquaculture Opportunity Areas, and to develop recommendations in advance of upcoming public comment opportunities on the Bureau of Ocean Energy Management's Oregon Call Areas for offshore wind energy and NOAA's Notice of Intent to develop an Environmental Impact Statement for Aquaculture Opportunity Areas. Other marine planning topics or emerging issues may be discussed as necessary. The meeting agenda will be available on the Pacific Council's website in advance of the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

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

Dated: March 15, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–05813 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Marine Recreational Information Program, Fishing Effort Survey

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 January 7, 2022, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Marine Recreational Information Program, Fishing Effort Survey.

OMB Control Number: 0648–0652.

Form Number(s): None.

Type of Request: Regular (revision and extension of current information collection.)

Number of Respondents: 113,000.

Average Hours per Response: 5 minutes.

Burden Hours: 9,417.

Needs and Uses: Marine recreational anglers are surveyed to collect catch and effort data, fish biology data, and angler socioeconomic characteristics. These data are required to carry out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), as amended, regarding conservation and management of fishery resources.

Marine recreational fishing catch and effort data are collected through a combination of mail surveys, telephone surveys and on-site intercept surveys with recreational anglers. The Marine Recreational Information Program (MRIP) Fishing Effort Survey (FES) is a self-administered, household mail survey that samples from a residential address frame to collect data on the number of recreational anglers and the number of recreational fishing trips. The survey estimates marine recreational fishing activity for all coastal states from Maine through Mississippi, as well as Hawaii and Puerto Rico.

FES estimates are combined with estimates derived from complementary surveys of fishing trips, the Access-Point Angler Intercept Survey, to estimate total, state-level fishing catch, by species. These estimates are used in the development, implementation, and monitoring of fishery management programs by NOAA Fisheries, regional fishery management councils, interstate marine fisheries commissions, and state fishery agencies.

The proposed collection will include experimental work to evaluate non-sampling errors in recreational fishing surveys. Specifically, the revision will include three mail survey questionnaires designed to evaluate measurement error in the reporting of saltwater fishing effort and possession of a saltwater fishing license.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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 0648–0652.

Sheleen Dumas,

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

[FR Doc. 2022–05945 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Sanctuary System Business Advisory Council: Public Meeting

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open public meeting.

SUMMARY: Notice is hereby given of a meeting of the Sanctuary System Business Advisory Council (council). The meeting is open to the public, and an opportunity for oral and written comments will be provided.

DATES: The meeting will be held Wednesday, April 6, 2022, from 3 p.m. to 3:30 p.m. ET, and an opportunity for public comment will be provided around 3:20 p.m. ET. Both times and agenda topics are subject to change.

ADDRESSES: The meeting will be held virtually using Google Meet. To participate, please use the weblink provided below. If you are unable to participate online, you can also connect to the public meeting using the phone number provided.

Weblink: meet.google.com/kqx-jtns-cbz
Phone: +1 240–468–7658 PIN: 649 182 481#

To provide an oral public comment during the virtual meeting, please sign up prior to or during the meeting by contacting Katie Denman by phone (240–533–0702) or email (*katie.denman@noaa.gov*). To provide written public comment, please send the comment to Katie Denman prior to or during the meeting via email (*katie.denman@noaa.gov*). Please note, the meeting will not be recorded. However, public comments, including any associated names, will be captured in the minutes of the meeting, will be maintained by ONMS as part of its administrative record, and may be subject to release pursuant to the Freedom of Information Act. By signing up to provide a public comment, you agree that these communications, including your name and comment, will be maintained as described here.

FOR FURTHER INFORMATION CONTACT: Katie Denman, Office of National Marine Sanctuaries, 1305 East-West Highway, Silver Spring, Maryland 20910 (Phone: 240–533–0702; Email: *katie.denman@noaa.gov*).

SUPPLEMENTARY INFORMATION: ONMS serves as the trustee for a network of underwater parks encompassing more than 620,000 square miles of marine and Great Lakes waters from Washington State to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 15 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments. National marine sanctuaries protect our Nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies.

One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. The Sanctuary System Business Advisory Council has been formed to provide advice and recommendations to the Director regarding the relationship of ONMS with the business community. Additional information on the council can be found at *https://sanctuaries.noaa.gov/management/bac/.*

Matters to be discussed:

The meeting will include a discussion and vote on a proposed amendment to the current council charter. For a complete agenda, including times and topics, please visit *http://sanctuaries.noaa.gov/management/bac/meetings.html.*

Authority: 16 U.S.C. Sections 1431, *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–05815 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Weather and Society Survey and Using Quick Response Surveys To Build a Public Perception and Response Database

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 9/22/2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Weather and Society Survey and Using Quick Response Surveys to Build a Public Perception and Response Database.

OMB Control Number: 0648–XXXX.

Form Number(s): None.

Type of Request: Regular (New information collection).

Number of Respondents: 37,650.

Average Hours per Response: Longitudinal surveys: .20 minutes; QRS: 10 minutes.

Total Annual Burden Hours: 7,140.

Needs and Uses: In alignment with the Weather Forecasting and Innovation Act of 2017 (Pub. L. 115–25), two data collections are proposed under this request. There are no other collections for which these can be merged.

The first proposed information collection request is sponsored by DOC/NOAA/National Weather Service (NWS)/Office of Science and Technology Integration (OSTI). Currently, NOAA lacks data and data collection instruments that articulate and explicate how individuals receive, interpret, and respond to NOAA information, forecasts, and warnings for severe, winter, and tropical weather hazards. Furthermore, NOAA lacks this type of data longitudinally (*i.e.,* collected over time). Without this type of longitudinal data, NOAA, and the NWS specifically, cannot determine if it has met its mission of saving lives and property, propose societal impact performance metrics, nor demonstrate if progress or improvements have been made, as outlined in the Weather Research and Forecasting Innovation Act of 2017. This effort aims to advance the Tornado Warning Improvement and Extension Program (TWIEP)'s goal to ''reduce the loss of life and economic losses from tornadoes through the development and extension of accurate, effective, and timely tornado forecasts, predictions, and warnings, including the prediction of tornadoes beyond one hour in advance (Pub. L. 115–25)''. This work addresses NOAA's 5-year Research and Development Vision Areas (2020–2026) Section 1.4 (FACETs). The Weather and Society Survey also advances the findings of the National Academy of Science 2012 report, ''Assessment of the NWS Modernization Program'', in reference to NWS' ''chain of events associated with a tornado warning'' (p52). This effort also advances the NWS Strategic Plan (2019–2022) ''Transformative Impact-Based Decision Support Services (IDSS) and Research to Operations and Operations to Research (R2O/O2R). Furthermore,

the Survey furthers the NWS Weather Ready Nation (WRN) Roadmap (2013) Sections 1.1.1, 1.1.2, 1.1.3, 1.1.8, and 3.1.4.

This information would be collected at the Cooperative Institute for Mesoscale Meteorological Studies (CIMMS) and the University of Oklahoma's Center for Risk and Crisis Management (CRCM), who has developed data collection instruments that would allow for more routine and longitudinal data collection, as the data will be collected on an annual basis. Furthermore, this team has developed interactive ''dashboards'', or tools, to visualize the aggregated data.

Respondents include adults (age 18+) who reside in the United States, recruited by survey companies that maintain large panels of people who sign up to complete internet surveys, such as Qualtrics and Survey Sampling International. Respondents will be asked questions about the ways they have received, interpreted, and responded to NWS information, forecasts, and warnings for severe, tropical, and winter weather hazards. Questions about preparedness for specific hazards such as heat waves, tornadoes, and drought may also be included. This data collection serves many purposes, including gaining a better understanding of how key factors within a given population, or organization, vary over time, location, and across different groups; the ability to detect gradual trends or abrupt changes in those factors over time or in response to particular events; and the potential to explore possible correlations and causal relationships with other observed variables of interest. These data will be used by the OSTI in NWS to develop a baseline and performance metrics to improve the information and services it provides and to help members of the weather enterprise answer basic questions about the people in the communities they serve, which is a necessary step towards customizing and improving risk communication, education, and decision support to meet the characteristics of the community, including those in vulnerable populations. The information collected will help identify differences and best practices between communities and assist NWS in developing new education and risk communication strategies. The survey data and its associated dashboard will serve as interactive tools to allow NWS forecasters, partners, and policymakers to access and explore data for training and performance evaluation purposes.

The second proposed collection is sponsored through NOAA's FY2021 Weather Program Office's Social Science Program, and addresses the Social, Behavioral, and Economic Sciences (SBES) component of meeting NOAA's Research and Development (R&D) Vision Areas (2020–2026) to integrate SBES into products, tools, and services that improve weather and air quality forecasting and societal outcomes.

This proposal aims to create an online survey system for collecting data on the publics' perception and response to four different hazards: Tornados, thunderstorm winds over 70 miles per hour (mph), flash floods, and winter weather. The online surveys will be the building blocks for a multi-year, cross-sectional database on human perception and response. The survey system will enable individual National Weather Service Weather Forecast Offices (WFOs) to disseminate Quick Response Surveys (QRS) soon after a hazardous event occurs to collect perishable data on the publics' perceptions and response. Select WFOs will distribute the QRSs using web links on NWS social media and core partners' social media or email lists. Surveys will ask the public questions on timing, location, weather information sources, motivations and influences for taking protective action to gain insights into how NWS warning communications interact with these factors to result in protective action behaviors.

Affected Public: Individuals or households.

Frequency: Once.

Respondent's Obligation: Voluntary.

Legal Authority: 15 U.S.C. Ch. 111, Weather Research and Forecasting Information.

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 the title of the collection.

Sheleen Dumas,

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

[FR Doc. 2022–05943 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–KE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Alaska Cost Recovery and Fee Programs

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 October 29, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Alaska Cost Recovery and Fee Programs.

OMB Control Number: 0648–0711.

Form Number(s): None.

Type of Request: Regular submission (Revision and extension of a current information collection).

Number of Respondents: 1,722.

Average Hours per Response: Fee payments: 1 minute; volume and value reports (electronic submission): 1 minute; IFQ Registered Buyer Ex-vessel Volume and Value Report (non-electronic submission): 2 hours; fee calculation forms: 30 minutes; administrative appeals: 4 hours.

Total Annual Burden Hours: 82 hours.

Needs and Uses: The National Marine Fisheries Service, Alaska Regional Office (NMFS AKR), is requesting renewal and revision of a currently approved information collection that contains requirements for the NMFS AKR cost recovery fee programs and the observer coverage fee program.

Three revisions are requested for this collection. A slight revision is requested to change the title of the collection from ''Alaska Quota Cost Recovery Programs'' to ''Alaska Cost Recovery and Fee Programs.'' Revisions are necessary to two forms because NMFS AKR has finished transitioning to online fee payments and these forms are no longer

used to submit payments by mail. The IFQ Permit Holder Fee Submission Form and the Registered Crab Receiver Fee Submission Form have been revised and renamed the IFQ Permit Holder Fee Calculation Form and the Registered Crab Receiver Fee Calculation Form, respectively.

This information collection is necessary under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which authorizes observer deployment fees and cost recovery fees. Section 304(d) of the Magnuson-Stevens Act authorizes and requires the collection of cost recovery fees for limited access privilege programs and community development quota programs. Section 313 of the Magnuson-Stevens Act authorizes a system of fees to support a fisheries research plan and deploy observers in the North Pacific fisheries. The fee documentation forms and volume and value reports that are included in this collection are necessary to track, verify, and enforce the fee collection systems.

This information collection is required in Federal regulations at 50 CFR parts 679 and 680. Information on the observer coverage fee and cost recovery fee programs is provided on the NMFS Alaska Region website at *https://www.fisheries.noaa.gov/alaska/commercial-fishing/cost-recovery-programs-fee-collection-and-fee-payment-alaska.*

Cost recovery fees may not exceed 3 percent of the ex-vessel value of the fishery, and must recover the incremental (program) costs associated with management, data collection, and enforcement of these programs that are directly incurred by government agencies tasked with overseeing these fisheries. NMFS recovers program costs of seven cost recovery programs in this information collection: Pacific Halibut and Sablefish Individual Fishing Quota (IFQ) Program; Bering Sea and Aleutian Islands Crab Rationalization Program; Central Gulf of Alaska Rockfish Program; Western Alaska Community Development Quota Program; American Fisheries Act Program; Aleutian Islands Pollock Program; and Amendment 80 Program. The party responsible for paying the cost recovery fee varies by program.

The observer coverage fee funds deployment of observers and electronic monitoring in the partial coverage category of the North Pacific Observer Program (Observer Program). Unlike the cost recovery fees, this is a straight fee and does not recover incremental costs associated with the program. NMFS assesses a fee of 1.65 percent of the ex-vessel value of groundfish and halibut landed in the partial coverage category under the Observer Program. The information collected by observers provides scientific information for minimizing bycatch and managing the groundfish and halibut fisheries in the Bering Sea and Aleutian Islands and Gulf of Alaska.

Catcher vessel owners split the observer coverage fee with the registered buyers or owners of shoreside or stationary floating processors. While the owners of catcher vessels and processors in the partial coverage category are each responsible for paying their portion of the fee, the owners of shoreside or stationary floating processors and registered buyers are responsible for collecting the fees from catcher vessels, and remitting the full fee to NMFS. Owners of catcher/processors in the partial coverage category are responsible for remitting the full fee to NMFS.

Processors that receive and purchase landings of IFQ halibut or sablefish, rockfish, groundfish, and crab subject to observer and/or cost recovery fees must annually submit an ex-vessel volume and value report that provides information on the pounds purchased and value paid. NMFS uses this information to establish the total ex-vessel value of the fishery, calculate standard prices, and establish annual fee percentages in each fishery.

IFQ permit holders and registered crab receivers that do not agree with their NMFS assessed fee liability summary and who are paying a revised fee, use the fee calculation forms to calculate and submit documentation supporting their revised fee.

Any person who receives an initial administrative determination for incomplete payment of a cost recovery fee or observer coverage fee may appeal under the appeals procedures set out at 15 CFR part 906.

Affected Public: Business or other for-profit organizations; Individuals or households.

Frequency: Annually; as needed.

Respondent's Obligation: Mandatory, Required to Obtain or Retain Benefits.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management 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 0648–0711.

Sheleen Dumas,

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

[FR Doc. 2022–05946 Filed 3–18–22; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB845]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys Off of Delaware

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from Orsted Wind Power North America, LLC, (Orsted) on behalf of Garden State Offshore Energy, LLC (Garden State) and Skipjack Offshore Energy, LLC (Skipjack) for authorization to take marine mammals incidental to site characterization surveys off the coast of Delaware. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-time, one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 20, 2022.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division,

Office of Protected Resources, National Marine Fisheries Service. Written comments should be submitted via email to *ITP.Corcoran@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments, including all attachments, must not exceed a 25-megabyte file size. All comments received are a part of the public record and will generally be posted online at *www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Kim Corcoran, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed incidental harassment authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On October 1, 2021, NMFS received a request from Orsted on behalf of Garden State Offshore Energy, LLC and Skipjack Offshore Energy, LLC, both subsidiaries of Orsted, for an IHA to take marine mammals incidental to marine site characterization surveys off the coast of Delaware. Hereafter, we refer to the applicant as Orsted. Following NMFS' review of the draft application, a revised version was submitted on November 24, 2021. The application was deemed adequate and complete on February 11, 2022. Orsted's request is for take of a small number of 16 species of marine mammals by Level B harassment only. Neither Orsted nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued IHAs to Garden State (86 FR 33664; June 25, 2021)) and Skipjack (86 FR 18943; April 12, 2021)) for related work. However, work has not been completed under these IHAs at this time, which are effective until April 4, 2022 and June 10, 2022, respectively. Orsted plans to survey the combined survey area of the aforementioned projects, and the same two Lease Area currently being surveyed under those IHAs (see Figure 1).

Description of Proposed Activity

Overview

As part of their overall marine site characterization survey operations, Orsted plans to conduct high-resolution geophysical (HRG) and geotechnical surveys in Lease Areas OCS–A 0482 and 0519 (Lease Areas), and the associated export cable route (ECR) area off the coast of Delaware (Figure 1).

The purpose of the marine site characterization surveys is to collect data concerning seabed (geophysical, geotechnical, and geohazard), ecological, and archeological conditions within the footprint of offshore wind facility development. Surveys are also conducted to support engineering design and to map Unexploded Ordnance (UXO). Underwater sounds resulting from the site characterization survey activities, specifically HRG surveys, has the potential to result in incidental take of marine mammals in the form of Level B harassment. Table 1 identifies representative survey equipment with the expected potential to result in take of marine mammals.

Dates and Duration

The proposed site characterization surveys are anticipated to occur between May 10, 2022 and May 9, 2023. The exact dates have not yet been established. The activity is expected to include up to 350 survey days over the course of a single year (''survey day'' defined as a 24-hour (hr) activity period in which the assumed number of line kilometers (km) are surveyed). The number of anticipated survey days was calculated as the number of days needed to reach the overall level of effort required to meet survey objectives assuming any single vessel travels 4 knots (kn) and surveys cover, on average, 70 line km per 24-hr period. The applicant assumes the use of sparker systems, which produce the largest estimated harassment isopleths, on all survey days (see Table 1).

Specific Geographic Region

The proposed activities will occur within the survey area which includes the Lease Area and potential ECRs to landfall locations in Delaware, as shown in Figure 1. This survey area combines

the survey areas in the previously issued Garden State (86 FR 33664; June 25, 2021) and Skipjack (86 FR 18943; April 12, 2021) IHAs. The combined Lease Areas (Garden State Lease Area OCS–A–0482 and Skipjack Lease Area OCS–A–0519) are comprised of approximately 568 square kilometers (km^2) within the WEA of BOEM's Mid-Atlantic planning area (see Figure 1). Water depths in the Lease Area range from approximately 15 to 40 meters (m).

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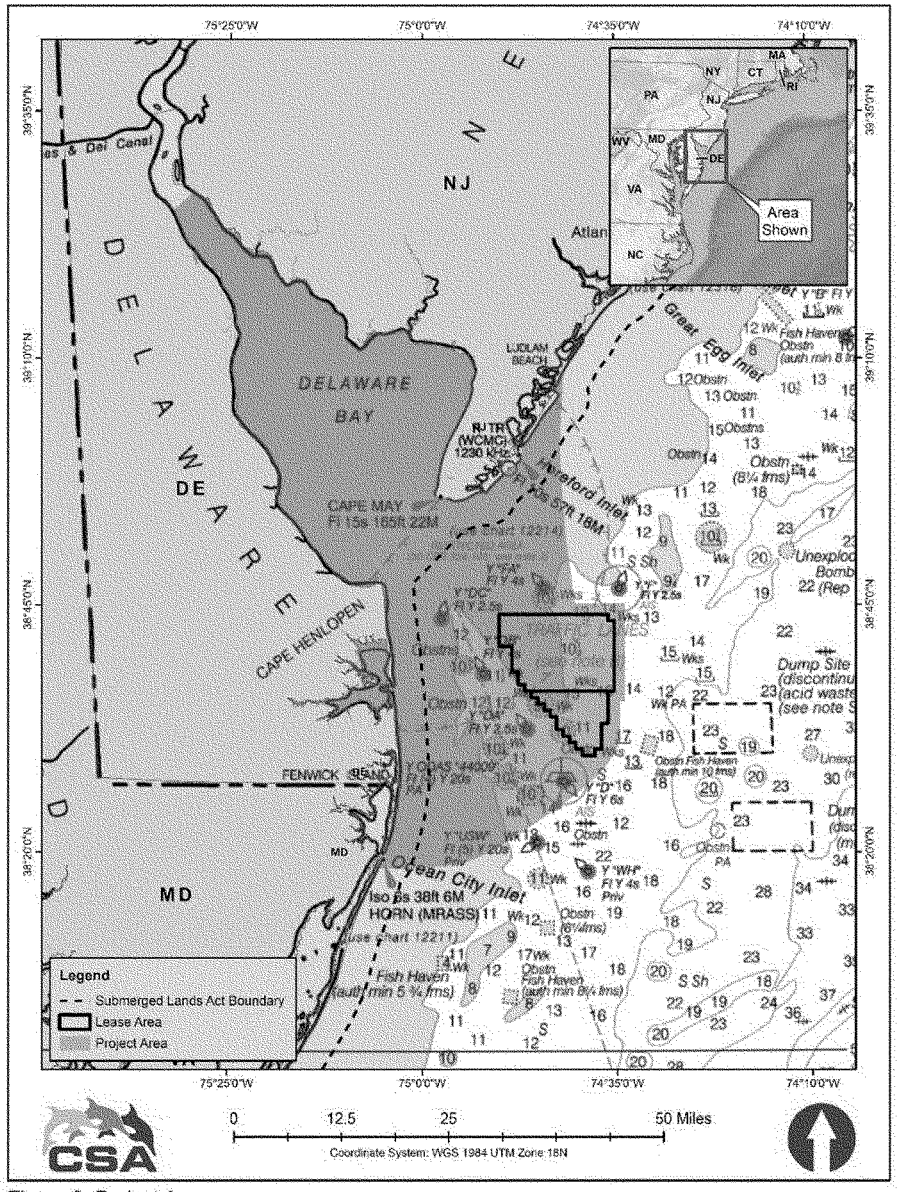

Figure 3. Project Area

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Figure 1. Survey area for the site characterization surveys which include the Lease Areas and the potential export cable route area.

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Detailed Description of Specific Activity

Orsted proposes to conduct HRG survey operations, including multibeam depth sounding, seafloor imaging, and shallow and medium penetration sub-bottom profiling. The HRG surveys will include the use of seafloor mapping

equipment with operating frequencies above 180 kilohertz (kHz) (*e.g.,* side-scan sonar (SSS), multibeam echosounders (MBES)); magnetometers and gradiometers that have no acoustic output; and shallow- to medium-penetration sub-bottom profiling (SBP) equipment (*e.g.,* parametric sonars, compressed high-intensity radiated pulses (CHIRPs), boomers, sparkers) with operating frequencies below 180 kilohertz (kHz). No deep-penetration SBP surveys (*e.g.,* airgun or bubble gun surveys) will be conducted. Survey equipment will be deployed from as many as three vessels or remotely operated vehicles (ROVs) during the site characterization activities within the Lease area and ECR area. Equipment deployed on the ROVs would be identical to that deployed on the vessel; however, the sparker systems are not normally deployed from an ROV due to the power supply required. For Orsted's proposed survey activity, ROVs would be used for smaller impact sources (*i.e.,* CHIRPs) or de minimus sources. The extent of ROV usage in this project is unknown at this time, however NMFS expects the use of ROVs to have de minimus impacts relative to the use of vessels given the smaller sources and inherent nature of utilizing an ROV (*e.g.,* much smaller size of an ROV relative to a vessel and less acoustic exposure given location of their use in the water column). For these reasons, our analysis focuses on the acoustic sources themselves and the use of vessels to deploy such sources, rather than the specific use of ROVs to deploy the survey equipment. Therefore, ROVs are not further analyzed in this notice.

Orsted assumes that vessels would generally conduct survey effort at a transit speed of approximately 4 kn, which equates to 70 line km per 24-hour operation period. On this basis a total of 350 vessel survey days are expected within Lease Areas OCS–A 0482, OCS–A 0519, and the associated ECR area. Water depths in the Lease Areas range from approximately 15 to 40 meters (m). Water depths within the ECR area extend from the shoreline to approximately 40 m deep.

Acoustic sources planned for use during HRG survey activities proposed by Orsted include the following. Survey equipment can either be towed, pole mounted, hull-mounted on the vessel (or on an ROV as noted above), or mounted on other survey equipment (*e.g.,* transponders) (Table 1):

- Shallow penetration, non-impulsive, intermittent, mobile, non-parametric SBPs (*i.e.,* CHIRP SBPs) are used to map the near-surface stratigraphy (top 0 to 10 m) of sediment below seabed. A CHIRP system emits sonar pulses that increase in frequency from approximately 2 to 20 kHz over time. The frequency range can be adjusted to meet project variables. These sources are typically mounted on a pole, either over the side of the vessel or through a moon pool in the bottom of the hull. The operational configuration and relatively narrow beamwidth of these sources reduce the likelihood that an animal would be exposed to the signal.
- Medium penetration SBPs (boomers) are used to map deeper subsurface stratigraphy as needed. A boomer is a broad-band sound source operating in the 3.5 Hz to 10 kHz frequency range. This system is commonly mounted on a sled and towed behind the vessel. Boomers are impulsive and mobile sources. The sound levels produced by this equipment type have the potential to result in Level B harassment of marine mammals; and
- Medium penetration SBPs (sparkers) are used to map deeper subsurface stratigraphy as need. Sparkers create acoustic pulses from 50 Hz to 4 kHz omnidirectionally from the source, and are considered to be impulsive and mobile sources. Sparkers are typically towed behind the vessel with adjacent hydrophone arrays to receive the return signals. The sound levels produced by this equipment type have the potential to result in Level B harassment of marine mammals.

Operation of the following survey equipment types is not reasonably expected to result in take of marine mammals and will not be discussed further beyond the brief summaries provided below:

- Parametric SBPs, also commonly referred to as sediment echosounders, are used to provide high data density in sub-bottom profiles that are typically required for cable routes, very shallow water, and archaeological surveys. Parametric SPBs are typically mounted on a pole, either over the side of the vessel or through a moon pool in the bottom of the hull. Crocker and Fratantonio (2016) does not provide relevant measurements or source data for parametric SBPs, however, some source information is provided by the manufacturer. For the proposed project, the SBP used would generate short, very narrow-beam (1° to 3.5°) sound pulses at relatively high frequencies (generally around 85 to 100 kHz). The narrow beamwidth significantly reduces the potential for exposure while the high frequencies of the source are rapidly attenuated in sea water. Given the narrow beamwidth and relatively high frequency. NMFS does not reasonably expect there to be potential for marine mammals to be exposed to the signal;
- Acoustic Cores are seabed-mounted sources with three distinct sound sources: A high-frequency parametric source, a high-frequency CHIRP sonar, and a low-frequency CHIRP sonar. The beamwidth is narrow (3.5° to 8°) and the source is operated roughly 3.5 m above the seabed from a seabed mount, with the transducer pointed directly downward;
- Ultra-short baseline (USBL) positioning systems are used to provide high accuracy ranges by measuring the time between the acoustic pulses transmitted by vessel transceiver and a transponder (or beacon) necessary to produce the acoustic profile. It is a two-component system with a moon pool- or side pole mounted transceiver and one or several transponders mounted on other survey equipment. USBLs are expected to produce extremely small acoustic propagation distances in their typical operating configuration;
- Multibeam echosounders (MBES) are used to determine water depths and general bottom topography. MBES sonar systems project sonar pulses in several angled beams from a transducer mounted to a ship's hull. The beams radiate out form the transducer in a fan-shaped pattern orthogonally to the ship's direction. The proposed MBESs all have operating frequencies >180 kHz and are therefore outside the general hearing range of marine mammals; and
- Side scan sonars (SSS) are used for seabed sediment classification purposes and to identify natural and man-made acoustic targets on the seafloor. The sonar device emits conical or fan-shaped pulses down toward the seafloor in multiple beams at a wide angle, perpendicular to the path of the sensor through the water column. The proposed SSSs all have operating frequencies >180 kHZ and are therefore outside the general hearing range of marine mammals.

Table 1 identifies representative survey equipment with the expected potential to result in exposure of marine mammals and thus potentially result in take. The make and model of the listed geophysical equipment may vary depending on availability and the final equipment choices will vary depending upon the final survey design, vessel availability, and survey contractor selection.

TABLE 1—SUMMARY OF REPRESENTATIVE HRG SURVEY EQUIPMENT

Equipment	Reference for SL	Operating frequency (kHz)	SL (SPL dB re 1 μPa m)	SL (SEL dB re 1 μPa^2 m^2 s)	SL (PK dB re 1 μPa m)	Pulse duration (width) (ms)	Repetition rate (Hz)	Beamwidth (degrees)
ET 216 (2000DS or 3200 top unit)	MAN	2–16 2–8	195	178	.....	20	6	24
ET 424 3200–XS	CF	4–24	176	152	.....	3.4	2	71
ET 512i	CF	0.7–12	179	158	.....	9	8	80
GeoPulse 5430A	MAN	2–17	196	183	.....	50	10	55
Teledyne Benthos Chirp III—TTV 170	MAN	2–7	197	185	.....	60	15	100
Pangeo SBI	MAN	4.5–12.5	188.2	165	.....	4.5	45	120
AA, Dura-spark UHD Sparker (400 tips, 500 J)[1]	CF	0.3–1.2	203	174	211	1.1	4	Omni
AA, Dura-spark UHD Sparker Model 400 x 400[4]	CF	0.3–1.2	203	174	211	1.1	4	Omni
GeoMarine, Dual 400 Sparker, Model Geo-Source 800[1 2].	CF	0.4–5	203	174	211	1.1	2	Omni
GeoMarine Sparker, Model Geo-Source 200–400[1 2]	CF	0.3–1.2	203	174	211	1.1	4	Omni
GeoMarine Sparker, Model Geo-Source 200 Light-weight[1 2].	CF	0.3–1.2	203	174	211	1.1	4	Omni
AA, triple plate S-Boom (700–1,000 J)[3]	CF	0.1–5	205	172	211	0.6	4	80

μPa = micropascal; AA = Applied Acoustics; CF = Crocker and Fratantonio (2016); CHIRP = compressed high-intensity radiated pulses; dB = decibel; EM = equipment mounted; ET = edgetech; J = joule; Omni = omnidirectional source; re = referenced to; PK = zero-to-peak sound pressure level; PM = pole mounted; SBI = sub-bottom imager; SEL = sound exposure level; SL = source level; SPL = root-mean-square sound pressure level; T = towed; TB = Teledyne benthos; UHD = ultra-high definition; WFA = weighting factor adjustment.

[1] The Dura-spark measurements and specifications provided in Crocker and Fratantonio (2016) were used for all sparker systems proposed for the survey. The data provided in Crocker and Fratantonio (2016) represent the most applicable data for similar sparker systems with comparable operating methods and settings when manufacturer or other reliable measurements are not available.

[2] The AA Dura-spark (500 J, 400tips) was used as a proxy source.

[3] Crocker and Fratantonio (2016) provide S-Boom measurements using two different power sources (CSP–D700 and CSP–N). The CSP–D700 power source was used in the 700 J measurements but not in the 1,000 J measurements. The CSP–N source was measured for both 700 J and 1,000 J operations but resulted in a lower SL; therefore, the single maximum SL value was used for both operational levels of the S-Boom.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species or stocks for which take is expected and proposed to be authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2021). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Atlantic and Gulf of Mexico SARs (*e.g.,* Hayes *et al.,* 2021). All values presented in Table 2 are the most recent available at the time of publication and are available in the 2020 SARs (Hayes *et al.,* 2021) and the draft 2021 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports*).

TABLE 2—MARINE MAMMAL SPECIES LIKELY TO OCCUR NEAR THE SURVEY AREA THAT MAY BE AFFECTED BY ORSTED'S ACTIVITY

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N)[1]	Stock abundance (CV, N_{min}, most recent abundance survey)[2]	PBR	Annual M/SI[3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Balaenidae:						
North Atlantic right whale	*Eubalaena glacialis*	Western Atlantic	E, D, Y	368 (0, 364, 2019)	0.7	7.7
Family Balaenopteridae (rorquals):						
Fin whale	*Balaenoptera physalus*	Western North Atlantic	E, D, Y	6802 (0.24, 5573, 2016)	11	1.8
Sei whale	*Balaenoptera borealis*	Nova Scotia	E, D, Y	6292 (1.02, 3098, 2016)	6.2	0.8
Minke whale	*Balaenoptera acutorostrata*	Canadian Eastern Coastal.	-,-, N	21,968 (0.31, 17002, 2016)	170	10.6

TABLE 2—MARINE MAMMAL SPECIES LIKELY TO OCCUR NEAR THE SURVEY AREA THAT MAY BE AFFECTED BY ORSTED'S ACTIVITY—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Humpback whale	*Megaptera novaeangliae*	Gulf of Maine	-,-, Y	1396 (0, 1380, 2016)	22	12.15
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Physeteridae:						
Sperm whale	*Physeter macrocephalus*	North Atlantic	E, D, Y	4349 (0.28, 3451, See SAR)	3.9	0
Family Delphinidae:						
Atlantic white-sided dolphin	*Lagenorhynchus acutus*	Western North Atlantic	-, -, N	93,233 (0.71, 54443, See SAR)	544	27
Atlantic spotted dolphin	*Stenella frontalis*	Western North Atlantic	-, -, N	39,921 (0.27, 32032, See SAR)	320	0
Common bottlenose dolphin	*Tursiops truncatus*	Western North Atlantic Offshore.	-, -, N	62,851 (0.23, 51914, See SAR)	519	28
		Western North Atlantic Northern Migratory Coastal.	-, -, Y	6,639 (0.41, 4759, 2016)	48	12.2–21.5
Long-finned pilot whale	*Globicephala melas*	Western North Atlantic	-, -, N	39,215 (0.3, 30627, See SAR)	306	29
Short-finned pilot whale	*Globicephala macrorhynchus*	Western North Atlantic	-, -, Y	28,924 (0.24, 23637, See SAR)	236	136
Risso's dolphin	*Grampus griseus*	Western North Atlantic	-, -, N	35,215 (0.19, 30051, 2016)	301	34
Common dolphin	*Delphinus delphis*	Western North Atlantic	-, -, N	172,974 (0.21, 145216, 2016)	1,452	390
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy.	-, -, N	95,543 (0.31, 74034, 2016)	851	164
Order Carnivora—Superfamily Pinnipedia						
Family Phocidae (earless seals):						
Gray seal [4]	*Halichoerus grypus*	Western North Atlantic	-, -, N	27300 (0.22, 22785, 2016)	1,389	4453
Harbor seal	*Phoca vitulina*	Western North Atlantic	-, -, N	61,336 (0.08, 57637, 2018)	1,729	339

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-species-stock.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[4] The NMFS stock abundance estimate (and associated PBR value) applies to the U.S. population only, however the actual stock abundance is approximately 451,431 (including animals in Canada). The annual mortality and serious injury (M/SI) value given is for the total stock.

As indicated above, all 16 species (with 17 managed stocks) in Table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have proposed authorizing it. In addition to what is included in Sections 3 and 4 of Orsted's application, the SARs, and NMFS' website, further detail informing the baseline for select species (*e.g.,* information regarding current Unusual Mortality Events (UMEs) and important habitat areas) is provided below.

North Atlantic Right Whales

The western North Atlantic right whale population ranges from calving grounds in coastal waters of the southeastern United States to feeding grounds in New England waters and the Canadian Bay of Fundy, Scotian Shelf, and Gulf of St. Lawrence (Hayes *et al.,* 2021). In the late fall months (*e.g.,* November), right whales are generally thought to depart from the feeding grounds in the northeast Atlantic and migrate south to their calving grounds off the coast of Georgia and Florida. However, passive acoustic studies of right whales have demonstrated their year-round presence in the Gulf of Maine (Morano *et al.,* 2012; Bort *et al.,* 2015), New Jersey (Whitt *et al.,* 2013), and Virginia (Salisbury *et al.,* 2016). Off the coast of New Jersey, right whales were acoustically detected in all seasons, with peak detections occurring in April and May (Whitt *et al.,* 2013), and visually observed in winter, spring, and summer during an environmental baseline study (EBS) conducted by the New Jersey Department of Environment Protection (NJDEP, 2010). A comprehensive study of passive acoustic monitoring data from 2004 through 2014 by Davis *et al.* (2017) demonstrated year-round presence of certain individual right whales across their entire habitat range (southeastern Atlantic to northern Atlantic), suggesting that not all individuals undergo consistent annual migration.

The proposed survey area is located within the migratory corridor Biologically Important Area (BIA) for North Atlantic right whales (March–April and November–December) that extends from Massachusetts to Florida (LaBrecque *et al.,* 2015). Off the coast of New Jersey and Delaware, the migratory BIA extends from the coast to beyond the shelf break. This important migratory area is approximately 269,488 km^2 in size and is comprised of the waters of the continental shelf offshore the East Coast of the United States, extending from Florida through Massachusetts.

NMFS' regulations at 50 CFR part 224.105 designated nearshore waters of the Mid-Atlantic Bight as Mid-Atlantic U.S. Seasonal Management Areas (SMA) for right whales in 2008. SMAs were developed to reduce the threat of collisions between ships and right whales around their migratory route and calving grounds. A portion of one SMA, which occurs off the mouth of the Delaware Bay, overlaps spatially for the proposed survey area (*https://apps-nefsc.fisheries.noaa.gov/psb/surveys/MapperiframeWithText.html*). This SMA is active from November 1 through April 30 of each year.

In addition to active SMAs, Dynamic Management areas (DMAs) may be established by NOAA Fisheries based on visual sightings documenting the presence of three or more right whales within a discrete area. DMAs are voluntary slow-speed zones and mariners are encouraged to avoid these areas or reduce speeds to 10 kn or less while transiting through these areas. More information, as well as the most up-to-date DMA establishments can be found on NMFS' website (*https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales*).

Elevated right whale mortalities have been documented since June 7, 2017 along the U.S. and Canadian coast and have collectively been declared an UME. As of January 7, 2022, there have been a total of 34 dead stranded whales (21 in Canada; 13 in the United States), and the leading category for cause of death for this UME is ''human interaction'', specifically from entanglements or vessel strikes. The cumulative total number of animals in the North Atlantic right whale UME has been updated to 50 individuals to include both the confirmed mortalities (dead, stranded or floating) (n=34) and seriously injured free-swimming whales (n=16). This number better reflects the number of whale likely removed from the population during the UME and more accurately reflects the population impacts. More information is available online at: *https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2022-north-atlantic-right-whale-unusual-mortality-event.*

Humpback Whales

Humpback whales are found worldwide in all oceans. In winter, humpback whales from waters off New England, Canada, Greenland, Iceland, and Norway, migrate to mate and calve primarily in the West Indies, where spatial and genetic mixing among these groups occurs. NMFS currently defines humpback whale stocks on the basis of feeding locations, *i.e.,* Gulf of Maine. However, our reference to humpback whales in this document refers to any individual of the species that are found in the specific geographic region. These individuals may be from the same breeding population (*e.g.,* West Indies breeding population of humpback whales) but visit different feeding areas.

Based on photo-identification, only 39 percent of individual humpback whales observed along the mid- and south Atlantic U.S. coasts are from the Gulf of Marine stock (Barco *et al.,* 2002). Therefore, the SAR abundance estimate is an underrepresentation of the relevant population, *i.e.,* the West Indies breeding population.

Prior to 2016, humpback whales were listed under the ESA as an endangered species worldwide. Following a 2015 global status review (Bettridge *et al.,* 2015), NMFS established 14 DPSs with different listing statuses (81 FR 62259; September 8, 2016) pursuant to the ESA. Humpback whales in the survey area are expected to be from the West Indies DPS, which consists of the whales whose breeding range includes the Atlantic margin of the Antilles from Cuba to northern Venezuela, and whose feeding range primarily includes the Gulf of Marine, eastern Canada, and western Greenland. This DPS is not ESA listed. Bettridge *et al.* (2003) estimated the size of the West Indies DPS at 12,312 (95% CI 8,688–15,954) whales in 2004–2005, which is consistent with previous population estimates of approximately 10,000–11,000 whales (Stevick *et al.,* 2003; Smith *et al.,* 1999) and the increasing trend for the West Indies DPS (Bettridge *et al.,* 2015).

Although humpback whales are migratory between feeding areas and calving areas, individual variability in the timing of migrations may result in the presence of individuals in high-latitude areas throughout the year (Straley, 1990). Records of humpback whales off the U.S. mid-Atlantic coast (New Jersey to North Carolina) from January through March suggest these waters may represent a supplemental winter feeding ground used by juvenile and mature humpback whales of the U.S. and Canadian North Atlantic stocks (LaBrecque *et al.,* 2015).

Since January 2016, elevated humpback whale mortalities have occurred along the Atlantic coast from Maine to Florida. Partial or full necropsy examinations have been conducted on approximately half of stranded humpback whales. Of the whales examined, about 50 percent had evidence of human interactions, either ship strike or entanglement. In total, 10 humpback whale strandings occurred in 2021. While a portion of the whales have shown evidence of pre-mortem vessel strike, this finding is not consistent across all whales examined and more research is needed. NOAA is consulting with researchers that are conducting studies on the humpback whale populations, and these efforts may provide information on changes in whale distribution and habitat use that could provide additional insight into how these vessel interactions occurred. More information is available at: *https://www.fisheries.noaa.gov/national/marine-life-distress/2016-2022-humpback-whale-unusual-mortality-event-along-atlantic-coast.*

Fin Whales

Fin whales are common in waters off the U.S. Atlantic Exclusive Economic Zone (EEZ), primarily from Cape Hatteras northward (Hayes *et al.,* 2021). Fin whales are present north of 35° latitude in every season and are broadly distributed throughout the western North Atlantic for most of the year (Hayes *et al.,* 2021). They are typically found in small groups of up to five individuals (Brueggeman *et al.,* 1987). The main threats to fin whales are fishery interactions and vessel collisions (Hayes *et al.,* 2021).

Sei Whales

The Nova Scotia stock of sei whales can be found in deeper waters of the continental shelf edge of the northeastern U.S. and northeastward to south of Newfoundland. The southern portion of the stock's range during spring and summer includes the Gulf of Maine and Georges Bank. Spring is the period of greatest abundance in the U.S. waters, with sightings concentrated along the eastern margin of Georges Bank and into the Northeast Channel area, and along the southwestern edge of Georges Bank in the area of Hydrographer Canyon (Hayes *et al.,* 2021). Sei whales occur in shallower waters to feed. Although sightings of sei whales are uncommon in the survey area, sightings have occurred in waters off of Maryland and Delaware during previous surveys (Garden State Offshore Energy 2019; Atlantic Shores 2020). The main threats to this stock are human interactions with fisheries and vessel collisions.

Minke Whales

Minke whales can be found in temperate, tropical, and high-latitude waters. The Canadian East Coast stock can be found in the area from the western half of the Davis Strait (45° W) to the Gulf of Mexico (Hayes *et al.,* 2021). This species generally occupies waters less than 100 m deep on the continental shelf. Strong seasonal distribution has been documented with minke whales in the survey areas, in which spring through fall are times are relatively widespread and common occurrence whereas during the winter whales are largely absent (Hayes *et al.,* 2021).

Since January 2017, elevated minke whale mortalities have occurred along the Atlantic coast from Maine through South Carolina leading to a declared UME. As of January 7, 2022, 122 minke

whale strandings have occurred since the UME was declared in 2017. Full or partial necropsy examinations were conducted on more than 60 percent of the whales. Preliminary findings of the whales have shown evidence of human interactions or infectious disease. These findings are not consistent across all of the whales examined, so more research is needed. More information on this UME is available at: *https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2022-minke-whale-unusual-mortality-event-along-atlantic-coast.*

Sperm Whales

The distribution of sperm whales in the U.S. EEZ occurs on the continental shelf edge, over the continental slope, and into the mid-ocean regions (Hayes *et al.,* 2021). The basic social unit of the sperm whale appears to be the mixed school of adult females plus their calves and some juveniles of both sexes, normally numbering 20–40 animals in all. There is evidence that some social bonds persist for many years (Christal *et al.,* 1998). This species forms stable social groups, site fidelity, and latitudinal range limitations in groups of females and juveniles (Whitehead, 2002). In winter, sperm whales concentrate east and northeast of Cape Hatteras. In spring, distribution shifts northward to the east of Delaware and Virginia, and is widespread throughout the central Mid-Atlantic Bight and the southern part of Georges Bank. In the fall, sperm whale occurrence on the continental shelf (inshore of the 100 m isobaths) south of New England reaches peak levels, and there remains a continental shelf edge occurrence in the Mid-Atlantic Bight (Hayes *et al.,* 2021). No sperm whales were recorded during the Mid-Atlantic Bight surveys or the NJDEP EBS surveys. CETAP and NMFS Northeast Fisheries Science Center sightings in the shelf-edge and off-shelf waters included many social groups with calves and juveniles (CETAP, 1982). Sperm whales were usually seen at the tops of seamounts and rises and did not generally occur over slops. Sperm whales were recorded at depths varying from 800 to 3,500 m. Although the likelihood of occurrence within the survey area remains very low, the sperm whale was included as an affected species due to its high seasonal densities east of the survey area.

Atlantic White-Sided Dolphin

White-sided dolphins are found in temperate and sub-polar waters of the North Atlantic, primarily in continental shelf waters to the 100 m depth contour from central West Greenland to North Carolina (Hayes *et al.,* 2021). The Gulf of Maine stock is most common in continental shelf waters from Hudson Canyon to Georges Bank, and in the Gulf of Maine and lower Bay of Fundy. Sighting data indicate seasonal shifts in distribution (Northridge *et al.,* 1997). During January to May, low numbers of white-sided dolphins are found from Georges Bank to Jeffreys Ledge (off New Hampshire), with even lower numbers south of Georges Bank, as documented by a few strandings collected on the beaches of Virginia to South Carolina. From June through September, large numbers of white-sided dolphins are found from Georges Bank to the lower Bay of Fundy. From October to December, white-sided dolphins occur at intermediate densities from southern Georges Bank to southern Gulf of Maine (Payne and Heinemann, 1990). Sightings south of Georges Bank, particularly around Hudson Canyon, occur year round but at low densities.

Atlantic Spotted Dolphin

Atlantic spotted dolphins are found in tropical and warm temperate waters ranging from southern New England, south to the Gulf of Mexico and the Caribbean to Venezuela (Hayes *et al.,* 2021). This stock regularly occurs in continental shelf waters south of Cape Hatteras and in continental shelf edges and slope waters north of this region (Hayes *et al.,* 2021). There are two forms of this species, with the larger ecotype inhabiting the continental shelf and usually found within or near the 200 m isobaths (Hayes *et al.,* 2021).

Bottlenose Dolphin

There are two distinct bottlenose dolphin morphotypes in the western North Atlantic: The coastal and offshore forms (Hayes et al., 2021). The offshore form is distributed primarily along the outer continental shelf and continental slope in the Northwest Atlantic Ocean from Georges Bank to the Florida Keys. The coastal morphotype is morphologically and genetically distinct from the larger, more robust morphotype that occupies habitats further offshore. Spatial distribution data, tag-telemetry studies, photo-ID studies and genetic studies demonstrate the existence of a distinct Northern Migratory coastal stock of coastal bottlenose dolphins (Hayes et al., 2021).

North of Cape Hatteras, there is separation of the offshore and coastal morphotypes across bathymetric contours during summer months. Aerial surveys flown from 1979 through 1981 indicated a concentration of bottlenose dolphins in waters <25 m deep that corresponded with the coastal morphotype, and an area of high abundance along the shelf break that corresponded with the offshore stock (Hayes et al., 2020). Torres et al. (2003) found a statistically significant break in the distribution of the morphotypes; almost all dolphins found in waters >34 m depth and >34 km from shore were of the offshore morphotype. The coastal stock is best defined by its summer distribution, when it occupies coastal waters from the shoreline to the 20-m isobath between Virginia and New York (Hayes et al., 2021). This stock migrates south during late summer and fall, and during colder months it occupies waters off Virginia and North Carolina (Hayes et al., 2021). Therefore, during the summer, dolphins found inside the 20-m isobath in the survey area are likely to belong to the coastal stock, while those found in deeper waters or observed during cooler months belong to the offshore stock.

Long-Finned Pilot Whale

Long-finned pilot whales are found from North Carolina to Iceland, Greenland and the Barents Sea (Hayes *et al.,* 2021). In the U.S. Atlantic waters the species is distributed principally along the continental shelf edge off the northeastern U.S. coast in winter and early spring and in late spring, pilot whales move onto Georges Bank and into the Gulf of Maine northward, and remain in these areas through late fall (Hayes *et al.,* 2021). Long-finned and short-finned pilot whales overlap spatially along the mid-Atlantic shelf break between Delaware and the southern flank of Georges Bank. Long-finned pilot whales have occasionally been observed stranded as far south as South Carolina, but sightings of long-finned pilot whales south of Cape Hatteras would be considered unusual (Hayes *et al.,* 2021). The main threats to this species include interactions with fisheries and habitat issues including exposure to high levels of polychlorinated biphenyls and chlorinated pesticides, and toxic metals including mercury, lead, and cadmium, and selenium (Hayes *et al.,* 2021).

Short-Finned Pilot Whale

As described above, long-finned and short-finned pilot whales overlap spatially with the survey area and along the mid-Atlantic shelf. There is limited information on the distribution of short-finned pilot whales. They prefer warmer tropical waters and deeper waters offshore, and in the northeastern United States they are often sighted near the Gulf Stream (Hayes *et al.,* 2021). Short-finned pilot whales have occasionally been observed stranded as far north as

Massachusetts but north of ~42°N short-finned pilot whale sightings would be considered unusual while south of Cape Hatteras most pilot whales would expected to be short-finned pilot whales (Hayes *et al.,* 2021). As with long-finned pilot whales, the main threats to this species include interactions with fisheries and habitat issues including exposure to high levels of polychlorinated biphenyls and chlorinated pesticides, and toxic metals including mercury, lead, cadmium, and selenium (Hayes *et al.,* 2021).

Risso's Dolphin

Risso's dolphins are large dolphins with a characteristic blunt head and light coloration, often with extensive scarring. They are widely distributed in tropical and temperate seas. In the Western North Atlantic they occur from Florida to eastern Newfoundland (Leatherwood et al., 1976; Baird and Stacey, 1991). Off the U.S. Northeast Coast, Risso's dolphins are primarily distributed along the continental shelf, but can also be found swimming in shallower waters to the mid-shelf (Hayes *et al.,* 2021).

Risso's dolphins occur along the continental shelf edge from Cape Hatteras to Georges Bank during spring, summer, and autumn. In winter, they are distributed in the Mid-Atlantic from the continental shelf edge outward (Hayes et al., 2021). The majority of sightings during the 2011 surveys occurred along the continental shelf break with generally lower sighting rates over the continental slope (Palka, 2012). Risso's dolphins can be found in Mid-Atlantic waters year-round and are more likely to be encountered offshore given their preference for deeper waters along the shelf edge. However, previous surveys have commonly observed this species in shallower waters, making it possible this species could be encountered in the survey area, particularly in summer when they are more abundant in this region (Curtice et al., 2019; Williams et al., 2015a, b; Hayes et al., 2021).

Common Dolphin

The common dolphin is found world-wide in temperate to subtropical seas. In the North Atlantic, common dolphins are commonly found over the continental shelf between the 100-m and 2,000-m isobaths and over prominent underwater topography and east to the mid-Atlantic Ridge (Hayes et al., 2021). Common dolphins are distributed in waters off the eastern U.S. coast from Cape Hatteras northeast to Georges Bank (35° to 42° N) during mid-January to May and move as far north as the Scotian Shelf from mid-summer to autumn (CETAP, 1982; Hayes et al., 2020; Hamazaki, 2002; Selzer and Payne, 1988).

Harbor Porpoise

Harbor porpoises commonly occur throughout Massachusetts Bay from September through April. During the fall and spring, harbor porpoises are widely distributed along the east coast from New Jersey to Maine. During the summer, the porpoises are concentrated in the Northern Gulf of Maine and Southern Bay of Fundy in water depths <150 m. In winter, densities increase in the waters off New Jersey to North Carolina and decrease in the waters from New York to New Brunswick; however, specific migratory timing or routes are not apparent. Although still considered uncommon, harbor porpoises were regularly detected offshore of Maryland during winter and spring surveys (Wingfield et al., 2017). They were the second most frequently sighted cetacean during the NJDEP EBS, with 90 percent of the sightings during the winter, three during the spring, and one during the summer (Whitt et al., 2015). The lack of sightings during the fall was attributed to low visibility conditions during those months, but available data indicate this species is likely present offshore New Jersey during fall and winter (Whitt et al., 2015).

In the survey area, only the Gulf of Maine/Bay of Fundy stock may be present. This stock is found in U.S. and Canadian Atlantic waters and is concentrated in the northern Gulf of Maine and southern Bay of Fundy region, generally in waters less than 150 m deep (Hayes et al., 2021). They are seen from the coastline to deep waters (>1,800 m; Westgate et al. 1998), although the majority of the population is found over the continental shelf (Hayes et al., 2021). The main threat to the species is interactions with fisheries, with documented take in the U.S. northeast sink gillnet, mid-Atlantic gillnet, and northeast bottom trawl fisheries and in the Canadian herring weir fisheries (Hayes et al. 2021).

Harbor Seal

The harbor seal is found in all nearshore waters of the North Atlantic and North Pacific Oceans and adjoining seas above 30 °N (Burns, 2009). In the western North Atlantic, harbor seals are distributed from the eastern Canadian Arctic and Greenland south to southern New England and New York, and occasionally to the Carolinas (Hayes *et al.,* 2021). The harbor seals within the survey area are part of the single Western North Atlantic stock. Between September and May they undergo seasonal migrations into southern New England and the Mid-Atlantic (Hayes *et al.,* 2021).

From July 2018 through March 2020, elevated numbers of harbor seal and gray seal mortalities have occurred across Maine, New Hampshire and Massachusetts. Additionally, stranded seals have shown clinical signs as far south as Virginia, although no in elevated numbers, therefore the UME investigation encompassed all seal strandings from Maine to Virginia. A total of 3,152 reported strandings (of both harbor and gray seals) occurred during the declared UME. Full or partial necropsy examinations have been conducted on some of the seals and samples have been collected for testing. Based on tests conducted as of April 30, 2021, the main pathogen found in the seals is phocine distemper virus. NMFS is performing additional testing to identify any other factors that may be involved in this UME. This event was declared a UME from 2018 through 2020, and is currently pending closure to become non-active. Therefore, this UME will not be addressed further in this document. Further information is available at: *https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/2018-2020-pinniped-unusual-mortality-event-along.*

Gray Seal

There are three major populations of gray seals found worldwide; eastern Canada (western North Atlantic stock), northwestern Europe, and the Baltic Sea. Gray seals in the survey area belong to the Western North Atlantic stock. The range for this stock is thought to be from New Jersey to Labrador. Although gray seals are not regularly sighted offshore of Delaware, their range has been expanding southward in recent years, and have recently been observed as far south as the barrier islands of Virginia. Current population trends show that gray seal abundance is likely increasing in the U.S. Atlantic EEZ (Hayes *et al.,* 2021). It is believed that recolonization by Canadian gray seals is the source of the U.S. population (Hayes *et al.,* 2021). As described above, elevated seal mortalities, including gray seals, have occurred from Maine to Virginia from 2018 through 2020. Phocine distemper virus has been the main pathogen found in stranded seals. More information is available at: *https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-life-distress/2018-2020-pinniped-unusual-mortality-event-along.*

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for Mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 3.

TABLE 3—MARINE MAMMAL HEARING GROUPS

[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. 16 marine mammal species (14 cetacean and 2 pinniped (both phocid) species) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 2. Of the cetacean species that may be present, five are classified as low-frequency cetaceans (*i.e.,* all mysticete species), nine are classified as mid-frequency cetaceans (*i.e.,* all delphinid and ziphiid species and the sperm whale), and one is classified as high-frequency cetaceans (*i.e.,* harbor porpoise and Kogia spp.).

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that Orsted's specified activity may impact marine mammals and their habitat. Detailed descriptions of the potential effects of similar specified activities have been provided in other recent **Federal Register** notices, including for survey activities using the same methodology, over a similar amount of time, and occurring in the Mid-Atlantic region, including Delaware waters (*e.g.,* 82 FR 20563, May 3, 2017; 85 FR 36537, June 17, 2020; 85 FR 37848, June 24, 2020; 85 FR 48179, August 10, 2020; 86 FR 11239, February 24, 2021, 86 FR 28061, May 25, 2021). No significant new information is available, and we refer the reader to these documents rather than repeating the details here. The Estimated Take section includes a quantitative analysis of the number of individuals that are expected to be taken by Orsted's activity. The Negligible Impact Analysis and Determination section considers the potential effects of the specified activity, the Estimated Take section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Summary on Specified Potential Effects of Acoustic Sound Sources

Underwater sound from active acoustic sources can include one or more of the following: Temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking. The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Finneran, 2015). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007).

Animals in the vicinity of Orsted's proposed site characterization survey activity are unlikely to incur even TTS due to the characteristics of the sound sources, which include relatively low sound source levels (176 to 205 dB re 1 μPa-m) and generally very short pulses and potential duration of exposure. These characteristics mean that instantaneous exposure is unlikely to cause TTS, as it is unlikely that exposure would occur close enough to the vessel for received levels to exceed peak pressure TTS criteria, and that the cumulative duration of exposure would be insufficient to exceed cumulative sound exposure level (SEL) criteria. Even for high-frequency cetacean species (*e.g.,* harbor porpoises), which have the greatest sensitivity to potential TTS, individuals would have to make a very close approach and also remain very close to vessels operating these

sources in order to receive multiple exposures at relatively high levels, as would be necessary to cause TTS. Intermittent exposures—as would occur due to the brief, transient signals produced by these sources—require a higher cumulative SEL to induce TTS than would continuous exposures of the same duration (*i.e.,* intermittent exposure results in lower levels of TTS). Moreover, most marine mammals would more likely avoid a loud sound source rather than swim in such close proximity as to result in TTS. Kremser *et al.,* (2005) noted that the probability of a cetacean swimming through the area of exposure when a sub-bottom profiler emits a pulse is small—because if the animal was in the area, it would have to pass the transducer at close range in order to be subjected to sound levels that could cause TTS and would likely exhibit avoidance behavior to the area near the transducer rather than swim though at such a close range. Further, the restricted beam shape of many of HRG survey devices planned for use (Table 1) makes it unlikely that an animal would be exposed more than briefly during the passage of the vessel.

Behavioral disturbances may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors. Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal.

In addition, sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* shipping, sonar, seismic exploration) in origin. Marine mammal communications would not likely be masked appreciably by the acoustic signals given the directionality of the signals for most HRG survey equipment types planned for use (Table 1) and the brief period when an individual mammal is likely to be exposed.

Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.,* crustaceans, cephalopods, fish, zooplankton) (*i.e.,* effects to marine mammal habitat). Prey species exposed to sound might move away from the sound source, experience TTS, experience masking of biologically relevant sounds, or show no obvious direct effects. The most likely impacts (if any) for most prey species in a given area would be temporary avoidance of the area. Surveys using active acoustic sound sources move through an area relatively quickly, limiting exposure to multiple pulses. In all cases, sound levels would return to ambient once a survey ends and the noise source is shut down and, when exposure to sound ends, behavioral and/or physiological responses are expected to end relatively quickly. Finally, the HRG survey equipment will not have significant impacts to the seafloor and does not represent a source of pollution.

Vessel Strike

Vessel collisions with marine mammals, or ship strikes, can result in death or serious injury of the animal. These interactions are typically associated with large whales, which are less maneuverable than are smaller cetaceans or pinnipeds in relation to large vessels. Ship strikes generally involve commercial shipping vessels, which are generally larger and of which there is much more traffic in the ocean than geophysical survey vessels. Jensen and Silber (2004) summarized ship strikes of large whales worldwide from 1975–2003 and found that most collisions occurred in the open ocean and involved large vessels (*e.g.,* commercial shipping). For vessels used in geophysical survey activities, vessel speed while towing gear is typically only 4–5 kn (as is the speed of the vessel for Orsted's proposed HRG survey). At these speeds, both the possibility of striking a marine mammal and the possibility of a strike resulting in serious injury or mortality are so low as to be discountable. At average transit speed for geophysical survey vessels, the probability of serious injury or mortality resulting from a strike is less than 50 percent. However, the likelihood of a strike actually happening is again low given the smaller size of these vessels and generally slower speeds. Notably in the Jensen and Silber study, no strike incidents were reported for geophysical survey vessels during that time period.

The potential effects of Orsted's specified survey activity are expected to be limited to Level B behavioral harassment. No permanent or temporary auditory effects, or significant impacts to marine mammal habitat, including prey, are expected.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to noise from certain HRG acoustic sources. Based primarily on the characteristics of the signals proposed by the acoustic sources planned for use, Level A harassment is neither anticipated (even absent mitigation), nor proposed to be authorized. Consideration of the anticipated effectiveness of the measures (*i.e.,* exclusion zones and shutdown measures), discussed in detail below in the Proposed Mitigation section, further strengthens the conclusion that Level A harassment is not a reasonably anticipated outcome of the survey activity. As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the

density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the proposed take estimate.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 160 dB re 1 µPa (rms) for impulsive (*e.g.,* sparkers and boomers) evaluated here for Orsted's proposed activity.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). For more information, see NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

Orsted's proposed HRG survey includes the use of impulsive sources. However, as described above, NMFS has concluded that Level A harassment is not a reasonably likely outcome for marine mammals exposed to noise through use of the sources proposed for use here, and the potential for Level A harassment is not evaluated further in this document. Please see Orsted's application for details of a quantitative exposure analysis exercise, *i.e.,* calculated Level A harassment isopleths and estimated Level A harassment exposures. Orsted did not request authorization of take by Level A harassment, and no take by Level A harassment is proposed for authorization by NMFS.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

NMFS has developed a user-friendly methodology for determining the rms sound pressure level (SPL_{rms}) at the 160-dB isopleth for the purpose of estimating the extent of Level B harassment isopleths associated with HRG survey equipment (NMFS, 2020). This methodology incorporates frequency and some directionality to refine estimated ensonified zones. Orsted used NMFS's methodology, using the source level and operation mode of the equipment planned for used during the proposed survey, to estimate the maximum ensonified area over a 24-hr period also referred to as the harassment area (Table 1). Potential takes by Level B harassment are estimated within the ensonified area (*i.e.,* harassment area) as an SPL exceeding 160 dB re 1 µPa for impulsive sources (*e.g.,* sparkers, boomers) within an average day of activity.

The harassment zone is a representation of the maximum extent of the ensonified area around a sound source over a 24-hr period. The harassment area was calculated per the following formula:

Stationary Source: Harassment zone = πr^2

Mobile Source: Harassment zone = (Distance/day 2r) + πr^2

Where r is the linear distance from the source to the isopleth for the Level B harassment threshold and day = 1 (*i.e.,* 24 hours).

The estimated potential daily active survey distance of 70 km was used as the estimated areal coverage over a 24-hr period. This distance accounts for the vessel traveling at roughly 4 kn and only for periods during which equipment <180 kHz is in operation. A vessel traveling 4 kn can cover approximately 110 km per day; however, based on data from 2017, 2018, and 2019 surveys, survey coverage over a 24-hour period is closer to 70 km per day as a result of delays due to, *e.g.,* weather, equipment malfunction. For daylight only vessels, the distance is reduced to 35 km per day; however, to maintain the potential for 24-hr surveys, the corresponding Level B harassment zones provide in Table 4 were calculated for each source based on the Level B threshold distances within a 24-hour (70 km) operational period.

TABLE 4—CALCULATED HARASSMENT ZONES ENCOMPASSING LEVEL B [1] THRESHOLDS FOR EACH SOUND SOURCE OR COMPARABLE SOUND SOURCE CATEGORY

Source	Level B harassment isopleths (m)	Level B harassment zone (km^2) [2]
ET 216 CHIRP	9	1.3
ET 424 CHIRP	4	0.6
ET 512i CHIRP	6	0.8
GeoPulse 5430	21	2.9
TB CHIRP III	48	6.7
Pangeo SBI	22	3.1
AA Triple plate S-Boom (700–1,000 J)	34	4.8
AA, Dura-spark UHD Sparkers	141	[3] 19.8

TABLE 4—CALCULATED HARASSMENT ZONES ENCOMPASSING LEVEL B [1] THRESHOLDS FOR EACH SOUND SOURCE OR COMPARABLE SOUND SOURCE CATEGORY—Continued

Source	Level B harassment isopleths (m)	Level B harassment zone (km^2) [2]
GeoMarine Sparkers	141	[3] 19.8

AA = Applied Acoustics; CHIRP = compressed high-intensity radiated pulses; ET = edgetech; HF = high-frequency; J = joules; LF = low-frequency; MF = mid-frequency; PW = phocid pinnipeds in water; SBI = sub-bottom imager; SBP = sub-bottom profiler; TB = Teledyne benthos; UHD = ultra-high definition.

[1] The applicant calculated both Level A and B isopleths to comprehensively assess the potential impacts of the predicted source operations as required for this Application. However, as described previously throughout this document, Level A takes are not expected and thus, are not proposed to be authorized, therefore they are not discussed in this document. Please refer to Orsted's application for more information.

[2] Based on maximum threshold distances provided in Table 4 of Orsted's application and calculated for Level B root-mean-square sound pressure level thresholds.

Marine Mammal Occurrence

In this section, we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

Habitat based density models produced by the Duke University Marine Geospatial Ecology Laboratory (Roberts *et al.,* 2016, 2017, 2018, 2020) represent the best available information regarding marine mammal densities in the survey area. The density data presented by Roberts *et al.* (2016, 2017, 2018, 2020) incorporate aerial and shipboard line-transect data from NMFS and other organizations and incorporate data from 8 physiographic and 16 dynamic oceanographic and biological covariates, and control for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. These density models were originally developed for all cetacean taxa in the U.S. Atlantic (Roberts *et al.,* 2016). In subsequent years, certain models have been updated based on additional data as well as certain methodological improvements. More information is available online at *https://seamap.env.duke.edu/models/Duke/EC/.* Marine mammal density estimates in the survey area (animals/km^2) were obtained using the most recent model results for all taxa (Roberts *et al.,* 2016, 2017, 2018, 2020, 2021). The updated models incorporate sighting data, including sightings from NOAA's Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys.

For exposure analysis, density data from Roberts *et al.,* (2016, 2017, 2018, 2020, 2021) were mapped using a geographic information system (GIS). Density grid cells that included any portion of the proposed survey Area were selected for all survey months (see Figure 3 of Orsted's application). For the survey area (*i.e.,* Lease Areas OCS–A–0482, 5219), the densities for each species as reported by Roberts *et al.,* 2016, 2017, 2018, 2020, 2021) were averaged by month; those values were then used to calculate the mean annual density for each species within the survey Area. Estimated mean monthly and annual densities (animals per km^2) of all marine mammal species that may be taken by the proposed survey are shown in Table 7 of Orsted's application. The mean annual density values used to estimate take numbers are shown in Table 5 below.

Due to limited data availability and difficulties identifying individuals to species level during visual surveys, individual densities are not able to be provided for all species and they are instead grouped into ''guilds'' (Roberts *et al.,* 2021). These guilds include pilot whales, and seals. Long- and short-finned pilot whales are difficult to distinguish during shipboard surveys so individual habitat models were not able to be developed and thus, densities are assumed to apply to both species. Similarly, Roberts *et al.* (2018) produced density models for all seals but did not differentiate by seal species. Because the seasonality and habitat use by gray seals roughly overlaps with that of harbor seals in the survey areas, it was assumed that the mean annual density could refer to either of the represented species and was, therefore, divided equally between the two species.

For bottlenose dolphin densities, Roberts *et al.* (2016, 2017, 2018, 2020, 2021) does not differentiate by stock. As previously discussed, both the northern migratory coastal stock and the Western North Atlantic offshore stock are expected to occur in the proposed survey Area. To estimate densities for both stocks, the density blocks from within the survey Area were divided using the 20 m isobath (Hayes *et al.* 2021). Therefore, any density blocks located between the coastline and the 20 m isobath were attributed to the migratory coastal stock, and density blocks beyond this isobath were attributed to the offshore stock (see Table 5 for average annual densities calculated).

TABLE 5—ESTIMATED AVERAGE ANNUAL DENSITIES (ANIMALS PER km^2) OF POTENTIALLY AFFECTED MARINE MAMMALS WITHIN THE PROPOSED SURVEY AREA BASED ON MONTHLY HABITAT DENSITY MODELS

[Roberts *et al.,* 2017, 2018, 2020, 2021]

Species	Average annual density (km^2)
Fin whale	0.001
Sei Whale	0
Minke Whale	0.0003
Humpback whale	0.0005
North Atlantic Right Whale	0.0017
Sperm Whale	0.0001
Atlantic White-Sided Dolphin	0.0015
Atlantic Spotted Dolphin	0.0007

TABLE 5—ESTIMATED AVERAGE ANNUAL DENSITIES (ANIMALS PER km²) OF POTENTIALLY AFFECTED MARINE MAMMALS WITHIN THE PROPOSED SURVEY AREA BASED ON MONTHLY HABITAT DENSITY MODELS—Continued

[Roberts *et al.,* 2017, 2018, 2020, 2021]

Species	Average annual density (km²)
Bottlenose Dolphin (Offshore) [1]	0.0569
Bottlenose Dolphin (Migratory) [1]	0.3972
Long-finned Pilot Whale [2]	0.0004
Short-Finned Pilot Whale [2]	0.0004
Risso's Dolphin	0
Common Dolphin	0.0101
Harbor Porpoise	0.0085
Gray Seal [3 4]	0.0007
Harbor Seal [3 4]	0.0007

[1] Bottlenose dolphin stocks were delineated based on the 20-m isobath as identified in NMFS 2021 Stock Assessment Report; all density blocks falling inshore of the 20-m depth contour were assumed to belong to the migratory coastal stock, and those beyond this depth were assumed to belong to the offshore stock.

[2] Roberts (2021) only provides density estimates for ''generic'' pilot whales, so individual densities for each species are unavailable and densities were therefore assumed to apply to both species as both species have the same potential to occur in the survey area.

[3] Seal densities are not given by individual months or species, instead, seasons are divided as summer (June, July, August) and Winter (September–May) and applied to ''generic'' seals; as a result, reported seasonal densities for spring and fall are the same and are not provided for each species (Roberts, 2021) (See Table 7 in Orsted's application).

[4] Data used to establish the density estimates from Roberts (2021) are based on information for all seal species that may occur in the Western North Atlantic (*e.g.,* harbor, gray, hooded, harp). However, only the harbor seal and gray seal are reasonably expected to occur in the survey area, and the densities were split evenly between both species.

Take Calculation and Estimation

Here, we describe how the information provided above is brought together to produce a quantitative take estimate.

For most species, the potential Level B harassment exposures were estimated by multiplying the average annual density of each species (Table 5) within the Lease Area and ECR area by the largest daily harassment zone (19.8 km²) (Table 4). That product was then multiplied by the number of operating vessel days (350), and the product is rounded to the nearest whole number:

Estimated take = species density × harassment zone × # of Survey Days

For bottlenose dolphin densities, Roberts *et al.* (2016a, 2016b, 2017, 2018, 2020) does not differentiate by individual stock. The WNA offshore stock is assumed to be located in depths exceeding the 20 m isobath, while the WNA Northern migratory coastal stock is assumed to be found in shallower depths than the 20 m isobath north of Cape Hatteras (Reeves *et al.,* 2002; Waring *et al.,* 2016). The maximum potential Level B harassment takes calculated for each stock of bottlenose dolphins are based on the full survey duration occurring inside or outside the 20 m isobath; however only a portion of the survey will occur in each area. At this time, Orsted does not know the exact number of survey days that may occur within each area, and could not differentiate the maximum number of calculated instances of take (2,752, calculated for the migratory stock) between the two stocks of bottlenose dolphins potentially present during the proposed survey activities. Orsted therefore requested, and NMFS proposes to authorize, 2,752 instances of take of bottlenose dolphins, regardless of stock.

No takes were calculated for sei whale, sperm whale, or Risso's dolphin; however, based on anticipated species distributions and data from previous surveys in the same general area it is possible that these species could be encountered. Therefore, Orsted requested, and NMFS proposes to authorize, takes of these species based on estimated group sizes (Kenney and Vigness-Raposa, 2010; Barkaszi and Kelly, 2019). For common dolphins, only 70 takes were calculated. However, draft Protected Species Observer (PSO) reports from the ongoing Garden State and Skipjack surveys near the proposed action area and completed surveys from 2018 through 2020 indicate the potential for more common dolphins to be encountered in the area. Therefore, Orsted requested, and NMFS proposes to authorize, take of 400 common dolphins. Calculated exposure estimates and proposed take authorizations are shown in Table 6.

TABLE 6—PROPOSED AUTHORIZED AMOUNT OF TAKING, BY LEVEL B HARASSMENT ONLY, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Stock	Abundance	Level B takes [a]	Max percent of population
Low-frequency cetaceans:				
Fin whales	Western North Atlantic	6,802	7	0.10
Sei whales	Nova Scotia	6,292	0 (1)	0.02
Minke whales	Canadian Eastern Coastal	21,968	2	0.01
Humpback whales	Gulf of Maine	1,396	4	0.29
North Atlantic right whale	Western Atlantic	368	11	2.99
Mid-frequency cetaceans:				
Sperm whale	North Atlantic	4,349	0 (3)	0.07
Atlantic white-sided dolphin	Western North Atlantic	93,233	10 (50)	0.05
Atlantic spotted dolphin	Western North Atlantic	39,921	5 (15)	0.04
Common bottlenose dolphin [b]	WNA Offshore	62,851	[c] 2,752	4.38

TABLE 6—PROPOSED AUTHORIZED AMOUNT OF TAKING, BY LEVEL B HARASSMENT ONLY, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK—Continued

Species	Stock	Abundance	Level B takes [a]	Max percent of population
	WNA Northern Migratory Coastal	6,639	.....	41.45
Pilot whales	Short-finned	28,924	3 (20)	0.07
	Long-finned	39,215	3 (20)	0.05
Risso's dolphin	Western North Atlantic	35,215	0 (30)	0.09
Common dolphin	Western North Atlantic	172,974	70 (400)	0.23
High-frequency cetaceans:				
Harbor porpoise	Gulf of Maine/Bay of Fundy	95,543	82	0.09
Pinnipeds:				
Gray seal	Western North Atlantic	27,300	4	0.01
Harbor seal	Western North Atlantic	61,336	4	0.01

[a] Parentheses denote proposed take authorization where different from Orsted's calculated take estimates. Calculated takes were adjusted for the proposed take authorization in one of two ways: (1) For species for which calculated take was significantly less than the number of individuals reported in the available monitoring reports and any available draft data (*e.g.,* ongoing surveys) in the area, the total number of individuals reported were used for take requests; (2) For species with no calculated takes, or takes were less than mean group size, requested takes were based the mean group sizes derived from the following references:
- Sei whale: Kenney and Vigness-Raposa, 2010
- Sperm whale: Barkaszi and Kelly, 2018
- Atlantic white-sided dolphin: NMFS, 2021
- Atlantic spotted dolphin: NMFS, 2021
- Pilot whales: Kenney and Vigness-Raposa, 2010

[b] Risso's dolphin: Barkaszi and Kelly, 2018; and Take estimate is based on the maximum number of calculated instances of take for either stock and is assumed to apply to all bottlenose dolphins potentially present in the survey area. Therefore takes could consist of individuals from either the Offshore or the Northern Migratory Coastal stock. Although unlikely, for purposes of calculating max percentage of population, we assume all takes could be allocated to either stock.

[c] Assumes multiple repeated takes of same individuals from each stock. Please see the Small Numbers section for additional information.

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations.

Mitigation for Marine Mammals and Their Habitat

NMFS proposes the following mitigation measures be implemented during Orsted's proposed marine site characterization surveys. Pursuant to section 7 of the ESA, Orsted would also be required to adhere to relevant Project Design Criteria (PDC) of the NMFS Greater Atlantic Regional Office (GARFO) programmatic consultation (specifically PDCs 4, 5, and 7) regarding geophysical surveys along the U.S. Atlantic coast (see NOAA GARFO, 2021; *https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-take-reporting-programmatics-greater-atlantic#offshore-wind-site-assessment-and-site-characterization-activities-programmatic-consultation*).

Marine Mammal Exclusion Zones and Harassment Zones

Marine mammal Exclusion Zones (EZ) would be established around the HRG survey equipment and monitored by NMFS-approved protected species observers (PSOs):

- 500 m EZ for North Atlantic right whales (NARW) during use of acoustic sources <180 kHz (*e.g.,* Sparkers, Non-parametric sub-bottom profilers); and
- 100 m EZ for all other marine mammals, with certain exceptions specified below, during operation of impulsive acoustic sources (boomer and/or sparker).

If a marine mammal is detected approaching or entering the EZs during the HRG survey, the vessel operator would adhere to the shutdown procedures described below to minimize noise impacts on the animals. These stated requirements will be included in the site-specific training to be provided to the survey team.

Pre-Start Clearance

Marine mammal clearance zones would be established around the HRG survey equipment and monitored by protected species observers (PSOs):

- 500 m for all ESA-listed marine mammals; and
- 100 m for all other marine mammals.

Orsted would implement a 30-minute pre-start clearance period prior to the initiation of ramp-up of specified HRG equipment. During this period, clearance zones will be monitored by PSOs, using the appropriate visual technology. Ramp-up may not be initiated if any marine mammal(s) is within its respective clearance zone. If a marine mammal is observed within a

clearance zone during the pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting its respective exclusion zone or until an additional time period has elapsed with no further sighting (*i.e.,* 15 minutes for small odontocetes and seals, and 30 minutes for all other species).

Ramp-Up of Survey Equipment

A ramp-up procedure, involving a gradual increase in source level output, is required at all times as part of the activation of the acoustic source when technically feasible. The ramp-up procedure would be used at the beginning of HRG survey activities in order to provide additional protection to marine mammals near the survey area by allowing them to vacate the area prior to the commencement of survey equipment operation at full power. Operators should ramp-up sources to half power for 5 minutes and then proceed to full power.

Ramp-up activities will be delayed if a marine mammal(s) enters its respective exclusion zone. Ramp-up will continue if the animal has been observed exiting its respective exclusion zone or until an additional time period has elapsed with no further sighting (*i.e.,* 15 minutes for small odontocetes and 30 minutes for all other species).

Ramp-up may occur at times of poor visibility, including nighttime, if appropriate visual monitoring has occurred with no detections of marine mammals in the 30 minutes prior to beginning ramp-up. Acoustic source activation may only occur at night where operational planning cannot reasonably avoid such circumstances.

Shutdown Procedures

An immediate shutdown of the impulsive HRG survey equipment would be required if a marine mammal is sighted entering or is within its respective exclusion zone. The vessel operator must comply immediately with any call for shutdown by the Lead PSO. Any disagreement between the Lead PSO and vessel operatory should be discussed only after shutdown has occurred. Subsequent restart of the survey equipment can be initiated if the animal has been observed exiting its respective exclusion zone or until an additional time period has elapsed (*i.e.,* 15 minutes for small odontocetes and 30 minutes for all other species).

If species for which authorization has not been granted, or, a species for which authorization has been granted but the authorization number of takes have been met, approaches or is observed within the Level B harassment zone (Table 4), shutdown would occur.

If the acoustic source is shut down for reasons other than mitigation (*e.g.,* mechanical difficulty) for less than 30 minutes, it may be activated again without ramp-up if SOs have maintained constant observation and no detections of any marine mammal have occurred within the respective exclusion zones. If the acoustic source is shut down for a period longer than 30 minutes, then pre-clearance and ramp-up procedures will be initiated as described in the previous section.

The shutdown requirement would be waived for pinnipeds and for small delphinids of the following genera: *Delphinus, Lagenorhynchus, Stenella,* and *Tursiops.* Specifically, if a delphinid from the specified genera or a pinniped is visually detected approaching the vessel (*i.e.,* to bow ride) or towed equipment, shutdown is not required. Furthermore, if there is uncertainty regarding identification of a marine mammal species (*i.e,.* whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived), PSOs must use best professional judgement in making the decision to call for a shutdown. Additionally, shutdown is required if a delphinid or pinniped is detected in the exclusion zone and belongs to a genus other than those specified.

Shutdown, pre-start clearance, and ramp-up procedures are not required during HRG survey operations using only non-impulsive sources (*e.g.,* echosounders) other than non-parametric sub-bottom profilers (*e.g.,* CHIRPs).

Vessel Strike Avoidance

Orsted must adhere to the following measures except in the case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply:

- Vessel operators and crews must maintain a vigilant watch for all protected species and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any protected species. A visual observer aboard the vessel must monitor a vessel strike avoidance zone based on the appropriate separation distance around the vessel (distances stated below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.,* PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish protected species from other phenomena, and (2) broadly identify a marine mammal as a right whale, other whale (defined in this context as sperm whales or baleen whales other than right whales), or other marine mammal;
- All survey vessels, regardless of size, must observe a 10-knot speed restriction in specified areas designated by NMFS for the protection of North Atlantic right whales from vessel strikes including seasonal management areas (SMAs) and dynamic management areas (DMAs) when in effect;
- Members of the monitoring team will consult NMFS North Atlantic right whale reporting system and Whale Alert, as able, for the presence of North Atlantic right whales throughout survey operations, and for the establishment of a DMA. If NMFS should establish a DMA in the survey area during the survey, the vessels will abide by speed restrictions in the DMA;
- All vessels greater than or equal to 19.8 m in overall length operating from November 1 through April 30 will operate at speeds of 10 kn or less at all times;
- All vessels must reduce their speed to 10 kn or less when mother/calf pairs, pods, or large assemblages of any species of cetaceans is observed near a vessel;
- All vessels must maintain a minimum separation distance of 500 m from right whales and other ESA-listed large whales;
- If a whale is observed but cannot be confirmed as a species other than a right whale or other ESA-listed large whale, the vessel operator must assume that it is a right whale and take appropriate action;
- All vessels must maintain a minimum separation distance of 100 m from non-ESA listed whales;
- All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.,* for animals that approach the vessel);
- When marine mammals are sighted while a vessel is underway, the vessel shall take action as necessary to avoid violating the relevant separation distance (*e.g.,* attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If marine mammals are sighted within the relevant separation distance, the vessel must reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This does not apply to any vessel towing gear

or any vessel that is navigationally constrained.

Project-specific training will be conducted for all vessel crew prior to the start of a survey and during any changes in crew such that all survey personnel are fully aware and understand the mitigation, monitoring, and reporting requirements. Prior to implementation with vessel crews, the training program will be provided to NMFS for review and approval. Confirmation of the training and understanding of the requirements will be documented on a training course log sheet. Signing the log sheet will certify that the crew member understands and will comply with the necessary requirements throughout the survey activities.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered to by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effective the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Proposed Monitoring Measures

Visual monitoring will be performed by qualified, NMFS-approved PSOs, the resumes of whom will be provided to NMFS for review and approval prior to the start of survey activities. Orsted would employ independent, dedicated, trained PSOs, meaning that the PSOs must (1) be employed by a third-party observer provider, (2) have no tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements (including brief alerts regarding maritime hazards), and (3) have successfully completed an approved PSO training course appropriate for their designated task. On a case-by-case basis, non-independent observers may be approved by NMFS for limited, specified duties in support of approved, independent PSOs on smaller vessels with limited crew operating in nearshore waters.

The PSOs will be responsible for monitoring the waters surrounding each survey vessel to the farthest extent permitted by sighting conditions, including exclusion zones, during all HRG survey operations. PSOs will visually monitor and identify marine mammals, including those approaching or entering the established exclusion zones during survey activities. It will be the responsibility of the Lead PSO on duty to communicate the presence of marine mammals as well as to communicate the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

During all HRG survey operations (*e.g.,* any day on which use of an HRG source is planned to occur), a minimum of one PSO must be on duty during daylight operations on each survey vessel, conducting visual observations at all times on all active survey vessels during daylight hours (*i.e.,* from 30 minutes prior to sunrise through 30 minutes following sunset). Two PSOs will be on watch during nighttime operations. The PSO(s) would ensure 360 degree visual coverage around the vessel from the most appropriate observation posts and would conduct visual observations using binoculars and/or night vision goggles and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least 2 hours between watches and may conduct a maximum of 12 hours of observations per 24-hr period. In cases where multiple vessels are surveying concurrently, any observations of marine mammals would be communicated to PSOs on all nearby survey vessels.

PSOs must be equipped with binoculars and have the ability to estimate distance and bearing to detect marine mammals, particularly in proximity to exclusion zones. Reticulated binoculars must also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine mammals. During nighttime operations, night-vision goggles with thermal clip-ons and infrared technology would be used. Position data would be recorded using hand-held or vessel GPS units for each sighting.

During good conditions (*e.g.,* daylight hours; Beaufort sea state BSS) 3 or less), to the maximum extent practicable, PSOs would also conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the active acoustic sources. Any observations of marine mammals by crew members aboard any vessel associated with the survey would be relayed to the PSO team. Data on all PSO observations would be recorded based on standard PSO collection requirements. This would include dates, times, and locations of survey operations; dates and times of observations, location and weather, details of marine mammal sightings (*e.g.,* species, numbers, behaviors); and details of any observed marine mammal behavior that occurs (*e.g.,* notes behavioral disturbances). For more detail on the proposed monitoring requirements, see Condition 5 of the draft IHA.

Proposed Reporting Measures

Within 90 days after completion of survey activities or expiration of this IHA, whichever comes sooner, a draft comprehensive report will be provided to NMFS that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring, summarizes the number of marine mammals observed during survey activities (by species, when known), summarizes the mitigation actions taken during surveys including what type of mitigation and the species and number of animals that prompted the mitigation action, when known), and provides an interpretation of the results and effectiveness of all mitigation and monitoring. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. A final report must be submitted within 30 days following any comments on the draft report. All draft and final marine mammal and acoustic monitoring reports must be submitted to *PR.ITP.MonitoringReports@noaa.gov* and *ITP.Corcoran@noaa.gov.* The report must contain at minimum, the following:

- PSO names and affiliations;
- Dates of departures and returns to port with port names;
- Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort;
- Vessel location (latitude/longitude) when survey effort begins and ends; vessel location at beginning and end of visual PSO duty shifts;
- Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change;
- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including wind speed and direction, Beaufort sea state, Beaufort wind force, swell height, weather conditions, cloud cover, sun glare, and overall visibility to the horizon;
- Factors that may be contributing to impaired observations during each PSO shift change or as needed as environmental conditions change (*e.g.,* vessel traffic, equipment malfunctions); and
- Survey activity information, such as type of survey equipment in operation, acoustic source power output while in operation, and any other notes of significance (*i.e.,* pre-clearance survey, ramp-up, shutdown, end of operations, etc.).

If a marine mammal is sighted, the following information should be recorded:

- Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
- PSO who sighted the animal;
- Time of sighting;
- Vessel location at time of sighting;
- Water depth;
- Direction of vessel's travel (compass direction);
- Direction of animal's travel relative to the vessel;
- Pace of the animal;
- Estimated distance to the animal and its heading relative to vessel at initial sighting;
- Identification of the animal (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified); also note the composition of the group if there is a mix of species;
- Estimated number of animals (high/low/best);
- Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, etc.);
- Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
- Detailed behavior observations (*e.g.,* number of blows, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);
- Animal's closest point of approach and/or closest distance from the center point of the acoustic source;
- Platform activity at time of sighting (*e.g.,* deploying, recovering, testing, data acquisition, other); and
- Description of any actions implemented in response to the sighting (*e.g.,* delays, shutdown, ramp-up, speed or course alteration, etc.) and time and location of the action.

If a North Atlantic right whale is observed at any time by PSOs or personnel on any project vessels, during surveys or during vessel transit, Orsted must immediately report sighting information to the NMFS North Atlantic Right Whale Sighting Advisory System: (866) 755–6622. North Atlantic right whale sightings in any location may also be reported to the U.S. Coast Guard via channel 16.

In the event that Orsted personnel discover an injured or dead marine mammal, Orsted will report the incident to the NMFS Office of Protected Resources OPR) and the NMFS New England/Mid-Atlantic Stranding Coordinator as soon as feasible. The report would include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

In the unanticipated event of a ship strike of a marine mammal by any vessel involved in this activities covered by the IHA, Orsted would report the incident to NMFS OPR and the NMFS New/England/Mid-Atlantic Stranding Coordinator as soon as feasible. The report would include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Species identification (if known) or description of the animal(s) involved;
- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
- Estimated size and length of animal that was struck;
- Description of the behavior of the marine mammal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
- Estimated fate of the animal (*e.g.,* dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact

finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, our analysis applies to all species listed in Table 6, given that NMFS expects the anticipated effects of the proposed survey to be similar in nature. Where there are meaningful differences between species or stocks—as is the case of the North Atlantic right whale—they are included as separate subsections below. NMFS does not anticipate that serious injury or mortality would occur as a result from HRG surveys, even in the absence of mitigation, and no serious injury or mortality is proposed to be authorized. As discussed in the Potential Effects of Specified Activities on Marine Mammals and their Habitat section, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that all potential takes would be in the form of Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.,* Southall *et al.,* 2007, 2021). Even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any significant realized decrease in viability for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. As described above, Level A harassment is not expected to occur given the nature of the operations and the estimated small size of the Level A harassment zones.

In addition to being temporary, the maximum expected harassment zone around the survey vessel is 141 m. Therefore, the ensonified area surrounding each vessel is relatively small compared to the overall distribution of the animals in the area and their use of the habitat. Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

There are no rookeries, mating or calving grounds known to be biologically important to marine mammals within the proposed survey area and there are no feeding areas known to be biologically important to marine mammals within the proposed survey area. The proposed survey area lies significantly south (over 250 miles (402 km)) of where Biologically Important Areas are defined for fin and humpback whales. Therefore, they are not considered to be ''nearby'' the survey area and are not discussed further. There is no designated critical habitat for any ESA-listed marine mammals in the proposed survey area.

North Atlantic Right Whales

The status of the North Atlantic right whale (NARW) population is of heightened concern and therefore, merits additional analysis. As noted previously, elevated NARW mortalities began in June 2017 and there is an active UME. Overall, preliminary findings support human interactions, specifically vessel strikes and entanglements, as the cause of death for the majority of right whales. The proposed survey area overlaps with a migratory corridor Biologically Important Area (BIA) for North Atlantic right whales (effective March–April; November–December) that extends from Massachusetts to Florida (LaBrecque *et al.,* 2015). Off the coast of Delaware, this migratory BIA extends from the coast to beyond the shelf break. Due to the fact that the proposed survey activities would be very small relative to the spatial extent of the available migratory habitat in the BIA, right whale migration is not expected to be impacted by the proposed survey. Given the relatively small size of the ensonified area, it is unlikely that prey availability would be adversely affected by HRG survey operations. Required vessel strike avoidance measures will also decrease risk of ship strike during migration; no ship strike is expected to occur during Orsted's proposed activities. Additionally, only very limited take by Level B harassment of NARW has been requested and is being proposed for authorization by NMFS as HRG survey operations are required to maintain a 500 EZ and shutdown if a NARW is sighted at or within the EZ. The 500 m shutdown zone for right whales is conservative, considering the Level B harassment isopleth for the most impactful sources (*i.e.,* GeoMarine Sparkers, AA Dura-spark UHD Sparkers, AA Triple plate S-Boom) is estimated to be 141 m, and thereby minimizes the potential for behavioral harassment of this species. As noted previously, Level A harassment is not expected, nor authorized, due to the small PTS zones associated with HRG equipment types proposed for use. NMFS does not anticipate NARW takes that result from the proposed survey activities would impact annual rates of recruitment or survival. Thus, any takes that occur would not result in population level impacts.

Other Marine Mammals With Active UMEs

As noted previously, there are several active UMEs occurring in the vicinity of Garden State's proposed survey area. Elevated humpback whale mortalities have occurred along the Atlantic coast from Maine through Florida since January 2016. Of the cases examined, approximately half had evidence of human interaction (ship strike or entanglement). The UME does not yet provide cause for concern regarding population-level impacts. Despite the UME, the relevant population of humpback whales (the West Indies breeding population, or DPS) remains stable at approximately 12,000 individuals.

Beginning in January 2017, elevated minke whale strandings have occurred along the Atlantic coast from Maine through South Carolina, with highest numbers in Massachusetts, Maine, and New York. This event does not provide cause for concern regarding population level impacts, as the likely population abundance is greater than 20,000 whales.

The required mitigation measures are expected to reduce the number and/or severity of proposed takes for all species listed in Table 6, including those with active UMEs, to the level of least practicable adverse impact. In particular, they would provide animals the opportunity to move away from the sound source throughout the survey area before HRG survey equipment reaches full energy, thus preventing them from being exposed to sound levels that have the potential to cause injury (Level A harassment) or more severe Level B harassment. No Level A harassment is anticipated, even in the absence of mitigation measures, or proposed for authorization.

NMFS expects that takes would be in the form of short-term Level B behavioral harassment by way of brief startling reactions and/or temporary vacating of the area, or decreased foraging (if such activity was occurring)—reactions that (at the scale and intensity anticipated here) are considered to be of low severity, with no lasting biological consequences. Since both the sources and marine mammals are mobile, animals would only be exposed briefly to a small ensonified area that might result in take. Additionally, the required mitigation measures would further reduce exposure to sound that could result in more severe behavioral harassment.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or proposed for authorization;
- No Level A harassment (PTS) is anticipated, even in the absence of mitigation measures, or proposed for authorization;
- Foraging success is not likely to be significantly impacted as effects on species that serve as prey species for marine mammals from the survey are expected to be minimal;
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the planned survey to avoid exposure to sounds from the activity;
- Take is anticipated to be of Level B behavioral harassment only consisting of brief startling reactions and/or temporary avoidance of the survey area;
- While the survey area is within areas noted as a migratory BIA for North Atlantic right whales, the activities would occur in such a comparatively small area such that any avoidance of the survey area due to activities would not affect migration. In addition, mitigation measures require shutdown at 500 m (almost four times the size of the Level B harassment isopleth (141 m), which minimizes the effects of the take on the species; and
- The proposed mitigation measures, including visual monitoring and shutdowns, are expected to minimize potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS proposes to authorize is below one third of the estimated stock abundance for all species (in fact, take of individuals is less than 5 percent of the abundance of the affected stocks for these species, see Table 6) except for the WNA northern migratory coastal stock of bottlenose dolphins. The figures presented in Table 6 are likely conservative estimates as they assume all takes are of different individual animals which is likely not to be the case. Some individuals may return multiple times in a day, but PSOs would count them as separate takes if they cannot be individually identified. This is the particularly the case for bottlenose dolphins.

As mentioned above, there are two bottlenose dolphin stocks that could occur in the survey area: The WNA Offshore and WNA northern migratory coastal stocks. Given the uncertainty regarding the number of days Orsted's proposed survey may be within the 20 m isobath, the proposed authorization of 2,752 instances of take by Level B harassment is not allocated to a specific stock but rather could be of either stock. However, based on the stocks' respective occurrence in the area and the consideration of various factors as described below, we have determined that the number of individuals taken would comprise of less than one-third of the best available population abundance estimate of either stock. Detailed descriptions of the stocks' ranges have been provided in the Description of Marine Mammals in the Area of Specified Activities section.

Both the northern migratory and offshore stocks have expansive ranges and are the only dolphin stocks thought to make broad-scale, seasonal migrations in the coastal waters of the North Atlantic. Given the large ranges associated with these two stocks, it is unlikely that large segments of either stock would consistently remain in the survey area. The majority of both stocks are likely to be found widely dispersed across their respective habitat ranges, and individuals within each stock migrate on a seasonal basis.

The northern migratory stock spans from the shelf waters of Florida to Long Island, New York and experience spatiotemporal overlap with several other bottlenose dolphin stocks in the Western North Atlantic. The stock is best defined by its distribution during summer water months (July and August), when it overlaps with the fewest stocks, during which it occupies coastal waters from the shoreline to approximately the 20-m isobath between Assateague, Virginia and Long Island, New York (Hayes *et al.,* 2021). However, during the winter months (*e.g.,* January and February), the stock occupies coastal waters from approximately Cape Lookout, North Carolina to the North Carolina/Virginia border. A study of tagged individuals found that four dolphins off the coast of New Jersey in the late summer moved south to North Carolina and inhabited waters near and just south of Cape Hatteras during cold water months. These animals then returned to the coastal waters of New Jersey in the following warm weather months (Garrison *et al.,* 2017). Additionally, during aerial and ship surveys off the New Jersey coast in 2008 and 2009, no sightings of common bottlenose dolphins were made during November through February, and bottlenose dolphins were sighted from early March to mid-October and were most abundant

during May–August. Therefore, the stock is not expected to be present in its entirety year round at the proposed project location.

Further, many of the dolphin observations in the Delaware Bay and South of Cape May, NJ are likely repeated sightings of the same individuals. A by Toth *et al.,* (2010) conducted 73 boat-based photo-identification surveys in southern New Jersey near the Bay from 2003–2005 and found that of the 205 individuals identified, 44 percent were sighted multiple times within or among the years. Multiple sightings of the same individual would considerably reduce the number of individual animals that are taken by harassment.

The offshore stock is distributed primarily along the outer continental shelf and continental slope in the Northwest Atlantic Ocean from Georges Band to the Florida Keys (Hayes *et al.,* 2021). There is suspected overlap of the two stocks south of Cape Hatteras, North Carolina to some degree.

In summary and as described above, the following factors primarily support our determination regarding the incidental take of small numbers of the affected stocks of a species or stock:

- The take of marine mammal stocks comprises less than 5 percent of any stock abundance (with the exception of the northern migratory stock of bottlenose dolphins);
- Potential bottlenose dolphin takes in the survey area are likely to be allocated between both distinct stocks;
- Bottlenose dolphin stocks in the survey area have extensive ranges and it would be unlikely to find a high percentage of individuals from either stock concentrated in a relatively small area such as the proposed survey area;
- Many of the takes would likely be repeats of the same animals, especially during summer months.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS Office of Protected Resources (OPR) consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS OPR is proposing to authorize the incidental take of four species of marine mammals which are listed under the ESA, including the North Atlantic right, fin, sei, and sperm whale, and NMFS has determined that issuance of the proposed IHA falls within the scope of activities analyzed in NMFS GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021).

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Orsted for conducting marine site characterization surveys off the coast of Delaware from May 10, 2022 through May, 2023, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed marine site characterization survey. We also request at this time comment on the potential Renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent Renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activities section of this notice is planned or (2) the activities as described in the Description of Proposed Activities section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: March 16, 2022.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB890]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of the Revolution Wind Offshore Wind Farm Offshore of Rhode Island

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

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for regulations and letter of authorization; request for comments and information.

SUMMARY: NMFS has received a request from Revolution Wind, LLC (Revolution Wind), a subsidiary of Ørsted Wind Power North America, LLC's (Ørsted), for authorization to take small numbers of marine mammals incidental to construction and operation activities associated with the Revolution Wind Offshore Wind Farm in Revolution Wind's lease area on the Outer Continental Shelf (OSC–A 0468) offshore of Rhode Island over the course of 5 years beginning in 2023. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of Revolution Wind's request for the development and implementation of regulations governing the incidental taking of marine mammals and issuance of a Letter of Authorization (LOA). NMFS invites the public to provide information, suggestions, and comments on Revolution Wind's application and request.

DATES: Comments and information must be received no later than April 20, 2022.

ADDRESSES: Comments on the applications should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be sent to *ITP.Esch@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Carter Esch, Office of Protected Resources, NMFS, (301) 427–8421. An electronic copy of Revolution Wind's application may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable.* In case of problems accessing these documents, please email the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On October 8, 2021, NMFS received an application from Revolution Wind requesting authorization for the taking of marine mammals incidental to construction and operation activities related to the development of the Revolution Wind Offshore Wind Farm offshore of Rhode Island in Commercial Lease (OCS–A–0486). In response to our comments, and following extensive information exchange with NMFS, Revolution Wind submitted a revised application on February 23, 2022, that we determined was adequate and complete on February 28, 2022. Revolution Wind requested the regulations and subsequent LOA be valid for five years beginning in 2023.

Revolution Wind considered the following activities associated with Wind Farm construction and operation in its application: Impact installation of monopiles for wind turbine generators (WTG) foundations; impact installation of monopiles for offshore sub-station (OSS) foundations; potential detonations of unexploded ordnances (UXOs); construction of temporary cofferdams or casing pipes with support sheet piles at the sea-to-shore transitions, which includes vibratory installation and removal of sheet piles and pneumatic hammering installation and removal of casing pipes; site characterization surveys; fisheries monitoring; placement of scour protection; and export cable and inter-array cable trenching, laying, and burial. Vessels will be used to transport crew, supplies, and materials within the Project area and to the Wind Farm location to support pile installation. A subset of these activities (*i.e.,* installing and removing piles and casing pipes using impact and vibratory hammers, UXO detonation, and site characterization surveys) may result in the taking, by Level A harassment and Level B harassment, of marine mammals. Therefore, Revolution Wind requests authorization to incidentally take marine mammals.

Specified Activities

In Executive Order 14008, President Biden stated that it is the policy of the United States to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure.

Through a competitive leasing process under 30 CFR 585.211, Revolution Wind was awarded Commercial Lease OCS–A 0486 offshore of Rhode Island and the exclusive right to submit a construction

and operations plan (COP) for activities within the lease area. Revolution Wind, LLC has submitted a COP to BOEM proposing the construction, operation, maintenance, and conceptual decommissioning of the Revolution Wind project, a 704-megawatt (MW) commercial-scale offshore wind energy facility located within Lease Area OCS–A 0486 and consisting of up to 100 wind turbines, 2 offshore sub-stations, and 2 transmission cables to shore.

Revolution Wind anticipates activities potentially resulting in the taking of marine mammals could occur for the life of the requested regulations and LOA. This includes:

- Construction-related high-resolution site assessment geophysical surveys in all 5 years (248 survey days per year during Years 1; 25 survey days per year during Years 2 through 5);
- the installation of up to 100 WTG monopile foundations (12-meter (m) diameter piles) by impact pile driving from May through December in Year 1 over the course of 31 to 100 days;
- the installation of 2 OSS foundations by impact pile driving of 2 monopiles (15-m diameter piles) from May through December in Year 1 over the course of 2 days;
- the installation and removal of 2 temporary cofferdams by vibratory pile driving at the cable tie-in area in Year 1 (14 days for installation and 14 days for removal per cofferdam; 56 days total) or, as an alternative to cofferdams (and also at the cable tie-in area in Year 1), installation and removal of 2 casing pipes by pneumatic hammering and supporting sheet piles by vibratory pile driving (2 days for installation and 2 days for removal per casing pipe, 8 days total; 6 days for installation and 6 days for removal of support sheet piles per cable tie-in area, 24 days total); and,
- the potential detonation of up to 13 UXOs over the course of 13 days in Year 1 (1 UXO detonation per day, as necessary).

Revolution Wind has noted that these are the most accurate estimates for the durations of each planned activity, but that the schedule may shift over the course of the Project due to weather, mechanical, or other related delays.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning Revolution Wind's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by Revolution Wind, if appropriate.

Dated: March 16, 2022.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–05947 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB899]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold online and in-person public meetings.

DATES: The Pacific Council and its advisory entities will meet April 7–13, 2022 in a hybrid format with the Pacific Council and its salmon advisory bodies meeting in-person with live streaming and remote participation options. All other ancillary meetings will be held by online meeting only. The Pacific Council meeting will begin on Friday, April 8, 2022, at 8 a.m. Pacific Daylight Time (PDT), reconvening at 8 a.m. on Saturday, April 9 through Wednesday, April 13, 2022. All meetings are open to the public, except for a Closed Session held from 8 a.m. to 9 a.m., Friday, April 8, to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES:

Council address: Meetings of the Pacific Council and its salmon advisory entities will be held at the Doubletree by Hilton Seattle Airport, 18740 International Boulevard, Seattle, WA; telephone: (206) 246–8600. Other ancillary meetings will be held online. All meetings of the Pacific Council and its advisory entities will include online meeting access and remote participation options. Specific meeting information, including directions on joining the meeting, connecting to the live stream broadcast, and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Merrick Burden, Executive Director, Pacific Council; telephone: (503) 820–2418 or (866) 806–7204 toll-free, or access the Pacific Council website, *www.pcouncil.org,* for the proposed agenda and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The April 7–13, 2022 meeting of the Pacific Council will be streamed live on the internet. The broadcasts begin initially at 9 a.m. PDT Friday, April 8, 2022, and through Wednesday, April 13, 2022. Broadcasts end when business for the day is complete. Only the audio portion and presentations displayed on the screen at the Pacific Council meeting will be broadcast. The audio portion for the public is listen-only except that an opportunity for oral public comment will be provided prior to Council Action on each agenda item. Additional information and instructions on joining or listening to the meeting can be found on the Pacific Council's website (see *www.pcouncil.org*).

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as ''Final Action'' refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, and advisory entity meeting times, are described in Agenda Item A.4, Proposed Council Meeting Agenda, and will be in the advance April 2022 briefing materials and posted on the Pacific Council website at *www.pcouncil.org* no later than Friday, March 25, 2022.

A. Call to Order
1. Opening Remarks
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

B. Open Comment Period
1. Comments on Non-Agenda Items

C. Habitat Issues
1. Current Habitat Issues

D. Salmon Management
1. National Marine Fisheries Service Report
2. Tentative Adoption of 2022 Management Measures for Analysis
3. Clarify Council Direction on 2022 Management Measures
4. Methodology Review Preliminary Topic Selection
5. Further Direction for 2022

Management Alternatives
6. 2022 Management Measures—Final Action

E. Coastal Pelagic Species Management
1. National Marine Fisheries Service Report
2. Exempted Fishing Permits (EFPs) for 2022–2023—Final Action
3. Pacific Sardine Assessment, Harvest Specifications, and Management Measures—Final Action
4. Fishery Management Plan Management Categories—Final Action

F. Groundfish Management
1. National Marine Fisheries Service Report
2. Trawl Cost Recovery Report
3. Biennial Harvest Specifications for 2023–2024 Fisheries—Final Action
4. Preliminary Preferred Management Measure Alternatives for 2023–2024 Fisheries
5. Implementation of the 2022 Pacific Whiting Fishery Under the U.S./Canada Agreement
6. Non-trawl Sector Area Management Measures
7. Electronic Monitoring Update
8. Inseason Adjustments—Final Action

G. Pacific Halibut Management
1. Incidental Catch Limits for the Salmon Troll Fishery—Final Action

H. Administrative Matters
1. Final West Coast Regional Framework for Determining the Best Scientific Information Available
2. Membership Appointments and Council Operating Procedures
3. Future Council Meeting Agenda and Workload Planning

I. Enforcement
1. Annual U.S. Coast Guard West Coast Fishery Enforcement Report

Advisory Body Agendas

Advisory body agendas will include discussions of relevant issues that are on the Pacific Council agenda for this meeting and may also include issues that may be relevant to future Council meetings. Proposed advisory body agendas for this meeting will be available on the Pacific Council website, *www.pcouncil.org,* no later than Friday, March 25, 2022.

Schedule of Ancillary Meetings

Day 1—Thursday, April 7, 2022

Coastal Pelagic Species Advisory Subpanel 8 a.m.
Coastal Pelagic Species Management Team 8 a.m.
Groundfish Management Team 8 a.m.
Habitat Committee 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Scientific and Statistical Committee 8 a.m.
Enforcement Consultants 9 a.m.
Model Evaluation Workgroup 10 a.m.

Day 2—Friday, April 8, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Coastal Pelagic Species Advisory Subpanel 8 a.m.
Coastal Pelagic Species Management Team 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Habitat Committee 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Scientific and Statistical Committee 8 a.m.
Enforcement Consultants As Necessary

Day 3—Saturday, April 9, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Coastal Pelagic Species Advisory Subpanel 8 a.m.
Coastal Pelagic Species Management Team 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants As Necessary

Day 4—Sunday, April 10, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants As Necessary

Day 5—Monday, April 11, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants As Necessary

Day 6—Tuesday, April 12, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants As Necessary

Day 7—Wednesday, April 13, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Salmon Technical Team 8 a.m.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 business days prior to the meeting date.

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

Dated: March 16, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–05921 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB867]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Replacement of Pier 3 at Naval Station Norfolk in Norfolk, Virginia

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an IHA to the United States Department of the Navy (Navy) to incidentally harass marine mammals during pile driving activities associated with the replacement of Pier 3 at Naval Station Norfolk, in Norfolk, Virginia.

DATES: This Authorization is effective from April 1, 2022 through March 31, 2023.

FOR FURTHER INFORMATION CONTACT: Kim Corcoran, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act*. In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On July 15, 2021 NMFS received a request from the Navy for an IHA to take marine mammals incidental to the reconstruction of Pier 3 at Naval Station Norfolk in Norfolk, Virginia. The application was deemed adequate and complete on October 27, 2021. Subsequently, the Navy provided a revised and updated version of the application, which was determined to be adequate and complete on January 10, 2022. The Navy's request is for take of a small number of five species by Level B harassment and Level A harassment. Neither the Navy nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate. NMFS previously issued IHAs to the Navy for similar work (86 FR 48986; September 1, 2021; 85 FR 33139; June 01, 2020; 83 FR 30406; June 28, 2018). This IHA will cover one year of a larger project for which the Navy plans to submit a request for a Letter of Authorization (LOA) for additional work occurring from April 1, 2023 through December 30, 2026. The larger 4-year project involves the demolition and reconstruction of a submarine pier at Naval Station Norfolk.

Description of Activity

Overview

The purpose of this project is to replace Pier 3 at Naval Station (NAVSTA) Norfolk in Norfolk, VA. The existing Pier 3 will be completely demolished and a new Pier 3 will be constructed immediately north of the existing location (See Figure 1). Work at Pier 4, Pier 3T and the bulkheads associated with Pier 3 and 3T (CEP–175, CEP–176, and CEP–102) will also occur (See Figure 1). The project includes impact and vibratory pile driving and vibratory pile removal and drilling. Drilling is considered a continuous noise source, similar to vibratory pile driving. Sounds resulting from pile driving and removal may result in the incidental take of marine mammals by Level A and Level B harassment in the form of auditory injury or behavioral harassment. The in-water construction period for the action will occur over 12 months.

Dates and Duration

The IHA is effective from April 1, 2022 to March 31, 2023. Approximately 280 days will be required for the project. The Navy plans to conduct all work during daylight hours.

Specific Geographic Region

Pier 3 at NAVSTA Norfolk is located at the confluence of the Elizabeth River, James River, Nansemond River, LaFeyette, Willoughby Bay, and Chesapeake Bay (Figure 2).

Human generated sound is a significant contributor to the ambient acoustic environment surrounding NAVSTA Norfolk, as it is located in close proximity to shipping channels as well as several Port of Virginia facilities with frequent, noise-producing vessel traffic that, altogether, have an annual average of 1,788 vessel calls (Port of Virginia, 2021). Other sources of human-generated underwater sound not specific to naval installations include sounds from echo sounders on commercial and recreational vessels, industrial ship noise, and noise from recreational boat engines. Additionally, on average, maintenance dredging of the navigation channel occurs every 2 years (USACE and Port of Virginia, 2018).

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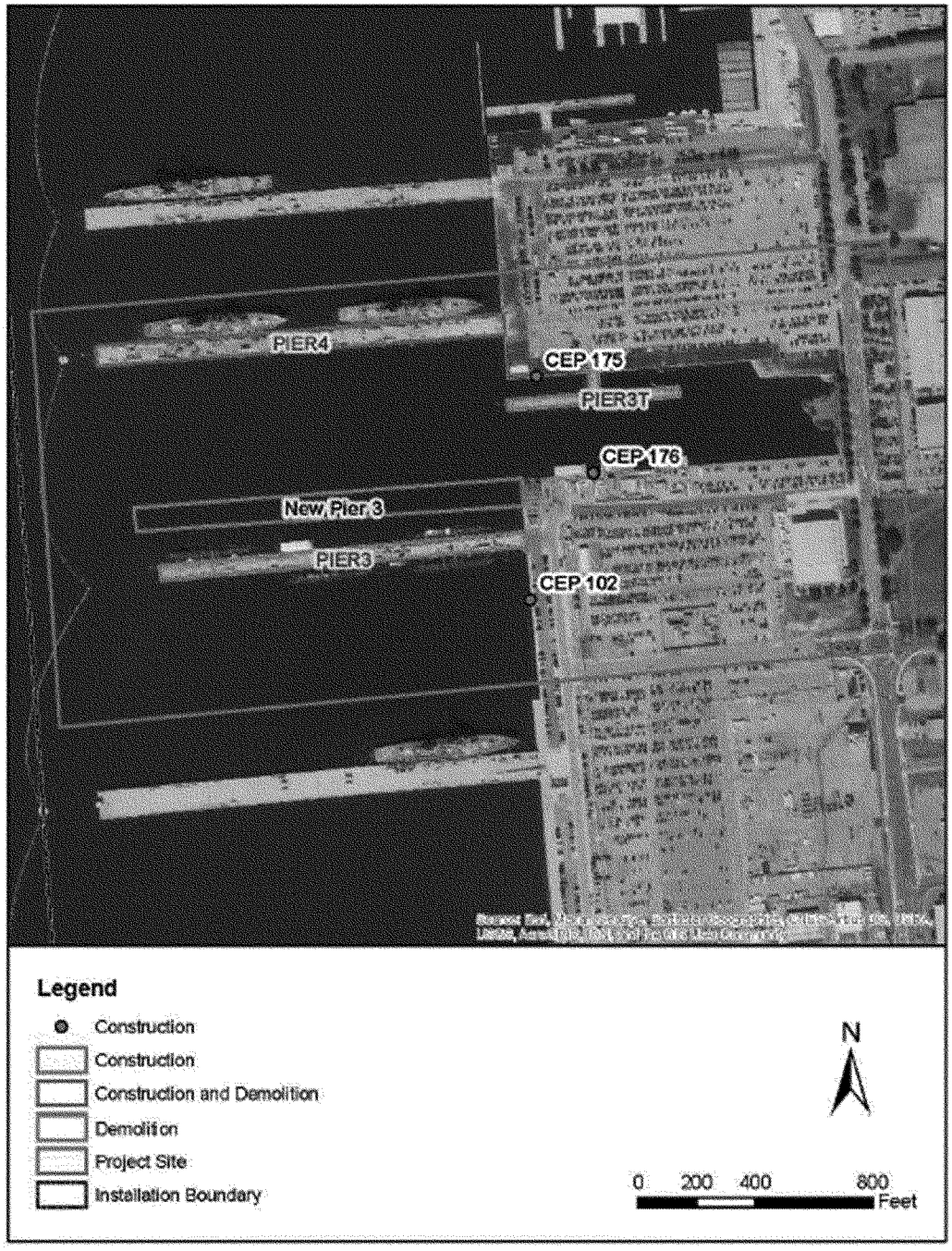

Figure 1. Project Site Map, location of existing and planned Pier 3.

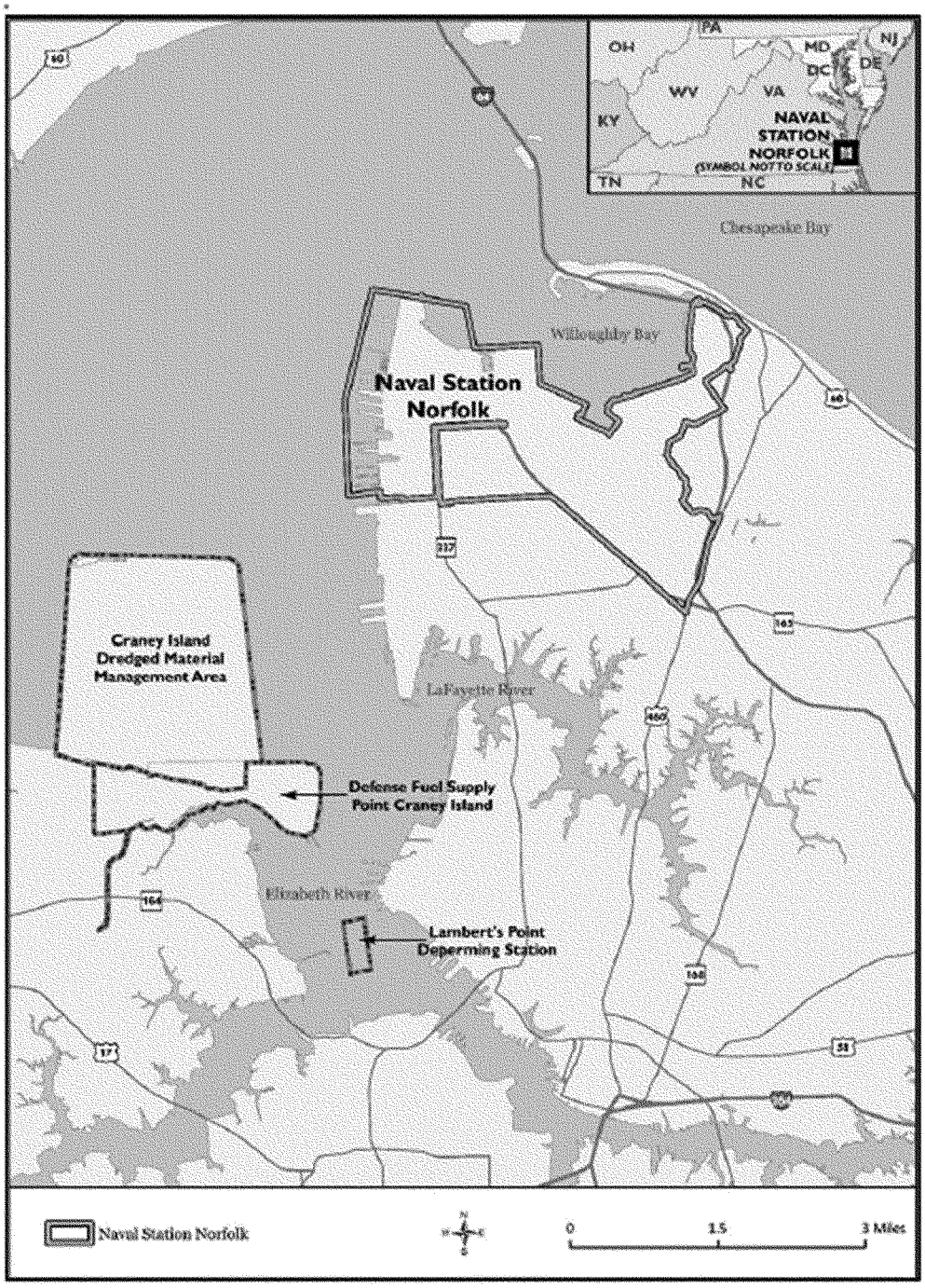

Figure 2. Project location Map, Naval Station Norfolk.

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Detailed Description of Specific Activity

The project involves the replacement of Pier 3 at the NAVSTA waterfront. The existing Pier 3 will be completely demolished and a new Pier 3 will be constructed immediately north of the existing location. Additional work associated with the replacement of Pier 3 includes the outfitting of Pier 4 for temporary submarine berthing, demolition of Pier 3T, construction at the CEP–176 and the CEP–175 bulkheads, and beginning of construction of the CEP–102 bulkhead and relieving platform. The project includes six phases that will be completed under this IHA and the future requested LOA. A preliminary work schedule and activity details for the work under this IHA are provided in Table 1. Piles are anticipated to be removed with a vibratory hammer, however direct pull or clamshell removal may be used depending on site conditions. Since vibratory removal is the loudest activity, to be precautionary, we assume all piles will be removed with a vibratory hammer. Pile installation/removal will occur using land-based or barge-mounted cranes and vary in method based on pile type.

Table 1 outlines a preliminary work schedule for the demolition and reconstruction of Pier 3 at NAVSTA.

Some project elements will use only one method of pile installation (*e.g.,* vibratory OR drilling/impact OR impact only), but all methods have been analyzed. The method of installation will be determined by the construction crew once demolition and installation has begun. Therefore, the total take estimate reflects the worst case scenario for the project.

A detailed description of the planned project is provided in the **Federal Register** notice for the proposed IHA (87 FR 3976; January 26, 2022). Since that time, no additional changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

TABLE 1—PRELIMINARY ESTIMATED IN-WATER CONSTRUCTION SCHEDULE FOR YEAR 1

Location	Activity	Amount and schedule	Type and size	Method [1]	Daily production rate (piles/day)	Strikes/duration per pile	Total production days
Pier 4	Demolition of Existing Fender Piles.	36 fender piles June 2022–September 2022.	14-inch timber	Vibratory Hammer	4	60 minutes	9
	Installation of Fender Piles.	36 fender piles June 2022–September 2022.	24-inch precast concrete square.	Drilling with Impact Hammer OR.	6	6 hours	6
				Impact Hammer	12	450 strikes	3
Pier 3T	Demolition of Existing Pier 3T.	286 bearing piles August 2022–November 2022.	18-inch precast concrete square.	Vibratory Hammer	4	60 minutes	72
		87 fender piles August 2022–November 2022.	14-inch timber	Vibratory Hammer	4	60 minutes	22
CEP–175	Repair Fender System	9 fender piles October 2022–November 2022.	13-inch polymeric	Drilling with Impact Hammer OR.	7	60 minutes	2
				Impact Hammer OR	7	450 strikes	2
				Vibratory Hammer	7	30 minutes	2
CEP–102	Demolish Partial Existing Fender System.	22 fender piles October 2022–November 2022.	18-inch concrete square.	Vibratory Hammer	4	60 minutes	6
		9 fender piles October 2022–November 2022.	14-inch timber	Vibratory Hammer	4	60 minutes	3
		4 fender piles	13-inch polymeric	Vibratory Hammer	4	60 minutes	1
Pier 3	Begin Construction of New Pier 3.	300 bearing piles October 2022–March 2023.	24-inch precast concrete square.	Impact Hammer	2	3,200 strikes	150
CEP–176	Begin Construction of New Bulkhead.	109 bearing piles December 2022–30 March 2023.	42-inch steel pipe	Impact Hammer OR	2	1,800 strikes	55
				Vibratory Hammer	2	240 minutes	55
		221 sheet piles December 2022–30 March 2023.	28-inch steel sheet	Impact Hammer OR	4	270 strikes	56
				Vibratory Hammer	4	60 minutes	56
CEP–102	Construction of a Portion of the New Bulkhead.	4 bearing piles December 2022–30 March 2023.	42-inch steel pipe	Impact Hammer OR	2	2,000 strikes	2
				Vibratory Hammer	2	240 minutes	2
		8 bulkhead sheet piles December 2022–30 March 2023.	28-inch steel sheet	Impact Hammer OR	4	270 strikes	2
				Vibratory Hammer	4	60 minutes	2
		11 bearing piles December 2022–30 March 2023.	24-inch precast concrete square.	Pre-drilling with Impact Hammer OR.	2	6 hours	6
				Impact Hammer	2	2,700 strikes	6

TABLE 1—PRELIMINARY ESTIMATED IN-WATER CONSTRUCTION SCHEDULE FOR YEAR 1—Continued

Location	Activity	Amount and schedule	Type and size	Method [1]	Daily production rate (piles/day)	Strikes/duration per pile	Total production days
Total piles installed, extracted, or drilled.		1,142					
Total days pile driving/extraction/drilling.		.....	.....	.....	.....	.....	[2 3 4] 280 days

[1] Only one method of installation is likely; however, because the exact means of installation are up to the selected construction contractor, all possibilities have been analyzed.
[2] Total number of days takes into account the most days possible for each pile type with multiple potential installation methods (*i.e.,* the worst case scenario).
[3] The preliminary schedule has work at Pier 4, demolition of Pier 3T, start of construction at Pier 3, and work at CEP–175 potentially occurring in the same timeframe, thus multiple pile types could be driven in the same day and the total days of pile driving/extraction/drilling reflects this assumption. Thus, the maximum number of days of work from these activities is associated with beginning the construction of Pier 3 (150 days). Adding remaining work, minus those activities that will occur during the same time frame (Pier 4, demo Pier 3T, and CEP–175), equals 280 days.
[4] Multiple types of equipment may be used on the same day; however, use of multiple noise sources (hammers or drills) will not occur at the same time. There will be no simultaneous activities associated with this project.

Mitigation, monitoring, and reporting measures are described in detail later in this document (please see Mitigation and Monitoring and Reporting).

Comments and Responses

A notice of NMFS's proposal to issue an IHA to the Navy was published in the **Federal Register** on January 26, 2022 (87 FR 3976). That notice described, in detail, the Navy's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received no public comments. There have been no changes from the proposed to the final IHA.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the Navy's application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 2 lists all species or stocks for which take is expected and authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2021). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Atlantic and Gulf of Mexico SARs (*e.g.,* Hayes *et al.,* 2021). All values presented in Table 2 are the most recent available at the time of publication and are available in the 2021 draft SARs (Hayes *et al.,* 2021).

TABLE 2—MARINE MAMMAL SPECIES LIKELY TO OCCUR NEAR THE PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Humpback whale	*Megaptera novaeangliae.*	Gulf of Maine	-,-;Y	1,396 (0; 1,380; 2016)	22	12.15
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Bottlenose dolphin	*Tursiops truncatus*	Western North Atlantic (WNA) Coastal, Northern Migratory.	-,-; Y	6,636 (0.41; 4,759; 2016)	48	12.2–21.5
Bottlenose dolphin	*Tursiops truncatus*	WNA Coastal, Southern Migratory	-,-; Y	3,751 (0.06; 2,353; 2016)	24	0–18.3
Bottlenose dolphin	*Tursiops truncatus*	Northern North Carolina Estuarine	-,-; Y	823 (0.06; 782; 2017)	7.8	7.2–30
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy	-,-;N	95,543 (0.31; 74,034; 2016)	851	217
Order Carnivora—Superfamily Pinnipedia						
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina*	WNA	-; N	61,336 (0.08; 57,637; 2018)	1,729	339

TABLE 2—MARINE MAMMAL SPECIES LIKELY TO OCCUR NEAR THE PROJECT AREA—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Gray seal [4]	*Halichoerus grypus*	WNA	-; N	27,300 (0.22; 23,785; 2016)	1,389	4,453

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments/*. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable [explain if this is the case]

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury (M/SI) from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[4] This stock abundance estimate for only the U.S. portion of this stock. The actual stock abundance, including the Canadian portion of the population, is estimated to be approximately 451,431 animals. The PBR value listed here is only for the U.S. portion of the stock, while M/SI reflects both the Canadian and U.S. portions.

As indicated above, all five species (with seven managed stocks) in Table 2 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have authorized it. While North Atlantic right whales (*Eubalaena glacialis*), minke whales (*Balaenoptera acutorostrata acutorostrata*), and fin whales (*Balaenoptera physalus*) have been documented in the area, the temporal and/or spatial occurrence of these whales is far outside the project area for this project and take is not expected to occur. Therefore, they are not discussed further beyond the explanation provided in the **Federal Register** notice for the proposed IHA (87 FR 3976; January 26, 2022).

A detailed description of the species likely to be affected by the Navy's project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (87 FR 3976; January 26, 2022); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Pease also refer to NMFS' website (*https://fisheries.noaa.gov/find-species*) for generalized species accounts.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from the Navy's construction activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the survey area. The notice of proposed IHA (87 FR 3976; January 26, 2022) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from the Navy's activity on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (87 FR 3976; January 26, 2022).

Estimated Take

This section provides an estimate of the number of incidental takes for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will primarily be by Level B harassment, as noise generated from in-water pile driving (vibratory and impact) and drilling has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result, primarily for high- and low-frequency species and phocids because predicted auditory injury zones are larger than for mid-frequency species. However, auditory injury is unlikely to occur for mid-frequency species due to the shutdown zones (see Mitigation section). Additionally, the mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimate.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and

the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 microPascal, root mean square (μPa (rms)) for continuous (*e.g.,* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* impact pile driving) or intermittent (*e.g.,* scientific sonar) sources.

The Navy's construction includes the use of continuous (vibratory pile driving, drilling) and impulsive (impact pile driving) sources, and therefore the 120 and 160 dB re 1 μPa (rms) are applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). As previously noted, the Navy's activity include the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving/removal, drilling) sources.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

In order to calculate the distances to the Level A harassment and the Level B harassment sound thresholds for the methods and piles being used in this project, NMFS used acoustic monitoring data from other locations to develop proxy source levels for the various pile types, sizes and methods (Table 4). Generally we choose source levels from similar pile types from locations (*e.g.,* geology, bathymetry) similar to the project. At this time, NMFS is not aware of reliable source levels available for polymeric piles using vibratory pile installation, therefore source levels for timber pile driving were used as a proxy. Similarly, the following proxies were used as source levels for piles where no data was available: source levels for the 66-inch steel pile was used as a proxy for 42-inch steel pipe piles (vibratory); the 30-inch steel pile was used as a proxy for the 28-inch sheet piles (impact); and 18-inch octagonal pile was used as a proxy for 18-inch concrete piles (impact). Additionally, data on vibratory extraction of concrete piles are not available, therefore the Navy followed previous guidance suggesting that timber piles be used as a proxy for sound source levels (84 FR 28474; June 19, 2019).

Very little information is available regarding source levels for in-water drilling activities associated with nearshore pile installation. Measurements made during a pile drilling project in 1–5 m (3–16 ft) depths at Santa Rosa Island, CA, by Dazey *et al.,* (2012) appear to provide the best available proxy source levels for the Navy's activities. Dazey *et al.* (2012) reported average rms source levels ranging from 151 to 157 dB re 1μPa, normalized to a distance of 1 m (3 ft) from the pile, during activities that included casing removal and installation as well as drilling, with an average of 154 dB re 1μPa during 62

days that spanned all related drilling activities during a single season. The sound field in the project area is the existing background noise plus additional construction noise from the project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* impact pile driving, vibratory pile driving, and drilling).

TABLE 4—PROJECT SOUND SOURCE LEVELS NORMALIZED TO 10 METERS

Pile type	Pile size (inch)	Method	Peak SPL (re 1 μPa (rms))	RMS SPL (re 1 μPa (rms))	SEL (re 1 μPa (rms))	Source
Steel Pipe Pile	42	Impact	213	190	177	Navy 2015
		Vibratory		168	168	Sitka 2017.
Steel Sheet	28	Impact	211	196	181	NAVFAC SW 2020.
		Vibratory		167	167	Navy 2015.
Concrete Pile	24	Impact	189	176	163	Illingworth and Rodkin 2017.
		Vibratory	185	162	157	Caltrans 2020.
Concrete Pile	18	Impact	185	166	154	Caltrans 2020.
		Vibratory	185	162	157	Caltrans 2020.
Polymeric Pile	13	Impact	177	153		Denes *et al.*, 2016.
		Vibratory	185	162	157	Caltrans 2020.
Timber Pile	14	Vibratory	185	162	157	Caltrans 2020.
NA	"Multiple pile sizes" [1] [2]	Drilling		[2] 154	154	Dazey *et al.,* 2012.

[1] Pile sizes being installed using the drilling method might include 24-inch precast concrete square, 13-inch polymeric and 24-inch precast concrete square.
[2] Source levels were normalized to a distance of 1 m (3 ft) from the pile during activities that included casing removal and installation as well as drilling, with an average of 154 dB re 1μPa during the course of the project.

When the NMFS Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A harassment take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources in-water pile driving/removal and drilling activities from the Navy's project, NMFS User Spreadsheet predicts the distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would incur PTS. Inputs used in the User Spreadsheet are reported in Table 1 and sources levels used in the User Spread are reported in Table 4, and the resulting isopleths are reported in Table 5 (Impact) and Table 6 (Vibratory and Drilling) below.

TABLE 5—LEVEL A AND LEVEL B HARASSMENT ISOPLETHS FOR IMPACT PILE DRIVING

Pile driving site	Source	Level A—Radius to isopleth (m)				Level B—Radius to isopleth (m)	
		LF cetaceans	MF cetaceans	HF cetaceans	Phocids	Distance to Level B threshold (m)	Area within Level B threshold (km^2) [1]
Pier 4	24″ Concrete Fender	143	5	170	76	117	<0.1
CEP–175	13″ Polymeric	22	1	26	12	3	<0.1
Pier 3	24″ Concrete Bearing	160	6	190	86	117	<0.1
CEP–176	42″ Steel Pipe Bearing	934	33	1,112	500	1,000	0.4
	28″ Steel Sheet	773	28	921	414	2,512	2.4
CEP–102	42″ Steel Pipe	1,002	36	1,193	536	1,000	1.4
	28″ Steel Sheet	773	28	921	414	2,512	8.0
	24″ Concrete Pile	143	5	170	76	117	<0.1
	18″ Concrete Pile	36	1	43	19	25	<0.1

[1] Area within the Level B threshold was calculated using geographic information system (GIS) data as determined by transmission loss modeling, accounting for land.

TABLE 6—LEVEL A AND LEVEL B HARASSMENT ISOPLETHS FOR VIBRATORY PILE DRIVING AND REMOVAL, AND PRE-DRILLING.

Pile driving site	Source	Level A—Radius to isopleth (m)				Level B—Radius to isopleth (m)	
		LF cetaceans	MF cetaceans	HF cetaceans	Phocids	Level B—Radius to isopleth (m)	Area within Level B threshold (km^2) [1]
Pier 4	14″ Timber (demolition)	20	2	30	12	6,310	49.9
	24″ Concrete (vibratory)	5	<1	4	<1	6,310	97.8
	24″ Concrete (drilling)	1	0	1	<1	1,848	4.4
Pier 3T	16″ and 18″ Concrete (demolition)	20	2	30	12	6,310	49.9
	14″ Timber (demolition)	20	2	30	12	6,310	49.9
CEP–175	13″ Polymeric (vibratory)	18	2	27	11	6,310	11.1

TABLE 6—LEVEL A AND LEVEL B HARASSMENT ISOPLETHS FOR VIBRATORY PILE DRIVING AND REMOVAL, AND PRE-DRILLING.—Continued

Pile driving site	Source	Level A—Radius to isopleth (m)				Level B—Radius to isopleth (m)	
		LF cetaceans	MF cetaceans	HF cetaceans	Phocids	Level B—Radius to isopleth (m)	Area within Level B threshold (km^2) [1]
	13″ Polymeric (drilling)	1	<1	1	<1	1,848	4.4
CEP–176	42″ Steel Pipe	80	7	118	49	[2] 15,849	46.0
	28″ Steel Sheet	43	4	64	26	13,594	39.9
CEP–102	42″ Steel Pipe	80	7	118	49	15,849	98.9
	28″ Steel Sheet	43	4	64	26	13,594	90.6
	24″ Concrete (drilling)	1	0	1	<1	1,848	4.4
	14″ Timber	20	2	30	12	6,310	49.9
	13″ Polymeric	20	2	30	12	6,310	49.9
	18″ Concrete	20	2	29.7	12	6,310	49.9

[1] Area within the Level B threshold was calculated using geographic information system (GIS) data as determined by transmission loss modeling.
[2] **Note:** This value is different than that listed in the application, due to a typographic error in the application. The correct maximum distance to 120 dB RMS threshold is 15,849 m as seen here.

The maximum distance to the Level A harassment threshold during construction would be during the impact driving of 42-inch steel pipe piles at CEP–102 (1193 m for harbor porpoise; 1001 m for humpback whale; 35.6 m for bottlenose dolphin; and 536 m for pinnipeds). The largest calculated Level B harassment zone extends out to 15,849 m, which would result from the vibratory installation of the 42-inch steel pipe pile.

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that was used to inform the take calculations. We describe how the information provided above is brought together to produce a quantitative take estimate for each species.

Humpback Whale

Humpback whales occur in the mouth of the Chesapeake Bay and nearshore waters of Virginia during winter and spring months. Most detections during shipboard surveys were one or two juveniles per sightings. Although two individuals were detected in the vicinity of the project activities, there is no evidence that they linger for multiple days. Because no density estimates are available for the species in this area, the Navy estimated two takes for every 60 days of pile driving and drilling activities. Based on this information, NMFS has similarly estimated that two humpback whales may be taken by Level B harassment for every 60 days of pile driving and pre-drilling activities, which equates to 9 takes over 280 project days (Table 1). To be conservative, the Navy has requested 3 additional Level B harassment takes of humpback whales. Therefore, the Navy is requesting, and NMFS is authorizing 12 takes by Level B harassment of humpback whale (Table 9).

The largest Level A harassment zone for low-frequency cetaceans extends approximately 1002 m from the source during impact driving of a 48 inch steel pipe pile (Table 6). The Navy will implement a 1,010 m shutdown zone for humpback whales during impact pile driving of the 48 inch steel pipe piles, and shutdown zones that include the entire Level A harassment isopleth for all activities, as indicated in Table 10. Therefore, the Navy did not request, and NMFS does not authorize Level A harassment take of humpback whale.

Bottlenose Dolphin

The expected number of bottlenose dolphins in the project area was estimated using inshore seasonal densities provided in Engelhaupt *et al.* (2016) from vessel line-transect surveys near NAVSTA Norfolk and adjacent areas near Virginia Beach, Virginia, from August 2012 through August 2015 (Engelhaupt *et al.,* 2016). This density includes sightings inshore of the Chesapeake Bay from NAVSTA Norfolk west to the Thimble Shoals Bridge, and is the most representative density for the project area. NMFS multiplied the density of 1.38 dolphins/km^2 by the Level B harassment zone area for each activity for the project, and then by the number of days associated with that activity (see Table 8), which resulted in 14,989 takes by Level B harassment of bottlenose dolphins (see Table 9). There is insufficient information on relative abundance to apportion the takes precisely to the three stocks present in the area. We use the same approach to estimating the apportionment of takes to stock used in the previous IHAs in the area including the HRBT project (86 FR 17458; April 2, 2021), and the U.S. Navy Norfolk Rule (86 FR 24340; May 6, 2021). Given that most of the NNCES stock are found in the Pamlico Sound Estuarine, over 160 kilometers to Norfolk, the project will assume that no more than 200 of the requested takes will be from this stock. Since members of the northern migratory coastal and southern migratory coastal stocks are thought to occur in or near the Bay in greater numbers, we will conservatively assume that no more than half of the remaining takes will accrue to either of these stocks. Additionally, a subset of these takes would likely be comprised of Chesapeake Bay resident dolphins, although the size of that population is unknown.

The largest Level A harassment area for mid-frequency cetaceans is less than 40m, which is associated with impact pile driving of the 42 inch steel pipe. The Navy will implement a shutdown zone of 200 m during this activity as well as when pile driving the 24 inch concrete piles and 28 inch steel sheet piles. The Level A harassment zones for all other activities extend less than 10 m for mid-frequency cetaceans (see Table 5 and Table 6), and the Navy will implement a minimum of a 10 m shutdown for all other activities not included in the list above (Table 10). Given the generally small size of the Level A harassment zones, and the Navy's shutdown plan, which includes the entire Level A harassment zone for all pile driving and drilling activities, we do not expect Level A harassment take of bottlenose dolphins. Therefore, the Navy did not request, and NMFS does not authorize Level A harassment take of bottlenose dolphins (Table 9).

TABLE 8—BOTTLENOSE DOLPHIN CALCULATED EXPOSURE ESTIMATES

Location	Activity	Production days	Level A harassment area (km^2)	Level B harassment area (km^2)	Level A takes	Level B takes [1]
Pier 4	Vibratory Removal Timber Fender Piles	9	0.00001	49.9	0	620
	Pre-Drilling Concrete Fender Piles	6	0.000001	4.38	0	36
	Impact Drive Concrete Fender Piles	3	0.0000813	0.04	0	0
CEP–175	Impact Drive Polymeric Fender Piles	2	0.000001	0.000014	0	0
	Pre-Drilling Polymeric Fender Piles	2	0.000004	4.38	0	*12
	Vibratory Drive Polymeric Fender Piles	2	0.000004	11.1	0	31
Pier 3	Impact Drive Concrete Bearing Piles	150	0.00010155	0.04	0	8
CEP–176	Impact Drive Steel Bearing Piles	55	0.00174582	0.41	0	*31
	Impact Drive Sheet Piles	55	0.00119976	2.43	0	*184
	Vibratory Drive Steel Bearing Piles	55	0.00008	45.97	0	3,489
	Vibratory Drive Sheet Piles	56	0.000025	39.9	0	3,083
CEP–102	Impact Drive Steel Bearing Piles	2	0.00245817	1.37	0	*4
	Impact Drive Sheet Piles	2	0.00154729	7.96	0	*22
	Impact Drive Concrete Bearing Piles	6	0.0000813	0.02	0	0
	Pre-Drilling Concrete Bearing Piles	6	0.000001	4.38	0	36
	Vibratory Extraction Timber Fender Piles	3	0.00001	49.9	0	207
	Vibratory Extraction Concrete Fender Piles	6	0.00001	49.9	0	413
	Vibratory Extraction Polymeric Fender Piles	1	0.00001	49.9	0	69
	Vibratory Drive Steel Bearing Piles	2	0.000156	98.91	0	273
	Vibratory Drive Sheet Piles	2	0.000045	90.6	0	250
Pier 3T	Vibratory Extraction Concrete Bearing Piles	72	0.00001	49.9	0	4,958
	Vibratory Extraction Timber Fender Piles	22	0.00001	49.9	0	1,515
Total Bottlenose Dolphin Take Estimate					[2] 0	[3] 14,989

[1] All Level and Level B harassment exposure estimates were calculated using a density estimate of 1.38 Engelhaupt *et al.* (2016).
[2] The maximum distance to the Level A harassment threshold is 35.6 m resulting from impact driving 42-inch steel pipe piles. This falls within the shutdown zones (see Table 10). Therefore, no Level A harassment take was requested nor authorized for bottlenose dolphins.
[3] Some piles for a few projects are listed twice, due to the contractor choosing the installation method. However only the method resulting in the most takes was counted in the take totals. In all cases, vibratory driving resulted in the most takes. Numbers with an asterisk indicate calculated takes that were excluded from the total due to duplication.

Harbor Porpoise

Harbor porpoises are known to occur in the coastal waters near Virginia Beach (Hayes *et al.,* 2019). Density data for this species in the project vicinity do not exist as harbor porpoise sighting data collected by the U.S. Navy near NAVSTA Norfolk and Virginia Beach from 2012 to 2015 (Engelhaupt *et al.,* 2014; 2015; 2016) did not produce enough sightings to calculate densities. One group of two harbor porpoises was seen during spring 2015 (Engelhaupt *et al.,* 2016). Elsewhere in their range, harbor porpoises typically occur in groups of two to three individuals (Carretta *et al.,* 2001; Smultea *et al.,* 2017). Given the lack of density estimates for harbor porpoises in the construction area, this exposure analysis (similar to the methods used in previous IHAs) assumes that there is a porpoise sighting once every 60 days of pile driving or drilling, which would equate to 6 sightings per year over 280 days of activity. Assuming an average group size of two (Hansen *et al.,* 2018; Elliser *et al.,* 2018), NMFS authorizes 12 takes by Level B harassment of harbor porpoises (Table 8).

Harbor porpoises are members of the high-frequency hearing group which have Level A harassment isopleths as large as 1193 m during the 42 inch steel pipe pile installation using impact pile driving. The Navy will implement a 500 meter shutdown zone for harbor porpoises during the aforementioned activity in addition to impact pile driving the 24 inch concrete piles and 28 inch steel sheets, as a reasonable area to observe and implement shutdowns for this small and cryptic species while avoiding an impracticable number of shutdowns. Consequently, the Navy has requested authorization of take by Level A harassment for harbor porpoises during the project. While NMFS believes that take by Level A harassment is not likely, due to the duration of time a harbor porpoise would be required to remain within the Level A harassment zone to accumulate enough energy to experience PTS, we authorize 10 takes by Level A harassment as requested by the Navy (Table 8).

Harbor Seal

The expected number of harbor seals in the project area was estimated using systematic land- and vessel-based survey data for in-water and hauled-out seals collected by the U.S. Navy at the CBBT rock armor and portal islands from 2014 through 2019 (Jones *et al.,* 2020). The average daily seal count from the field season ranged from 8 to 23 seals, with an average of 13.6 harbor seals across all the field seasons.

The Navy expects, and NMFS concurs, that harbor seals are likely to be present from November to April. Consistent with previous nearby projects, NMFS calculated take by Level B harassment by multiplying 13.6 seals by 183, which is the number of pile driving/drilling days expected to occur from November to April, which results in 2489 harbor seal takes. However, NMFS believes this may be an overestimate of take as recent monitoring reports from a nearby-completed project observed 0 harbor seals during the course of their project (HRCP, *Unpublished).* With these new data in hand, we alter our estimation method for this species and authorize half of the take estimated above to achieve a more realistic number of seals that may be encountered, while still conservatively estimating noise exposures. Therefore, NMFS authorizes 1,244 takes of harbor seals.

The largest Level A harassment isopleth for phocid species is less than 550 m, which would occur during the installation of the 42 inch steel pipe pile by impact pile driving. The Navy will implement a 200 m shutdown zone for

this activity in addition to the installation of the 24 inch concrete piles and 28 inch steel sheet piles by impact pile driving (Table 9). Given the area of the Level A harassment zone that will exceed the implemented shutdown zone for these activities, and the cryptic nature of the species, the Navy requested 16 takes by Level A harassment of harbor seals. For all other activities, the required shutdown zones exceed the calculated Level A harassment isopleth for phocid species. Therefore, NMFS authorizes 1,228 takes by Level B harassment, and 16 takes by Level A harassment of harbor seals (Table 9).

Gray Seal

Very little information is available about the occurrence of gray seals in the Chesapeake Bay and coastal waters. Survey data collected by the U.S. Navy at the CBBT portal islands from 2014 through 2018 (Rees *et al.,* 2016; Jones *et al.,* 2018) observed one gray seal in February 2015 and one seal in February of 2016, while no seals were observed at any other time. Maintaining the assumption that gray seals may utilize the Chesapeake Bay waters, the Navy conservatively estimates that one gray seal may be exposed to noise levels above the Level B harassment threshold for every 60 days of vibratory pile driving during the six month period when they are most likely to be present.

The Level A harassment isopleth for phocids is noted above for harbor seals, while the largest Level B harassment zone area is anticipated during drilling for installation of the 42 inch steel pipes (~16 km^2). The Navy calculated a total of 3 exposures for gray seals during the course of the project and they are expected to be very uncommon in the Project area. It is anticipated that up to 20 percent of gray seal exposures would be at or above the Level A harassment threshold based on the proportion of the project's pile driving and drilling activities that could exceed the Level A harassment threshold. Therefore, the Navy requested, and NMFS is authorizing, 1 take by Level A harassment and 2 takes by Level B harassment of gray seals (Table 8).

TABLE 8—AUTHORIZED AMOUNT OF TAKING, BY LEVEL A HARASSMENT AND LEVEL B HARASSMENT, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Common name	Stock	Level A harassment	Level B harassment	Total	Percent of stock
Humpback whale	Gulf of Maine[b]	0	12	12	1
Bottlenose dolphin	WNA Coastal, Northern Migratory[a c d]	0	19,327	19,327	111
	WNA Coastal, Southern Migratory[a c d]	0	19,327	19,327	197
	Northern NC Estuarine[a c d]	0	200	200	24
Harbor porpoise	Gulf of Maine/Bay of Fundy	10	12	22	<0.01
Harbor seal	WNA	16	1,228	1,244	2
Gray seal	WNA	1	2	3	<0.01

[a] Take estimates are weighted based on calculated percentages of population for each distinct stock, assuming animals present would follow same probability of presence in the project area. Please see the Small Numbers section for additional information.
[b] West Indies DPS. Please see the Description of Marine Mammals in the Area of Specified Activities section for further discussion.
[c] Assumes multiple repeated takes of same individuals from small portion of each stock as well as repeated takes of Chesapeake Bay resident population (size unknown). Please see the Small Numbers section for additional information.
[d] The sum of authorized take for the three stocks of bottlenose dolphins does not add up to the total authorized number (14989) due to rounding.

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The following mitigation measures are required through the IHA:

- Avoid direct physical interactions with marine mammals during construction activity. If a marine mammal comes within 10 meters of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction;
- The Navy will conduct trainings between construction supervisors and crews and the marine mammal monitoring team prior to the start of all activities subject to this IHA and when new personnel join the work, to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures; and
- Pile driving activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take

has been authorized but the authorized number of takes has been met, entering or within the harassment zone.

The following mitigation measures apply to the Navy's in-water construction activities:

Establishment of Shutdown Zones—The Navy will establish shutdown zones for all pile driving and removal and drilling activities. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity will occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones will vary based on the activity type and marine mammal hearing group (Table 9).

Protected Species Observers (PSOs)—The placement of PSOs during all pile driving and removal and drilling activities (described in the Monitoring and Reporting section) will ensure that the entire shutdown zone is visible. Should environmental conditions deteriorate such that the entire shutdown zone will not be visible (*e.g.,* fog, heavy rain), pile driving and removal and drilling must be delayed until the PSO is confident marine mammals within the shutdown zone could be detected.

Monitoring for Level A and B Harassment—The Navy will monitor the Level B harassment zones to the extent practicable, and all of the Level A harassment zones. The Navy will monitor at least a portion of the Level B harassment zone on all pile driving, removal or drilling days. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project area outside the shutdown zone and thus prepare for a potential cessation of activity should the animal enter the shutdown zone.

Pre-activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving/removal of 30 minutes or longer occurs, PSOs will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be considered cleared when a marine mammal has not been observed within the zone for that 30-minute period. If a marine mammal is observed within the shutdown zones listed in Table 10, pile driving and drilling activity must be delayed or halted. If pile driving and/or drilling is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zones or 15 minutes have passed without re-detection of the animal. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin and Level B harassment take will be recorded. If work ceases for more than 30 minutes, the pre-activity monitoring of the shutdown zones will commence. A determination that the shutdown zone is clear must be made during a period of good visibility (*i.e.,* the entire shutdown zone and surrounding waters must be visible to the naked eye).

Soft Start—Soft-start procedures are used to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors will be required to provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. Soft start will be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

TABLE 9—SHUTDOWN ZONES (m) DURING PILE INSTALLATION AND REMOVAL

Pile type, size, and driving method	Humpback whales	Porpoises	All other species
Vibratory drive 14-inch timber piles	30	30	30
Vibratory drive 13-inch polymeric piles	30	30	30
Impact drive 13-inch polymeric piles	30	30	30
Vibratory drive 16-inch and 18-inch concrete piles	30	30	30
Impact drive 16-inch and 18-inch concrete piles	50	45	45
Vibratory drive 24-inch concrete piles	10	10	10
Impact drive 24-inch concrete piles	160	500	200
Vibratory drive 28-inch steel sheet piles	70	65	65
Impact drive 28-inch steel sheet piles	780	500	200
Vibratory drive 42-inch steel pipe piles	80	120	50
Impact drive 42-inch steel pipe piles	1,010	500	200
Pre-Drilling	20	500	200

Based on our evaluation of the applicant's measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient

noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).

- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).
- Mitigation and monitoring effectiveness.

The Navy has submitted a Marine Mammal Monitoring Plan to NMFS that has been approved for this project.

Visual Monitoring

Marine mammal monitoring during pile driving and removal and drilling activities must be conducted by PSOs meeting NMFS' standards and in a manner consistent with the following:

- Independent PSOs (*i.e.,* not construction personnel) who have no other assigned tasks during monitoring periods must be used;
- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- Other PSOs may substitute education (degree in biological science or related field) or training for experience; and
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience working as a marine mammal observer during construction.

PSOs must have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

The Navy must establish the following monitoring locations. For all pile driving activities, a minimum of one PSO must be assigned to the active pile driving or drilling location to monitor the shutdown zones and as much of the Level A and Level B harassment zones as possible. If the active project location includes demolition activities, then the next adjacent pier may be used as an appropriate monitoring location ensuring that the aforementioned criteria is met. Monitoring must be conducted by a minimum of two PSOs for impact driving, and a minimum of three PSOs for vibratory and drilling activities. For activities in Table 6 with Level B harassment zones larger than 3,000 m, at least one PSO must be stationed on either Pier 14 or the North Jetty to monitor the part of the zone exceeding the edge of the Norfolk Naval Station (see Figure 3). The third PSO for vibratory and drilling activities will be located on Pier 1. PSOs will be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown/delay procedures (See Figure 3 for representative monitoring locations). If changes are necessary to ensure full coverage of the Level A harassment zones, the Navy shall contact NMFS to alter observer locations (*e.g.,* vessel blocking view from pier location).

Monitoring will be conducted 30 minutes before, during, and 30 minutes after all in water construction activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from drilling or piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

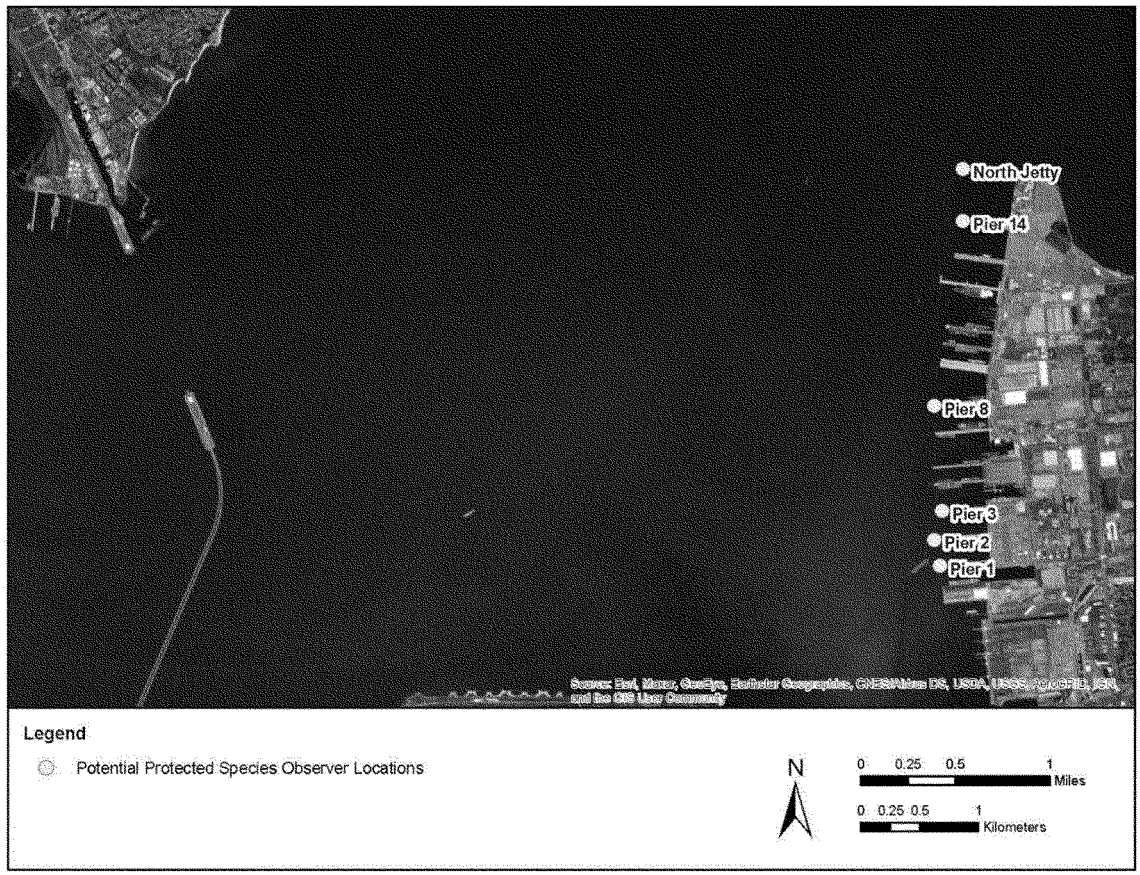

Figure 3. Protected Species Observer Locations at Naval Station Norfolk in Norfolk, Virginia.

Acoustic Monitoring

The Navy intends to conduct a sound source verification (SSV) study for various types of pile driving, extraction, and drilling associated with this project. Monitoring shall include two underwater positions and shall be conducted in accordance with NMFS guidance (NMFS 2012). One underwater location shall be at the standard 10 meters from the sound source, while the other positions shall be located at a distance of at least 20 times water depth at the pile. If the contractor determines that this distance interferes with shipping lanes for vessel traffic, or if there is no other reasons why this criteria cannot be achieved (*e.g.,* creates an unsafe scenario for crew), the Navy's Acoustic Monitoring Plan must offer an alternate site as close to the criteria as possible for NMFS' approval. Measurements shall be collected as detailed in the Navy's application (Table 13–1) for each pile type during the entire pile-driving/extraction/drilling event. Monitoring shall be conducted for 10 percent of each type of activity that has not previously been monitored at NAVSTA Norfolk (See Table 10 for complete list).

TABLE 10—ACOUSTIC MONITORING SUMMARY

Pile type [1]	Count [2]	Method of install/removal [2]	Number monitored [2]
13-inch polymeric	14	Vibratory	5
13-inch polymeric	14	Impact	5
13-inch polymeric	14	Drilling	5
16- or 18-inch concrete	308	Vibratory	10
24-inch concrete	47	Impact	10
42-inch steel pipe	113	Vibratory	10
42-inch steel pipe	113	Impact	10
28-inch steel sheet	229	Vibratory	10
28-inch steel sheet	229	Impact	10

[1] Data has previously been collected on the impact driving of 24-inch concrete piles and timber piles at NAVSTA Norfolk; therefore, no additional data collection is required for these pile types.

[2] Some piles may be either vibratory or impact pile driving, or a combination of both. The acoustic monitoring report at the end of Year 1 construction shall clarify which installation method was utilized and monitored for each pile type.

Environmental data shall be collected, including but not limited to, the following: Wind speed and direction, air temperature, humidity, surface water temperature, water depth, wave height, weather conditions, and other factors that could contribute to influencing underwater sound levels (*e.g.,* aircraft, boats, etc.).

Reporting

A draft marine mammal monitoring report and a draft acoustic monitoring report will be submitted to NMFS within 90 days after the completion of pile driving and removal and drilling activities, or 60 days prior to a requested date of issuance of any future IHAs or LOAs for the project, or other projects at the same location, whichever comes first. If the Navy goes ahead with their plan to request incidental take authorization for future phases of this project, the future LOA will be requested for coverage beginning on April 1, 2023; the draft reports under this issued IHA must be submitted to NMFS by January 31, 2023. The marine mammal report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring.
- Construction activities occurring during each daily observation period, including: (a) How many and what type of piles were driven or removed and the method (*i.e.,* impact or vibratory); and (b) the total duration of time for each pile (vibratory driving) or hole (drilling) and number of strikes for each pule (impact driving);
- PSO locations during marine mammal monitoring; and
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance.

Upon observation of a marine mammal the following information must be reported:

- Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting;
- Time of sighting;
- Identification of the animal(s) (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;
- Distance and location of each observed marine mammal relative to the pile being driven or hole being drilled for each sighting;
- Estimated number of animals (min/max/best estimate);
- Estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.);
- Description of any marine mammal behavioral observations (*e.g.,* observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.,* no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- Number of marine mammals detected within the harassment zones, by species; and
- Detailed information about implementation of any mitigation (*e.g.,* shutdowns and delays), a description of specified actions that ensured, and resulting changes in behavior of the animal(s), if any.

The acoustic monitoring report must contain the informational elements described in the Acoustic Monitoring Plan and, at minimum, must include:

- Hydrophone equipment and methods: Recording device, sampling rate, distance (m) from the pile where recordings were made; depth of water and recording device(s);
- Type and size of pile being driven, substrate type, method of driving during recordings (*e.g.,* hammer model and energy), and total pile driving duration;
- Whether a sound attenuation device is used and, if so, a detailed description of the device used and the duration of its use per pile;
- For impact pile driving and/or drilling (per pile): Number of strikes and strike rate; depth of substrate to penetrate; pulse duration and mean, median, and maximum sound levels (dB re: 1 µPa): Root mean square sound pressure level (SPL_{rms}); cumulative sound exposure level (SEL_{cum}), peak sound pressure level (SPL_{peak}), and single-strike sound exposure level (SEL_{s-s}); and
- For vibratory driving/removal and/or drilling (per pile): Duration of driving per pile; mean, median, and maximum sound levels (dB re: 1 µPa): Root mean square sound pressure level (SPL_{rms}), cumulative sound exposure level (SEL_{cum}) (and timeframe over which the sound is averaged).

If no comments are received from NMFS within 30 days, the draft reports will constitute the final reports. If comments are received, a final report addressing NMFS' comments must be submitted within 30 days after receipt of comments. All PSO datasheets and/or raw sighting data must be submitted with the draft marine mammal report.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the Navy must immediately cease the specified activities and shall report the incident to the Office of Protected Resources (OPR) (*PR.ITP.Monitoring Reports@noaa.gov*) NMFS and to the Greater Atlantic Region New England/Mid-Atlantic Regional Stranding Coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, the Navy must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the authorization. The Navy must not resume their activities until notified by NMFS.

The report must include the following information:

i. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

ii. Species identification (if known) or description of the animal(s) involved;

iii. Condition of the animal(s) (including carcass condition if the animal is dead);

iv. Observed behaviors of the animal(s), if alive;

v. If available, photographs or video footage of the animal(s); and

vi. General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number

of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Pile driving and removal and drilling activities have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level A and Level B harassment from underwater sounds generated from pile driving and removal and drilling. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

The takes from Level A and Level B harassment would be due to potential behavioral disturbance, TTS, and PTS. No serious injury or mortality is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Mitigation section).

The Level A harassment zones identified in Tables 6 and 7 are based upon an animal exposed to pile driving or drilling multiple piles per day. Considering the short duration to impact drive each pile and breaks between pile installations (to reset equipment and move pile into place), means an animal would have to remain within the area estimated to be ensonified above the Level A harassment threshold for multiple hours. This is highly unlikely given marine mammal movement throughout the area, especially for small, fast moving species such as small cetaceans and pinnipeds. Additionally, no Level A harassment is anticipated for humpback whales due to the required mitigation measures, which we expect the Navy will be able to effectively implement given the small Level A harassment zone sizes and high visibility of humpback whales. If an animal was exposed to accumulated sound energy, the resulting PTS would likely be small (*e.g.,* PTS onset) at lower frequencies where pile driving energy is concentrated, and unlikely to result in impacts to individual fitness, reproduction, or survival.

The Navy's pile driving project precludes the likelihood of serious injury or mortality. For all species and stocks, take will occur within a limited, confined area (immediately surrounding NAVSTA Norfolk in the Chesapeake Bay area) of the stock's range. Level A and Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein. Furthermore, the amount of take authorized is extremely small when compared to stock abundance.

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff 2006). Individual animals, even if taken multiple times, will most likely move away from the sound source and be temporarily displaced from the areas of pile driving or drilling, although even this reaction has been observed primarily only in association with impact pile driving. The pile driving and drilling activities analyzed here are similar to, or less impactful than, numerous other construction activities conducted along both Atlantic and Pacific coasts, which have taken place with no known long-term adverse consequences from behavioral harassment. Furthermore, many projects similar to this one are also believed to result in multiple takes of individual animals without any documented long-term adverse effects. Level B harassment will be minimized through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activity is occurring, particularly as the project is located on a busy waterfront with high amounts of vessel traffic.

As previously described in the notice of proposed IHA (87 FR3976; January 26, 2022), UMEs have been declared for Northeast pinnipeds (including harbor seal and gray seal) and Atlantic humpback whales. However, we do not expect authorized takes to exacerbate or compound upon these ongoing UMEs. As noted previously, no injury, serious injury, or mortality is expected or authorized, and Level B harassment takes of humpback whale, harbor seal and gray seal will be reduced to the level of least practicable adverse impact through the incorporation of the mitigation measures. For the WNA stock of gray seal, the estimated stock abundance is 451,600 animals. Given that only 1 to 3 takes by Level B harassment are authorized for this stock annually, we do not expect this authorization to exacerbate or compound upon the ongoing UME.

For the WNA stock of harbor seals, the estimated abundance is 61,336 individuals. The estimated M/SI for this stock (339) is well below the PBR (1,729). As such, the Level B harassment takes of harbor seal are not expected to exacerbate or compound upon the ongoing UMEs.

With regard to humpback whales, the UME does not yet provide cause for concern regarding population-level impacts. Despite the UME, the relevant population of humpback whales (the Gulf of Maine stock and the West Indies breeding population, or distinct population segment (DPS)) remains healthy. The Gulf of Marine stock of humpback whales was listed as strategic under the MMPA from 1995 through the 2018 SARs but has since been removed from this list. Annual SARs have also indicated an increasing population trend for the stock, with a current abundance estimate of 1369 whales (Hayes *et al.,* 2021).

Prior to 2016, humpback whales were listed under the ESA as an endangered species worldwide. Following a 2015 global status review (Bettridge *et al.,* 2015), NMFS established 14 DPSs with different listing statuses (81 FR 62259; September 8, 2016) pursuant to the ESA. The West Indies DPS, which consists of the whales whose breeding range includes the Atlantic margin of the Antilles from Cuba to northern Venezuela, and whose feeding range primarily includes the Gulf of Maine, eastern Canada, and western Greenland, was delisted. The status review identified harmful algal blooms, vessel collisions, and fishing gear entanglements as relevant threats for this DPS, but noted that all other threats are considered likely to have no or minor impact on population size or the growth rate of this DPS (Bettridge *et al.,* 2015). As described in Bettridge *et al.,* (2015), the West Indies DPS has a

substantial population size (*i.e.,* 12,312 (95 percent CI 8,688–15,954) whales in 2004–05 (Bettridge *et al.,* 2003)), and appears to be experiencing consistent growth. This trend is consistent with that in 2021 draft SARs as mentioned above. Further, NMFS is authorizing no more than eight takes by Level B harassment annually of humpback whale.

The project is also not expected to have significant adverse effects on affected marine mammals' habitats. The project activities will not modify existing marine mammal habitat for a significant amount of time. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- Authorized Level A harassment will be very small amounts and of low degree;
- The intensity of anticipated takes by Level B harassment is relatively low for all stocks;
- The number of anticipated takes is very low for humpback whale, harbor porpoise, and gray seal;
- The specified activity and associated ensonified areas are very small relative to the overall habitat ranges of all species and do not include habitat areas of special significance (Biologically Important Areas or ESA-designated critical habitat);
- The lack of anticipated significant or long-term negative effects to marine mammal habitat;
- The presumed efficacy of the mitigation measures in reducing the effects of the specified activity; and
- Monitoring reports from similar work in the Chesapeake Bay have documented little to no effect on individuals of the same species impacted by the specified activities.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS is authorizing is below one third of the estimated stock abundance for humpback whale, harbor porpoise, gray seal, the Northern North Carolina Estuarine Stock of bottlenose dolphin and harbor seal (in fact, take of individuals is less than 5 percent of the abundance of the affected stocks, see Table 8). This is likely a conservative estimate because they assume all takes are of different individual animals which is likely not the case. Some individuals may return multiple times in a day, but PSOs will count them as separate takes if they cannot be individually identified.

There are three bottlenose dolphin stocks that could occur in the project area. Therefore, the estimated 14,989 dolphin takes by Level B harassment would likely be split among the western North Atlantic northern migratory coastal stock, the western North Atlantic southern migratory coastal stock, and the northern North Carolina Estuarine stock (NNCES). Based on the stocks' respective occurrence in the area, NMFS estimates that there would be no more than 200 takes from the NNCES stock, representing 24 percent of that population, with the remaining takes split evenly between the northern and southern migratory coastal stocks. Based on the consideration of various factors as described below, we have determined the number of individuals taken will comprise less than one-third of the best available population abundance estimate of either coastal migratory stocks. Detailed descriptions of the stocks' ranges have been provided in the Description of Marine Mammals in the Area of Specified Activities section.

Both the northern migratory coastal and southern migratory coastal stocks have expansive ranges and they are the only dolphin stocks thought to make broad-scale, seasonal migrations in coastal waters of the western North Atlantic. Given the large ranges associated with these two stocks it is unlikely that large segments of either stock would approach the project area and enter into the Chesapeake Bay. The majority of both stocks are likely to be found widely dispersed across their respective habitat ranges and unlikely to be concentrated in or near the Chesapeake Bay.

Furthermore, the Chesapeake Bay and nearby offshore waters represent the boundaries of the ranges of each of the two coastal stocks during migration. The northern migratory coastal stock is found during warm water months from coastal Virginia, including the Chesapeake Bay and Long Island, New York. The stock migrates south in late summer and fall. During cold water months, dolphins may be found in coastal waters from Cape Lookout, North Carolina, to the North Carolina/Virginia border. During January–March, the southern Migratory coastal stock appears to move as far south as northern Florida. From April–June, the stock moves back north to North Carolina. During the warm water months of July–August, the stock is presumed to occupy the coastal waters north of Cape Lookout, North Carolina, to Assateague, Virginia, including the Chesapeake Bay. There is likely some overlap between the northern and southern migratory stocks during spring and fall migrations, but the extent of overlap is unknown.

The Chesapeake Bay and waters offshore of the mouth are located on the periphery of the migratory ranges of both coastal stocks (although during different seasons). Additionally, each of the migratory coastal stocks are likely to be located in the vicinity of the Bay for relatively short timeframes. Given the limited number of animals from each migratory coastal stock likely to be found at the seasonal migratory boundaries of their respective ranges, in combination with the short time periods (~2 months) animals might remain at these boundaries, it is reasonable to assume that takes are likely to occur only within some small portion of either of the migratory coastal stocks.

Many of the dolphin observations in the Bay are likely repeated sightings of the same individuals. The Potomac-

Chesapeake Dolphin Project has observed over 1,200 unique animals since observations began in 2015. Re-sightings of the same individual can be highly variable. Some dolphins are observed once per year, while others are highly regular with greater than 10 sightings per year (Mann, Personal Communication). Similarly, using available photo-identification data, Engelhaupt *et al.,* (2016) determined that specified individuals were often observed in close proximity to their original sighting locations and were observed multiple times in the same season or same year. Ninety-one percent of re-sighted individuals (100 of 110) in the study area were recorded less than 30 km from the initial sighting location. Multiple sightings of the same individual would considerably reduce the number of individual animals that are taken by harassment. Furthermore, the existence of a resident dolphin population in the Bay would increase the percentage of dolphin takes that are actually re-sightings of the same individuals.

In summary and as described above, the following factors primarily support our determination regarding the incidental take of small numbers of the affected stocks of a species or stock:

- The take of marine mammal stocks authorized for take comprises less than 5 percent of any stock abundance (with the exception of the Northern and Southern Migratory stocks of bottlenose dolphin);
- Potential bottlenose dolphin takes in the project area are likely to be allocated among three distinct stocks;
- Bottlenose dolphin stocks in the project area have extensive ranges and it would be unlikely to find a high percentage of the individuals of any one stock concentrated in a relatively small area such as the project area or the Chesapeake Bay;
- The Chesapeake Bay represents the migratory boundary for each of the specified dolphin stocks and it would be unlikely to find a high percentage of any stock concentrated at such boundaries; and
- Many of the takes would likely be repeats of the same animals and likely from a resident population of the Chesapeake Bay.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of this IHA qualifies to be categorically excluded from further NEPA review.

Authorization

As a result of these determinations, NMFS has issued an IHA to the U.S. Navy for conducting pile driving and drilling activities associated with the demolition and reconstruction of Pier 3 at Naval Station Norfolk, in Norfolk, Virginia from April 1, 2022 through March 31, 2023, that includes the previously explained mitigation, monitoring, and reporting requirements. The final IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Dated: March 15, 2022.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–05851 Filed 3–18–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2022–HQ–0007]

Proposed Collection; Comment Request

AGENCY: U.S. Army Corps of Engineers, Department of the Army, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the U.S. Army Corps of Engineers announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 20, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

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

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the U.S. Army Corps of Engineers, 441 G Street NW, Washington, DC 20314–1000, ATTN: Ms. Kathryn Nevins, or call 703–428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Shipper Interview for Gulf Intracoastal Waterway: Brazos River Flood Gates and Colorado River Locks Study; Form Number; OMB Control Number 0710–GIWW.

Needs and Uses: Information from the questionnaire is needed to formulate and evaluate alternative water resources development plans in accordance with the Principles and Guidelines for Water Related Land Resources Implementation Studies, promulgated by the U.S. Water Resources Council, 1983, which specifically identifies interviews with shippers, carriers and port officials as well as commodity consultants and experts to; identify commodity types, study area, commodity flow, estimate transportation cost and forecast waterway use.

The U.S. Army Corps of Engineers Galveston District, (SWG) seeks to conduct a survey of commercial shipping companies that use the Gulf Intracoastal Waterway (GIWW) to transport commodities along the Texas Coast. The area includes the crossings of the Brazos River and Colorado River in Texas. SWG will incorporate survey information into a General Investigation Feasibility Study Update of long term solutions to shoaling and allisions near the intersections of the GIWW and the Brazos and Colorado rivers that could result in a potential loss of the navigation pool at the flood gates and locks. As part of the study, we are surveying shippers that use the GIWW to help us better understand the potential economic effects of a long-term disruption in navigation through the area. Part of the study requires an examination of how shippers would respond if navigation crossing the Brazos River and Colorado River was restricted for an extended period, or if the flood gates and locks are widened. The survey will provide information to determine if tentative project costs would be justified by reducing risks of losing the navigation pool along the GIWW.

Affected Public: Businesses or other for-profit.

Annual Burden Hours: 50.

Number of Respondents: 50.

Responses per Respondent: 1.

Annual Responses: 50.

Average Burden per Response: 1 hour.

Frequency: Once.

Dated: March 15, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–05930 Filed 3–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0004]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 21, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela Duncan, 571–372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: End-Use Certificate; DLA Form 1822; OMB Control Number 0704–0382.

Type of Request: Extension.

Number of Respondents: 42,000.

Responses per Respondent: 1.

Annual Responses: 42,000.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 14,000.

Needs and Uses: The End-Use Certificate (DLA Form 1822) is submitted by individuals prior to releasing export-controlled personal property out of DoD control. Export-controlled personal property are items listed on the United States Munitions Lists (USML) or Commerce Control List (CCL), and includes articles, items, technical data, technology or software. Transfers of export-controlled personal property out of DoD control may be in tangible and intangible forms. The information collected is for the purpose of determining bidder or transferee eligibility to receive export-controlled personal property, and to ensure that transferees comply with the terms of sale or Military Critical Technical Data Agreement regarding end-use of the property. This form is to be used by the DoD Components, other Federal agencies who have acquired DoD export-controlled personal property, and or their contractors prior to releasing export-controlled personal property out of DoD or Federal agency control. End-use checks are required by the following: DoD Instruction 2030.08; DoD Manual 4160.28, Vol. 1–3; and DoD Manual 4160.21, Vol. 1–4.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

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

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: March 15, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–05901 Filed 3–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2022–HA–0035]

Proposed Collection; Comment Request

AGENCY: Defense Health Agency (DHA), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Health Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 20, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Health Agency, 7700 Arlington Blvd., Falls Church, VA 22042, Terry McDavid, 703–681–3645.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Preservation of the Force and Family Spiritual Fitness Metrics; OMB Control Number 0720–0063.

Needs and Uses: The information collection requirement is necessary to develop and validate measures of Spiritual Fitness and Performance in line with the Chairman of the Joint Chiefs of Staff Instruction on Total Force Fitness. This measure will be used by U.S. Special Operations Command's Preservation of the Force and Family's Spiritual Performance Team to evaluate programs that enhance spiritual performance.

Affected Public: Individuals and households.

Annual Burden Hours: 2,670.67.

Number of Respondents: 8,012.

Responses per Respondent: 1.

Annual Responses: 8,012.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

Dated: March 15, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–05929 Filed 3–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2022–OS–0034]

Proposed Collection; Comment Request

AGENCY: The Office of the Under Secretary of Defense for Research and Engineering (USD(R&E)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DoD STEM Office announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 20, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to DoD STEM Office, 4800 Mark Center Drive, Suite 17C08, ATTN: Mr. Louie Lopez, or call 571–372–6715.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD STEM Office Work Experience Program Participant Survey; OMB Control Number 0704–STEM.

Needs and Uses: The information collection is required to evaluate the DoD Work Experience Programs in support of the DoD STEM Office. The intent of the survey collection is to evaluate the participants' perspective on the program, what attracted them to the program, what they accomplished during the program and expected benefits from participation, along with any obstacles or barriers they had to overcome to participate. The survey's intended population is participants in DoD-funded work experience programs. The programs include internships, post-doctoral, and similar positions where the participants are working at or for DoD organizations while also receiving

mentorship. All of the respondents will be adults, either currently in college or recently graduated. Some of the respondents will be Federal civilians and others may be classified as contractors (working for DoD and being paid from DoD funds). Survey participation will be anonymous and data will be reported only in aggregated form.

Affected Public: Individuals or households.

Annual Burden Hours: 50.

Number of Respondents: 200.

Responses per Respondent: 1.

Annual Responses: 200.

Average Burden per Response: 15 minutes.

Frequency: Once.

Dated: March 15, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–05924 Filed 3–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Strategic Command Strategic Advisory Group; Notice of Federal Advisory Committee Closed Meeting

AGENCY: Office of the Chairman of the Joint Chiefs of Staff, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee closed meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Strategic Command Strategic Advisory Group will take place.

DATES: Day 1—Closed to the public Tuesday, March 22, 2022, from 9:00 a.m. to 5:00 p.m. and Day 2—Closed to the public Wednesday, March 23, 2022, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: 900 SAC Boulevard, Offutt AFB, Nebraska 68113.

FOR FURTHER INFORMATION CONTACT: Mr. Mark J. Olson, Designated Federal Officer, (402) 912–0322 (voice), *mark.j.olson.civ@mail.mil* (email). Mailing address is 900 SAC Boulevard, Suite N3.170, Offutt AFB, Nebraska 68113.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140. This meeting is being held under the provisions of the FACA of 1972 (5 U.S.C. Appendix), the Government Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.150.

Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer, the U.S. Strategic Command Strategic Advisory Group was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its March 22 through 23, 2022 meeting of the U.S. Strategic Command Strategic Advisory Group. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Purpose of the Meeting: The purpose of the meeting is to provide advice on scientific, technical, intelligence, and policy-related issues to the Commander, U.S. Strategic Command, during the development of the Nation's strategic war plans.

Agenda: Topics include: Dual Peer Threat Assessment and Integrated Deterrence, Stockpile Assessment, Nuclear Detection Capabilities and Technological Advances, Nuclear Command, Control, and Communications (NC3) system and NC3 Enterprise Center (NEC) way forward, Mission Surety of Current, Legacy TRIAD Systems, and Burdensome and Unnecessary ''Requirements''.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, and 41 CFR 102–3.155, the Department of Defense has determined that the meeting shall be closed to the public. Per delegated authority by the Chairman, Joint Chiefs of Staff, Admiral Charles A. Richard, Commander, U.S. Strategic Command, in consultation with his legal advisor, has determined in writing that the public interest requires that all sessions of this meeting be closed to the public because they will be concerned with matters listed in 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to 41 CFR 102–3.140(c), the public or interested organizations may submit written statements to the membership of the Strategic Advisory Group at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Strategic Advisory Group's Designated Federal Officer; the Designated Federal Officer's contact information can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.* Written statements that do not pertain to a scheduled meeting of the Strategic Advisory Group may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The Designated Federal Officer will review all submitted written statements and provide copies to all the committee members.

Dated: March 15, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–05867 Filed 3–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0006]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 20, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Angela Duncan, 571–372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Project Time Record System; OMB Control Number 0704–0452.

Type of Request: Extension.

Number of Respondents: 1,200.

Responses per Respondent: 52.

Annual Responses: 62,400.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 15,600.

Needs and Uses: This information collection is required for the purpose of tracking Defense Logistics Agency

(DLA) contractor workload/project activity, time and attendance, and labor distribution and data for analysis and reporting, management, and planning purposes. Additionally, the data allows government supervisors to maintain management records associated with the operations of contracts and to evaluate and monitor contractor performance and other matters concerning contracts. Government supervisors are able to monitor all aspects of a contract and resolve any discrepancy in hours billed to DLA. Records devoid of personal identifiers are used for extraction or compilation of data and reports for management studies and statistical analyses for use internally as required by the DoD.

Affected Public: Individuals or households.

Frequency: Weekly.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

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

DOD Clearance Officer: Ms. Angela Duncan.

Requests for copies of the information collection proposal should be sent to Ms. Duncan at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: March 15, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–05900 Filed 3–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2022–OS–0032]

Proposed Collection; Comment Request

AGENCY: The Office of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 20, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05, Alexandria, VA 22350, LaTarsha Yeargins, 571–372–2089.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Family Member Travel Screening; DD Form 3040, DD Form 3040–1, DD Form 3040–2, DD Form 3040–3; OMB Control Number 0704–0560.

Needs and Uses: The DD Forms 3040, 3040–1, 3040–2, 3040–3, and 3040–4 are used during the Family Member Travel Screening process when active duty Service members with Permanent Change of Station order request Command sponsorship for accompanied travel to remote or outside continental United States (OCONUS) installations. These forms document any special medical, dental, and/or educational needs of dependents accompanying the Service member to assist in determining the availability of care at a gaining installation. This standardized collection of information is required by the National Defense Authorization Act of 2010 (NDAA 2010), 10 U.S.C. 136 'Under Secretary of Defense for Personnel and Readiness,' and the DoD Instruction (DoDI) 1315.19, ''The Exceptional Family Member Program (EFMP).'' The NDAA 2010 established the Office of Special Needs (OSN) and tasked OSN with developing, implementing, and overseeing comprehensive policies surrounding assignment and support for these military families. Additionally, per DoDI 1315.19, military departments are required to screen family members of active duty Service members for special needs and to coordinate assignments for Service members enrolled in the EFMP to verify if necessary medical and/or educational services are available at the next assignment.

Affected Public: Individuals or households.

Annual Burden Hours: 84,560.13 hours.

Number of Respondents: 267,032.

Responses per Respondent: 1.

Annual Responses: 267,032.

Average Burden per Response: 19 minutes.

Frequency: Once.

Dated: March 15, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–05927 Filed 3–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2022–OS–0033]

Proposed Collection; Comment Request

AGENCY: The Office of the Under Secretary of Defense for Personnel and

Readiness (USD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 20, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05 Alexandria, VA 22350, LaTarsha Yeargins, 571–372–2089.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Network of Support Pilot Program Survey; OMB Control Number 0704–NSPP.

Needs and Uses: The DoD and American Red Cross have entered into an agreement to encourage members of the Armed Forces to designate persons to receive information regarding the military service. These designated persons are made eligible to opt-in to receive DoD Military OneSource Friends & Family Connection eNewsletter, to provide a greater understanding of military life, military career progression, and resources available to service members and their families at various stages of military life. In accordance with National Defense Authorization Act 2020 SEC. 507E, the DoD, in consultation with the American Red Cross, shall administer a survey to persons who elected to receive information under the pilot program no later than two years after the date on which the pilot program commences.

The purpose for the survey under review is to receive feedback regarding the quality of information disseminated to the designated recipients, including whether such information appropriately reflects the military career progression of members of the Armed Forces. The Network of Support Pilot Program Survey will collect information from friends and family members identified by active-duty service members or through self-identification via the American Red Cross Hero Network, who have opted-in to communications from the Military OneSource Friends & Family Connection eNewsletter. The survey is voluntary. Respondents who have opted-in to the program to receive the Military OneSource Friends & Family Connection eNewsletter have unique insight regarding the quality of information received from non-dependents.

Affected Public: Individuals or households.

Annual Burden Hours: 11.25 hours.

Number of Respondents: 75.

Responses per Respondent: 1.

Annual Responses: 75.

Average Burden per Response: 9 minutes.

Frequency: Once.

Dated: March 15, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–05928 Filed 3–18–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Inland Waterways Users Board Meeting Notice

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open Federal advisory committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the Federal advisory committee meeting of the U.S. Army Corps of Engineers, Inland Waterways Users Board (Board). This meeting is open to the public. For additional information about the Board, please visit the committee's website at *http://www.iwr.usace.army.mil/Missions/Navigation/InlandWaterwaysUsersBoard.aspx.*

DATES: The Army Corps of Engineers, Inland Waterways Users Board will conduct a meeting from 10:00 a.m. to 2:30 p.m. EDT on April 20, 2022.

ADDRESSES: The Inland Waterways Users Board meeting will be conducted at the Westin New Orleans Canal Place, 100 Iberville Street, New Orleans, Louisiana 70130, 504–566–7006. The online virtual portion of the Inland Waterways Users Board meeting can be accessed at *https://usace1.webex.com/meet/ndc.nav,* Public Call-in: USA Toll-Free 844–800–2712, USA Caller Paid/International Toll: 1–669–234–1177, Access Code: 199 117 3596, Security Code 1234.

FOR FURTHER INFORMATION CONTACT: Mr. Mark R. Pointon, the Designated Federal Officer (DFO) for the committee, in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GN, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–6438; and by email at *Mark.Pointon@usace.army.mil.* Alternatively, contact Mr. Steven D. Riley, an Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–NDC, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–659–3097; and by email at *Steven.D.Riley@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The Board is chartered to provide independent advice and recommendations to the Secretary of the Army on construction and rehabilitation project investments on the commercial navigation features of the inland waterways system of the United States. At this meeting, the Board will receive briefings and presentations regarding the investments, projects and status of the inland waterways system of the United States and conduct discussions and deliberations on those matters. The Board is interested in written and verbal comments from the public relevant to these purposes.

Agenda: At this meeting the agenda will include the status of the Inland Waterways Trust Fund (IWTF); the status of Fiscal Year (FY) 2022 funding for inland and coastal Navigation and the Continuing Resolution Act, the funding from the Infrastructure Investment and Jobs Act (IIJA) and Disaster Relief Supplemental Appropriations Act, and the FY 2023 Budget for Navigation; remote lock operations assessment; the inland waterways Capital Investment Strategy activities; updates of future inland waterways projects for Three Rivers, Arkansas, Mississippi River-Illinois Waterway Navigation and Ecosystem Sustainability Program (NESP), Upper Ohio River Navigation and Gulf Intracoastal Waterway; status of the ongoing construction activities for the Monongahela River Locks and Dams 2, 3, and 4, the Ohio River Montgomery Lock projects, the Chickamauga Lock Project and the Kentucky Lock Project; and status of Inner Harbor Navigation Canal Lock and Bayou Sorrel Lock.

Availability of Materials for the Meeting. A copy of the agenda or any updates to the agenda for the April 20, 2022 meeting will be available. The final version will be available at the meeting. All materials will be posted to the website for the meeting.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to participate in the meeting will begin at 7:15 a.m. on the day of the meeting. Participation is on a first-to-arrive basis. Any interested person may participate in the meeting, file written comments or statements with the committee, or make verbal comments during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.

Special Accommodations: Individuals requiring any special accommodations related to the public meeting or seeking additional information about the procedures, should contact Mr. Mark Pointon, the committee DFO, or Mr. Steven Riley, an ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Board about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Mr. Pointon, the committee DFO, or Mr. Riley, a committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the Board for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting. Please note that because the Board operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the public meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three business (3) days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the order received, and determine whether the subject matter of each comment is relevant to the Board's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

Thomas P. Smith,

Chief, Operations and Regulatory Division, Directorate of Civil Works, U.S. Army Corp of Engineers.

[FR Doc. 2022–05876 Filed 3–18–22; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Sunshine Act Meetings; Mississippi River Commission

TIME AND DATE: 9:00 a.m., April 4, 2022.

PLACE: On board MISSISSIPPI V at Caruthersville City Front, Caruthersville, Missouri.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the St. Louis and Memphis Districts; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 5, 2022.

PLACE: On board MISSISSIPPI V at Beale Street Landing, Memphis, Tennessee.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 6, 2022.

PLACE: On board MISSISSIPPI V at Greenville City Front, Greenville, Mississippi.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 8, 2022.

PLACE: On board MISSISSIPPI V at City Front, Baton Rouge, Louisiana.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles A. Camillo, telephone 601–634–7023.

Diana M. Holland,

Major General, USA, President, Mississippi River Commission.

[FR Doc. 2022–06002 Filed 3–17–22; 4:15 pm]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Disability Innovation Fund—Subminimum Wage to Competitive Integrated Employment Innovative Model Demonstration Project

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The U.S. Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2022 for the Disability Innovation Fund—Subminimum Wage to Competitive Integrated Employment (SWTCIE) Innovative Model Demonstration Project, Assistance Listing Number 84.421D. The Department intends to fund multiple innovative model demonstration projects to assist individuals with disabilities currently employed in, or contemplating, subminimum wage employment (*i.e.,* SWTCIE program participants) to engage with State vocational rehabilitation (VR) agencies so they may obtain competitive integrated employment (CIE). The Rehabilitation Services Administration (RSA) recognizes that models to obtain CIE are needed for students and youth with disabilities seeking subminimum wage employment and individuals with disabilities who are employed or contemplating employment at subminimum wage by entities holding special wage certificates (employers or entities holding 14(c) certificates) under section 14(c) of the Fair Labor Standards Act of 1938 (FLSA) (''under section 14(c) certificates''). This notice relates to the approved information collection under OMB control number 1820–0018.

DATES:

Applications Available: March 21, 2022.

Deadline for Transmittal of Applications: June 21, 2022.

Date of Pre-Application Meeting: The Office of Special Education and Rehabilitative Services (OSERS) will post a PowerPoint presentation that provides general information about RSA's discretionary grants and a PowerPoint presentation specifically about the SWTCIE Innovative Model Demonstration Project at *https://ncrtm.ed.gov/RSAGrantInfo.aspx.* In addition to posting the PowerPoint, OSERS will conduct a pre-application meeting specific to this competition via conference call to respond to questions. Information about the pre-application meeting will be available at *https://ncrtm.ed.gov/RSAGrantInfo.aspx* prior to the date of the call. OSERS invites you to send questions to *84.421D@ed.gov* in advance of the pre-application meeting. The teleconference information, including a summary of the 84.421D pre-application meeting questions and answers, will be available at *https://ncrtm.ed.gov/RSAGrantInfo.aspx* within six business days after the pre-application meeting. Deadline for Intergovernmental Review: August 18, 2022.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979.* Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

FOR FURTHER INFORMATION CONTACT: Cassandra P. Shoffler, U.S. Department of Education, 400 Maryland Avenue SW, Room 5065A, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–7827. Email: *84.421D@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Purpose of Program: The purpose of the Disability Innovation Fund (DIF) Program, as provided by the Consolidated Appropriations Act, 2021 (Pub. L. 116–260), is to support innovative activities aimed at increasing CIE as defined in section 7 of the Rehabilitation Act of 1973 (Rehabilitation Act) (29 U.S.C. 705(5)), for youth and other individuals with disabilities.

The purpose of this competition is to increase the opportunity for SWTCIE program participants—students and youth with disabilities seeking subminimum wage employment and potential VR program applicants or VR-eligible individuals with disabilities who are employed or contemplating employment at subminimum wage—to obtain CIE, defined in section 7(5) of the Rehabilitation Act of 1973 (Rehabilitation Act) and in the *Definitions* section of this notice. To achieve this purpose, projects funded under this priority will create innovative models, for dissemination and replication, to: (1) Identify strategies for addressing challenges associated with access to CIE (*e.g.,* transportation, support services); (2) provide integrated services that support CIE; (3) support integration into the community through CIE; (4) identify and coordinate wraparound services for any individual served by the project who obtains CIE;

(5) develop evidence-based practices and share those practices with other entities holding 14(c) certificates, State VR agencies, local rehabilitation providers, State and local workforce agencies and regional and local employers; and (6) provide entities holding section 14(c) certificates with readily accessible transformative business models for adoption.

Priorities: This competition contains one absolute priority. We are establishing the absolute priority for the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA), 20 U.S.C. 1232(d)(1).

Absolute Priority: This priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Subminimum Wage to Competitive Integrated Employment (SWTCIE) Innovative Model Demonstration Project.

Background:

Since the establishment of the Federal minimum wage in 1938, a special minimum wage has existed for individuals with disabilities. This provision allows employers holding a section 14(c) certificate from the U.S. Department of Labor (DOL) to pay individuals with disabilities less than the Federal minimum wage that is generally mandated for all other workers. DOL, Wage and Hour Division, 14(c) certificate holder reports indicate that as of October 1, 2021, there were 531 entities that have pending 14(c) certificates, which do not yet provide subminimum employment, and 667 entities that hold 14(c) certificates with 39,840 individuals with disabilities employed under the 14(c) certificates earning a subminimum wage (U.S. Department of Labor, 2022).

As data have shown substantial disparity in the wages that these individuals receive, the need for policy and programming to help identify strategies to expand opportunities for individuals with disabilities employed at subminimum wage is critical. Recent Federal, State, and local legislation and policy development have focused on maximizing opportunities for individuals with disabilities to earn competitive wages in non-segregated settings, thereby enhancing the social and economic inclusion and empowerment of individuals with disabilities. In some cases, State legislation and policies emphasize eliminating subminimum wage or terminating the use of subminimum wage for individuals with disabilities over a period of time. Changes in expectations about community integration and employment for individuals with disabilities render subminimum wage employment an outdated model.

Several States, including Alaska, Maine, Maryland, New Hampshire, Oregon, Washington, Hawaii, Colorado, California, Delaware, Rhode Island, and Vermont, have passed or are in the process of implementing legislation to abolish the payment of subminimum wages to individuals with disabilities. In addition, some cities, such as Seattle, Washington; Reno, Nevada; Chicago, Illinois; and Denver, Colorado, have such bans in place.

While passing legislation and enacting policies to eliminate subminimum wage employment has been effective at the State and local level, there is a need for an innovative focus on eliminating subminimum wage employment that also expands opportunities for individuals with disabilities to obtain CIE. Projects that utilize innovative approaches, such as those identified within this notice, have the potential to prevent the payment of a subminimum wage to and improve the employment outcomes of individuals with disabilities and build the body of evidence towards achieving this policy goal.

The Rehabilitation Act, as amended by title IV of the Workforce Innovation and Opportunity Act (WIOA), defines CIE in general as full-time or part-time work: (1) In which the individual with a disability is paid at or above the Federal minimum wage; (2) at a location where the individual with a disability interacts with individuals without disabilities to the same extent that individuals without disabilities in comparable positions interact with others who are not disabled; and (3) that presents opportunities for advancement that are similar to those provided to individuals without disabilities. In this notice, the Department uses the definition of CIE from 34 CFR 361.5(c)(9) established for purposes of the VR program, which defines CIE as work that is, among other things, performed in a location: (1) That is typically found in the community; and (2) in which the individual with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (*e.g.,* customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons. See the *Definitions* section of this notice.

The purpose of the VR program is to assist individuals with disabilities who choose to seek CIE, including supported employment [1] and customized employment, which constitute ''employment outcomes'' under the VR program as defined in section 7(11) of the Rehabilitation Act (29 U.S.C. 705(11) and 34 CFR 361.5(c)(15)). An individual with a disability who chooses to pursue non-competitive and/or non-integrated employment is not eligible for services under the VR program because the individual would not be choosing to achieve an ''employment outcome.'' To the extent an individual with a disability, or their representative as appropriate, chooses to pursue work that is outside the scope of the VR program, VR agency personnel play a critical role in making the proper referrals to other community resources, as required under 34 CFR 361.37(b).

The VR program expands opportunities for individuals with disabilities to obtain high-quality CIE that leads to economic security and is a key resource in furthering the full equality and integration of individuals with disabilities in American society by examining potential employment opportunities, and by training and preparing individuals with disabilities for those opportunities that lead to an employment outcome.

In furthering its mission to assist individuals with disabilities to obtain CIE, the VR program works with employers of all types, including those offering non-traditional, flexible, and freelance opportunities. The program assists and encourages employers to fully include individuals with disabilities in their workforce by creating employment opportunities that meet all criteria in the definition of CIE, including the criterion for an integrated employment location.

[1] ''Supported employment,'' as defined at section 7(38) of the Rehabilitation Act (29 U.S.C. 705(38)) and 34 CFR 361.5(c)(53), means competitive integrated employment, including customized employment, or employment in an integrated setting in which an individual with a most significant disability is working on a short-term basis toward competitive integrated employment. As such, ''supported employment'' constitutes an ''employment outcome'' under the VR program, as that term is defined at section 7(11) of the Rehabilitation Act (29 U.S.C. 705(11)) and 34 CFR 361.5(c)(15).

To be considered CIE for purposes of both DIF and the VR program, a job position must satisfy all three criteria related to wages/benefits, integration, and opportunities for advancement (section 7(5) of the Rehabilitation Act (29 U.S.C. 705(5)), 34 CFR 361.5(c)(9), and the *Definitions* section of this notice). Please refer to RSA–FAQ 22–02, the Frequently Asked Questions (FAQs) pertaining to *Criterion for an Integrated Employment Location in the Definition of ''Competitive Integrated Employment'' and Participant Choice* that was issued by the Rehabilitation Services Administration (2021).[2] Although the FAQs pertain specifically to CIE and the VR program, they provide critical information, including clarification on the criterion for an integrated employment location in the definition, that would be applicable to the definition for purposes of the DIF program.

Priority:

The purpose of this priority is to fund model demonstration projects designed to develop, implement, refine, evaluate, and disseminate, for easy adoption, new or substantially improved model strategies or programs to transition SWTCIE program participants to CIE in any one of six topic areas.

Topic Areas:

Within this absolute priority, the Secretary intends to support innovative model demonstration projects under the following topic areas: (1) Essential Workers; (2) Green Job Workers; (3) Home and Community-Based Service Workers; (4) Arts; (5) Transportation Industry and related Industry Workers; and (6) Field Initiated. If an applicant intends to address multiple topic areas, the applicant must combine the topic areas in one application and submit it under topic area 6, Field Initiated. For example, an applicant could apply under topic area 6 with a proposed project that combines topic area 1 with any of topic areas 2–5. Multiple applications from a single applicant will not be accepted.

Note: The numbering of the topic areas does not reflect an established hierarchy or preference among the topic areas.

Topic Area 1: Essential Workers.

Essential workers are needed nationwide as the economy responds to the novel coronavirus 2019 (COVID–19). The U.S. Department of Homeland Security identified essential workers as those individuals who conduct a range of operations and services that are typically essential to continue critical infrastructure operations (Hultin, 2021*).* The U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) created guidance, and developed a sector-specific list, to assist in the identification of essential workers (2021).

Potential SWTCIE program participants may already be classified as essential workers but work in non-integrated settings or enclaves. These individuals may have the skills, abilities, and interest in transferring to job positions as essential workers in CIE.

A project in this area will identify and implement innovative strategies to assist SWTCIE program participants to secure CIE as essential workers.

Topic Area 2—Green Job Workers.

Workers will be needed for green jobs to help the United States reach its goal of no longer generating greenhouse gas pollution by 2035 (U.S. Department of Labor, 2021). The percentage of total employment associated with green goods and services has increased in the United States over the years, presenting employment opportunities in related emerging fields (U.S. Bureau of Labor Statistics, 2013). Innovative inclusion practices would provide green job opportunities for individuals with disabilities, which in turn would also improve the outlook in this growing sector.

Green jobs may include solar panel installation and maintenance; energy efficient HVAC installation; removal of excess undergrowth from forests at risk of forest fires; operation of businesses such as electric vehicle businesses, wind and water electricity businesses, and hydroponic gardening facilities; and many other emerging areas that may assist in combating climate change.

A project in this area will identify and implement innovative strategies to assist SWTCIE program participants to secure CIE as green job workers.

Topic Area 3—Home and Community-Based Service Workers.

With the aging of the Nation's population and the need for independent living for people with disabilities leading to increased demand for Home and Community Based services (HCBS), the United States faces an impending crisis in the supply of direct support workers. This increased demand for HCBS opens the door to various employment opportunities. Some individuals with significant disabilities and older adults who need personal services may use or employ individuals with disabilities to provide the needed personal services. This arrangement could provide a mutually beneficial relationship between the individual with a disability needing services, and the individual with a disability providing the services.

A project in this area will identify and implement innovative strategies to assist SWTCIE program participants to secure CIE as home and community-based service workers for individuals with disabilities, the aging population, or both.

Topic Area 4—Arts.

The National Endowment for the Arts, New Report Released on the Economic Impact of the Arts and Cultural Sector (2021), indicated that the arts have been significantly and negatively impacted by COVID–19. As a major employment sector, the arts are an essential part of building back our Nation's culture and our ability to enjoy being with others in public spaces. To rebuild the arts, individuals with disabilities should have CIE opportunities within every arts venue and activity. The arts and culture industry shapes culture and cultural expectations. Individuals with disabilities and their advocates have historically promoted representation of individuals with disabilities within the arts and culture industry.

The arts employ individuals in many settings and positions, such as performing artists (*e.g.,* actors, musicians, singers, dancers), visual artists (*e.g.,* painters, sculptors, jewelers, woodworkers), set designers, construction workers, costume designers, lighting crew, ticket takers, cleaners, librarians, advertisers, translators, and managers and staff at all types of arts venues, and many other jobs. These positions are carried out in communities of all sizes across the Nation.

A project in this area will identify and implement innovative strategies to assist SWTCIE program participants to secure CIE in the arts, thereby advancing meaningful access to and inclusion in one or more of these three primary areas pertaining to the arts: (1) Education and Careers, (2) Community Health/Wellness, and (3) Cultural Spaces.

(1) *Education and Careers:* Build a bridge to employment opportunities in the arts that include education and training, including postsecondary education opportunities, for SWTCIE program participants in all genres of arts-based careers. This includes reaching students in arts high schools and in arts programs, reaching students who do not have access to arts curricula, and facilitating exposure to work-based learning experiences in the arts.

(2) *Community Health/Wellness:* Foster inclusion in community life and promote resilience and social

[2] See *References* for link to RSA–FAQ 22–02.

engagement through CIE in the arts for SWTCIE program participants.

(3) *Cultural Spaces:* Create access to cultural spaces that provide STWCIE program participants with CIE opportunities in the arts (for example, in theaters and performing arts venues; art, history, and children's museums; outdoor exhibit spaces such as parks, zoos, arboretums, aquariums, and recreational spaces), thereby leading to increased engagement between individuals with and without disabilities, more diversity within the arts, and empowerment for STWCIE program participants in the arts.

Topic Area 5—Transportation Industry and Related Industry Workers.

According to the Bureau of Transportation Statistics (2022), ''transportation industry'' refers to the for-hire transportation and warehousing sector, including but not limited to air, rail, water, and truck transportation. ''Transportation-related industries'' refers to industries outside the for-hire transportation and warehousing sector, for example motor vehicle parts manufacturing and positions within Federal and State Departments of Transportation.

A project in this area will identify and implement innovative strategies to assist SWTCIE program participants to secure CIE as a worker within the transportation industry or transportation-related industries. A project in this topic area may align with the transportation aspects of the Infrastructure Investment and Jobs Act (2021).

Topic Area 6—Field Initiated.

Field initiated projects will identify and implement innovative strategies that assist SWTCIE program participants to secure CIE. A field initiated project may (1) address innovative topic areas not otherwise included in this notice, or (2) combine two or more topic areas described in this notice into one application.

Requirements:

The following requirements are established for the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA.

Program and Project Application Requirements:

Under this priority, the model demonstration project must, at a minimum, meet the following program requirements. Applicants must describe, in a narrative section of the application, how the proposed project will meet these requirements.

(a) Develop, pilot, refine, and implement a collaborative model, representative of the partnerships with key staff in State VR agencies and partner programs; employers; local educational agencies (LEAs); State educational agencies (SEAs); community rehabilitation providers (CRPs); organizations and associations of, or representing, individuals with disabilities, students and youth with disabilities, parents, family members, guardians, and advocates, that can be used by State VR agencies and local VR providers to assist SWTCIE program participants.

(1) *Develop the project.*

(i) Develop a collaborative model to assist SWTCIE program participants during the first year of the project.

(ii) Identify and collaborate with partners and stakeholders that have experience serving populations that are diverse with respect to, for example, socioeconomic status, race, ethnicity, culture, language, disability status, and gender.

(iii) Establish partnerships with State VR agencies; individuals with disabilities; community-based services and CRPs; appropriate employers, particularly employers representing the selected topic area(s); and other agencies and entities that are critical to the development and implementation of this project. These agencies and entities may include SEAs, LEAs, institutions of higher education, 14(c) certificate holders, workforce providers, support service providers, and on-the-job and customized training providers.

(iv) Develop a memorandum of understanding (MOU) with each partner that describes the specific roles and responsibilities. The MOU(s) with the described partners must be submitted to the Department prior to piloting the proposed project and revised, as necessary, when implementing the project.

(v) Serve diverse geographic regions, such as urban, suburban, rural, and Tribal communities, as applicable.

(vi) Identify and collaborate with a workgroup or committee that consists of the partnership with key staff in State VR agencies and partner programs; employers; LEAs; SEAs; CRPs; organizations and associations of, or representing, individuals with disabilities, students and youth with disabilities, parents, family members, guardians, advocates, other Department-funded projects, and authorized representatives as directed by RSA. The purpose of the workgroup or committee is to advise the State VR agency on project development and implementation, and to identify and operationalize partner activities that may contribute to the success of SWTCIE program participants.

(vii) Train SWTCIE program participants and assist SWTCIE program participants in obtaining required credentials related to the identified topic areas, if applicable.

(viii) Identify and describe the services and supports that will be offered to support SWTCIE program participants in promoting, accessing, achieving, and maintaining CIE in the proposed topic area.

(2) *Pilot the project.*

(i) Pilot the project during the second year of the project period.

(ii) The pilot must be aimed at assessing, throughout the year, the crucial components of the full-scale project, including data collection and evaluation components, to determine whether components will be conducted as planned, or need to be altered.

(3) *Refine the project.*

(i) Include a process of continuous improvement to ensure that project activities are reviewed against the project's goals and objectives and refined throughout years two, three, four, and five.

(ii) Refine the project through a process for securing feedback, through various methods (*e.g.,* in-person, phone, virtual) from SWTCIE program participants, partners, and stakeholders, to ensure continuous improvement and refinement of the project throughout years two, three, four, and five.

(4) *Implement the project.* The implementation of the project must include collection of baseline data prior to the start of the project activities (year 1), the project pilot (year 2), refinement (years 2–5), and data collection and assessment of feedback on the plan and its impact (*e.g.,* strengths and challenges) on transitioning SWTCIE program participants to CIE (years 2–5).

(b) Develop a workplan, to be included with the application, that addresses the following:

(1) Collection of baseline data prior to the start of project activities (year 1), design (year 1), pilot (year 2), refinement and implementation (years 2–5), data collection (years 2–5), stakeholder feedback (years 2–5), and evaluation on the project and its impact (*e.g.,* strengths and challenges) (years 2–5) on assisting SWTCIE program participants;

(2) Identification of supports (*e.g.,* transportation, financial planning) for SWTCIE program participants including the rationale for providing the supports (*e.g.,* if a support has an evidence base of improving CIE) and how the specific supports for each SWTCIE program

participant will be determined (unless all participants receive the same supports);

(3) In consultation with the employee and their employer, identification of efficiencies within the employment setting that will be implemented to reduce burden, such as the use of modern information and communications technology for oversight and consultation, as an alternative to in-person meetings, as appropriate, and simplification of time-intensive process requirements;

(4) Identification of how SWTCIE program participants will be provided information and support services to assist in exercising informed choice regarding CIE options, including but not limited to participation in on-the-job training, job shadowing, and internships, to ensure that opportunities are identified based on SWTCIE program participants' choices and experiences toward achieving CIE outcomes;

(5) Identification and implementation of flexible customized employment strategies, such as flexible and alternative workplace solutions, for SWTCIE program participants, as appropriate;

(6) Development and provision of outreach and training to SWTCIE program participants and, as appropriate, their parents or guardians to address social inclusion, supported decision-making and alternatives to guardianship, fair wages and hours, skills development, safe and healthy workplaces, and supports necessary for success (*e.g.,* transportation, financial planning);

(7) Creation of a toolkit that will contribute to the assessment of SWTCIE program participants' ability to manage major life skills areas, and which will include a self-assessment component; resources (*e.g.,* agencies and organizations that assist job seekers, job boards, training programs); and other information that can guide users to replicate practices, both promising and emerging; and

(8) Creation and dissemination of project materials in a format that allows States to easily replicate effective innovative strategies. The materials must include information about the project throughout the life of the project (years 2–5), including, but not limited to, products created, reports, effective strategies, implementation challenges and strategies for avoiding or overcoming these challenges, evaluation findings, and other relevant information as directed by RSA.

(c) Develop and conduct an evaluation of the project's performance that documents the relationship between participants' engagement with or use of specific practices and strategies implemented by the project and key outcomes. Grantees must dedicate sufficient funds throughout the project period to cover the costs of developing, refining, and implementing the evaluation plan, as well as the costs associated with collaborating throughout the period of performance with an independent evaluator identified by RSA.

In the narrative section of the application under ''Quality of the project evaluation,'' applicants must include an evaluation plan for the project. The evaluation plan must—

(1) Identify formative and summative evaluation questions, including important process and outcome evaluation questions that align to the required project logic model.

(2) Describe how progress in and fidelity of implementation, as well as project outcomes, will be measured to answer the evaluation questions. Specify the measures and associated instruments or sources for data appropriate to the evaluation questions. Include information regarding reliability and validity of measures where appropriate.

(3) Describe strategies for analyzing data and how data collected as part of this project will be used to inform and refine the proposed logic model and evaluation plan, including subsequent data collection.

(4) Provide a timeline for conducting the evaluation and include staff assignments for completing the plan. The timeline must indicate that data will be available bi-annually for the annual performance report (October 1–March 31) and end of year performance report (October 1–September 30).

(5) Collect data regarding SWTCIE program participants, including but not limited to, demographics and regional information.

(6) Collect baseline data prior to the start of the project activities and, at a minimum, analyze the following data:

(i) Number of entities holding or with pending applications for a section 14(c) certificate in the project's State;

(ii) For SWTCIE program participants working for an entity holding a section 14(c) certificate in the project's State at VR application:

(A) Number that are employed at subminimum wage;

(B) Number that are employed in CIE;

(C) Number that are employed in more than one job, at least one for subminimum wage and another in CIE;

(D) Number of hours worked per week and hourly wage at subminimum wage;

(E) Number of hours worked per week and hourly wage in CIE;

(F) Number of hours worked per week and hourly wage in a combination of subminimum wage and CIE;

(iii) For SWTCIE program participants who are youths, including students, with disabilities:

(A) Number who are contemplating subminimum wage employment at VR application;

(B) Hourly wage at VR application;

(C) Number who are diverted from subminimum wage employment to CIE by VR case closure;

(iv) For SWTCIE program participants at VR case closure, with disaggregated data for youth, including students, with disabilities:

(A) Number that are employed at subminimum wage;

(B) Number that are employed in CIE;

(C) Number that are employed in more than one job, at least one for subminimum wage and another in CIE;

(D) Number that exit subminimum wage employment but do not obtain CIE;

(E) Number of hours worked per week and hourly wage at subminimum wage;

(F) Number of hours worked per week and hourly wage in CIE;

(G) Number of hours worked per week and hourly wage in a combination of subminimum wage and CIE;

(H) Data on the effectiveness of specific VR services provided to SWTCIE program participants that transition to CIE;

(I) VR services that were effective for SWTCIE program participants to transition from subminimum wage employment to CIE;

(J) Strategies that were effective for SWTCIE program participants to exit subminimum wage employment and obtain CIE;

(K) Strategies that were effective for SWTCIE program participants to transition from subminimum wage employment to a combination of subminimum wage employment and CIE;

(L) Strategies that were effective in transitioning from a combination of subminimum wage employment and CIE to CIE only;

(M) Strategies that helped to divert from considering subminimum wage employment; and

(N) Evaluate the relationship between SWTCIE program participants' engagement with or use of specific practices and strategies implemented by the project and key outcomes.

(7) Estimate the impact of the project on a relevant outcome.

(8) Make broadly available the results of any evaluation(s) conducted of

funded activities, digitally and free of charge, through formal (*e.g.,* peer reviewed journals) or informal (*e.g.,* newsletters) mechanisms.

(9) Ensure that data from the grantee's evaluation are made available to third-party researchers consistent with applicable privacy requirements.

(10) Cooperate on an ongoing basis with any technical assistance provided by the Department or its contractor(s) and comply with the requirements of any evaluation of the program conducted by the Department.

General Application Requirements:

Applicants must identify the specific topic area (1, 2, 3, 4, 5, or 6) under which they are applying as part of the competition title on the application cover sheet (SF form 424, line 4).

Specific Application Requirements:

In addition to meeting the absolute priority, the program and project application requirements, and the general application requirements, all applicants must include the following in their applications:

(a) A detailed review of the literature that supports the potential effectiveness of the proposed project, its components, and processes to assist SWTCIE program participants to transition to CIE.

(b) A description of the defined geographic area or areas to be served by the project.

(c) A logic model that communicates how the demonstration project will achieve its outcomes and provides a framework for project evaluation. The logic model must—

(1) Describe, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed model demonstration project; and

(2) Demonstrate how the proposed project components are intended to affect the project outcomes. Applicants must specifically note the proposed project activities that are supported by evidence that demonstrates a rationale and are depicted in the logic model.

(d) A description of the applicant's workplan, methods, and criteria for implementing the project.

(e) A cohesive, articulated model of partnership and coordination among the participating VR agencies, SEAs, LEAs, non-profit organizations, employers, and SWTCIE program participants.

(f) A description of how the applicant developed the project in coordination with the partnerships between key staff in State VR agencies and partner programs; employers; LEAs; SEAs; CRPs; organizations and associations of, or representing, individuals with disabilities, students and youth with disabilities, parents, family members, guardians, and advocates to ensure the proposed project reflects the needs of SWTCIE program participants.

(g) A description of the applicant's plan, methods, and criteria for implementing the project, including a cohesive, articulated model of coordination and collaboration among the identified agencies and organizations.

(h) How the proposed project will—

(1) Provide project information to potential SWTCIE program participants and stakeholders, including but not limited to, current and future employers, LEAs, and local and State VR agency representatives;

(2) Identify local workforce needs that are aligned with the topic area;

(3) Involve appropriate partners (*e.g.,* employers, support providers, LEAs) in the project design;

(4) Provide technical assistance or other resources (*e.g.,* trainings) to partners, participants, project staff, and others as appropriate;

(5) Collaborate with participating agencies and organizations; and

(6) Develop strategies and conduct outreach activities to identify potential SWTCIE program participants.

(i) Evidence, based on a needs assessment, of—

(1) The greatest barriers to obtaining CIE for SWTCIE program participants in the topic area addressed by the project;

(2) Opportunities in the local community to support SWTCIE program participants employed at subminimum wage to obtain CIE; and

(3) Other CIE practices, service providers, and funding sources.

(j) A project design and management plan that—

(1) Addresses one or more barriers to, or opportunities for, CIE in the topic area, as identified in the local needs assessment or other data analysis; and

(2) Uses a community-based strategy (or strategies) and measurable objectives for that strategy (or strategies) that can be used to measure progress toward the goal.

(k) Documentation, such as letters of support that would be updated to MOUs prior to piloting the proposed project, that identifies the responsibilities that identifies the responsibilities of each partner in the project, including subminimum wage employers who will collaborate with the project efforts.

(l) Evidence that the applicant or one of its partners has demonstrated the capacity to improve outcomes that are relevant to the topic area through experience with programs funded through other sources.

(m) A description of who will be involved in developing and implementing the proposed activities.

(n) Information demonstrating that the proposed project is based on research, where applicable, or an existing program that has been modified to be appropriate for SWTCIE program participants.

(o) A description of whether the applicant's proposed project activities will be sustained beyond the grant performance period, and if so, how the applicant proposes to do so.

(p) A description of how the proposed project will conduct dissemination and coordination activities to ensure accessibility to a broad range of stakeholders interested in obtaining, adapting, or replicating best practices, or models developed and implemented by the project. To address this requirement, the applicant must describe how the proposed project will broadly disseminate project findings and knowledge gained, successful strategies demonstrated under the topic area to individuals with disabilities, parents, family members, guardians, advocates, and authorized representatives, other Federal agencies, and other State and local VR agencies.

Note: All products produced by the grantees must meet government- and industry-recognized standards for accessibility, including section 508 of the Rehabilitation Act.

(q) A description of its approach for conducting coordination and collaboration activities. To meet this requirement, the applicant must describe how it will—

(1) Establish a community of practice in the topic area that focuses on the project's activities and acts as a vehicle for communication and exchange of information among SWTCIE program participants and other relevant stakeholders;

(2) Maintain ongoing communication with the RSA project officer and other RSA staff as required; and

(3) Communicate, collaborate, and coordinate, as appropriate, with key staff in State VR agencies and partner programs; employers; LEAs; SEAs; CRPs; organizations and associations of, or representing, individuals with disabilities, students and youth with disabilities, parents, family members, guardians, advocates, other Department-funded projects, and authorized representatives as directed by RSA.

(r) An assurance that the grantee will participate in ongoing discussions, facilitated by the Department, with the other projects funded under this competition concerning the development of a data coordination plan that is common to all funded projects, including—

(1) Evaluation questions;

(2) Data collection instruments;

(3) Synthesis and analysis of the data;

(4) Acceptable variations across projects for the measurement of implementation fidelity, model acceptability, and data reliability; and

(5) Collaborative efforts to disseminate information about the models. Projects must share data with the Department in the process of implementing the data coordination plan, such as the organization of data, maintaining data integrity and security, and sorting and organizing databases.

Note: In addition to common data and instrumentation, applicants may propose in the application to collect and analyze data that are not commonly collected by all projects, but that support the refinement and implementation of their model demonstration project.

(s) A description of the detailed documentation process that the applicant proposes to implement to permit model replication should the model be successful.

References

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U.S. Department of Labor. *14(C) certificate holders.* (2022, January 1). Retrieved from *https://www.dol.gov/agencies/whd/workers-with-disabilities/section-14c/certificate-holders*

U.S. Department of State and U.S. Executive Office of the President. *The long-term strategy of the United States.* (2021 November). Retrieved from *https://www.whitehouse.gov/wp-content/uploads/2021/10/US-Long-Term-Strategy.pdf*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities, selection criteria, definitions, and requirements. Section 437(d)(1) of GEPA, however, allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for this program under the authority given in the Consolidated Appropriations Act, 2021, and, therefore, qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forego public comment on the priority, requirements, definitions, and selection criteria under section 437(d)(1) of GEPA. The priority, requirements, definitions, and selection criteria will apply to the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications for this competition.

Definitions:

For the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, we establish definitions of ''community of practice,'' ''competitive integrated employment,'' ''contemplating subminimum wage employment,'' ''essential workers,'' ''green jobs,'' ''home and community-based service workers,'' ''independent evaluation,'' ''individual with a disability,'' ''subminimum wage,'' ''SWTCIE program participants,'' ''transportation industries,'' ''transportation-related industries,'' and ''youth with a disability.'' The remaining definitions are from 34 CFR 77.1. The authority for each definition is noted following the text of the definition.

''Community of practice'' means a group of people who work together to solve a persistent problem or to improve practice in an area that is important to them and who deepen their knowledge and expertise by interacting on an ongoing basis. Communities of practice exist in many forms, some large in scale that deal with complex problems, others small in scale that focus on a problem at a very specific level. See *http://www.wintac.org/cop* for examples of communities of practice established through other RSA grants. (Section 437(d)(1) of GEPA.)

''Competitive integrated employment'' means work that—

(i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that—

(A) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;

(B) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

(C) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

(D) Is eligible for the level of benefits provided to other employees; and

(ii) Is at a location—

(A) Typically found in the community; and

(B) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (*e.g.,* customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in

comparable positions interact with these persons; and

(iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions. (Section 437(d)(1) of GEPA.)

''Contemplating subminimum wage employment'' means that the SWTCIE project participant has in mind, as a probable though not certain intention, to enter subminimum wage employment. (Section 437(d)(1) of GEPA.)

''Demonstrates a rationale'' means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes. (34 CFR 77.1.)

''Essential workers'' [3] are those who conduct a range of operations and services that are typically essential to continue critical infrastructure operations. (Section 437(d)(1) of GEPA.)

''Green jobs'' [4] are jobs in businesses that produce goods or provide services that benefit the environment or conserve natural resources or are jobs in which workers' duties involve making their establishment's production processes more environmentally friendly or use fewer natural resources. (Section 437(d)(1) of GEPA.)

''Home and community-based service (HCBS) workers'' [5] are those who provide a type of person-centered care delivered in the home and community. A variety of health and human services can be provided. HCBS workers address the needs of people with functional limitations who need assistance with everyday activities, like getting dressed or bathing. HCBS workers often enable people to stay in their homes, rather than moving to a facility for care. (Section 437(d)(1) of GEPA.)

''Independent evaluation'' means an evaluation that is designed and carried out independent of, and external to, the grantee but in coordination with any employees of the grantee who develop a process, product, strategy, or practice that is currently being implemented as part of the grant's activities. (Section 437(d)(1) of GEPA.)

''Individual with a disability'' means an individual who—

(a) Has a physical or mental impairment that for such individual constitutes or results in a substantial impediment to employment; and

(b) Can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to Title I, III, or VI of the Rehabilitation Act. (Section 437(d)(1) of GEPA.)

''Logic model'' (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes. (34 CFR 77.1.)

''Project component'' means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers). (34 CFR 77.1.)

''Relevant outcome'' means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program. (34 CFR 77.1.)

''Subminimum wage'' means an amount less than the Federal minimum wage, as determined by the U.S. Department of Labor. (Section 437(d)(1) of GEPA.)

''SWTCIE program participants'' means individuals with disabilities, including students and youth with disabilities, working at subminimum wage or contemplating subminimum wage employment with an entity holding a section 14(c) certificate, regardless of whether they have applied, or been determined eligible, for the VR program, or have a signed Individualized Plan for Employment. These participants must be willing to pursue opportunities in CIE. (Section 437(d)(1) of GEPA.)

''Transportation industries'' [6] means industries related to the for-hire transportation and warehousing sector, such as air, rail, water, and truck transportation. (Section 437(d)(1) of GEPA.)

''Transportation-related industries'' [7] means industries outside the for-hire transportation and warehousing sector, such as motor vehicle parts manufacturing and Federal and State Departments of Transportation. (Section 437(d)(1) of GEPA.)

''Youth(s) with a disability'' means an individual(s) with a disability who is not—

(1) Younger than 14 years of age; and

(2) Older than 24 years of age.

(Section 437(d)(1) of GEPA.)

Program Authority: Consolidated Appropriations Act, 2021 (Pub. L. 116–260), 134 Stat. 1602.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

II. Award Information

Type of Award: Discretionary grants negotiated as cooperative agreements.

Estimated Available Funds: $167,327,358.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2023 from the list of unfunded applications from this competition.

Estimated Range of Awards: $3,548,387 to $13,943,946 (frontloaded for the 60-month project period).

Estimated Average Size: $8,971,973.

Maximum Award: We will not make an award exceeding $13,943,946 for a single budget period of 60 months.

Estimated Number of Awards: 12 (if all awards are made at the maximum award amount) to 18 (if all awards are made at the estimated average size).

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

[3] U.S. Department of Homeland Security Cybersecurity; Infrastructure Security Agency. (2020, March 28). CISA guidance on essential critical infrastructure workers. Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID–19 Response. Retrieved December 2, 2021, from *https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_1.pdf.*

[4] U.S. Bureau of Labor Statistics. (n.d.). Overview of the BLS green jobs initiative. U.S. Bureau of Labor Statistics. Retrieved November 16, 2021, from *https://www.bls.gov/green/home.htm.*

[5] Medicare and Medicaid Services, Home- and Community-Based Services, *https://www.cms.gov/Outreach-and-Education/American-Indian-Alaska-Native/AIAN/LTSS-TA-Center/info/hcbs.*

[6] Transportation Economic Trends: Transportation Employment—Industry (*www.bts.gov*).

[7] Transportation Economic Trends: Transportation Employment—Industry (*www.bts.gov*).

Note: The Final Performance Report must be completed and submitted by the end of the project period, September 30, 2027. Therefore, the proposed project must complete core project activities to allow sufficient time for the evaluation and final performance report to be completed and submitted by the end of the project period on September 30, 2027.

Note: Applicants under this competition are required to provide detailed budget information for the total grant period, including detailed budget information for each of the five years of the proposed project.

III. Eligibility Information

1. *Eligible Applicants:* State VR agencies, excluding State VR agencies in States that have completely phased out subminimum wage employment.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to the Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

Note: All administrative expenses incurred under the DIF program must be reasonable and necessary for the administration of the DIF program and must conform to the requirements of the Federal Cost Principles described in 2 CFR 200.403 through 200.405. This means that the administrative costs incurred must be necessary and reasonable for the performance of the DIF award and must be allocable to that award. Although in certain circumstances, participants served and services provided are the same under both the VR and DIF programs, these programs are separate and distinct Federal programs with separate and distinct funding streams and requirements. As such, when allocating administrative costs between the DIF and VR programs, grantees must allocate the costs in accordance with the requirements of 2 CFR 200.405. This means that both VR and DIF program funds could be used to pay administrative costs associated with staff time providing services; however, with respect to those administrative activities limited to the DIF program, such as submitting progress reports, grantees must use only DIF program funds (or other State funds) to pay these costs. VR program funds and non-Federal funds used for match under the VR program can only pay for allowable costs under the VR program, including administrative costs, in accordance with 2 CFR 200.403 through 200.405.

3. *Subgrantees:* Under the Consolidated Appropriations Act, 2021, a grantee under this competition may award subgrants for a portion of the funds to other public and private, nonprofit entities to directly carry out project activities described in the grantee's application. Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: Public and private, non-profit entities, LEAs, SEAs, and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979,* which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in SAM.gov a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Disability Innovation Fund, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 45 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 or are established for the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition, in accordance with section 437(d)(1) of GEPA, and are as follows:

(a) *Need for project and significance of the project (10 points)*

(1) The Secretary considers the need for the proposed project and the significance of the proposed project.

(2) In determining the need for the proposed project and the significance of the proposed project, the Secretary considers the following factors:

(i) The national significance of the proposed project.

(ii) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(iii) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(b) *Quality of the project design* (20 points)

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(iii) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

(iv) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

(v) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

(c) *Quality of project services* (20 points)

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(ii) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(iii) The likely impact of the services to be provided by the proposed project on the intended recipients of those services.

(iv) The likelihood that the services to be provided by the proposed project will lead to improvements in skills necessary to obtain CIE.

(d) *Quality of the project evaluation (20 points)*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(iii) The extent to which the evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(iv) The extent to which the methods of evaluation will, if well implemented, produce promising evidence (as defined in 34 CFR 77.1(c)) about the project's effectiveness.

(e) *Quality of project personnel (15 points)*

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The extent to which the time commitments of the project director and principal investigator and other key personnel are appropriate and adequate to meet the objectives of the proposed project.

(f) *Adequacy of resources* (15 points)

(1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(ii) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(iii) The potential for the incorporation of project purposes, activities, or benefits into the ongoing program of the agency or organization at the end of the Federal funding.

(iv) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not

fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115—232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit semiannual and annual performance reports that provide the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection and reporting. In this case, the Secretary establishes a data collection period.

5. *Performance Measures:* For this competition, the Department has established the following performance measures for the purpose of Department reporting under 34 CFR 75.110.

(a) The percent of project participants who transition from subminimum wage employment to CIE; and

(b) The percent of project participants who are contemplating subminimum wage employment for the first time but are redirected to CIE.

These performance measures are consistent with, and included in, the performance measures in paragraphs (c)(5) and (6) of the *Program and Project Application Requirements.*

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Katherine Neas,

Deputy Assistant Secretary. Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2022–05974 Filed 3–18–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Alaska Native Education Program; Amendments

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice; amendments.

SUMMARY: On January 12, 2022, we published in the **Federal Register** a notice inviting applications (NIA) for new awards for fiscal year (FY) 2022 for the Alaska Native Education (ANE) program, Assistance Listing Number (ALN) 84.356A. Since that time, Congress passed, and the President signed, the Consolidated Appropriations Act, 2022 (the Act), which provides funding for the awards under this competition. We are amending the NIA to provide, consistent with the Act, that the administrative cost cap in section 6205(b) of the Elementary and Secondary Education Act of 1965 (ESEA) applies only to direct administrative costs for grants awarded using FY 2022 appropriations and to clarify that funds may be used for construction. This notice relates to the approved information collection under OMB control number 1894–0006.

DATES: Deadline for Transmittal of Applications: April 26, 2022.

FOR FURTHER INFORMATION CONTACT: Almita Reed, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E222, Washington, DC 20202. Telephone: (202) 260–1979. Email: *OESE.ASKANEP@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On January 12, 2022, we published in the **Federal Register** the NIA for FY 2022 for the ANE program (87 FR 1732). The ANE NIA established a deadline date of March 14, 2022, for transmittal of applications. On March 2, 2022, we published a notice in the **Federal Register** (87 FR 11698) extending the application deadline date to April 26, 2022 (Extension Notice).

On March 15, 2022, Congress passed and the President signed the Act, which provides funding for the awards under this competition. The Act provides that the five percent limitation in section 6205(b) of the ESEA on the use of funds for administrative purposes applies only to direct administrative costs and that funds may be used for construction. Accordingly, we are amending the NIA to notify prospective applicants that no more than five percent of funds awarded for a FY 2022 grant under this program may be used for direct administrative costs. We are also amending the NIA to clarify that funds may be used for construction. All other requirements and conditions stated in the NIA, as amended by the Extension Notice, remain the same.

Amendments:

In FR Doc. No. 2022–00411, appearing on page 1732 of the **Federal Register** of January 12, 2022, we make the following amendments:

1. On page 1733, in the left column, in the section titled ''Absolute Priority'', remove the note after ''2. Collects data to assist in the evaluation of the programs carried out under the ANE program.'' and add in its place:

Note: The use of FY 2022 funds for the purpose of construction is a permissible activity as authorized by Congress.

2. On page 1735, in the left column, remove the text after the heading ''4. Funding Restrictions:'' and add in its place: No more than five percent of FY 2022 funds awarded for a grant under this program may be used for direct administrative costs (ESEA section 6205(b) and the Consolidated Appropriations Act, 2022 (the Act)). This five percent limit does not include indirect costs.

Note: In general, for purposes of this competition, the five percent limit on administrative costs under ESEA section 6205(b) includes direct and indirect administrative costs. In the Act, however, Congress explicitly specified that, for FY 2022 funds, the administrative cost cap refers only to direct administrative costs.

We reference regulations outlining additional funding restrictions in the *Applicable Regulations* section of this notice.

Program Authority: Title VI, part C of the ESEA (20 U.S.C. 7541–7546); Consolidated Appropriations Act, 2022.

Accessible Format: On request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this notice, the NIA, the Extension Notice, and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Ruth E. Ryder,

Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.

[FR Doc. 2022–05926 Filed 3–18–22; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meetings

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of public meeting agenda.

SUMMARY: U.S. Election Assistance Commission Meeting to Vote on

Adoption of Voluntary Voting System Guidelines (VVSG) Lifecycle Policy 1.0.

DATES: Tuesday, April 5, 2022, 1 p.m.–2 p.m. Eastern.

ADDRESSES: Virtual via Zoom.

The official meeting is open to the public and will be livestreamed on the U.S. Election Assistance Commission YouTube Channel: *https://www.youtube.com/channel/UCpN6i0g2rlF4ITWhwvBwwZw.*

FOR FURTHER INFORMATION CONTACT: Kristen Muthig, Telephone: (202) 897–9285, Email: *kmuthig@eac.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: In accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b), the U.S. Election Assistance Commission (EAC) will conduct an official meeting on the Voluntary Voting System Guidelines (VVSG) Lifecycle Policy 1.0.

Agenda: The U.S. Election Assistance Commission (EAC) will hear a presentation about the Voluntary Voting System Guidelines (VVSG) Lifecycle Policy 1.0 from EAC Testing and Certification Program Director Jon Panek and will consider the VVSG Lifecycle Policy 1.0 for adoption. The meeting will also include an update on VVSG 2.0 implementation.

The full agenda will be posted in advance on the EAC website: *https://www.eac.gov.*

Background: The Federal Election Commission published the first two sets of federal standards in 1990 and 2002. The EAC then adopted Version 1.0 of the VVSG on December 13, 2005 and on March 31, 2015, the EAC Commissioners unanimously approved VVSG 1.1. On February 10, 2021, the EAC Commissioners unanimously approved the most recent iteration, VVSG 2.0.

Since the approval of VVSG 2.0, the EAC has worked on next steps and materials so these standards and requirements can be implemented, and new voting systems can be manufactured and tested to those standards. Part of those materials is the VVSG Lifecycle Policy 1.0.

The intent of the VVSG Lifecycle Policy 1.0 is to help facilitate migration to new VVSG standards by providing guidance on the types of version changes, Voting System Test Laboratory (VSTL) accreditation, deprecation of obsolete major standards, and establishing a periodic review timeline for new standards going forward. The policy defines changes that may be made to systems certified to deprecated standards and describes the process for updating the standards as defined in the Help America Vote Act (HAVA).

A public comment period on the Lifecycle Policy was available from November 9 to December 7, 2021. The EAC also gathered feedback from its advisory boards in 2021.

Status: This meeting will be open to the public.

Amanda Joiner,

Acting General Counsel, U.S. Election Assistance Commission.

[FR Doc. 2022–06025 Filed 3–17–22; 4:15 pm]

BILLING CODE P

DEPARTMENT OF ENERGY

[Certification Notice—259]

Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office of Electricity, Department of Energy (DOE).

ACTION: Notice of filing.

SUMMARY: On February 22, 2022, Alabama Power Company (Alabama Power), as owner and operator of a new baseload power plant, submitted a coal capability self-certification to the Department of Energy (DOE) for the Barry 8 unit at the Barry Electric Power Plant. The Powerplant and Industrial Fuel Use Act of 1978, as amended, and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Electricity, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence at (202) 586–5260 or *Christopher.lawrence@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On February 22, 2022, Alabama Power, as owner and operator of a new baseload power plant, submitted a coal capability self-certification to DOE pursuant to section 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8311(d)), and DOE regulations at 10 CFR 501.61(a). The FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register** within fifteen days. *See* 42 U.S.C. 8311(d)(1); 10 CFR 501.61(c). Section 201(a) of the FUA provides that ''no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source.'' 42 U.S.C. 8311(a). Pursuant to section 201(d) of the FUA, in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source must certify to the Secretary of Energy (Secretary), prior to construction or prior to operation as a baseload powerplant, that such powerplant has the capability to use coal or another alternate fuel. *See* 42 U.S.C. 8311(d)(1). Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. *Id.;* 10 CFR 501.61(b).

The following owner of a proposed new baseload electric generating powerplant has filed a self-certification of coal capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations at 10 CFR 501.61:

Owner: Alabama Power Company.

Design Capacity: 743 megawatts (MW).

Fuel To Be Used: Natural Gas.

Plant Location: 15300 Highway 43 North, Bucks, AL 36512.

In-Service Date: November 2023.

Signed in Washington, DC, on March 15, 2022.

Christopher Lawrence,

Management and Program Analyst, Office of Electricity.

[FR Doc. 2022–05861 Filed 3–18–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–62–000.

Applicants: LeConte Energy Storage, LLC.

Description: LeConte Energy Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 3/15/22.

Accession Number: 20220315–5101.

Comment Date: 5 p.m. ET 4/5/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–2471–004.

Applicants: NedPower Mount Storm, LLC.

Description: Refund Report: NedPower Mount Storm LLC submits tariff filing per 35.19a(b): Refund Report to be effective N/A.

Filed Date: 3/15/22.
Accession Number: 20220315–5001.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–821–002.
Applicants: Spotlight Power LLC.
Description: Tariff Amendment: 2nd Amended Spotlight Power LLC Baseline MBR Tariff & Application (ER22–821–) to be effective 3/16/2022.
Filed Date: 3/15/22.
Accession Number: 20220315–5193.
Comment Date: 5 p.m. ET 3/25/22.

Docket Numbers: ER22–991–001.
Applicants: PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.
Description: Tariff Amendment: PPL Electric Utilities Corporation submits tariff filing per 35.17(b): PPL Electric submits Amendment to OATT, Att. M–2 in Docket No. ER22–991 to be effective 4/4/2022.
Filed Date: 3/15/22.
Accession Number: 20220315–5133.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–1114–001.
Applicants: Public Service Company of New Mexico.
Description: Tariff Amendment: Supplement to Rate Schedule No. 144 to be effective 3/1/2022.
Filed Date: 3/15/22.
Accession Number: 20220315–5209.
Comment Date: 5 p.m. ET 3/22/22.

Docket Numbers: ER22–1309–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022–03–15_SA 2793 ATC-City of Eagle River 2nd Rev CFA to be effective 5/15/2022.
Filed Date: 3/15/22.
Accession Number: 20220315–5053.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–1310–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022–03–15_SA 2768 ATC-City of Plymouth 2nd Rev CFA to be effective 5/15/2022.
Filed Date: 3/15/22.
Accession Number: 20220315–5055.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–1312–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022–03–15_SA 2776 ATC-Village of Prairie du Sac 2nd Rev CFA to be effective 5/15/2022.
Filed Date: 3/15/22.
Accession Number: 20220315–5058.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–1324–000.
Applicants: LeConte Energy Storage, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization.
Filed Date: 3/15/22.
Accession Number: 20220315–5090.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–1332–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022–03–15_SA 2804 ATC-City of Richland Center 2nd Rev CFA to be effective 5/15/2022.
Filed Date: 3/15/22.
Accession Number: 20220315–5108.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–1338–000.
Applicants: Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Duke Energy Ohio, Inc. submits tariff filing per 35.13(a)(2)(iii): DEOK submits revisions to OATT Attachment H–22A to be effective 5/15/2022.
Filed Date: 3/15/22.
Accession Number: 20220315–5149.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–1344–000.
Applicants: Dominion Energy South Carolina, Inc.
Description: § 205(d) Rate Filing: Depreciation Rates to be effective 9/1/2021.
Filed Date: 3/15/22.
Accession Number: 20220315–5183.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–1346–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 349, Concurrence to PNM RS No. 177 to be effective 3/8/2022.
Filed Date: 3/15/22.
Accession Number: 20220315–5211.
Comment Date: 5 p.m. ET 4/5/22.

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: March 15, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–05886 Filed 3–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–6–000]

Spire Storage West, LLC.; Notice of Availability of the Final Environmental Impact Statement for the Proposed Clear Creek Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission), with the participation of the U.S. Bureau of Land Management (BLM) as a cooperating agency as described below, has prepared a final environmental impact statement (EIS) for the Clear Creek Expansion Project (Project) proposed by Spire Storage West, LLC (Spire). Spire requests authorization to expand natural gas storage at its existing Clear Creek Storage Field, modify the Clear Creek Plant to increase compression, decommission and remove facilities from the Clear Creek Plant, and move natural gas liquid storage and fueling equipment to an existing tank pad. Spire further proposes to construct pipeline connections north to the Canyon Creek Plant and south to the Kern River Gas Transmission mainline. All Project components are proposed in Uinta County, Wyoming.

The final EIS assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). As described in the final EIS, the FERC staff concludes that approval of the Project would result in some adverse environmental impacts; however, these impacts would be reduced to less-than-significant levels because of the impact

avoidance, minimization, and mitigation measures proposed by Spire and those recommended by staff in the EIS. Regarding climate change impacts, FERC staff conclude that greenhouse gas emissions would fall below the Commission's presumptive significance threshold.

The BLM participated as a cooperating agency in preparation of this EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The BLM provided input into the analyses, conclusions, and recommendations presented in the EIS. Following issuance of the final EIS, the BLM will issue subsequent decisions, determinations, permits, or authorizations for the Project in accordance with its own regulatory requirements. The BLM would use this EIS to satisfy compliance with NEPA and other related federal environmental laws (*e.g.,* the National Historic Preservation Act).

The final EIS addresses the potential environmental effects of the construction and operation of the following Project facilities:

- Four compressor units and associated processing equipment at the Clear Creek Plant;
- a tank storage and natural gas liquids fueling equipment facility on an existing pad;
- 11 new injection/withdrawal wells, one new water disposal well, and associated lines;
- approximately 7 miles of 20-inch-diameter pipeline;
- approximately 3.6 miles of 24-inch-diameter pipeline; and
- other related appurtenances.

The Commission mailed a copy of the *Notice of Availability* of the final EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian Tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the area of the Project. The final EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the Environmental Documents page (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the final EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), click on General Search, and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP21–6). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The final EIS is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding.

Questions?

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: March 15, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–05887 Filed 3–18–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP22–700–000.

Applicants: Transwestern Pipeline Company, LLC.

Description: § 4(d) Rate Filing: Updates to GT&C Sections 13 & 24 to be effective 4/14/2022.

Filed Date: 3/14/22.

Accession Number: 20220314–5149.

Comment Date: 5 p.m. ET 3/28/22.

Docket Numbers: RP22–701–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: Compliance filing: 2022 Annual Penalty Revenue Crediting Report to be effective N/A.

Filed Date: 3/15/22.

Accession Number: 20220315–5025.

Comment Date: 5 p.m. ET 3/28/22.

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: March 15, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–05888 Filed 3–18–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9639–01–OA]

Notification of a Public Meeting of the Clean Air Scientific Advisory Committee (CASAC) Lead Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public meeting of the Clean Air Scientific Advisory Committee (CASAC) Lead Review Panel to provide a consultation on Volume 2 of the Agency's *Integrated Review Plan for the Lead National Ambient Air Quality Standards* (IRP).

DATES: The public meeting will be held on April 8, 2022, from 11:00 a.m. to 3:00 p.m. Eastern Time.

ADDRESSES: The meeting will be conducted virtually. Please refer to the CASAC website at *https://casac.epa.gov* for details on how to access the meeting.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this notice may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), SAB Staff Office, by telephone at (202) 564–2050 or via email at *yeow.aaron@epa.gov.* General information concerning the CASAC, as well as any updates concerning the meeting announced in this notice can be found on the CASAC website: *https://casac.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and national ambient air quality standards (NAAQS) and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also: Advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As amended, 5 U.S.C., App. Section 109(d)(1) of the CAA requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including lead (Pb).

The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, and conducts business in accordance with FACA and related regulations. The CASAC and the CASAC Lead Review Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that CASAC Lead Review Panel will hold a public meeting to provide a consultation on Volume 2 of the Agency's *Integrated Review Plan for the Lead National Ambient Air Quality Standards* (IRP). This document identifies policy-relevant issues in the review and serves as the planning document for the Integrated Science Assessment (ISA) for lead, describing key considerations and the process for its development. Volume 1 of the IRP contains contextual background material and the anticipated schedule for the current review of the air quality criteria and NAAQS for Pb.

Technical Contacts: Any technical questions concerning EPA's IRP for lead should be directed to Dr. Deirdre Murphy (*murphy.deirdre@epa.gov*).

Availability of Meeting Materials: Prior to the meeting, the review documents, agenda and other materials will be accessible on the CASAC website: *https://casac.epa.gov.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments on the topic of this advisory activity, including the charge to the CASAC and the EPA review documents, and/or the group conducting the activity, for the CASAC to consider as it develops advice for EPA. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

Oral Statements: Individuals or groups requesting an oral presentation during the public meeting will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Mr. Aaron Yeow, DFO, in writing (preferably via email) at the contact information noted above by April 1, 2022, to be placed on the list of public speakers.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by CASAC members, statements should be supplied to the DFO (preferably via email) at the contact information noted above by April 1, 2022. It is the SAB Staff Office general policy to post written comments on the web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC website. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Aaron Yeow at (202) 564–2050 or *yeow.aaron@epa.gov.* To request accommodation of a disability, please contact the DFO, at the contact information noted above, preferably at least ten days prior to each meeting, to give EPA as much time as possible to process your request.

Thomas H. Brennan,

Director, Science Advisory Board Staff Office.

[FR Doc. 2022–05872 Filed 3–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0659; FRL–9676–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Coal Preparation and Processing Plants (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Coal Preparation and Processing Plants (EPA ICR Number 1062.16, OMB Control Number 2060–0122), 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 May 31, 2022. Public comments were previously requested via the **Federal Register** on February 8, 2021 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 April 20, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2020–0659, online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: 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 Coal Preparation and Processing Plants (40 CFR part 60, subpart Y) regulations apply to existing facilities and new facilities that perform coal preparation and processing with limits more than 181 megagrams (Mg) (200 tons) of coal per day. In general, all NSPS 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 NSPS.

Form Numbers: None.

Respondents/affected entities: Owners and operators of coal preparation and processing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Y).

Estimated number of respondents: 377 (total).

Frequency of response: Initially, biannually, annually, semiannually, and quarterly.

Total estimated burden: 22,300 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $2,720,000 (per year), which includes $79,300 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is an adjustment decrease in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens; this decrease is not due to any program changes. The decrease in burden is due to more accurate estimates of existing sources, based on information gathered by EPA and confirmed by industry. The burden in this ICR reflects a decrease in the number of coal mines across the industry and a number of coal plants being either shut down or converted to natural gas. The decrease in the number of respondents also results in a decrease in responses. The operation and maintenance costs have increased from the previous ICR due to an incorrect entry of information in the previous ICR. Finally, this ICR corrects the number of occurrences of repeat performance tests for Method 5 and Method 9 per respondent per year from the previous ICR. However, the overall burden still decreased.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–05889 Filed 3–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2022–0292; FRL_9650–01–OGC]

Proposed Settlement Agreement, Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with the U.S. Environmental Protection Agency Administrator's October 16, 2017 Directive Promoting Transparency and Public Participation in Consent Decrees and Settlement Agreements, the agency is providing notice of a proposed settlement agreement in a lawsuit filed by Diné Citizens Against Ruining the Environment, Amigos Bravos, San Juan Citizens Alliance, and Center for Biological Diversity (''Petitioners''), in the U.S. Court of Appeals for the Ninth Circuit. On January 22, 2021 the Petitioners filed a lawsuit seeking review of the 2020 National Pollutant Discharge Elimination System (NPDES) permit issued by U.S. Environmental Protection Agency (EPA) Region 9 to the Arizona Public Service Company for discharges from the Four Corners Power Plant. Under the proposed settlement agreement, the parties would seek to stay the associated case for at least 15 months.

DATES: Written comments on the proposed settlement agreements must be received by April 20, 2022.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2022–0292, online at *www.regulations.gov* (EPA's preferred method). For comments submitted at *www.regulations.gov,* please follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is

restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA generally will not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). EPA encourages the public to submit comments via *www.Regulations.gov,* as there will be a delay in processing mail and no hand deliveries will be accepted. For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Elise O'Dea, Water Law Office (2355A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone: (202) 564–4201; email address: *odea.elise@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Settlement Agreement

On January 22, 2021, four organizations (Diné Citizens Against Ruining the Environment, Amigos Bravos, San Juan Citizens Alliance, and Center for Biological Diversity, hereinafter ''Petitioners'') filed a petition in the U.S. Court of Appeals for the Ninth Circuit seeking review of the 2020 National Pollutant Discharge Elimination System (NPDES) permit issued by U.S. Environmental Protection Agency (EPA) Region 9 to the Arizona Public Service Company for discharges from the Four Corners Power Plant. Petitioners previously sought review of the permit before the Environmental Appeals Board, which issued an order denying review of the permit on September 30, 2020 in the case In re Arizona Public Service Co. The parties have engaged in mediation in an attempt to resolve Petitioners' concerns with the Four Corners Power Plant NPDES permit and have negotiated a proposed settlement agreement. Pursuant to the proposed settlement agreement, EPA Region 9 would, among other things, perform a ''reasonable potential analysis'' for temperature and potentially take related action that would result in dismissal of the petition for review.

For a period of thirty (30) days following the date of publication of this notice, the agency will accept written comments relating to the proposed settlement agreement from persons who are not parties to the proposed settlement agreement. EPA also may hold a public hearing on whether to enter into the proposed settlement agreement. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments received disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Clean Water Act.

II. Additional Information About Commenting on the Proposed Settlement Agreement

A. How can I get a copy of the proposed settlement agreement?

The official public docket for this action (identified by EPA–HQ–OGC–2022–0292) contains a copy of the proposed settlement agreement. The official public docket is located at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The regular hours of the EPA Docket Center Public Reading Room are from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays; however, due to the COVID–19 pandemic, there may be limited or no opportunity to enter the docket center. At the time of this printing, the docket center is closed to public visitors out of an abundance of caution for members of the public and EPA staff to reduce the risk of transmitting COVID–19. During the closure, Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information on EPA Docket Center services, see *https://www.epa.gov/dockets.* The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available on EPA's website at *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.'' It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket.

EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. EPA has not included any copyrighted material in the docket for this proposed settlement. If commenters submit copyrighted material in a public comment, it will be placed in the official public docket and made available for public viewing when the EPA Docket Center is open.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. The EPA encourages the public to submit comments via *www.Regulations.gov.* There will be a delay in processing mail and no hand deliveries will be accepted due to the COVID–19 pandemic.

EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: March 14, 2022.

Steven Neugeboren,

Associate General Counsel.

[FR Doc. 2022–05936 Filed 3–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9628–01–OA]

Request for Nominations for the Science Advisory Board Radionuclide Cancer Risk Coefficients Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to form a Panel to review the draft EPA document titled Cancer Risk Coefficients for Environmental Exposure to Radionuclides (Federal Guidance Report No. 16). This draft document is an update to Federal Guidance Report No. 13, and provides new radionuclide-specific cancer risk coefficients for incidence and mortality associated with internal radionuclide exposure from ingestion and inhalation, and external exposure to radionuclides distributed in air, water, and soil.

DATES: Nominations should be submitted by April 11, 2022 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Diana Wong, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office by telephone/voice mail (202) 564–2049, or email at *wong.diana-m@epa.gov.* General information concerning the EPA SAB can be found at the EPA SAB website at *https://sab.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The SAB Staff Office is forming an expert panel, the Radionuclide Cancer Risk Coefficients (RCRC) Review Panel, under the auspices of the Chartered SAB. The RCRC Review Panel will provide advice through the chartered SAB. The SAB and the RCRC Review Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The Radionuclide Cancer Risk Coefficients (RCRC) Review Panel will conduct the review of Cancer Risk Coefficients for Environmental Exposure to Radionuclides (Federal Guidance Report No. 16) prepared by the EPA's Office of Radiation and Indoor Air. Federal Guidance Report No. 16 (FGR 16) is part of a series designed to provide technical information for use in implementing radiation protection programs. FGR 16 provides radionuclide-specific cancer risk coefficients for incidence and mortality associated with internal radionuclide exposure from ingestion and inhalation, and external exposure to radionuclides distributed in air, water, and soil.

Federal Guidance Report No. 13 (1999) provided cancer risk coefficients for environmental exposures to approximately 835 radionuclides. FGR 16 updates and expands the set of risk coefficients to 1,252 radionuclides. FGR 16 includes updated dosimetric data, biokinetic models, nuclear decay data, usage rates, U.S. population statistics, and cancer models from EPA Radiogenic Cancer Risk Models and Projections for the U.S. Population (2011), known as the ''Blue Book.'' FGR 16 is intended for audiences who need to estimate risks to the U.S. population from environmental exposures to radionuclides.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists, mathematicians, and engineers with demonstrated expertise and experience in the following disciplines: Radionuclide biokinetic modeling, radiation epidemiology, computational dosimetry, radiobiology, and statistics/biostatistics.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the SAB Panel. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form on the SAB website at *https://sab.epa.gov* (see the ''Public Input on Membership'' list under ''Committees, Panels, and Membership''). To be considered, nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability or ethnicity. Nominations should be submitted in time to arrive no later than April 11, 2022.

The following information should be provided on the nomination form: Contact information for the person making the nomination; contact information for the nominee; and the disciplinary and specific areas of expertise of the nominee. Nominees will be contacted by the SAB Staff Office and will be asked to provide a recent curriculum vitae and a narrative biographical summary that includes: Current position; educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB website, should contact the DFO at the contact information noted above. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates for the Panel on the SAB website at *https://sab.epa.gov.* Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming the expert panel, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness

to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees'' (EPA Form 3110–48). This confidential form is required and allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB website at *https://sab.epa.gov.* This form should not be submitted as part of a nomination.

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB website at *https://sab.epa.gov.*

Thomas H. Brennan,

Director, Science Advisory Board Staff Office.

[FR Doc. 2022–05871 Filed 3–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2014–0549; FRL–9684–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 123 (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Application for Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 123 (EPA ICR Number 1425.12, OMB Control Number 2050–0077) 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 May 31, 2022. Public comments were previously requested via the **Federal Register** on November 5, 2021, 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 April 20, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–SFUND–2014–0549, online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Brian Schlieger, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–3128; email address: *Schlieger.brian@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *http://www.regulations.gov.* For further information about the EPA's public docket, Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.* The telephone number for the Docket Center is 202–566–1744.

Abstract: The Agency requires applicants for reimbursement under this program authorized under Section 123 of CERCLA to submit an application that demonstrates consistency with program eligibility requirements. This is necessary to ensure proper use of the Superfund. EPA reviews the information to ensure compliance with all statutory and program requirements. The applicants are local governments who have incurred expenses, above and beyond their budgets, for hazardous substance response. Submission of this information is voluntary and to the applicant's benefit.

Form Numbers: 9310–1.

Respondents/affected entities: Local Governments that apply for reimbursement under this program.

Respondent's obligation to respond: Voluntary (CERCLA Section 123).

Estimated number of respondents: 20 (total).

Frequency of response: Voluntary, on occasion.

Total estimated burden: 170 hours (per year).

Total estimated cost: $4,392, which includes no capital or maintenance and operational costs.

Changes in the Estimates: The decrease in hours per application is a result of the form can be filled and submitted electronically.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–05891 Filed 3–18–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9623–01–OMS]

National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation (CEC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, the Environmental Protection Agency (EPA) gives notice of a public meeting of the National Advisory Committee (NAC) and the Government Advisory Committee

(GAC). The NAC and GAC provide advice the EPA Administrator a broad range of environmental policy, technology, and management issues. NAC/GAC members represent academia, business/industry, non-governmental organizations, and state, local and tribal governments. The purpose of this meeting is to provide advice to the EPA Administrator, regarding a new draft project description for the CEC Operational Plan and discuss how to integrate climate change and environmental justice in the work of the CEC. A copy of the meeting agenda will be posted at *https://www.epa.gov/faca/nac-gac.*

DATES: NAC/GAC will hold a public virtual meeting on April 28, 2022 from 11:00 a.m. to 3:00 p.m. (EST).

ADDRESSES: The meeting will be conducted virtually. To gain access to the meeting please contact Oscar Carrillo at 202–564–0347 or *carrillo.oscar@epa.gov*.

FOR FURTHER INFORMATION CONTACT: Oscar Carrillo, Program Analyst, *carrillo.oscar@epa.gov*, (202) 564–0347, U.S. EPA, Office of Resources and Business Operations; Federal Advisory Committee Management Division (MC1601M), 1200 Pennsylvania Avenue NW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments or to provide written comments to NAC/GAC should be sent to Oscar Carrillo at *carrillo.oscar@epa.gov* by April 21, 2022. Virtual meeting is open to the public. Members of the public wishing to participate in the meeting should contact Oscar Carrillo via email or by calling (202) 564–0347 no later than April 7, 2022.

Meeting Access: Information regarding accessibility and/or accommodations for individuals with disabilities should be directed to Oscar Carrillo at the email address or phone number listed above. To ensure adequate time for processing, please make requests for accommodations at least 10 days prior to the teleconference meeting.

Dated: March 15, 2022.

Oscar Carrillo,

Program Analyst.

[FR Doc. 2022–05880 Filed 3–18–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 76989]

Deletion of Item From March 16, 2022 Open Meeting

March 15, 2022.

The following item has been adopted by the Commission and deleted from the list of items scheduled for consideration at the Wednesday, March 16, 2022, Open Meeting. This item was previously listed in the Commission's Sunshine Notice on Wednesday, March 9, 2022.

4	Media	Title: Restricted Adjudicatory Matter. Summary: The Commission will consider a restricted adjudicatory matter.

* * * * *

The meeting will be webcast with open captioning 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.

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.*

Marlene Dortch,

Secretary.

[FR Doc. 2022–05848 Filed 3–18–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0537, OMB 3060–1042, OMB 3060–1084; FR ID 77756]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before April 20, 2022.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0537.

Title: Sections 13.9(c), 13.13(c), 13.17(b), 13.211(e) and 13.217, Commercial Operator License Examination Managers (COLEM) Records.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 659 respondents; 659 responses.

Estimated Time per Response: .44 hours to 30 hours.

Frequency of Response: Recordkeeping requirement and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154 and 303 of the Communications Act of 1934.

Total Annual Burden: 14,796 hours.

Total Annual Cost: No cost.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting approval for a three year extension. The rule sections approved under this collections are 47 CFR 13.9, 13.13, 13.17 13.211 and 13.217. If the information collection requirements were not kept or fulfilled it is conceivable that examinees could be overcharged and that fraud and deceit could be used for unjust enrichment of the examiners.

OMB Control No.: 3060–1042.

Title: Request for Technical Support—Help Request Form.

Form No.: N/A—Electronic only.

Type of Review: Extension of currently approved collection.

Respondents: Individuals or household; business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Number of Respondents and Responses: 36,300 respondents and 36,300 responses.

Estimated Time per Response: 0.14 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. There is no statutory authority for this information collection. The Commission developed this information collection on its own motion to assist users of the Universal Licensing System (ULS) or other FCC electronic systems.

Total Annual Burden: 5,082 hours.

Total Annual Cost: $609,840.

Needs and Uses: The FCC maintains internet software used by the public to apply for licenses, participate in auctions for spectrum, and maintain license information. In this mission, FCC has a 'help desk' that answers questions related to these systems as well as resetting and/or issuing user passwords for access to these systems.

The form currently is available on the website *https://esupport.fcc.gov/request.htm* under OMB Control Number 3060–1042. This form will continue to substantially decrease public and staff burden since all the information needed to facilitate a support request will be submitted in a standard format but be available to a wider audience. This eliminates or at least minimizes the need to follow-up with the customers to obtain all the information necessary to respond to their request. This form also helps presort requests into previously defined categories to all staff to respond more quickly.

OMB Control Number: 3060–1084.

Title: Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers (CARE).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 2,989 respondents; 665,248 responses.

Estimated Time per Response: 1 minute (.017 hours) to 20 minutes (.33 hours).

Frequency of Response: Recordkeeping and annual reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for these information requirements are found in sections 1–4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 151–154, 201, 202, 222, 258, and 303(r).

Total Annual Burden: 54,900 hours.

Total Annual Cost: None.

Needs and Uses: In the 2005 Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers (2005 Report and Order), CG Docket No. 02–386, FCC 05–29, which was released on February 25, 2005, the Commission adopted rules governing the exchange of customer account information between local exchange carriers (LECs) and interexchange carriers (IXCs). The Commission concluded that mandatory, minimum standards are needed in light of record evidence demonstrating that information needed by carriers to execute customer requests and properly bill customers is not being consistently provided by all LECs and IXCs. Specifically, the 2005 Report and Order requires LECs to supply customer account information to IXCs when: (1) The LEC places an end user on, or removes an end user from, an IXC's network; (2) an end user presubscribed to an IXC makes certain changes to her account information via her LEC; (3) an IXC requests billing name and address information for an end user who has usage on an IXC's network but for whom the IXC does not have an existing account; and (4) a LEC rejects an IXC-initiated PIC order. The 2005 Report and Order required IXCs to notify LECs when an IXC customer informs an IXC directly of the customer's desire to change IXCs. In the accompanying Further Notice of Proposed Rulemaking, the Commission sought comment on whether to require the exchange of

customer account information between LECs. In December 2007, the Commission declined to adopt mandatory LEC-to-LEC data exchange requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–05877 Filed 3–18–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request [OMB No. 3064–0145; –0161; –0171]

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Agency Information Collection Activities: Submission for OMB Review; Comment Request.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the request to renew the existing information collections described below (OMB Control No. 3064–0145; –0161 and –0171). The notice of the proposed renewal for these information collections was previously published in the **Federal Register** on January 13, 2022, allowing for a 60-day comment period.

DATES: Comments must be submitted on or before April 20, 2022.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/index.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7:00 a.m. and 5:00 p.m.

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: 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: *Proposal to renew the following currently approved collections of information:*

1. *Title:* Notice Regarding Unauthorized Access to Customer Information.

OMB Number: 3064–0145.

Form Numbers: None.

Affected Public: Insured state nonmember banks.

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0145]

Information collection description	Type of burden (obligation to respond)	Frequency of response	Number of respondents	Hours per response	Annual burden (hours)
Implementation (One Time):					
Develop Policies and Procedures for Response Program.	Recordkeeping (Required)	1	10	24	240
Ongoing:					
Notice Regarding Unauthorized Access to Customer Information.	Third Party Disclosure (Required)	On occasion	315	36	11,340
Total Annual Burden (Hours).					11,580

Source: FDIC.

Burden Estimate:

General Description of Collection: The Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice describes the federal banking agencies' expectations regarding a response program, including customer notification procedures, that a financial institution should develop and apply under the circumstances described in the Guidance to address unauthorized access to or use of customer information that could result in substantial harm or inconvenience to a customer. The Guidance advises financial institutions when and how they might: (1) Develop notices to customers; (2) in certain circumstances defined in the Guidance, determine which customers should receive the notices; and (3) send the notices to customers.

There is no change in the methodology or substance of this information collection. The increase in total estimated annual burden from 11,340 hours in 2019 to 11,580 hours currently is due to economic factors as reflected in the increase in estimated number of respondents.

2. *Title:* Furnisher Information Accuracy and Integrity (FACTA 312).

OMB Number: 3064–0161.

Form Number: None.

Affected Public: State nonmember banks.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 3064–0161]

Information collection description	Type of burden (obligation to respond)	Number of responses	Number of respondents	Hours per response	Annual burden (hours)
Procedures to Enhance the Accuracy and Integrity of Information furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transaction Act.	Recordkeeping (Required)	1	3,140	40	125,600
Distribution of Notices in Response to Direct Disputes.	Third Party Disclosure (Required) ...	46	3,140	0.23	33,221
Total Annual Burden (Hours)	.....	.....	.....	.....	158,821

General Description of Collection: Sec. 312 of the Fair and Accurate Credit Transaction Act of 2003 (FACT Act) requires the FDIC to: Issue guidelines for furnishers regarding the accuracy and integrity of the information about consumers furnished to consumer reporting agencies; prescribe regulations requiring furnishers to establish reasonable policies/procedures to implement the guidelines; and issue regulations identifying the circumstances where a furnisher must reinvestigate a dispute about the accuracy of information in a consumer report based on a direct request from a consumer.

There is no change in the method or substance of the collection. The overall increase in burden hours is the result of economic fluctuation. In particular, the number of respondents has increased while the hours per response and frequency of responses have remained the same.

3. *Title:* Registration of Mortgage Loan Originators.

OMB Number: 3064–0171.

Form Number: None.

Affected Public: FDIC Supervised Institutions and Employee Mortgage Loan Originators.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 3064–0171]

Information collection description	Type of burden	Frequency of response	Estimated number of respondents	Estimated number of responses per respondent	Estimated time per response (hours)	Estimated annual burden (hours)
Financial Institution Policies and Procedures for Ensuring Employee-Mortgage Loan Originator Compliance With S.A.F.E. Act Requirements—New Entrant.	Recordkeeping	One-Time	7	1	20	140
Financial Institution Policies and Procedures for Ensuring Employee-Mortgage Loan Originator Compliance With S.A.F.E. Act Requirements—Ongoing.	Recordkeeping	Annual	3,091	1	1	3,091
Financial Institution Procedures to Track and Monitor Compliance with S.A.F.E. Act Compliance—New Entrant.	Recordkeeping	One-Time	7	1	60	420
Financial Institution Procedures to Track and Monitor Compliance with S.A.F.E. Act Compliance—Ongoing.	Recordkeeping	Annual	3,091	1	1	3,091
Financial Institution Procedures for the Collection and Maintenance of Employee Mortgage Loan Originator's Criminal History Background Reports—New Entrant.	Recordkeeping	One-Time	7	1	20	140
Financial Institution Procedures for the Collection and Maintenance of Employee Mortgage Loan Originator's Criminal History Background Reports—Ongoing.	Recordkeeping	Annual	3,091	1	1	3,091
Financial Institution Procedures for Public Disclosure of Mortgage Loan Originator's Unique Identifier—New Entrant.	Third Party Disclosure.	One-Time	7	1	25	175
Financial Institution Procedures for Public Disclosure of Mortgage Loan Originator's Unique Identifier—Ongoing.	Third Party Disclosure.	Annual	3,091	1	1	3,091

SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued

[OMB No. 3064–0171]

Information collection description	Type of burden	Frequency of response	Estimated number of respondents	Estimated number of responses per respondent	Estimated time per response (hours)	Estimated annual burden (hours)
Financial Institution Information Reporting to Registry.	Reporting	On Occasion.	3,098	1	1	3,098
Mortgage Loan Originator Initial Registration Reporting and Authorization Requirements.	Reporting	One-Time	5,257	1	.25	1,314
Mortgage Loan Originator Registration Updates Upon Change in Circumstances.	Reporting	On Occasion.	40,015	1	.25	10,004
Financial Institution Procedures for the Collection of Employee Mortgage Loan Originator's Fingerprints.	Recordkeeping	On Occasion.	3,098	1	4	12,392
Mortgage Loan Originator Procedures for Disclosure to Consumers of Unique Identifier.	Third Party Disclosure.	On Occasion.	45,272	1	1	45,272
Mortgage Loan Originator Annual Renewal Registration Reporting and Authorization Requirements.	Reporting	On Occasion.	40,015	1	.25	10,004
Total Annual Burden						95,323

General Description of Collection: This information collection implements the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE Act) requirement that employees of Federally-regulated institutions who engage in the business of a mortgage loan originator to register with the Nationwide Mortgage Licensing System and Registry and establishes national licensing and registration requirements. It also directs Federally-regulated institutions to have written policies and procedures in place to ensure that their employees who perform mortgage loan originations comply with the registration and other SAFE Act requirements.

There is no change in the method or substance of the collection. The overall decrease in burden hours is the result of economic fluctuation. In particular, the number of respondents and time per response have decreased while the frequency of responses have remained the same.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on March 14, 2022.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–05803 Filed 3–18–22; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 20, 2022.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to *BOS.SRC.Applications.Comments@bos.frb.org*:

1. *ECB Bancorp, Inc., Everett, Massachusetts;* to become a bank holding company by acquiring Everett Co-operative Bank, Everett, Massachusetts, upon the conversion of Everett Co-operative Bank from mutual to stock form.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *ServBanc Holdco, Inc., Phoenix, Arizona;* to become a bank holding company by merging with Allied First Bancorp, Inc., and thereby indirectly acquiring Allied First Bank, SB, both of Oswego, Illinois.

Board of Governors of the Federal Reserve System, March 16, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–05902 Filed 3–18–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

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 whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

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 April 20, 2022.

A. Federal Reserve Bank of Cleveland (Bryan S. Huddleston, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org:*

1. *VWF Bancorp, Inc., Van Wert, Ohio;* to become a savings and loan holding company pursuant to section 10(e) of the Home Owners' Loan Act by acquiring Van Wert Federal Savings Bank, Van Wert, Ohio, in connection with Van Wert Federal Savings Bank's conversion from mutual to stock form.

Board of Governors of the Federal Reserve System, March 16, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–05898 Filed 3–18–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 5, 2022.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291: Comments can also be sent electronically to *MA@mpls.frb.org*:

1. *Brent D. Moum, Bottineau, North Dakota;* to acquire voting shares of the State Bank of Bottineau Holding Company, and thereby indirectly acquire voting shares of the State Bank of Bottineau, both of Bottineau, North Dakota.

B. Federal Reserve Bank of Dallas (Karen Smith, Director, Applications) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *The Katherine Orsak Irrevocable Asset Trust, Katherine Cecil Orsak, individually, and as trustee, and Stephen Paul Orsak, all of Dallas, Texas; The John Stephen Cecil Irrevocable Asset Trust, John Stephen Cecil, individually, and as trustee, and Meredith J. Cecil, all of San Angelo, Texas; Stephanie Sawyer Cecil, The Carl Cecil Irrevocable Asset Trust, Carl Thomas Cecil, individually, and as trustee, all of Paris, Texas; Julie A. Conger Enis, William Barton Enis, Karen Conger Welton, and The Sidney B. Conger and Jean Cecil Conger Living Trust, Sidney B. Conger and Jean Cecil Conger, as co-trustees, and The Conger Family Partnership, the Sidney B. Conger and Jean Cecil Conger Living Trust, as general partner, all of Houston, Texas; Lauren Lee Prickett, Atlanta, Georgia; The Randle R. Cecil Trust A, Paris, Texas, Jean Cecil Conger, as trustee, Houston, Texas;* a group acting in concert to retain voting shares of Paris Bancshares, Inc., and thereby indirectly retain voting shares of The Liberty National Bank in Paris, both in Paris, Texas.

Board of Governors of the Federal Reserve System, March 16, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–05903 Filed 3–18–22; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Federal Trade Commission (FTC or Commission) is seeking public comment on its proposal to extend for an additional three years the Office of Management and Budget (OMB) clearance for information collection requirements contained in the Mail, internet, or Telephone Order Merchandise Rule (MITOR). That clearance expires on July 31, 2022.

DATES: Comments must be received on or before May 20, 2022.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Paperwork Reduction Act Comment: FTC File No. P072108'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment

to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street, SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Jock Chung, 202–326–2984, Attorney, Enforcement Division, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW, Mail Drop CC–9528, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Title: Mail, internet, or Telephone Order Merchandise Rule (MITOR or Rule), 16 CFR part 435.

OMB Control Number: 3084–0106.

Type of Review: Extension of a currently approved collection.

Abstract: Generally, the MITOR requires a seller (or merchant) to: (1) Have a reasonable basis for any express or implied shipment representation made in soliciting the sale (if no express time period is promised, the implied shipment representation is 30 days); (2) notify the buyer (or consumer) and obtain the buyer's consent to any delay in shipment; and (3) make prompt and full refunds when the buyer exercises a cancellation option or the seller is unable to meet the Rule's other requirements.

Likely Respondents: Businesses engaged in the sale of merchandise by mail, internet or telephone.

Estimated Annual Hours Burden: 3,117,410 hours.

Third Party Disclosure: [(53,300 established businesses × 50 hours) + (1,967 new entrants × 230 hours) = 3,117,410 hours.

Estimated Annual Cost Burden: $82,269,450, which is derived from 3,117,410 hours × $26.39/hour.[1]

As required by section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the Commission's Health Breach Notification Rule.

[1] The hourly wage rates for sales and related workers are updated from the 60-Day **Federal Register** notice and are based on mean hourly wages found at *https://www.bls.gov/news.release/ocwage.htm* (''Occupational Employment and Wages–May 2020,'' U.S. Department of Labor, released March 2021, Table 1 (''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2020'').

Burden Estimates

Estimated total annual hours burden: 3,117,410 hours.

In its 2019 PRA-related **Federal Register** Notices [2] and corresponding submission to OMB, FTC staff estimated that established companies each spend an average of 50 hours per year on compliance with the Rule, and that new industry entrants spend an average of 230 hours (an industry estimate) for compliance measures associated with start-up.[3] Thus, the total estimated hours burden was calculated by multiplying the estimated number of established companies × 50 hours, multiplying the estimated number of new entrants × 230 hours, and adding the two products.

No substantive provisions in the Rule have been amended or changed since staff's 2019 submission to OMB. Thus, the Rule's disclosure requirements remain the same. Moreover, the Commission received no public comments regarding the above-noted estimates; thus, staff will apply them to the current PRA burden analysis.

Since the prior submission to OMB, however, the number of businesses engaged in the sale of merchandise subject to the MITOR has increased. The most currently available data from the U.S. Census Bureau indicates that, between 2005 and 2019, the number of businesses subject to the MITOR grew from 15,924 to 43,465, or an average increase of 1,967 new businesses a year [(43,465 businesses in 2019 − 15,924 businesses in 2005) ÷ 14 years].[4] Assuming this growth rate continues from 2022 through 2025, the average number of established businesses during the three-year period for which OMB clearance is sought for the Rule would be 53,300: [5]

Year	Established businesses	New entrants
2022–23	51,333	1,967
2023–24	53,300	1,967
2024–25	55,267	1,967
Average: ...	53,300	1,967

In an average year during the three-year OMB clearance period, staff estimates that established businesses and new entrants will devote 3,117,410 hours to comply with the MITOR [(53,300 established businesses × 50 hours) + (1,967 new entrants × 230 hours) = 3,117,410]. The estimated PRA burden per seller to comply with the MITOR is likely overstated because much of the estimated time burden for disclosure-related compliance would arguably be incurred even absent the Rule. Over the years, industry trade associations and individual witnesses have consistently taken the position that providing buyers with notice about the status of their orders fosters buyer loyalty and encourages repeat purchases, which are important to marketers' success. In recent years, the demands of the internet's online marketplace and its leading retailers such as *Amazon.com*, *Walmart.com*, and *Ebay.com* have driven many businesses to upgrade the information management systems to track and ship orders more effectively.[6] These upgrades were primarily prompted by the industry's need to deal with growing buyer demand for merchandise that is timely shipped. Accordingly, most companies now provide updated order information of the kind required by the Rule in their ordinary course of business to meet buyer expectations regarding timely shipment, notification of delay, and prompt and full refunds.[7]

Estimated labor costs: $82,269,450.

FTC staff derived labor costs by applying appropriate hourly cost figures to the burden hours described above. According to the most recent data available from the Bureau of Labor and Statistics,[8] the mean hourly income for workers in sales and related occupations was $26.39/hour. The bulk of the burden of complying with the MITOR is borne by clerical personnel along with

[2] 84 FR 10072 (Mar. 19, 2019); 84 FR 24512 (May 28, 2019).

[3] Most of the estimated start-up time relates to the development and installation of computer systems geared to more efficiently handle customer orders.

[4] Conceptually, this might understate the number of new entrants. Given the virtually unlimited diversity of retail establishments, it is very unlikely that there is a reliable external measure; nonetheless, as in the past, the Commission invites public comment that might better inform these estimates. For example, many online marketplace sellers that use *Amazon.com*'s marketplace to sell to customers have agreements that provide that Amazon handles packaging and shipping the products to customers. Whether *Amazon.com* is also the entity responsible for sending customers delay notices when necessary could affect which entity is subject to MITOR disclosure requirements, Amazon or the individual marketplace seller.

[5] As noted above, the existing OMB clearance for the Rule expires on July 31, 2022, and the FTC is seeking to extend the clearance for three years.

[6] Brian Baskin, ''Amazon's Free Shipping Pushes Small Retailers, Delivery Firms to Compete,'' The Wall Street Journal, Apr. 8, 2017, *available at https://www.wsj.com/articles/amazons-free-shipping-pushes-small-retailers-delivery-firms-to-compete-1491649203.*

[7] Under the OMB regulation implementing the PRA, burden is defined to exclude any effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.3(b)(2).

[8] *See* Table 1, National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2020, at *https://www.bls.gov/news.release/ocwage.t01.htm.*

assistance from sales personnel. Staff believes that the mean hourly income for workers in sales and related occupations is an appropriate measure of a direct marketer's average labor cost to comply with the Rule. Thus, the total annual labor cost to new and established businesses for MITOR compliance during the three-year period for which OMB approval is sought would be approximately $82,269,450 (3,117,410 hours × $26.39/hour). Relative to direct industry sales, this total is negligible.[9]

Request for Comments

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (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, 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 maintaining records and providing disclosures to consumers. All comments must be received on or before May 20, 2022.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before May 20, 2022. Write ''Paperwork Reduction Act Comment: FTC File No. P072108'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website.

Due to the public health emergency in response to the COVID–19 outbreak and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Paperwork Reduction Act Comment: FTC File No. P072108'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580; or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will become publicly available at *https://www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *www.regulations.gov,* we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 20, 2022. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2022–05850 Filed 3–18–22; 8:45 am]

BILLING CODE 6750–01–P

[9] Considering that sales for ''electronic shopping and mail order houses'' grew from $295 billion in 2011 to $668 billion in 2019, staff estimates the annual mail, internet, or telephone sales to consumers in the three year period for which OMB clearance is sought will average $1.1 trillion. Thus, the projected average labor cost for MITOR compliance by existing and new businesses for that period would amount to 0.007% of sales.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0073; Docket No. 2022–0053; Sequence No. 9]

Information Collection; Certain Federal Acquisition Regulation Part 32 Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on a revision concerning certain Federal Acquisition Regulation part 32 requirements.

DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through July 31, 2022. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by May 20, 2022.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0073, Certain Federal Acquisition Regulation Part 32 Requirements. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0073, Certain Federal Acquisition Regulation Part 32 Requirements.

B. Need and Uses

DoD, GSA, and NASA are combining OMB Control Nos. for the Federal Acquisition Regulation (FAR) by FAR part. This consolidation is expected to improve industry's ability to easily and efficiently identify burdens associated with a given FAR part. The review of the information collections by FAR part allows improved oversight to ensure there is no redundant or unaccounted for burden placed on industry. Lastly, combining information collections in a given FAR part is also expected to reduce the administrative burden associated with processing multiple information collections.

This justification supports the revision of OMB Control No. 9000–0073 and combines it with the previously approved information collections under OMB Control Nos. 9000–0070, 9000–0074, 9000–0102, and 9000–0144, with the new title ''Certain Federal Acquisition Regulation Part 32 Requirements''. Upon approval of this consolidated information collection, OMB Control Nos. 9000–0070, 9000–0074, 9000–0102, and 9000–0144 will be discontinued. The burden requirements previously approved under the discontinued numbers will be covered under OMB Control No. 9000–0073.

This clearance covers the information that offerors, contractors, or both must submit to comply with the following FAR requirements:

FAR 32.408, Application for advance payments. In accordance with FAR 32.408(b), contractors requesting advance payments must submit their request in writing to the contracting officer and provide the following information:

- A reference to the contract if the request concerns an existing contract, or a reference to the solicitation if the request concerns a proposed contract.
- A cash flow forecast showing estimated disbursements and receipts for the period of contract performance.
- The proposed total amount of advance payments.
- The name and address of the financial institution at which the contractor expects to establish a special account as depository for the advance payments.
- A description of the contractor's efforts to obtain unguaranteed private financing or a V-loan under eligible contracts.
- Other information appropriate to an understanding of
  - the contractor's financial condition and need,
  - the contractor's ability to perform the contract without loss to the Government, and
  - financial safeguards needed to protect the Government's interest.

The information is used to determine if advance payments should be provided to the contractor.

FAR 52.232–1 through 52.232–4, 52.232–6, 52.232–7, and 52.232–10—Payments. The following FAR clauses require the contractor to (as appropriate to the payment terms specified in the contract) provide a proper invoice or voucher. The information is used to determine the proper amount of payments to Federal contractors.

- 52.232–1, Payments.
- 52.232–2, Payments under Fixed-Price Research and Development Contracts.
- 52.232–3, Payments under Personal Services Contracts.
- 52.232–4, Payments under Transportation Contracts and Transportation-Related Services Contracts.
- 52.232–6, Payment under Communication Service Contracts with Common Carriers.
- 52.232–7, Payments under Time-and-Materials and Labor-Hour Contracts.
- 52.232–10, Payments under Fixed-Price Architect-Engineer Contracts.

''Proper invoice'' is defined in FAR part 2 as an invoice that meets the minimum standards specified in FAR 32.905(b), which include the following items:

- Name and address of the contractor.
- Invoice date and invoice number.
- Contract number or other authorization for supplies delivered or services performed (including order number and line item number).
- Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- Shipping and payment terms.
- Name and address of contractor official to whom payment is to be sent.
- Name (where practicable), title, phone number, and mailing address of person to notify in the event of a defective invoice.
- Taxpayer Identification Number (TIN) if required by agency procedures.
- Electronic funds transfer (EFT) banking information if required by agency procedures.
- Any other information or documentation required by the contract (*e.g.,* evidence of shipment).

FAR 52.232–5, Payments under Fixed-Price Construction Contracts. This clause requires the contractor's request for progress payments to include the following substantiation:

- An itemization of the amounts requested, related to the various elements of work required by the contract covered by the payment requested.
- A listing of the amount included for work performed by each subcontractor under the contract.
- A listing of the total amount of each subcontract under the contract.
- A listing of the amounts previously paid to each such subcontractor under the contract.
- Additional supporting data in a form and detail required by the contracting officer.

Paragraph (c) of FAR clause 52.232–5 requires contractors to provide a certification with each request for progress payment certifying that—

- The amounts requested are only for performance in accordance with the specifications, terms, and conditions of the contract;
- All payments due to subcontractors and suppliers from previous payments received under the contract have been made, and timely payments will be made from the proceeds of the payment covered by the certification;
- The request for progress payment does not include any amounts which

the prime contractor intends to withhold or retain from a subcontractor or supplier in accordance with the terms and conditions of the subcontract; and

○ The certification is not to be construed as final acceptance of a subcontractor's performance.

Paragraph (d) of FAR clause 52.232–5 requires contractors to notify contracting officers, if the contractor, after making a certified request for progress payments, discovers that a portion or all of the request constitutes a payment for performance by the contractor that fails to conform to the specifications, terms, and conditions of the contract. Contractors must notify the contracting officer that the performance deficiency has been corrected.

The information is used to determine the proper amount of payments to Federal contractors for construction contracts.

FAR 52.232–12, Advance Payments. If advance payments are authorized, this clause requires contractors to submit the following:

○ Per paragraph (g)—The financial institution agreement, in the form prescribed by the administering office, establishing the special account, and clearly setting forth the special character of the account and the responsibilities of the financial institution under the account.

○ Per paragraph (i)(3)—Notification of a lien in favor of the Government to a third person receiving any items or materials on which the Government has a lien, and a receipt from that third person acknowledging the existence of the lien. Contractors are also required to provide a copy of each receipt to the contracting officer.

○ Per paragraph (m)—(1) Monthly, signed or certified balance sheets and profit and loss statements together with a report on the operation of the special account in the form prescribed by the administering office; and (2) If requested, other information concerning the operation of the contractor's business. (This same requirement is at paragraph (j) of the clause with its Alternate V.)

If advance payments are authorized, the information is used to ensure proper procedures are followed to protect the Government's interest.

FAR 52.232–20 and 52.232–22—Limitation of Costs or Funds. FAR clause 52.232–20, Limitation of Cost, requires the contractor to notify the contracting officer in writing whenever it has reason to believe that—

○ The costs the contractors expect to incur under the contract in the next 60 days, when added to all costs previously incurred, will exceed 75 percent of the estimated cost of the contracts; or

○ The total cost for the performance of the contract will be greater or substantially less than estimated.

As part of the notification, the contractor must provide a revised estimate of the total cost of performing the contract.

FAR clause 52.232–22, Limitation of Funds, requires the contractor to notify the contracting officer in writing whenever it has reason to believe that the costs it expects to incur under the contract in the next 60 days, when added to all costs previously incurred, will exceed 75 percent of (1) the total amount so far allotted to the contract by the Government or, (2) if this is a cost-sharing contract, the amount then allotted to the contract by the Government plus the contractor's corresponding share. The notice must state the estimated amount of additional funds required to continue performance for the contract period. Sixty days before the end of the contract period, the contractor must notify the contracting officer in writing of the estimated amount of additional funds, if any, required to continue performance under the contract, and when the funds will be required.

The information is used to avoid cost overruns and to ensure that funding is available to complete work under Federal contracts.

FAR 52.232–27, Prompt Payment for Construction Contracts. Paragraph (a)(6)(ii) of FAR clause 52.232–27 requires contractors making a written demand to the designated payment office for additional penalty payment to support their demand with the following data:

- Specifically assert that late payment interest is due under a specific invoice, and request payment of all overdue late payment interest penalty and such additional penalty as may be required;
- Attach a copy of the invoice on which the unpaid late payment interest was due; and
- State that payment of the principal has been received, including the date of receipt.

Paragraph (e)(5) of FAR clause 52.232–27 requires contractors to notify contracting officers upon—

- Reduction of the amount of any subsequent certified application for payment; or
- Payment to the subcontractor of any withheld amounts of a progress payment, specifying: The amounts withheld; and the dates that the withholding began and ended.

Paragraph (g) of FAR clause 52.232–27 requires contractors to issue a written notice of any withholding to a subcontractor (with copy to the contracting officer), specifying—

- The amount to be withheld;
- The specific causes for the withholding under the terms of the subcontract; and
- The remedial actions to be taken by the subcontractor in order to receive payment of the amounts withheld.

Paragraph (l) of FAR clause 52.232–27 requires contractors to remit overpayments to the payment office cited in the contract along with a description that includes the following:

- Circumstances of the overpayment (*e.g.,* duplicate payment, erroneous payment, liquidation errors, date(s) of overpayment);
- Affected contract number and delivery order number if applicable;
- Affected line item or subline item, if applicable; and
- Contractor point of contact.

Contractors are required to provide a copy of the remittance and supporting documentation to the contracting officer.

The information is used to understand when the contractor withholds amounts from subcontractors and suppliers after the Government has already paid the contractor the amounts withheld.

FAR 52.232–34, Payment by Electronic Funds Transfer—Other than System for Award Management. This clause requires contractors to provide the following information to enable the Government to make payments under the contract by EFT:

○ The contract number (or other procurement identification number).

○ The contractor's name and remittance address.

○ The signature, title, and telephone number of the contractor official authorized to provide this information.

○ The name, address, and 9-digit Routing Transit Number of the contractor's financial agent.

○ The contractor's account number and the type of account.

○ If applicable, the Fedwire Transfer System telegraphic abbreviation of the contractor's financial agent.

○ If applicable, the contractor must provide the name, address, telegraphic abbreviation, and 9-digit Routing Transit Number of the correspondent financial institution receiving the wire transfer payment if the contractor's financial agent is not directly on-line to the Fedwire Transfer System.

The burden to provide the information required by the FAR clause at 52.232–33, Payment by Electronic Funds Transfer—System for Award Management, is covered by OMB Control Number 9000–0189, Certain

Federal Acquisition Regulation Part 4 Requirements. OMB Control Number 9000–0189 accounts for new registrations and renewals in the System for Award Management, which includes providing the EFT information.

The information is used to enable the Government to make contract payments by EFT.

C. Annual Burden

Respondents: 275,319.
Total Annual Responses: 1,817,432.
Total Burden Hours: 471,947.
Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0073, Certain Federal Acquisition Regulation Part 32 Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–05894 Filed 3–18–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0066; Docket No. 2022–0053; Sequence No. 2]

Submission for OMB Review; Certain Federal Acquisition Regulation Part 22 Labor Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding certain Federal Acquisition Regulation (FAR) part 22 labor requirements.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

Additionally, submit a copy to GSA through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite OMB Control No. 9000–0066, Certain Federal Acquisition Regulation Part 22 Labor Requirements. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Hawes, Procurement Analyst, at telephone 202–969–7386, or *jennifer.hawes@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0066, Certain Federal Acquisition Regulation Part 22 Labor Requirements.

B. Needs and Uses

This clearance covers the information that offerors and contractors must submit to comply with the following FAR requirements:

- *FAR 52.222–2, Payment for Overtime Premiums.* This clause requires the contractor to request authorization for overtime premiums costs that exceed the amount negotiated in the contract. The request shall include information on the affected work unit current staffing and workload, how a denial of the request would impact performance on the instant contract or other contracts, and reasons why the work cannot be performed by using multishift operations or by employing additional personnel. Contracting officers uses this information to evaluate whether the overtime is necessary.
- *FAR 52.222–6, Construction Wage Rate Requirements, and the Standard Form (SF) 1444.* This clause requires the contractor to establish additional classifications, if any laborer or mechanic is to be employed in a classification that is not listed in the wage determination applicable to the contract. In such cases, the contractor is required to complete and submit an SF 1444, Request for Authorization of Additional Classification and Rate, along with other pertinent data, containing the proposed additional classification and minimum wage rate including any fringe benefits payments. The contracting officer submits the SF 1444 to the DOL Wage and Hour Division with a request for conformance review to determine the appropriateness of the request.
- *FAR 52.222–11, Subcontracts (Labor Standards), and the SF 1413.* This clause requires contractors to submit an SF 1413, Statement and Acknowledgment, for each subcontract for construction within the United States, including the subcontractor's signed and dated acknowledgment that the required labor clauses necessary to implement various labor statutes have been included in the subcontract. Contracting officers review the information on the form to ascertain whether contractors have included the required labor clauses in their subcontracts.
- *FAR 52.222–18, Certification Regarding Knowledge of Child Labor for Listed End Products.* This provision (and its commercial equivalent in the provision at 52.212–3) requires the offeror, as part of its annual representations and certifications, to either certify in paragraph (c)(1) that it will not supply an end product of a type identified on the Department of Labor (DOL) List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor (*https://www.dol.gov/agencies/ilab*), or certify in paragraph (c)(2) that it has made a good faith effort to determine whether such child labor was used to mine, produce, or manufacture such end product, and is unaware of any such use of child labor. This information is used by Government to ensure that a good faith effort has been made to determine whether forced or indentured child labor was used to mine, produce, or manufacture any product on the List furnished under the contract.
- *FAR 52.222–33, Notice of Requirement for Project Labor Agreement.* When a project labor agreement (PLA) (a pre-hire collective bargaining agreement described in 29 U.S.C. 158(f)) is required for a large-scale construction contract, this provision requires the offeror to submit a copy of a PLA at the time offers are due, prior to award, or after contract award as determined by the agency.

During the evaluation of offers on a construction contract, the contracting officer reviews the offeror's PLA to determine if it conforms with all statutes, regulations, and Executive Orders.

• *FAR 52.222–34, Project Labor Agreement.* When a PLA is required for a construction contract, this clause requires the contractor to maintain the PLA in a current state throughout the life of the contract. This recordkeeping requirement is necessary for the Government to ensure that the contractor stays a party to the PLA during the life of the construction contract.

• *FAR 52.222–46, Evaluation of Compensation for Professional Employees.* This provision requires offerors to submit for evaluation a total compensation plan setting forth proposed salaries and fringe benefits for professional employees working on the contract. The Government will use this information to determine if professional employees are compensated fairly and properly. Plans indicating unrealistically low professional employees' compensation may be assessed adversely as one of the factors considered in making a contract award.

C. Annual Burden

Respondents/Recordkeepers: 543,954.

Total Annual Responses: 619,350.

Total Burden Hours: 21,402 (21,231 reporting hours + 171 recordkeeping hours).

D. Public Comment

A 60-day notice was published in the **Federal Register** at 87 FR 1413, on January 11, 2022. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0066, Certain Federal Acquisition Regulation Part 22 Labor Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–05893 Filed 3–18–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHACHSPT)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC and the Health Resources and Services Administration (HRSA), announce the following meeting for the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHACHSTP). This meeting is open to the public, limited only by the number of audio and web conference lines (1,000 audio and web conference lines are available). Members of the public are welcome to listen to the meeting by accessing the telephone number and web conference access provided in the addresses section below. Time will be available for public comment.

DATES: The meeting will be held on April 26, 2022, from 11:00 a.m. to 5:30 p.m., EDT; April 27, 2022, from 11:00 a.m. to 4:00 p.m., EDT; and April 28, 2022, from 10:00 a.m. to 12:00 p.m., EDT.

ADDRESSES: The telephone access number is 1–669–254–5252, Webinar ID: 161 660 6170, and Passcode: 77845136. The web conference access is *https://cdc.zoomgov.com/j/1616606170?pwd=N0NYMkxubmxIZEl6U2NnallyNzFQQT09* and Passcode: J1G&D&Cq. There are 1,000 lines available for audio and web conference.

FOR FURTHER INFORMATION CONTACT: Marah Condit, MS, Committee Management Lead, National Center for HIV, Viral Hepatitis, STD, and TB Prevention, CDC, 1600 Clifton Road NE, Mailstop US8–6, Atlanta, Georgia 30329–4027, Telephone: (404) 639–3423; Email: *nchhstppolicy@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: This committee is charged with advising the Director, CDC, and the Administrator, HRSA, regarding activities related to prevention and control of HIV, viral hepatitis, and other STDs; the support of healthcare services to persons with HIV; and education of health professionals and the public about HIV, viral hepatitis, and other STDs.

Matters To Be Considered: The agenda will include discussions on (1) Leveraging policy to advance HIV, STI, and viral hepatitis priorities; (2) Providing comprehensive STI services; (3) Syndemic approaches to HIV, viral hepatitis, and STI prevention; and (4) Self-testing and self-sample collection. Agenda items are subject to change as priorities dictate.

Public Participation

Procedure for Written Comment: The public is welcome to submit written comments in advance of the meeting. Written comments must be submitted in writing by email to *nchhstppolicy@cdc.gov* with subject line ''Spring CHAC Public Comment Registration'' by Tuesday, April 19, 2022.

Procedure for Oral Comment: Individuals who desire to make an oral statement during the public comment period may register by submitting a request in writing by email to *nchhstppolicy@cdc.gov* with subject line ''Spring CHAC Public Comment Registration'' by Thursday, April 21, 2022. The public comment period is on April 27, 2022, at 3:30 p.m., EDT.

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. 2022–05799 Filed 3–18–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463.

Name of Committee: Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH).

Dates: June 14–15, 2022.

Times: 11:00 a.m.–5:00 p.m., EDT.

Place: Teleconference.

Agenda: The meeting will convene to address matters related to the conduct of Study Section business and for the study section to consider safety and occupational health-related grant applications.

FOR FURTHER INFORMATION CONTACT: Michael Goldcamp, Ph.D., Scientific Review Officer, NIOSH, 1095 Willowdale Road, Morgantown, West Virginia 26506, Telephone: (304) 285–5951; Email: *mgoldcamp@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. 2022–05802 Filed 3–18–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH), National Institute for Occupational Safety and Health (NIOSH)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting of the Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board). This meeting is open to the public, limited only by the number of audio conference lines and internet conference accesses available, which is 200 combined. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcome to listen to the meeting by joining a teleconference line and/or computer connection (information below).

DATES: The meeting will be held on April 27, 2022, from 1:00 p.m. to 6:00 p.m., EDT, and April 28, 2022, from 1:00 p.m. to 4:00 p.m., EDT. A public comment session will be held on April 27, 2022, at 5:00 p.m., EDT, and will conclude at 6:00 p.m., EDT, or following the final call for public comment, whichever comes first.

Written comments must be received on or before April 20, 2022.

ADDRESSES: You may submit comments by mail to: Sherri Diana, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226.

Meeting Information: The USA toll-free dial-in numbers are: +1 669 254 5252 US (San Jose); +1 646 828 7666 US (New York); +1 551 285 1373 US; +1 669 216 1590 US (San Jose); The Meeting ID is: 160 6763 3819 and the Passcode is: 98685439; Web conference by Zoom meeting connection: *https://cdc.zoomgov.com/j/16067633819?pwd=RUdiYXlZZHFKanpJOHZrcGJIbTlaZz09.*

FOR FURTHER INFORMATION CONTACT: Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226, Telephone: (513) 533–6800, Email: *ocas@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines which have been promulgated by the Department of Health and Human Services (HHS) as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule, advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC.

The Advisory Board's charter was issued on August 3, 2001, renewed at appropriate intervals, rechartered on March 22, 2020, and will terminate on March 22, 2022.

Purpose: This Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters to be Considered: The agenda will include discussions on the following: NIOSH Program Update; Department of Labor Program Update; Department of Energy Program Update; SEC Petitions Update; Procedures Review Finalization/Document Approvals; Update on Review of SEC–00253 Petition Evaluation Report for Reduction Pilot Plant; Update on Review of SEC–00188 Sandia Petition Addendum 2; Subcommittee on Dose Reconstruction Reviews Update; and a Board Work Session. Agenda items are subject to change as priorities dictate.

For additional information, please contact Toll Free 1 (800) CDC–INFO.

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. 2022–05800 Filed 3–18–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Lead Exposure and Prevention Advisory Committee (LEPAC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Lead Exposure and Prevention Advisory Committee (LEPAC). This is a virtual meeting and is open to the public. Advance registration by April 28, 2022, is needed to receive the information to join the meeting. The registration link is provided in the **ADDRESSES** section below.

DATES: The meeting will be held on May 12, 2022, from 9:00 a.m. to 4:30 p.m., EDT.

ADDRESSES: Register in advance at *https://www.zoomgov.com/webinar/register/WN_JpapSgFXRKmeHVU9hW4jVQ* to receive information to join the meeting.

FOR FURTHER INFORMATION CONTACT: Alexis Pullia, M.P.H., C.P.H., Committee Management Specialist, National Center for Environmental Health, CDC, 4770 Buford Highway, Atlanta, Georgia 30341, Telephone: 770–488–3300; Email: *LEPAC@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Lead Exposure and Prevention Advisory Committee was established under Section 2203 of Public Law 114–322, the Water Infrastructure Improvements for the Nation Act; 42 U.S.C. 300j-21, Registry for Lead Exposure and Prevention Advisory Committee.

Purpose: The LEPAC is charged with providing advice and guidance to the Secretary, Department of Health and Human Services (HHS), and the Director, CDC and Administrator, ATSDR, on (1) reviewing Federal programs and services available to individual communities exposed to lead; (2) reviewing current research on lead exposure to identify additional research needs; (3) reviewing and identifying best practices, or the need for best practices regarding lead screening and the prevention of lead poisoning; (4) identifying effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in Section 2203(b) of Public Law 114–322; and 5) undertaking any other review or activities that the Secretary determines to be appropriate.

Matters To Be Considered: The agenda will include updates on the Flint Lead Registry and lead-related activities from LEPAC Members; information on lead exposure in Clarksburg, West Virginia; and discussions on the following: Infrastructure initiatives related to lead; lead in air, soil, and blood; navigating multiple funding streams at the local level; and policy approaches to improve childhood blood lead testing rates. Agenda items are subject to change as priorities dictate.

Public Participation

Oral Public Comment: The public comment period is scheduled on May 12, 2022, from 12:00 p.m. until 12:15 p.m., EDT. Individuals wishing to make a comment during the public comment period, please email your name, organization, and phone number by April 28, 2022, to *LEPAC@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. 2022–05801 Filed 3–18–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3416–FN]

Medicare and Medicaid Programs; Continued Approval of the American Association for Accreditation of Ambulatory Surgery Facilities' Rural Health Clinic Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services (HHS).

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF) for continued recognition as a national accrediting organization for Rural Health Clinics (RHCs) that wish to participate in the Medicare or Medicaid programs.

DATES: The decision in this final notice is effective March 23, 2022, through March 23, 2026.

FOR FURTHER INFORMATION CONTACT: Lillian Williams, (410) 786–8636, or Shonte Carter, (410) 786–3532.

SUPPLEMENTARY INFORMATION:

I. Background

A healthcare provider may enter into an agreement with Medicare to participate in the program as a Rural Health Clinic (RHC) provided certain requirements are met. Section 1861(aa)(2) and 1905(l)(1)of the Social Security Act (the Act), establish distinct criteria for facilities seeking designation as RHCs for Medicare and Medicaid, respectively. Regulations concerning Medicare provider agreements are at 42 CFR part 489 and those pertaining to the survey and certification for Medicare participation of certain providers and suppliers are at 42 CFR part 488. The regulations at 42 CFR part 491 specify the conditions that a facility must meet to participate in the Medicare program as an RHC.

Generally, to enter into a Medicare provider agreement, an RHC must first be certified by a State survey agency as complying with the conditions set forth in part 491 of our Medicare regulations. Thereafter, the RHC is subject to periodic surveys by a State survey agency to determine whether it continues to meet these conditions. However, there is an alternative to certification surveys by State agencies. Accreditation by an approved, nationally recognized Medicare accreditation program may substitute for both initial and ongoing review.

Section 1865(a)(1) of the Act provides that, if the Secretary of the Department of Health and Human Services finds that accreditation of a provider entity by an approved national accreditation organization demonstrates that all applicable Medicare conditions or requirements are met or exceeded, we will deem those provider entities as having met such requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

Subpart A of part 488 requires in part that a national accrediting organization applying for approval of its Medicare accreditation program provide us with reasonable assurance that the accrediting organization requires its

accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.5. Section 488.5(e)(2)(i) requires an accrediting organization to reapply for continued approval of its Medicare accreditation program every 6 years or sooner as determined by CMS. The American Association for Accreditation of Ambulatory Surgery Facilities' (AAAASF) current term of approval for their RHC accreditation program expires March 23, 2022.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accreditation body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days after the date of receipt of a complete application to publish a notice announcing our approval or denial of an application.

III. Provisions of the Proposed Notice

On October 15, 2021, we published a proposed notice in the **Federal Register** (86 FR 57429) entitled ''Application from the American Association for Accreditation of Ambulatory Surgery Facilities for Continued Approval of its Rural Health Clinic (RHC) Accreditation Program'' announcing AAAASF's request for continued approval of its Medicare RHC accreditation program. In that notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and per §§ 488.5 and 488.8(h), we conducted a review of AAAASF's application in accordance with the criteria authorized by our regulations, which include, but are not limited to the following:

- An administrative review of AAAASF's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its RHC surveyors; (4) ability to investigate and respond appropriately to complaints against accredited RHCs; and, (5) survey review and decision-making process for accreditation.
- The equivalency of AAAASF's standards for RHCs as compared with CMS' RHC CoPs.
- AAAASF's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing survey training.

++ The comparability of AAAASF's processes to those of State agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited RHCs.

++ AAAASF processes and procedures for monitoring RHCs found out of compliance with AAAASF's program requirements. These monitoring procedures are used only when AAAASF identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the State survey agency monitors corrections as specified at § 488.9(c).

++ AAAASF's capacity to report deficiencies to the surveyed RHCs and respond to the RHC's plan of correction in a timely manner.

++ AAAASF's capacity to provide us with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of AAAASF's staff and other resources, and its financial viability.

++ AAAASF's capacity to adequately fund required surveys.

++ AAAASF's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ AAAASF's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

++ AAAASF's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the October 15, 2021 proposed notice also solicited public comments regarding whether AAAASF's requirements met or exceeded the Medicare conditions for certification for RHCs. The comments we received support the approval of AAAASF for continued recognition as a national accrediting organization for RHCs. We did not receive any comments opposing the approval.

IV. Provisions of the Final Notice

A. Differences Between AAAASF's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared AAAASF's RHC accreditation requirements and survey process with the Medicare conditions for certification of 42 CFR part 491 and the survey and certification process requirements of parts 488 and 489. Our review and evaluation of AAAASF's RHC application, which were conducted as described in section III. of this final notice, yielded the following areas where, as of the date of this notice, AAAASF has completed revising its standards and survey processes in order to meet the requirements at:

- Section 491.7(a)(1) to ensure that their crosswalk and standards included the requirement that an RHC must have a health care staff that meets the requirements of § 491.8.
- Section 491.8(a)(2) to ensure that their crosswalk and standards include the correct reference that a physician member of the staff may be the owner of the RHC, an employee of the clinic or center, or under agreement with the clinic or center to carry out the responsibilities required under this section.
- Section 491.9(b)(4) to include the correct reference to § 491.9(b)(2), identifying the group of professional personnel.
- Section 491.9(c)(2) to include a reference to 42 CFR part 493.
- Revised and clarified survey processes and organizational policies, consistent with § 488.5(a)(4)(i), to ensure all surveys are unannounced. AAAASF clarified its organizational policies to reflect that surveys are not conducted based on the availability of administrators, clinic directors, or any other individual of authority, and for the same reasons, are not delayed.

In accordance with comparability requirements to those of the State Survey Agency at § 488.5(a)(4)(ii), AAAASF's revised its policies, procedures and survey processes to include:

- Revising policies to ensure the sample of the medical records used in surveyor guidance is consistent with the type of medical records to be reviewed.
- Providing a corrective action plan and clarifications to AAAASF's policies to ensure that documentation of patient and staff observations and record reviews include separate identifier keys used to ensure the security of patients and staff.
- Developing additional policies and procedures and surveyor guides to clarify deficiency citations, specifically how surveyors determine the appropriateness of the level of citation is assessed during an RHC survey for compliance (that is, condition level v. standard level deficiency citation) and in accordance with § 488.26(b).
- Section 488.5(a)(5) describing the method AAAASF uses for determining

the size and composition of the RHC survey team and AAAASF's comparable criteria on determining the parameters for each survey to be comparable to those of the State Survey Agency as outlined per § 488.5(a)(4).

B. Term of Approval

Based on our review and observations described in section III. of this final notice, we approve AAAASF as a national accreditation organization for RHCs that request participation in the Medicare program. The decision announced in this final notice is effective March 23, 2022 through March 23, 2026. Due to travel restrictions and the reprioritization of survey activities brought on by the 2019 Novel Coronavirus Disease (COVID–19) Public Health Emergency (PHE), CMS was unable to observe an RHC survey completed by AAAASF surveyors as part of the application review process, which is typically one component of the comparability evaluation. Therefore, we are providing AAAASF with a shorter period of approval. Based on our discussions with AAAASF and the information provided in its application, we are confident that AAAASF will continue to ensure that its accredited RHCs will continue to meet or exceed the required standards. While AAAASF has taken actions based on the findings noted in section IV. of this final notice (Differences Between AAAASF's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements), as authorized under § 488.8, we will continue ongoing review of AAAASF's RHC survey processes and will conduct a survey observation once the COVID–19 PHE has expired.

V. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: March 16, 2022.

Lynette Wilson,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2022–05910 Filed 3–18–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0412]

Revocation of Authorization of Emergency Use of an In Vitro Diagnostic Device for Detection and/or Diagnosis of COVID–19; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the Emergency Use Authorization (EUA) (the Authorization) issued to Abbott Diagnostics Scarborough, Inc. (Abbott) for the BinaxNOW COVID–19 Ag Card 2 Home Test. FDA revoked this Authorization under the Federal Food, Drug, and Cosmetic Act (FD&C Act). The revocation, which includes an explanation of the reasons for revocation, is reprinted in this document.

DATES: The Authorization for the BinaxNOW COVID–19 Ag Card 2 Home Test is revoked as of February 24, 2022.

ADDRESSES: Submit a written request for a single copy of the revocation to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4338, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the revocation may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revocation.

FOR FURTHER INFORMATION CONTACT: Jennifer J. Ross, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4332, Silver Spring, MD 20993–0002, 240–402–8155 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) as amended by the Project BioShield Act of 2004 (Pub. L. 108–276) and the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5) allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. On March 31, 2021, FDA issued an EUA to Abbott for the BinaxNOW COVID–19 Ag Card 2 Home Test, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on July 23, 2021 (86 FR 39040), as required by section 564(h)(1) of the FD&C Act. Subsequent updates to the Authorization were made available on FDA's website. The authorization of a device for emergency use under section 564 of the FD&C Act may, pursuant to section 564(g)(2) of the FD&C Act, be revoked when the criteria under section 564(c) of the FD&C Act for issuance of such authorization are no longer met (section 564(g)(2)(B) of the FD&C Act), or other circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the FD&C Act).

II. EUA Revocation Request

In a request received by FDA on February 21, 2022, Abbott requested revocation of, and on February 24, 2022, FDA revoked, the Authorization for the BinaxNOW COVID–19 Ag Card 2 Home Test. Because Abbott notified FDA that the EUA for BinaxNOW COVID–19 Ag Card 2 Home Test is no longer required and requested FDA revoke the EUA for the BinaxNOW COVID–19 Ag Card 2 Home Test, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

III. Electronic Access

An electronic version of this document and the full text of the revocation is available on the internet at *https://www.regulations.gov/.*

IV. The Revocation

Having concluded that the criteria for revocation of the Authorization under section 564(g)(2)(C) of the FD&C Act are met, FDA has revoked the EUA of Abbott for the BinaxNOW COVID–19 Ag Card 2 Home Test. The revocation in its entirety follows and provides an explanation of the reasons for revocation, as required by section 564(h)(1) of the FD&C Act.

BILLING CODE 4164–01–P

U.S. FOOD & DRUG ADMINISTRATION

February 24, 2022

Angela Drysdale
VP, Regulatory Affairs
Abbott Diagnostics Scarborough, Inc.
10 Southgate Road
Scarborough, ME 04074
Re: Revocation of EUA210272

Dear Ms. Drysdale:

This letter is in response to the request from Abbott Diagnostics Scarborough, Inc. ("Abbott"), received via email on February 21, 2022, that the U.S. Food and Drug Administration (FDA) revoke the EUA for the BinaxNOW COVID-19 Ag Card 2 Home Test issued on March 31, 2021 and amended on September 23, 2021 and January 7, 2022. FDA understands no product was distributed under the EUA. Abbott indicated that authorization of the BinaxNOW COVID-19 Ag Card 2 Home Test is no longer required, in consideration of Abbott's product available under another EUA issued to Abbott.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Abbott has notified FDA that the EUA for BinaxNOW COVID-19 Ag Card 2 Home Test is no longer required and requested FDA revoke the EUA for the BinaxNOW COVID-19 Ag Card 2 Home Test, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA210272 for the BinaxNOW COVID-19 Ag Card 2 Home Test, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the BinaxNOW COVID-19 Ag Card 2 Home Test is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

/s/

Jacqueline A. O'Shaughnessy, Ph.D.
Acting Chief Scientist
Food and Drug Administration

Dated: March 15, 2022.

Andi Lipstein Fristedt,

Deputy Commissioner for Policy, Legislation, and International Affairs, U.S. Food and Drug Administration.

[FR Doc. 2022–05892 Filed 3–18–22; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0093]

Agency Information Collection Activities; Proposed Collection; Comment Request; New Molecular Entity New Drug Applications and Original Biologics License Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in

response to the notice. This notice solicits comments on information collection associated with evaluating FDA's program for Enhanced Review Transparency and Communication (the Program) of new molecular entity new drug applications and original biologics license applications (BLAs).

DATES: Submit either electronic or written comments on the collection of information by May 20, 2022.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 20, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 20, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is 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–2013–N–0093 for ''New Molecular Entity New Drug Applications and Original Biologics License Applications.'' 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.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (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. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following 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.

Evaluation of the Program for Enhanced Review Transparency and Communication for New Molecular Entity New Drug Applications and Original 351(a) Biologics License Applications in Prescription Drug User Fee Acts and 351(k) Biologics License Applications in Biosimilar User Fee Acts

OMB Control Number 0910–0746—Extension

This information collection supports the evaluation of certain performance goals and procedures set forth in what is known as FDA's ''goals letter'' or ''commitment letter'' under the sixth authorization of the Prescription Drug User Fee Act (PDUFA VI) and the

second authorization of the Biosimilar User Fee Act (BsUFA II). The goals letters are the result of Agency, industry, and public input, as Congressionally mandated under the applicable statutes. The documents entitled ''PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2018 Through 2022,'' and ''Biosimilar Biological Product Reauthorization Performance Goals and Procedures Fiscal Years 2018 Through 2022'' represent current performance goals agreed to by FDA in support of these respective programs. These documents are available at: *https://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM511438.pdf;* and *https://www.fda.gov/downloads/ForIndustry/UserFees/BiosimilarUserFeeActBsUFA/UCM521121.pdf.* Work to reauthorize these authorities from Fiscal Years 2023 to 2027 is ongoing.

To implement certain performance goals, we established the Program to promote greater transparency and increased communication between the FDA review team and the applicant on the most innovative products that we review. The Program goals are intended to increase the efficiency and effectiveness of the first review cycle and decrease the number of review cycles necessary for approval so that patients have timely access to safe, effective, and high-quality new drugs and biologics. A key aspect of the extension of the Program to BsUFA II is to conduct an interim and final assessment that will evaluate how well the parameters of the Program have achieved the intended goals. Based on sponsors' responses and other data, on December 2, 2020, we published an interim report that is available on FDA's website at *https://www.fda.gov/media/144130/download.* We learned that under BsUFA II review, teams have been effective in enhancing review transparency and communication, with milestone meetings also enhancing the predictability of the review process. We have also adapted certain good practices identified through the Program, including providing pre-submission advice and templates; allocating time for applicant-identified discussion topics in late-cycle meetings where feasible; and recommending request response times of greater than 2 days for applicants with a global presence. We expect to continue these assessments.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pretest	5	1	5	1.5	7.5
Interviews	75	1	75	1.5	112.5
Total			80		120

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

We plan interviews with up to three applicant representatives per each 351(k) BLA first-cycle action issued for applications reviewed under the Program. In addition, a pretest of the interview protocol with five respondents will also be conducted. Based on our prior experience with the Program and communications with the regulated industry, we assume that five applicant representatives will expend approximately 1.5 hours to complete the pretest, for a total of 7.5 burden hours. We further assume that up to 75 applicant representatives (up to 3 representatives for each of up to 25 applications) will participate in the post-action interviews each year and that each interview will last approximately 1.5 hours, for a total of 120 burden hours. Cumulatively, we estimate an overall decrease to the information collection, which corresponds to a decrease in submissions received by the Agency over the last 3 years.

Dated: March 14, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–05814 Filed 3–18–22; 8:45 am]

BILLING CODE 4164–01–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 Center for Scientific Review Special Emphasis Panel, Topics in Alzheimer's Disease, Mild Cognitive Impairment and Cognitive Aging, March 25, 2022, 10:00 a.m. to March 25, 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 March 03, 2022, FR Doc. 2022–04426, 87 FR 12182.

This meeting is being amended to change the Contact Person from Maribeth Champoux to Heidi Friedman, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 301–379–5623. The meeting is closed to the public.

March 15, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–05835 Filed 3–18–22; 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 Center for Scientific Review Special Emphasis Panel, March 29, 2022, 1:00 p.m. to 6:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, which was published in the **Federal Register** on March 04, 2022, V 87 #43 Page 12467, FR Doc No. 2022–04619.

Meeting is being amended to change the Contact Person from Ai-Ping Zou to David Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health. The meeting is closed to the public.

Dated: March 16, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–05896 Filed 3–18–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIA.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the NATIONAL INSTITUTE ON AGING, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIA.

Date: May 24–25, 2022.

Closed: May 24, 2022, 9:00 a.m. to 9:45 a.m.

Agenda: Executive Session.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Open: May 24, 2022, 9:45 a.m. to 11:45 a.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: May 24, 2022, 11:45 a.m. to 12:30 p.m.

Agenda: Executive Session.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

*Open:*May 24, 2022, 12:30 p.m. to 4:00 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: May 24, 2022, 4:00 p.m. to 5:30 p.m.

Agenda: Executive Session.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: May 25, 2022, 9:00 a.m. to 9:15 a.m.

Agenda: Executive Session.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Open: May 25, 2022, 9:15 a.m. to 10:45 a.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: May 25, 2022, 10:45 a.m. to 12:00 p.m.

Agenda: Executive Session.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Open: May 25, 2022, 12:00 p.m. to 3:00 p.m.

Agenda: Committee discussion, individual presentations, laboratory overview.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Closed: May 25, 2022, 3:00 p.m. to 4:30 p.m.

Agenda: Executive Session.

Place: National Institute on Aging, 3rd Floor Conference Room 03C227, Biomedical Research Center, 251 Bayview Boulevard, Baltimore, MD 21224 (Virtual Meeting).

Contact Person: Luigi Ferrucci, MD, Ph.D., Scientific Director, National Institute on Aging, 251 Bayview Boulevard, Suite 100, Room 4C225, Baltimore, MD 21224, 410–558–8110, *LF27Z@NIH.GOV*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 15, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–05836 Filed 3–18–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Drug Development for Traumatic Brain Injury.

Date: April 5, 2022.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lai Yee Leung, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011D, Bethesda, MD 20892, (301) 435–1042, *leungl2@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Clinical Neurophysiology, Devices, Neuroprosthetics and Biosensors.

Date: April 5, 2022.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Cristina Backman, Ph.D., Scientific Review Officer, ETTN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846 Bethesda, MD 20892, 301–480–9069, *cbackman@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Tumor Progression and Microenvironment.

Date: April 20, 2022.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Reigh-Yi Lin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827–6009, *lin.reigh-yi@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 16, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–05897 Filed 3–18–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4642–DR; Docket ID FEMA–2022–0001]

Iowa; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Iowa (FEMA–4642–DR), dated February 23, 2022, and related determinations.

DATES: The declaration was issued February 23, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 23, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Iowa resulting from severe storms, straight-line winds, and tornadoes on December 15, 2021, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Iowa.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, DuWayne Tewes, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Iowa have been designated as adversely affected by this major disaster:

Appanoose, Audubon, Buena Vista, Calhoun, Cass, Cherokee, Davis, Emmet, Floyd, Franklin, Greene, Guthrie, Hamilton, Hancock, Howard, Humboldt, Mills, Mitchell, Palo Alto, Pocahontas, Sac, Van Buren, Webster, Worth, and Wright Counties.

All areas within the State of Iowa are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05909 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2224]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood

hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona: Santa Cruz.	Unincorporated Areas of Santa Cruz County (21–09–1967P).	The Honorable Manuel Ruiz, Chairman, Board of Supervisors, Santa Cruz County, 2150 North Congress Drive #119, Nogales, AZ 85621.	Santa Cruz County Flood Control District, Gabilondo-Zehentner Building, 275 Rio Rico Drive, Rio Rico, AZ 85648.	*https://msc.fema.gov/portal/advanceSearch.*	May 31, 2022	040090
California:						
Fresno	City of Clovis (21–09–0911P).	The Honorable Jose Flores, Mayor, City of Clovis, 1033 5th Street, Clovis, CA 93612.	City Clerk's Office, Civic Center, 1033 5th Street, Clovis, CA 93612.	*https://msc.fema.gov/portal/advanceSearch.*	May 23, 2022	060044
Monterey	City of Seaside (21–09–1503P).	The Honorable Ian Oglesby, Mayor, City of Seaside, 440 Harcourt Avenue, Seaside, CA 93955.	Public Works Department, 610 Olympia Avenue, Seaside, CA 93955.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 6, 2022	060203
Riverside	City of Banning (21–09–0855P).	The Honorable Kyle Pingree, Mayor, City of Banning, 99 East Ramsey Street, Banning, CA 92220.	Public Works Department, 99 East Ramsey Street, Banning, CA 92220.	*https://msc.fema.gov/portal/advanceSearch.*	May 31, 2022	060246
San Diego	City of San Diego (21–09–1675P).	The Honorable Todd Gloria, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Development Services Department, 1222 1st Avenue, MS 301, San Diego, CA 92101.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 30, 2022	060295
Illinois:						
Cook	Village of Wheeling (21–05–4442P).	The Honorable Patrick Horcher, Village President, Village of Wheeling, 2 Community Boulevard, Wheeling, IL 60090.	Village Hall, Community Development Engineering Division, 2 Community Boulevard, Wheeling, IL 60090.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 23, 2022	170173
Putnam	Village of Hennepin (22–05–0122P).	The Honorable Kevin J. Coleman, Mayor, Village of Hennepin, 627 East High Street, Hennepin, IL 61327.	Village Hall, 627 East High Street, Hennepin, IL 61327.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 23, 2022	170570
Iowa:						
Iowa	City of Marengo (21–07–1041P).	The Honorable Adam Rabe, Mayor, City of Marengo, P.O. Box 245, Marengo, IA 52301.	City Hall, 153 East Main Street, Marengo, IA 52301.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 10, 2022	190157
Iowa	Unincorporated Areas of Iowa County (21–07–1041P).	The Honorable John Gahring, Chair, Board of Supervisors, Iowa County, 970 Court Avenue, Marengo, IA 52301.	Iowa County, Auditor's Office, 970 Court Avenue, Marengo, IA 52301.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 10, 2022	190878
Louisiana: Calcasieu Parish.	Unincorporated Areas of Calcasieu Parish (21–06–1326P).	Mr. Bryan C. Beam, Parish Administrator Calcasieu Parish, 1015 Pithon Street, 2nd Floor, Lake Charles, LA 70602.	Calcasieu Parish, Planning and Development Department, 901 Lake Shore Drive, Lake Charles, LA 70601.	*https://msc.fema.gov/portal/advanceSearch.*	May 23, 2022	220037
Michigan:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Washtenaw	Township of Dexter (22–05–0189P).	Ms. Diane Ratkovich, Supervisor, Township of Dexter, 6880 Dexter-Pinckney Road, Dexter, MI 48130.	Township Hall, 6880 Dexter-Pinckney Road, Dexter, MI 48130.	*https://msc.fema.gov/portal/advanceSearch.*	May 6, 2022	260536
Washtenaw	Township of Northfield (22–05–0189P).	Mr. Kenneth Dignan III, Supervisor, Township of Northfield, 8350 Main Street, Whitmore Lake, MI 48189.	Northfield Township Hall, 75 Barker Road, Whitmore Lake, MI 48189.	*https://msc.fema.gov/portal/advanceSearch.*	May 6, 2022	260635

[FR Doc. 2022–05923 Filed 3–18–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4636–DR; Docket ID FEMA–2022–0001]

Missouri; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4636–DR), dated January 10, 2022, and related determinations.

DATES: This change occurred on February 22, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David Gervino, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of DuWayne Tewes as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05905 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4499–DR; Docket ID FEMA–2022–0001]

Oregon; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4499–DR), dated March 28, 2020, and related determinations.

DATES: This change occurred on March 4, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Vincent J. Maykovich as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05913 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4533–DR; Docket ID FEMA–2022–0001]

Alaska; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alaska (FEMA–4533–DR), dated April 9, 2020, and related determinations.

DATES: This change occurred on March 4, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order

12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Vincent J. Maykovich as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05914 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2177]

Proposed Flood Hazard Determinations; Correction

AGENCY: Federal Emergency Management Agency; Department of Homeland Security.

ACTION: Notice; correction.

SUMMARY: On November 16, 2021, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table to be used in lieu of the erroneous information. The table provided here represents the proposed flood hazard determinations and communities affected for Henderson County, Kentucky and Incorporated Areas.

DATES: Comments are to be submitted on or before June 21, 2022.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2177, 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 in the table 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.

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 may only 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://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations 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 will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 86 FR 63412 in the November 16, 2021, issue of the **Federal Register**, FEMA published a table titled ''Henderson County, Kentucky and Incorporated Areas''. This table contained inaccurate information as to the communities affected by the proposed flood hazard determinations, and the community map repository for City of Henderson featured in the table. In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Henderson County, Kentucky and Incorporated Areas Project: 16–04–8581S Preliminary Date: May 26, 2021	
City of Henderson	Henderson City-County Planning Commission, 1990 Barrett Court, Suite C, Henderson, KY 42420.
Unincorporated Areas of Henderson County	Henderson City-County Planning Commission, 1990 Barrett Court, Suite C, Henderson, KY 42420.

[FR Doc. 2022–05918 Filed 3–18–22; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2221]

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 June 21, 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–2221, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Comal County, Texas and Incorporated Areas Project: 20–06–0111S Preliminary Date: October 29, 2021	
City of New Braunfels	City Hall, 550 Landa Street, New Braunfels, TX 78130.
Unincorporated Areas of Comal County	Comal County Engineer's Office, 195 David Jonas Drive, New Braunfels, TX 78132.
Gonzales County, Texas and Incorporated Areas Project: 20–06–0112S Preliminary Date: October 29, 2021	
City of Gonzales	City Hall, 820 St. Joseph Street, Gonzales, TX 78629.

Community	Community map repository address
Unincorporated Areas of Gonzales County	Gonzales County Office of Emergency Management, 1811 Water Street, Gonzales, TX 78629.
Guadalupe County, Texas and Incorporated Areas Project: 21–06–0039S Preliminary Date: October 29, 2021	
City of New Braunfels	City Hall, 550 Landa Street, New Braunfels, TX 78130.
City of Seguin	Development Center, 108 East Mountain Street, Seguin, TX 78155.
Unincorporated Areas of Guadalupe County	Guadalupe County Environmental Health Department, 2605 North Guadalupe Street, Seguin, TX 78155.

[FR Doc. 2022–05919 Filed 3–18–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2211]

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 June 21, 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–2211, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Mineral County, Montana and Incorporated Areas **Project: 17–08–0393S Preliminary Date: January 15, 2021**	
Town of Alberton	Mineral County Courthouse, 300 River Road, Superior, MT 59872.
Town of Superior	Mineral County Courthouse, 300 River Road, Superior, MT 59872.
Unincorporated Areas of Mineral County	Mineral County Courthouse, 300 River Road, Superior, MT 59872.

[FR Doc. 2022–05925 Filed 3–18–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4534–DR; Docket ID FEMA–2022–0001]

Idaho; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Idaho (FEMA–4534–DR), dated April 9, 2020, and related determinations.

DATES: This change occurred on March 4, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Vincent J. Maykovich as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05904 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4473–DR; Docket ID FEMA–2022–0001]

Puerto Rico; Amendment No. 10 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA–4473–DR), dated January 16, 2020, and related determinations.

DATES: This amendment was issued February 27, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 27, 2022, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Deanne Criswell, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the Commonwealth of Puerto Rico resulting from earthquakes during the period of December 28, 2019, to July 3, 2020, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act'').

Therefore, I amend the declaration of January 16, 2020, to authorize Federal funds for all categories of Public Assistance at 90 percent of total eligible costs.

This adjustment to state and local cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for Other Needs Assistance (Section 408) and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05911 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4639–DR; Docket ID FEMA–2022–0001]

Hawaii; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major

disaster for the State of Hawaii (FEMA–4639–DR), dated February 15, 2022, and related determinations.

DATES: The declaration was issued February 15, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 15, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Hawaii resulting from severe storms, flooding, and landslides during the period of December 5 to December 10, 2021, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Hawaii.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Benigno Bern Ruiz, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Hawaii have been designated as adversely affected by this major disaster:

City and County of Honolulu and Maui County for Public Assistance.

All areas within the State of Hawaii are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05906 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4641–DR; Docket ID FEMA–2022–0001]

Nebraska; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Nebraska (FEMA–4641–DR), dated February 23, 2022, and related determinations.

DATES: The declaration was issued February 23, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 23, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Nebraska resulting from severe storms, straight-line winds, and tornadoes on December 15, 2021, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Nebraska.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, DuWayne Tewes, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Nebraska have been designated as adversely affected by this major disaster:

Adams, Buffalo, Burt, Cass, Cuming, Fillmore, Gage, Hamilton, Harlan, Jefferson, Johnson, Kearney, Nemaha, Nuckolls, Otoe, Pawnee, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Thayer, Washington, and Webster Counties for Public Assistance.

All areas within the State of Nebraska are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05908 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2226]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Madison	City of Huntsville (21–04–3964P).	The Honorable Thomas Battle, Jr., Mayor, City of Huntsville, 308 Fountain Circle, Huntsville, AL 35801.	City Hall, 308 Fountain Circle, Huntsville, AL 35801.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 28, 2022	010153
Madison	Unincorporated areas of Madison County (21–04–3964P).	The Honorable Dale Strong, Chairman, Madison County Commission, 100 North Side Square, Huntsville AL 35801.	Madison County Engineering Department, 266–C Shields Road, Huntsville, AL 35811.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 28, 2022	010151
Shelby	Town of Harpersville (21–04–4025P).	The Honorable Theoanglo Perkins, Mayor, Town of Harpersville, 83 Town Hall Lane, Harpersville, AL 35078.	City Hall, 83 Town Hall Lane, Harpersville, AL 35078.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 14, 2022	010293

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado: Boulder	City of Boulder (21–08–0987P).	The Honorable Aaron Brockett, Mayor, City of Boulder, 1777 Broadway, Boulder, CO 80306.	City Hall, 1777 Broadway, Boulder, CO 80306.	*https://msc.fema.gov/portal/advanceSearch.*	Jul. 1, 2022	080024
Florida:						
Bay	Unincorporated areas of Bay County (21–04–2502P).	The Honorable Robert Carroll, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning Department, 840 West 11th Street, Panama City, FL 32401.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2022	120004
Monroe	City of Marathon (22–04–0625P).	The Honorable John Bartus, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 21, 2022	120681
Palm Beach ...	City of Westlake (21–04–4443P).	Mr. Kenneth Cassel, Manager, City of Westlake, 4001 Seminole Pratt, Whitney Road, Westlake, FL 33470.	City Hall, 4001 Seminole Pratt, Whitney Road, Westlake, FL 33470.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 13, 2022	120018
Georgia:						
Effingham	Unincorporated areas of Effingham County (21–04–1542P).	The Honorable Wesley Corbitt, Chairman at Large, Effingham County, Board of Commissioners, 804 South Laurel Street, Springfield, GA 31329.	Effingham County Administrative Complex South Building, 804 South Laurel Street, Springfield, GA 31329.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 9, 2022	130076
Hall	City of Oakwood (21–04–4607P).	The Honorable Lamar Scroggs, Mayor, City of Oakwood, P.O. Box 99, Oakwood, GA 30566.	Department of Public Works, 4035 Walnut Circle, Oakwood, GA 30566.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 23, 2022	130334
Hall	Unincorporated areas of Hall County (21–04–4607P).	Mr. Jock Connell, Hall County Administrator, P.O. Drawer 1435, Gainesville, GA 30503.	Hall County Engineering Division, 2875 Browns Bridge Road, Gainesville, GA 30503.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 23, 2022	130466
Kentucky: Fayette	Lexington-Fayette Urban County Government (21–04–2906P).	The Honorable Linda Gorton, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, KY 40507.	Engineering Department, 101 East Vine Street, 4th Floor, Lexington, KY 40507.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 29, 2022	210067
Massachusetts:						
Plymouth	Town of Marion (21–01–1425P).	The Honorable Norman A. Hills, Chairman, Town of Marion Board of Selectmen, 2 Spring Street, Marion, MA 02738.	Building Department, 2 Spring Street, Marion, MA 02738.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 17, 2022	255213
Plymouth	Town of Mattapoisett (21–01–1425P).	The Honorable Jordan C. Collyer, Chairman, Town of Mattapoisett Board of Selectmen, 16 Main Street, Mattapoisett, MA 02739.	Building Department, 16 Main Street, Mattapoisett, MA 02739.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 17, 2022	255214
Suffolk	City of Revere (21–01–1182P).	The Honorable Brian M. Arrigo, Mayor, City of Revere, 281 Broadway, Revere, MA 02151.	Department of Planning and Development, 281 Broadway, Revere, MA 02151.	*https://msc.fema.gov/portal/advanceSearch.*	May. 12, 2022	250288
Montana:						
Missoula	City of Missoula (21–08–0781P).	The Honorable John Engen, Mayor, City of Missoula, 435 Ryman Street, Missoula, MT 59802.	Department of Planning and Grants, 435 Ryman Street, Missoula, MT 59802.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 27, 2022	300049
Missoula	Unincorporated areas of Missoula County (21–08–0781P).	The Honorable Juanita Vero, Chair, Missoula County, Board of Commissioners, 200 West Broadway Street, Missoula, MT 59802.	Missoula County Community and Planning Services Department, 323 West Alder Street, Missoula, MT 59802.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 27, 2022	300048
North Dakota:						
Cass	City of Mapleton (21–08–0692P).	The Honorable Andrew Draeger, Mayor, City of Mapleton, 651 2nd Street, Mapleton, ND 58059.	Moore Engineering Inc., 1042 14th Avenue, Suite 101, West Fargo, ND 58076.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 16, 2022	380023

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Cass	Township of Durbin (21–08–0692P).	The Honorable Keith Gohdes, Chairman, Township of Durbin Board of Commissioners, 3747 160th 1/2 Avenue Southeast, Mapleton, ND 58079.	Township Hall, 3768 157 R Avenue, Southeast, Casselton, ND 58012.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 16, 2022	380325
South Carolina:						
Jasper	City of Hardeeville (21–04–4372P).	Mr. Michael J. Czymbor, Manager, City of Hardeeville, P.O. Box 609, Hardeeville, SC 29927.	City Hall, 205 Main Street, Hardeeville, SC 29927.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 30, 2022	450113
Jasper	Unincorporated areas of Jasper County (21–04–4372P).	The Honorable Barbara Clark, Chair, Jasper County Council, 358 3rd Avenue, Ridgeland, SC 29936.	Jasper County Planning and Building Services Department, 358 3rd Avenue, Ridgeland, SC 29936.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 30, 2022	450112
Texas:						
Bell	Unincorporated areas of Bell County (21–06–2729P).	The Honorable David Blackburn, Bell County Judge, P.O. Box 768, Belton, TX 76513.	Bell County Engineering Department, 206 North Main Street, Belton, TX 76513.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 27, 2022	480706
Bexar	City of San Antonio (21–06–0342P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capitol Improvements Department, Storm Water Division, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 6, 2022	480045
Bexar	Unincorporated areas of Bexar County (21–06–1869P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 1948 Probandt Street, San Antonio, TX 78214.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 13, 2022	480035
Harris	Unincorporated areas of Harris County (21–06–1628P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77002.	*https://msc.fema.gov/portal/advanceSearch.*	May 31, 2022	480287
Parker	Unincorporated areas of Parker County (21–06–2184P).	The Honorable Patrick Deen, Parker County Judge, 1 Courthouse Square, Weatherford, TX 76086.	Parker County, Permitting Department, 1 Courthouse Square, Weatherford, TX 76086.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 8, 2022	480520
Virginia: Buchanan	Town of Grundy (21–03–1165P).	Mr. Dennis A. Ramey, Manager, Town of Grundy, 1185 Plaza Drive, Grundy, VA 24614.	Department of Public Works, 1185 Plaza Drive, Grundy, VA 24614.	*https://msc.fema.gov/portal/advanceSearch.*	Jun. 17, 2022	510025

[FR Doc. 2022–05922 Filed 3–18–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4640–DR; Docket ID FEMA–2022–0001]

Kansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA–4640–DR), dated February 17, 2022, and related determinations.

DATES: The declaration was issued February 17, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 17, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Kansas resulting from severe storms and straight-line winds on December 15, 2021, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the

Administrator, under Executive Order 12148, as amended, DuWayne Tewes, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Kansas have been designated as adversely affected by this major disaster:

Barton, Brown, Clay, Cloud, Doniphan, Edwards, Ellis, Ellsworth, Ford, Geary, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Lane, Lincoln, Logan, Marshall, Meade, Mitchell, Morris, Morton, Nemaha, Ness, Osborne, Ottawa, Pawnee, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sheridan, Smith, Stafford, Stanton, Stevens, Sumner, Trego, Wabaunsee, Wallace, Washington, Wichita, and Wyandotte Counties.

All areas within the State of Kansas are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05907 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4643–DR; Docket ID FEMA–2022–0001]

Kentucky; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–4643–DR), dated February 27, 2022, and related determinations.

DATES: The declaration was issued February 27, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 27, 2022, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky resulting from severe storms, straight-line winds, tornadoes, flooding, landslides, and mudslides during the period of December 31, 2021 to January 2, 2022, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the Commonwealth. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, John Brogan, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Kentucky have been designated as adversely affected by this major disaster:

Boyd, Breathitt, Carter, Christian, Clay, Floyd, Green, Johnson, Knott, Lawrence, Owsley, Pike, and Taylor Counties.

All areas within the Commonwealth of Kentucky are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05915 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4481–DR; Docket ID FEMA–2022–0001]

Washington; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Department of Homeland Security (DHS).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4481–DR), dated March 22, 2020, and related determinations.

DATES: This change occurred on March 4, 2022.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Vincent J. Maykovich as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049,

Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2022–05912 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

RIN 1601–ZA22

Rescission of the Notice of July 23, 2019, Designating Aliens for Expedited Removal

AGENCY: Office of the Secretary, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This Notice rescinds the July 23, 2019 Notice, *Designating Aliens for Expedited Removal,* which expanded to the maximum extent permitted by the Immigration and Nationality Act (INA) the application of expedited removal procedures to noncitizens not already covered by previous designations. The INA expressly authorizes the application of expedited removal procedures to noncitizens ''arriving in the United States,'' while also authorizing the Secretary of Homeland Security to extend (by designation) such procedures to certain other categories of noncitizens present in the United States. The INA permits the Secretary, in her or his sole and unreviewable discretion, to modify any such designations at any time. By rescinding only the designation of the class of noncitizens covered by the July 23, 2019 Notice, this Notice leaves in effect the prior discretionary designations that have, for over two decades, extended expedited removal to additional categories of noncitizens.

DATES: The rescission of the Notice published at 84 FR 35409 on July 23, 2019, is effective on March 21, 2022.

FOR FURTHER INFORMATION CONTACT: Ihsan Gunduz, Office of Strategy, Policy, and Plans, Department of Homeland Security, Washington, DC 20528, (202) 282–9708.

SUPPLEMENTARY INFORMATION:

I. Background

A. DHS Statutory Authority Over Expedited Removal Procedures

Under section 235(b)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. 1225(b)(1), the Department of Homeland Security (DHS or Department) [1] may remove certain noncitizens [2] without a hearing before an immigration judge under what are known as ''expedited removal'' procedures. The INA itself authorizes immigration officers to apply expedited removal procedures to noncitizens ''arriving in the United States.'' The INA also grants the Secretary authority to apply expedited removal procedures (by designation) to ''any or all'' noncitizens referred to in the statute as ''certain other aliens.'' INA 235(b)(1)(A)(iii)(I), 8 U.S.C. 1225(b)(1)(A)(iii)(I). A noncitizen is within the class of ''certain other aliens'' if the noncitizen ''has not been admitted or paroled into the United States, and . . . has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility.'' INA 235(b)(1)(A)(iii)(II), 8 U.S.C. 1225(b)(1)(A)(iii)(II). Such designation ''shall be in the sole and unreviewable discretion'' of the Secretary and ''may be modified at any time.'' INA 235(b)(1)(A)(iii)(I), 8 U.S.C. 1225(b)(1)(A)(iii)(I); 8 CFR 235.3(b)(1)(ii). Those noncitizens ''arriving in the United States'' and those covered by an expedited removal designation must be determined to be inadmissible under INA 212(a)(6)(C), 8 U.S.C. 1182(a)(6)(C), for fraud or willful misrepresentation, or INA 212(a)(7), 8 U.S.C. 1182(a)(7), for lack of valid immigration documents, to be amenable to expedited removal. INA 235(b)(1)(A)(ii), 8 U.S.C. 1225(b)(1)(A)(ii).

Previous Secretaries—and, prior to enactment of the HSA, the Attorney General and the Commissioner of the former Immigration and Naturalization Service (INS)—have exercised their statutory authority to facilitate the application of expedited removal procedures to certain categories of noncitizens. In 1997, the Department of Justice issued regulations implementing the application of expedited removal procedures to ''arriving aliens.'' [3] 62 FR 10312, 10313–14 (Mar. 6, 1997). In 2002, the INS Commissioner designated as amenable to expedited removal noncitizens who arrive in the United States by sea, are not paroled or admitted into the United States, and ''have not been physically present in the United States continuously for the two-year period prior to the determination of inadmissibility under'' the Notice. 67 FR 68924 (Nov. 13, 2002). In 2004, the Secretary designated as amenable to expedited removal a category consisting of noncitizens encountered within 100 air miles of the border and within 14 days of their date of entry regardless of the noncitizen's method of arrival. 69 FR 48877 (Aug. 11, 2004).[4]

In 2019, the Department issued a notice, *Designating Aliens for Expedited Removal,* 84 FR 35409 (July 23, 2019), expanding expedited removal procedures to noncitizens not already covered by previous designations. This new designation expanded the permissible use of expedited removal procedures to all amenable noncitizens not covered under previous designations found anywhere in the United States who have not been admitted or paroled and have not been physically present in the United States continuously for the 2-year period prior to the date of determination of inadmissibility. *See* 84 FR 35413–35414.

The authority to designate certain noncitizens to whom expedited removal procedures may be applied is entrusted by statute to the ''sole and unreviewable discretion'' of the Secretary. INA 235(b)(1)(A)(iii)(I), 8 U.S.C. 1225(b)(1)(A)(iii)(I); 8 CFR 235.3(b)(1)(ii). The statute provides that the Secretary may apply (by designation) expedited removal to any noncitizen ''who has not been admitted or paroled into the United States, and

[1] Section 235 of the INA continues to refer to the Attorney General, but the Homeland Security Act of 2002 (HSA), Public Law 107–296, 116 Stat. 2135, transferred immigration enforcement authorities to the Secretary of Homeland Security and provided that any reference to the Attorney General in a provision of the INA describing functions that were transferred from the Attorney General or other Department of Justice officials to DHS by the HSA ''shall be deemed to refer to the Secretary'' of Homeland Security. 6 U.S.C. 557 (codifying HSA sec. 1517); *see also* 6 U.S.C. 542 note; 8 U.S.C. 1551 note.

[2] For purposes of this Notice, DHS uses the term ''noncitizen'' to mean any person as defined in section 101(a)(3) of the INA, 8 U.S.C. 1101(a)(3).

[3] ''Arriving alien'' is defined in regulations as ''an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport.'' 8 CFR 1.2, 1001.1(q).

[4] *See also* 82 FR 4902, 4904 (Jan. 17, 2017) (eliminating regulatory exceptions in the 2002 and 2004 notices to expedited removal for Cuban nationals encountered in the United States or arriving by sea).

who has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility. . . .'' INA 235(b)(1)(A)(iii)(II), 8 U.S.C. 1225(b)(1)(A)(iii)(II). Congress provided that such designation ''may be modified at any time.'' INA 235(b)(1)(A)(iii)(I), 8 U.S.C. 1225(b)(1)(A)(iii)(I); 8 CFR 235.3(b)(1)(ii).

The Secretary's ''sole and unreviewable'' discretion was recently affirmed by the U.S. Court of Appeals for the District of Columbia Circuit, which, along with the D.C. District Court, has exclusive jurisdiction over any challenge to implementation of the expedited removal procedures. INA 242(e)(3), 8 U.S.C. 1252(e)(3). The court of appeals held that the ''sole and unreviewable'' and ''may be modified at any time'' language of the statute ''could hardly be a more definitive expression of congressional intent to leave the decision about the scope of expedited removal, within statutory bounds, to the Secretary's independent judgment,'' *Make the Road New York* v. *Wolf,* 962 F.3d 612, 632 (D.C. Cir. 2020), and courts lack any basis to ''substantively superintend the Secretary's designation judgment.'' *Id.* at 633. Moreover, the Secretary's ''judgment is committed to agency discretion by law and, under Section 701 of the Administrative Procedure Act (APA), there is no cause of action to evaluate the merits of the Secretary's judgment under APA standards.'' *Id.* Finally, the authority to issue such designations is exempt from notice-and-comment procedures as the Secretary may ''expand[ ] or contract[ ] the scope of [any] designation'' and ''is under no duty to consider the views of others in expanding or contracting the scope of the designation.'' *Id.* at 634–35. As the Secretary ''would be free to ignore the comments,'' requiring the Secretary to utilize the notice-and-comment process ''would be an empty, yet time-consuming, exercise—all form and no substance.'' *Id.* at 635. Accordingly, ''there is no cause of action under the [APA] to scrutinize the Secretary's designation decision so long as it falls within statutory and constitutional bounds.'' *Id.* The Secretary is now choosing to exercise his discretionary authority afforded by the statute to rescind the July 2019 Notice and the expanded designation it effectuated.

B. Reasons for Rescinding the July 2019 Notice Designating Aliens for Expedited Removal

As noted above, the Secretary's designation authority is ''committed to agency discretion by law'' and the scope of expedited removal is left to the Secretary's ''independent judgment,'' *id.* at 632–34—that is, it is well within the Secretary's authority to make this determination without offering justification. *See id.* at 633 (''Congress deliberately chose in the Designation Provision to commit such enforcement and resource judgments to the Secretary's 'sole and unreviewable discretion[.]' ''). Nevertheless, this section explains the Department's reasoning in rescinding the July 2019 Notice and returning the application of expedited removal to the longstanding parameters that were in place prior to that date.

On February 2, 2021, President Joseph R. Biden, Jr. issued an Executive Order on *Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border* (''E.O. on Migration''). *See* E.O. 14010, 86 FR 8267 (Feb. 5, 2021). The E.O. on Migration directs the Secretary of Homeland Security to promptly review and consider whether to modify, revoke, or rescind the July 2019 Notice regarding the geographic scope of expedited removal pursuant to INA section 235(b)(1), 8 U.S.C. 1225(b)(1), consistent with applicable law. It also directed that the review shall consider our legal and humanitarian obligations, constitutional principles of due process and other applicable law, enforcement resources, the public interest, and any other factors consistent with this order that the Secretary deems appropriate. Additionally, if the Secretary determines that modifying, revoking, or rescinding the designation is appropriate, it directs the Secretary to do so through publication in the **Federal Register**. See 85 FR 8270–8271.

As directed by the E.O. on Migration, the Department conducted its review of the July 2019 Notice. The Secretary determined that maintaining the authority to apply expedited removal to the maximum extent provided by statute is inadvisable at this time due to the Department's need to prioritize the use of its limited enforcement resources, as well as the operational complexities of implementing the July 2019 Notice. The Department believes that expedited removal is best focused as a border enforcement tool on recent entrants encountered in close proximity to the border or its functional equivalent (*e.g.,* air and land ports of entry), rather than on individuals apprehended throughout the United States without geographical limitation, who may have developed significant ties to the community. This is consistent with prior determinations made by DHS and INS. *See, e.g.,* 69 FR 48879 (''In the interests of focusing enforcement resources upon unlawful entries that have a close spatial and temporal nexus to the border, this notice does not implement the full nationwide expedited removal authority available . . . . It is anticipated under this designation that expedited removal will be employed against those aliens who are apprehended immediately proximate to the land border and have negligible ties or equities in the U.S.''); 62 FR 10313 (''The Department [of Justice] acknowledges that application of the expedited removal provisions to aliens already in the United States will involve more complex determinations of fact and will be more difficult to manage[.]'').

The Department notes the high number of encounters along the Southwest land border, and the continually shifting demographic characteristics of noncitizens encountered. The high number of apprehensions overall require significantly more DHS resources to process and adjudicate. A substantial number of border encounters are now children and family units, and the overall volume of children and family unit encounters has been increasing, representing a major break from historical trends, with substantial repercussions for immigration enforcement. Humanitarian concerns and legal protections make processing children and family units much more complex and resource-intensive than processing single adults. In addition, as U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) have limited facilities set aside for women or family units (or children, in the case of CBP), both are dealing with much more diverse demographic profiles than their infrastructures were designed to manage.

Given the operational constraints associated with current encounter trends and the Department's limited enforcement resources, the Secretary believes that expedited removal is best applied at or along the border or its functional equivalent (*e.g.,* air and land ports of entry) and for noncitizens who entered the United States recently, consistent with longstanding practice

and in furtherance of border security aims. Retaining the expanded expedited removal authority would require time- and fact-intensive training for all current officers, agents, and supervisors that would detract from multiple new initiatives presently being introduced to the workforce to better serve enforcement priority mission areas. Additionally, as the use of expanded expedited removal would involve complex new challenges for the ICE workforce, it would come with increased risk of otherwise avoidable legal challenges to the agency's enforcement actions. The fact that the expanded expedited removal authority was used so rarely by ICE officers during the approximately one year that it was available to them reflects the operational complexities and limited utility that it presented in practice.

Because the July 2019 Notice did not rescind or modify any earlier designation, its rescission has the effect of restoring the limitations on the applicability of expedited removal procedures that applied before the date of its adoption (July 23, 2019). The Secretary reserves his prerogative to determine in the future whether and to what extent new designations or further discretionary modifications of designations under INA 235(b)(1)(A)(iii), 8 U.S.C. 1225(b)(1)(A)(iii), and 8 CFR 235.3(b)(1)(ii) may be undertaken.

C. This Rescission Is Immediately Effective

This Rescission is effective without prior notice and comment or a delayed effective date. Congress explicitly authorized the Secretary to designate categories of noncitizens to whom expedited removal procedures may be applied. It also made clear that ''[s]uch designation shall be in the sole and unreviewable discretion of the [Secretary] and may be modified at any time.'' INA 235(b)(1)(A)(iii)(I), 8 U.S.C. 1225(b)(1)(A)(iii)(I). Therefore, the Secretary's designation, within statutory bounds, is ''committed to agency discretion by law and . . . there is no cause of action to evaluate the merits of the Secretary's judgment under APA standards.'' *Make the Road,* 962 F.3d at 633–34. Furthermore, as the D.C. Circuit held, based on the statutory language allowing for modification of the designation ''at any time'' and in his ''sole and unreviewable discretion,'' the Department does not have to undertake the notice-and-comment rulemaking process. *Id.* at 635.

In keeping with the practice followed in announcing previous designations, consistent with the statute at INA 235(b)(1)(A)(iii)(I), 8 U.S.C. 1225(b)(1)(A)(iii)(I) and implementing regulations at 8 CFR 235.3(b)(1)(ii), and for the reasons explained above, this designation is effective without prior notice and comment or a delayed effective date. *See, e.g.,* 67 FR 68925; 69 FR 48880; 82 FR 4769; 82 FR 4902; 84 FR 35413. As discussed above, the rulemaking procedures of the APA do not apply to this Notice and the expansion or contraction of a designation may be made ''at any time.'' *Make the Road,* 962 F.3d at 634–35 (internal quotations omitted).

II. Rescission of the Notice of July 23, 2019, Designating Aliens for Expedited Removal

Pursuant to INA 235(b)(1)(A)(iii), 8 U.S.C. 1225(b)(1)(A)(iii), and 8 CFR 235.3(b)(1)(ii), I order, in my sole and unreviewable discretion, as follows:

(1) The Notice titled *Designating Aliens for Expedited Removal,* 84 FR 35409 (July 23, 2019), is hereby rescinded, effective immediately.

(2) With the exception of the July 23, 2019 Notice rescinded above, this Rescission Notice does not supersede, abrogate, amend, or modify any of the previous designations under INA 235(b)(1)(A)(iii), 8 U.S.C. 1225(b)(1)(A)(iii). *See* 82 FR 4902 (Jan. 17, 2017); 69 FR 48877 (Aug. 11, 2004); 67 FR 68924 (Nov. 13, 2002). They shall remain in full force and effect in accordance with their respective terms.

Signed at Washington, DC.

Alejandro N. Mayorkas,

Secretary, Department of Homeland Security.

[FR Doc. 2022–05961 Filed 3–18–22; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0068]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Registration for Classification as a Refugee

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 20, 2022.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0036. All submissions received must include the OMB Control Number 1615–0068 in the body of the letter, the agency name and Docket ID USCIS–2007–0036.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on September 8, 2021, at 86 FR 50368, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0036 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make

to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used

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

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

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Registration for Classification as a Refugee.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–590; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The Form I–590 is the primary document in all refugee case files and becomes part of the applicant's A-file. It is the application form by which a person seeks refugee classification and resettlement in the United States. It documents an applicant's legal testimony (under oath) as to his or her identity and claim to refugee status, as well as other pertinent information including marital status, number of children, military service, organizational memberships, and violations of law. In addition to being the application form submitted by a person seeking refugee classification, Form I–590 is used to document that an applicant was interviewed by United States Citizenship and Immigration Services (USCIS) and record the decision by the USCIS Officer to approve or deny the applicant for classification as a refugee. Regardless of age, each person included in the case must have his or her own Form I–590. Refugees applying to CBP for admission must have a stamped I–590 in their travel packet in order to gain admission as a refugee. They do not have refugee status until they are admitted by CBP.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–590 is 50,000 and the estimated hour burden per response is 3.25 hours. The estimated total number of respondents for the information collection I–590 Review is 3,000 and the estimated hour burden per response is 1 hour. The estimated total number of respondents for the information collection of DNA Evidence is 100 and the estimated hour burden per response is 2 hours. The estimated total number of respondents for the information collection of Biometrics is 53,100 and the estimated hour burden per response is 0.33 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 183,223 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $12,000.

Dated: March 14, 2022.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2022–05853 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0026]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Immigrant Petition by Alien Entrepreneur

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 20, 2022.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0021. All submissions received must include the OMB Control Number 1615–0026 in the body of the letter, the agency name and Docket ID USCIS–2007–0021.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on December 15, 2021, at 86 FR 71277, allowing for a 60-day public comment period. On December 16, 2021, USCIS received one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0021 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include

any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

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

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

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

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Immigrant Petition by Alien Entrepreneur.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–526; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The form is used to petition for classification as an alien entrepreneur as provided by sections 121(b) and 162(b) of the Immigration Act of 1990. The data collected on this form will be used by USCIS to determine eligibility for the requested immigration benefit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–526 is 3,656 and the estimated hour burden per response is 1.83 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 6,690 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $4,021,600.

Dated: March 14, 2022.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2022–05852 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0038]

Agency Information Collection Activities; Extension, Without a Change, of a Currently Approved Collection: Petition To Remove the Conditions on Residence

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 20, 2022.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2009–0008. All submissions received must include the OMB Control Number 1615–0038 in the body of the letter, the agency name and Docket ID USCIS–2009–0008.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on October 12, 2021, at 86 FR 57441, allowing for a 60-day public comment period. USCIS did receive 4 comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0008 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

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

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

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

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition to Remove the Conditions on Residence.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–751; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information collected on Form I–751 is used by U.S. Citizenship and Immigration Services (USCIS) to verify the alien's status and determine whether he or she is eligible to have the conditions on his or her status removed. Form I–751 serves the purpose of standardizing requests for benefits and ensuring that basic information required to assess eligibility is provided by petitioners. USCIS also collects biometric information from the alien to verify their identity and check or update their background information.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–751 is 153,000 and the estimated hour burden per response is 4.57 hours; the estimated total number of respondents for the information collection biometrics is 306,000 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,507,230 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $19,698,750.

Dated: March 14, 2022.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2022–05854 Filed 3–18–22; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7050–N–12; OMB Control No: 2501–0037]

30-Day Notice of Proposed Information Collection: Medical Exception or Delay to COVID Vaccination Requirement

AGENCY: Office of Policy Development and Research, Chief Data Officer, 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 30 days of public comment.

DATES: *Comments Due Date:* April 20, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_submission@omb.eop.gov* or *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: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email her at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: The vaccination requirement issued pursuant to E.O. 14043, is currently the subject of a nationwide injunction. While that injunction remains in place, the Department of Housing and Urban Development (HUD) will not process requests for a medical exception from the COVID–19 vaccination requirement pursuant to E.O. 14043. HUD will also not request the submission of any medical information related to a request for an exception from the vaccination requirement pursuant to E.O. 14043 while the injunction remains in place. But HUD may nevertheless receive information regarding a medical exception. That is because, if HUD were to receive a request for an exception from the COVID–19 vaccination requirement pursuant to E.O. 14043 during the pendency of the injunction, HUD will accept the request, hold it in abeyance, and notify the employee who submitted the request that implementation and enforcement of the COVID–19 vaccination requirement pursuant to E.O. 14043 is currently enjoined and that an exception therefore is not necessary so long as the injunction is in place. In other words, during the pendency of the injunction, any information collection related to requests for medical exception from the COVID–19 vaccination requirement pursuant to E.O. 14043 is not undertaken to implement or enforce the COVID–19 vaccination requirement.

This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 21, 2022 at 87 FR 3324.

A. Overview of Information Collection

Title of Information Collection: Medical Exception or Delay to COVID Vaccination Requirement.

OMB Approval Number: 2501–0037.

Type of Request: Extension of a currently approved collection.

Form Number: Form HUD–1001.

Description of the need for the information and proposed use: The Office of the Chief Human Capital Officer at the U.S. Department of Housing and Urban Development (HUD) is seeking approval to collect information from employees regarding requests for medical exceptions in accordance with the following authorities:

The Rehabilitation Act, 29 U.S.C. 791, and Title VII of the Civil Rights Act, 42 U.S.C. 2000e, as well as Executive Orders 13164 and 14043, and 29 CFR 1605 and 1614.

Collection of information regarding medical exceptions will enable the agency to render well-informed decisions in accordance with the federal authorities. Exceptions will be granted in limited circumstances and only where legally required.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Disability Exemption Request COVID–19	200	1	200	1.5	300	$49.68	$14,904

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) If the information will be processed and used in a timely manner;

(3) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(4) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(5) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2022–05864 Filed 3–18–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R5–ES–2022–N014; FXES11130500000–223–FF05E00000]

Endangered Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before April 20, 2022.

ADDRESSES: Use one of the following methods to request documents or submit comments. Requests and comments should specify the applicant name and application number (*e.g.,* PER0001234):

- *Email: permitsR5ES@fws.gov.*
- *U.S. Mail:* Abby Gelb, Ecological Services, U.S. Fish and Wildlife Service, 300 Westgate Center Dr., Hadley, MA 01035.

FOR FURTHER INFORMATION CONTACT: Abby Gelb, 413–253–8212 (phone), or *permitsR5ES@fws.gov* (email). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Application Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications.

Application number	Applicant	Species	Location	Activity	Type of take	Permit action
PER0030365	Gregory Myers, Wheeling, West Virginia.	Rusty patched bumble bee (*Bombus affinis*), Guyandotte River Crayfish (*Cambarus veteranus*), Big Sandy Crayfish (*Cambarus callainus*).	Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Ohio, Virginia, West Virginia, and Wisconsin.	Presence/absence survey.	Capture, collect.	New.

Application number	Applicant	Species	Location	Activity	Type of take	Permit action
PER01353C–2	Lindsay Rohrbaugh, Department of Energy and Environment, Washington, D.C.	Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*).	Washington, D.C	Survey, band, telemetry.	Capture, collect.	Renew.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martin Miller,

Manager, Division of Endangered Species, Ecological Services, North Atlantic-Appalachian Region.

[FR Doc. 2022–05809 Filed 3–18–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB 1140–0073]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Furnishing of Samples

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until May 20, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, contact: Anita Scheddel, Program Analyst, Firearms and Explosives Industry Division, Explosives Industry Programs Branch, Mailstop 6N–518, either by mail at 99 New York Ave. NE, Washington, DC 20226, email at *eipbinformationcollection@atf.gov,* or telephone at 202–648–7120.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Extension without Change of a Currently Approved Collection.

2. *The Title of the Form/Collection:* Furnishing of Samples.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): None.

Abstract: This information collection requires that licensed manufacturers, importers, and persons who manufacture or import explosive materials or ammonium nitrate submit samples at the request of the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 100 respondents will respond to this collection once annually, and it will take each respondent approximately 30 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 50 hours, which is equal to 100 (total respondents) * 1 (# of response per respondent) * .5 (30 minutes or the time taken to prepare each response).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–405A, Washington, DC 20530.

Dated: March 16, 2022.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2022–05878 Filed 3–18–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks Claimed

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks Claimed.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by May 20, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Anatoli Sznoluch by telephone at (202) 893–3176 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *Sznoluch.Anatoli@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW, Room S–4524, Washington, DC 20210; by email: *Sznoluch.Anatoli@dol.gov;* or by fax (202) 693–3975.

FOR FURTHER INFORMATION CONTACT: Kevin Stapleton by telephone at (202) 693–3009 (this is not a toll-free number) or by email at *Stapleton.Kevin@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The ETA 538 and ETA 539 reports are submitted weekly and contain information on initial claims and continued weeks claimed for the Unemployment Insurance (UI) program. These figures are important economic indicators. The ETA 538 report provides information that allows UI claims data to be released to the public five days after the close of the reference period. The ETA 539 report contains more detailed weekly claims information including the state's 13-week insured unemployment rate, which determines eligibility for the Extended Benefits program. Section 303(a)(6) of the Social Security Act and 20 CFR 615.15 authorize this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0028.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Weekly Claims and Extended Benefits Data and Weekly Initial and Continued Weeks Claimed.

Form: ETA 538 and ETA 539.

OMB Control Number: 1205–0028.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: 104.

Total Estimated Annual Responses: 5,512.

Estimated Average Time per Response: 0.665 hours.

Estimated Total Annual Burden Hours: 3,665 hours.

Total Estimated Annual Other Cost Burden: $0.

Angela Hanks,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–05884 Filed 3–18–22; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; the 13 Carcinogens Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before April 20, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: In accordance with 29 CFR 1920.1003, 1915.1003, and 1926.1103, the 13 Carcinogens Standard protects workers from the adverse health effects that may result from their exposure to the specified carcinogens. The following is a brief description of the collection of information requirements contained in the 13 Carcinogens Standard: Establishing and implementing a medical surveillance program for workers assigned to enter regulated areas; informing workers of their medical examination results; and providing workers with access to their medical records. Further, employers must retain worker medical records for specified time periods and make them available upon request to OSHA and NIOSH. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 15, 2021 (86 FR 71286).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: The 13 Carcinogens Standard.

OMB Control Number: 1218–0085.

Affected Public: Businesses or other for-profits.

Total Estimated Number of Respondents: 1,640.

Total Estimated Number of Responses: 1,640.

Total Estimated Annual Time Burden: 1,609 hours.

Total Estimated Annual Other Costs Burden: $307,164.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

Departmental Clearance Officer.

[FR Doc. 2022–05881 Filed 3–18–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0040]

SGS North America, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of SGS North America, Inc., for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before April 5, 2022.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at: *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions. Please note: While OSHA's docket office is continuing to accept and process submissions by regular mail, due to the COVID–19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the rulemaking record by express delivery, hand delivery, and messenger service.

Instructions: All submissions must include the agency name and OSHA docket number for this **Federal Register** notice (OSHA–2006–0040). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates and medical data.

Extension of comment period: Submit requests for an extension of the comment period on or before April 5, 2022 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency

Management, Occupational Safety and Health Administration, U.S. Department of Labor; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that SGS North America, Inc. (SGS) is applying for an expansion of its current recognition as a NRTL. SGS requests the addition of two test standards to its NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by NRTLs or applicant organizations for initial recognition, as well as for expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including SGS, which details that NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

SGS currently has nine facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: SGS North America, Inc., 620 Old Peachtree Road, Suwanee, Georgia 30024. A complete list of SGS's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/sgs.html.*

II. General Background on the Application

SGS submitted an application to OSHA to expand the scope of recognition as a NRTL to include six additional test standards on April 19, 2018 (OSHA–2006–0040–0074). This application was amended on January 19, 2022 (OSHA–2006–0040–0075), to remove four standards from the original application. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 lists the appropriate test standards found in SGS's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN SGS'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 991	Tests for Safety-Related Controls Employing Solid-State Devices.
UL 2111	Overheating Protection for Motors.

III. Preliminary Findings on the Application

SGS submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file and pertinent documentation preliminarily indicates that SGS can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of the two test standards listed in Table 1, above, for NRTL testing and certification. This preliminary finding does not constitute an interim or temporary approval of SGS's application.

OSHA welcomes public comment as to whether SGS meets the requirements of 29 CFR 1910.7 for expansion of the recognition as a NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, at the above address. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0040.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health as to whether to grant SGS's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of the final decision in the **Federal Register**.

IV. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, September 18, 2020) and 29 CFR 1910.7.

Signed at Washington, DC, on March 11, 2022.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–05885 Filed 3–18–22; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2022–036]

Freedom of Information Act (FOIA) Advisory Committee Meetings

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA).

ACTION: Notice of Federal advisory committee meetings.

SUMMARY: We are announcing three upcoming Freedom of Information Act (FOIA) Advisory Committee meetings in accordance with the Federal Advisory Committee Act and the second United States Open Government National Action Plan.

DATES: The meetings will be on April 7, 2022, from 10:00 a.m. to 1:00 p.m. Eastern Time (ET); May 5, 2022, from 10:00 a.m. to 1:00 p.m. ET; and June 9, 2022, from 10:00 a.m. to 1:00 p.m. ET. You must register by 11:59 p.m. ET April 5, 2022; 11:59 p.m. ET May 3, 2022; and 11:59 p.m. ET June 7, 2022, to attend the April, May, or June meetings, respectively. (See registration information below.)

ADDRESSES: These meetings will be virtual. We will send access instructions to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Kirsten Mitchell, Designated Federal Officer for this committee, by email at *foia-advisory-committee@nara.gov,* or by telephone at 202.741.5775.

SUPPLEMENTARY INFORMATION:

Agenda and meeting materials: We will post all meeting materials at *https://www.archives.gov/ogis/foia-advisory-committee/2020-2022-term.* These will be the eighth, ninth, and tenth meetings of the 2020–2022 committee term. The purpose of the April 7 and May 5 meetings will be to consider and vote on draft recommendations from the four subcommittees: Classification, Legislation, Process, and Technology. The purpose of the June 9, 2022, meeting, the final of the 2020–2022 committee term, will be to consider the FOIA Advisory Committee's final draft report and recommendations to the Acting Archivist of the United States.

Procedures: These virtual meetings are open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app. 2). If you wish to offer oral public comments during the public comments periods of the meeting, you must register in advance (see deadlines in **DATES** section above) through Eventbrite at *https://foiaac-mtg-apr-7-2022.eventbrite.com* for the April 7, 2022, meeting; *https://foiaac-mtg-may-5-2022.eventbrite.com* for the May 5, 2022, meeting; and *https://foiaac-mtg-jun-9-2022.eventbrite.com* for the June 9, 2022, meeting. Public comments will be limited to three minutes per individual and must relate to the recommendations the Committee is considering.

You must provide an email address so that we can provide you access information. To request additional accommodations (*e.g.,* a transcript or close captioning), email *foia-advisory-committee@nara.gov* or call 202.741.5775.

Tasha Ford,

Committee Management Officer.

[FR Doc. 2022–05938 Filed 3–18–22; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request; NCUA Template: Large Credit Union Data Collection

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following new collection, as required by the Paperwork Reduction Act of 1995 (PRA).

DATES: Written comments should be received on or before May 20, 2022 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street, Suite 6032, Alexandria, Virginia 22314; email at *PRAComments@NCUA.gov. Given the limited in-house staff because of the COVID–19 pandemic, email comments are preferred.*

FOR FURTHER INFORMATION CONTACT: Address requests for additional information to Dawn Wolfgang at the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–NEW.

Title: NCUA Template: Large Credit Union Data Collection.

Type of Review: New collection.

Abstract: The NCUA issued regulation under 12 CFR part 702, subpart E, ''Capital Planning and Stress Testing'' regarding capital planning and stress testing for federally insured credit unions with $10 billion or more in assets and supervised by Office of National Examinations and Supervision (covered credit unions). The rule authorizes covered credit unions to conduct stress tests in accordance with the NCUA's requirements.

Section 702.506 provides for the necessary requirements for those credit unions to conduct supervisory stress tests. The ''NCUA Template: Large Credit Union Data Collection'' was developed for the credit unions to provide NCUA with the specific data needed to evaluate their internal assessments of capital adequacy and to ensure their capital resources are sufficient.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated No. of Respondents: (11 current covered credit unions and 8 potential covered credit unions.) 19.

Estimated Total Annual Responses: 95.

Estimated Total Annual Burden Hours: 3,447.

Previous reporting by covered credit unions fell below the PRA threshold. Because of the increased number of covered credit unions, along with the new and revised templates, NCUA is requesting this information collection as a new collection. In calculating the ''total annual burden'' the following was considered: (1) Recurring burden imposed on all covered credit unions to provide NCUA the prescribed information quarterly (19 respondents × quarterly reporting × 5 hours to complete each report = 380 annual burden hours); (2) an one-time burden of 400 hours on each of the 11 current covered credit unions (a total of 4,400 hours) to develop new templates and update current templates to accommodate revisions, and (3) a one-time burden of 600 hours on each of the estimated 8 potential covered credit unions (a total of 4,800 hours) to develop all templates for this information collection requirement. The ''one-time'' burden is defined as information collection burden related to the upfront templates development and revision captured in a single annual reporting period (first 12 months). Because the Office of Management and Budget (OMB) grants approval for up to three years, the one-time burden explained above which represents a majority of the total burden hours has been evenly allocated over the life of the anticipated approval period (3 years).

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function of the agency, including

whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Melane Conyers-Ausbrooks, Secretary of the Board, the National Credit Union Administration, on March 16, 2022.

Dated: March 16, 2022.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2022–05920 Filed 3–18–22; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board's Committee on National Science and Engineering Policy hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business as follows:

TIME AND DATE: Friday, March 25, 2022, from 11:00 a.m.–12:00 p.m. EDT.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Open.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Chair's opening remarks; reviewing lessons learned during the *Indicators* 2022 cycle, and considering potential process changes for the 2024 cycle.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703/292–7000. To watch this meeting on YouTube, use this link: *https://youtu.be/3EzHscbsUUw.* Updates and other meeting information may be found at the National Science Board website *www.nsf.gov/nsb.*

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2022–06048 Filed 3–17–22; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

National Artificial Intelligence Research Resource Task Force; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting.

NAME AND COMMITTEE CODE: National Artificial Intelligence Research Resource Task Force (84629) (Virtual).

DATE AND TIME: May 20, 2022; 2:00 p.m. to 3:00 p.m. EDT.

PLACE: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314; Virtual Meeting.

To attend the virtual meeting, please send your request for the virtual meeting link to the following email: *cmessam@nsf.gov.*

TYPE OF MEETING: Open.

CONTACT PERSON: Brenda Williams, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703–292–8900; email: *bwilliam@nsf.gov.*

PURPOSE OF MEETING: The Task Force shall investigate the feasibility and advisability of establishing and sustaining a National Artificial Intelligence Research Resource; and propose a roadmap detailing how such resource should be established and sustained.

AGENDA: In this meeting, the Task Force members will conduct a formal vote to approve the Task Force's interim report to the President and Congress. The Task Force members will also discuss plans to engage the public and receive feedback on the interim report findings.

Dated: March 16, 2022.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2022–05879 Filed 3–18–22; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34533; File No. 812–15237]

Goldman Sachs BDC, Inc., et al.

March 15, 2022.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order (''Order'') under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Goldman Sachs BDC, Inc., Goldman Sachs Private Middle Market Credit LLC, Goldman Sachs Private Middle Market Credit II LLC, Goldman Sachs Middle Market Lending Corp. II, BDC Blocker I, LLC, GSBD Blocker II, LLC, GSBD Blocker III LLC, GSBD Blocker IV LLC, GSBD Wine I, LLC, GSBD Blocker V, LLC, MMLC Blocker I, LLC, MMLC Blocker II, LLC, MMLC Blocker III, LLC, MMLC Wine I, LLC, Goldman Sachs Private Middle Market Credit SPV LLC, PMMC Blocker I, LLC, PMMC Blocker II, LLC, PMMC Wine I, LLC, Goldman Sachs Private Middle Market Credit II SPV LLC, PMMC II Blocker III LLC, PMMC II Blocker IV LLC, PMMC II Blocker V LLC, PMMC II Blocker VI, LLC, MMLC II Blocker I, LLC, Goldman Sachs Asset Management, L.P., Senior Credit Fund (UCR) LLC, Senior Credit (UWF) LLC, Insurance Private Credit I LLC, Insurance Private Credit II LLC, Senior Credit Fund (Series G) LP, Senior Credit Fund (Series G) Foreign Income Blocker LLC, Broad Street Loan Partners IV Offshore—Unlevered B, SLP, Broad Street Senior Credit Partners II, L.P., West Street Senior Credit Partners III, L.P., West Street Generali Partners, SLP, West Street PKA Partners, SLP, West Street EP, L.P., West Street GCPD Partners, L.P., West Street Mezzanine Partners VIII, L.P., West Street Mezzanine Partners VIII Offshore, L.P., West Street Mezzanine Partners VIII Offshore Feeder, L.L.C., West Street Mezzanine Partners VIII Unlevered, SLP, West Street Mezzanine Partners VIII Treaty, SLP, West Street Mezzanine Partners VIII Europe, SLP, Broad Street Credit Holdings LLC, Goldman Sachs Specialty Lending Group, L.P., Goldman Sachs Bank USA, Broad Street Principal Investments, L.L.C., Special Situations Investing Group II, LLC.

FILING DATES: The application was filed on June 14, 2021, and amended on March 2, 2022 and March 15, 2022.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving

the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below.

Hearing requests should be received by the Commission by 5:30 p.m. on April 8, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov*.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov*. Applicants: David Plutzer, *David.Plutzer@gs.com;* Margery Neale, *MNeale@willkie.com*.

FOR FURTHER INFORMATION CONTACT: Asen Parachkevov, Senior Counsel, or Lisa Reid Ragen, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' second amended and restated application, dated March 15, 2022, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at, at *http://www.sec.gov/edgar/searchedgar/legacy/companysearch.html*. You may also call the SEC's Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–05833 Filed 3–18–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94423; File No. SR–LCH SA–2022–002]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to the CDS Clearing Rule Book, Supplement, and Procedures

March 15, 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 March 11, 2022, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by LCH SA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

(a) Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), is proposing to amend its (i) CDS Clearing Rule Book (the ''Rule Book''), (ii) CDS Clearing Supplement (the ''Clearing Supplement''), (iii) some of its CDS Clearing Procedures (the ''Procedures''), and (iv) a Clearing Notice (''Clearing Notice''), to allow LCH SA to enhance its clearing services as follows: (i) Implement the queuing of trades received outside of the Real Time Session, therefore avoiding automatic rejection of such trades by the Clearing System; (ii) allow Daily Backloading for Index Swaptions, which is currently only permitted for CDS; and (iii) accept ad-hoc compression requests directly from Clients of Clearing Members.

In addition, LCH SA is also proposing to revise a number of its rules to make conforming amendments to the recently amended CFTC Regulation 39.13(g)(8)(ii).

Finally, LCH SA is proposing additional clarifying amendments for consistency purposes.

The text of the proposed rule changes (the ''Proposed Rule Change'') has been annexed [sic] as Exhibit 5.

The launch of this initiative will be contingent upon LCH SA's receipt of all necessary regulatory approvals, including the approval by the Commission of the proposed rule change described herein.

(b) Not applicable.

(c) Not applicable.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The purpose of the Proposed Rule Change is to revise LCH SA's rules, procedures and supplement to (1) allow LCH SA to implement various initiatives enhancing the CDSClear clearing services offering and (2) make additional amendments and conforming and clarifying amendments for consistency purposes.

1. Proposed Amendments To Permit LCH SA To Offer the Queuing of Trades Received Outside of the Real Time Session

On each Clearing Day, the Real Time Session begins at the Start of Real Time and ends at the End of Real Time, as described in a Clearing Notice. To be eligible for novation, an Intraday Transaction, which is a CDS or Index Swaption which (i) has been entered into between two Approved Trade Source System (ATSS) Participants; and (ii) is submitted for clearing to LCH SA by the relevant ATSS Participants through an Approved Trade Source System, must pass the Eligibility Controls and the Client Transaction Checks (if applicable), and must be submitted to LCH SA during the Real Time Session. Should any of these criteria not be satisfied, the Intraday Transaction shall be automatically rejected and become a Rejected Transaction. However, in order to avoid automatic rejection of Intraday Transactions sent by an Approved Trade Source System to LCH SA outside of the Real Time Session, and to align with LCH Limited's offering and practice, Intraday Transactions which are submitted to LCH SA for clearing outside of the Real Time Session will

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

not be rejected but will be deemed to have been submitted at the Start of the next Real Time Session.

The proposed changes described below would allow LCH SA to offer the operational queuing of such Intraday Transactions.

i. Rule Book

a. Changes to Article 3.1.4.3

Article 3.1.4.3 of the Rule Book would be amended to provide that any Intraday Transaction received for clearing by LCH SA outside of the Real Time Session will be deemed to have been submitted at the Start of the Real Time Session on the following Clearing Day. As such, the submission of Intraday Transactions outside of the Real Time Session would no longer be a cause of automatic rejection. However, the Eligibility Controls, the Client Transaction Checks (if applicable) or the Notional and Collateral Checks shall remain so.

ii. Clearing Notice 2016/057 on Real Time Session

The Clearing Notice on Real Time Session would also be subject to clarifying changes, provided as Exhibit 3 to File No. SR–LCH SA–2022–002, to introduce flexibility in the Start and End of Real Time, and explicitly provide that LCH SA may change the time for the Start of Real Time (SoRT) or the End of Real Time (EoRT), in exceptional circumstances and where it is deemed necessary (*e.g.,* a long-running backloading process, other operational incident, request from the CDS Members community, etc.). In such event, the new effective time for the Real Time Session shall be communicated to the Clearing Members and correspond to the time where the relevant service notification of the opening or the closing (as applicable) of the Real Time Session is sent.

Clarifying this process would avoid uncertainty and potential adverse consequences with regard to the ''deemed'' time of submission of Intraday Transactions sent by an ATSS to LCH SA outside of the Real Time Session, and therefore queued, in an event where the following Start of Real Time would be postponed to a later time (or brought forward earlier) than 9:05 a.m. CET.

2. Proposed Amendments To Permit LCH SA To Offer Daily Backloading Services to Index Swaptions

Backloading describes the process of clearing trades which were held uncleared for a period of time after trading. LCH SA is currently offering Daily Backloading Cycle, whether for House Trade Legs or Client Trade Legs, for Credit Default Swaps (CDS) only. LCH SA proposes to extend such Daily Backloading Cycle to Index Swaptions as well, upon request from the Clearing Members.

The proposed changes described below would allow the extension of Daily Backloading Cycles to Index Swaptions by LCH SA.

i. Rule Book

Daily Backloading Cycles are only available for Daily Backloading Transactions, which may be either house transactions (CM Backloading Transaction) or Client transactions (Client Backloading Transaction), both being defined in Section 1.1.1 of the Rule Book as an existing CDS. The definitions of *CM Backloading Transaction* and *Client Backloading Transaction* would therefore be amended to relate to existing CDS or Index Swaptions.

ii. Clearing Procedures

In addition, with the details regarding Backloading Transactions being set out in Section 5.2 of the Clearing Procedures, Section 5.2(c)—Daily Backloading Cycle, would also be amended to expressly include Index Swaptions within its scope.

3. Amendments To Permit LCH SA To Accept Ad Hoc Compression Request From Clients

Compression is a process of reducing the number of trades in clearing members or clients' portfolios. It simplifies the management of their positions and frees up valuable capital that would otherwise be held unnecessarily against offsetting positions that can be compressed. Risk-free compression of trades can be performed automatically or through ad-hoc compression requests, at the initiative of the Clearing Member. Ad-hoc compression can currently be performed upon request of a Clearing Member whether on house transactions or client transactions. It has been brought to LCH SA's attention that, for Clearing Members to process each request for ad-hoc compression from each of their Clients was creating an operational burden that LCH SA would like to alleviate. In order to do so, and given that such compression operations are risk-free, LCH SA proposes to allow Clients to make ad-hoc compression requests for their own trades directly to LCH SA, without the need to go through their Clearing Member.

The following proposed rules changes would be necessary to proceed with this enhanced service.

i. Rule Book

Section 3.3.1—General of the Rule Book sets out the conditions and methods of compression, and notably that compression of a Cleared Transaction may only be requested by a Clearing Member. Articles 3.3.1.1, 3.3.1.2, 3.3.1.4 and 3.3.1.5 would consequently be amended to reflect that the request may come from a Clearing Member or a Client, as applicable. However, LCH SA would accept Clients' requests for ad-hoc compression only, and any request to setup an automatic compression of trades shall come from Clearing Members exclusively. It is therefore important that the proposed amendments specify, where necessary, that the compression methods are available upon request of Clearing Members or Client, as applicable.

ii. Clearing Procedures

In addition, for consistency purposes, this initiative to allow Client compression requests would require bringing the same amendments as described above within Sections 5.5 and 5.16(f) of the Procedures. LCH SA is also proposing to update Section 5.5(a) to reflect the following operational changes: (1) The Ad Hoc Compression Order File has evolved and no longer defines the Cleared Transaction resulting from compression and (2) the means and details to upload this Ad Hoc Compression Order File would now be found on the LCH website, rather than in a Clearing Notice, for easier access to Clearing Members. Uploading the request file would also be done through the LCH Portal (LCH's IT interface) only, and processed the same day, or at the Start of the next Real Time Session in case of exceptional unavailability of the LCH Portal. The contingency solution provided for in Section 5.5(a) has become obsolete and would be deleted. Finally, to avoid any risk of inconsistency, references to specific opening and closing times of the Real Time Session in the 3rd paragraph of Section 5.5(a), currently defined in a Clearing Notice, would be replaced by references to the Real Time Session as defined in the Rule Book and in the Clearing Notice.

iii. Clearing Supplement

Similarly, Parts A, B and C of the Clearing Supplement would be conformed, such that the definition of *Compression Cut-off Date* would be amended to reflect that the ad-hoc compression request may come from a Clearing Member or a Client, as applicable. Similar amendments would be made to Section 2.1(c)(i)(A) and (C)

and Section 4.3 in the relevant Parts of the Clearing Supplement, serving the same purpose.

4. Other Proposed Amendments to the Clearing Rules Made for Clarification, Consistency, or Regulatory Compliance Purposes

Compliance With CFTC Regulation Part 39.13(g)(8)(ii)

Following a recent amendment to the CFTC Regulation § 39.13(g)(8)(ii), with a compliance date of January 27, 2021,[3] the Rule Book needs to be updated as follows. Prior to such amendment, the CFTC Regulation § 39.13(g)(8)(ii) provided that a Derivatives Clearing Organisation (DCO) require its Futures Commission Merchant (FCM) Clearing Members to collect Initial Margin from customers entering into non-hedging transactions ''at a level that is greater than 100 percent of'' the Initial Margin required by the DCO.[4] Current Section 2.2(e) of the Procedures thus requires each FCM/BD Clearing Member to collect additional Collateral from the relevant FCM/BD Client with respect to a non-hedging Client Cleared Transaction at a level of 10% above the normal FCM/BD Client Margin Requirement.

DCOs (*i.e.,* LCH SA) are now required to apply prudential standards that result in Clearing Members (more specifically FCMs) identifying categories of customers with ''heightened risk profiles'' and collecting collateral for each such customer account, at a level that exceeds the Initial Margin requirement determined by the DCO, and that is commensurate with the risk presented by each such account.[5]

Consequently, LCH SA would no longer require one standard 10% percentage applicable to all Clearing Members and their relevant customers, but an adjustable level of customer Initial Margin requirement applicable to each Clearing Member/customer according to the risk related to such customer's portfolio. The Rule Book, in its Article 6.2.6.1, would therefore be amended to reflect this new regulatory standard for FCM/BD Clients with heightened risk profiles. In a similar way, Section 2.2(e) of the Procedures would be modified to remove the 10% additional margin requirement and reflect such regulatory change.

For harmonization purposes, the wording used in LCH SA's proposed rules changes has been closely inspired from the wording used in the SwapClear rules of LCH Limited for the same conforming purposes.

Treasury Reports Re-Design

For consistency and clarity purposes, LCH SA proposes to clean up and modify the names of several treasury collateral management reports detailed in Section 5.16(a)(iii) of the Procedures, and certain monthly reports detailed in Section 5.16(d) of the Procedures, following a rebranding of such treasury reports in LCH's system that allow them to be machine readable.

Introduction of the Trading City Concept and Simplification of the Clearing Day Definition

In anticipation of CDSClear's future commercial initiatives, and notably the extension of clearing services to iTraxx Asia (excl. Japan) and Australia (subject to regulatory approval), *i.e.,* instruments which may be denominated in US Dollars (USD) but traded outside of the United States of America, it appears that the current correlation made in the Rule Book between instruments denominated in USD and the business calendar of commercial banks in New York City will become obsolete and problematic. As such, the Proposed Rule Change aims at de-correlating all products denominated in USD from the same specific calendar, by introducing the concept of *Trading City,* which would correspond to the city in which a CDS or Index Swaption is typically traded, as determined by LCH SA and published on the LCH website. As an example, for single name products, the Trading City would usually be determined by Transaction Type in the ISDA Physical Settlement Matrix. However, there may be occasions where this determination would need to be overridden, for example in the event of a corporate action resulting in a change of place where such single name is traded. In that way, CDS and Index Swaption products denominated in USD but traded in Asia, Australia, etc., would no longer be bound to the New York City business calendar, but rather to the business calendar of the relevant Trading City. The definition of *Trading City* would be added in Section 1.1.1 of the Rule Book, together with the definitions of *Latest Contributed Price Time* and *Latest Cross Trade Execution Time* that refer to the Trading City for the purpose of Section 5.18.4 (Use of composite spreads/prices) and 5.18.5 (Trade crossing) of the Procedures, respectively. The definition of *Price Contribution Day* in Section 1.1.1 of the Rule Book would be revised in the same fashion to remove references to currencies and specific calendars and would instead refer to Trading City for USD denominated products. Sections 5.18.3 (*Price submission procedure*), 5.18.4 (*Use of composite spreads/prices*), and 5.18.5 (*Trade crossing*) of the Procedures would consequently be amended to remove any specific calendar and timings for the price contribution process and refer to the new defined term of ''Trading City''.

Finally, LCH SA proposes to amend the definition of *Clearing Day* in Section 1.1.1 of the Rule Book for greater flexibility, by removing the references to a Business Day and a day on which commercial banks in London are open for business and replacing them with a reference to any day on which LCH SA is open for business as set forth on the website and in member notification from time to time.

Minimum Bid Size Multiplier

Within the Appendix 1 of the Rule Book, relating to CDS Default Management Process, the name of Minimum Bid Size Denominator used during the bidding process for auctions appeared to be misleading as the relating amount, used to determine the Minimum Bid Size above which an auction participant is required to bid, is in fact a multiplier rather than a denominator. For clarity and consistency purposes, it is therefore proposed to rename this amount as the Minimum Bid Size Multiplier, and to amend its definition in paragraph 5.4.2(iii) of Appendix 1 and its reference as the variable ''C'' in the calculation methodology set forth in paragraph 5.4.4 (Minimum Bid Size) of Appendix 1.

(b) Statutory Basis

LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Exchange Act[6] and the regulations thereunder, including the standards under Exchange Act Rule 17Ad–22.[7] Section 17A(b)(3)(F) of the Exchange Act[8] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions.

By avoiding automatic rejection of trades received outside of the Real Time Session, the proposed implementation of the queuing mechanism of such trades is clearly intended to promote the prompt and accurate clearance of these transactions subject to satisfying the

[3] 85 FR at 4812 and 4856.

[4] 85 FR at 4812.

[5] 17 CFR 39.13(g)(8)(ii).

[6] 15 U.S.C. 78q–1.

[7] 17 CFR 240.17Ad–22.

[8] 15 U.S.C. 78q–1(b)(3)(F).

requirements of the Rule Book provisions.

Further, LCH SA is proposing to extend the Daily Backloading Cycle (currently limited to CDS transactions) to Index Swaptions upon request from its Clearing Members. It is widely considered beneficial to backload as much of a bilateral portfolio as possible to more efficiently manage the stock of outstanding trades. This significantly improves operational efficiency and also improves the likelihood of old trades being compressed.

LCH SA is also proposing to accept ad-hoc compression requests from Clients of Clearing Members directly. The result of a compression process is a cleaner portfolio, with less complexity and the potential to provide Clearing Members with some relief in terms of meeting regulatory capital requirements.

Therefore, LCH SA believes that these proposed enhancements to the CDSClear services described herein are consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions, in accordance with Section 17A(b)(3)(F) of the Exchange Act.[9]

LCH SA is proposing to modify its existing rules in order to comply with the new regulatory provisions of CFTC Regulation 39.13(g)(8)(ii)[10] that have a compliance date of January 27, 2021, and require each FCM to analyse the risk profile of each of their customers to determine if they present a heightened risk profile. LCH SA believes that this proposed change is consistent with Exchange Act Rule 17Ad–22(e)(1)[11] that requires a covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.

Finally, as described above, LCH SA is also proposing to make certain clarifying and conforming changes in the Rule Book regarding the (i) Treasury Reports re-design, (ii) Minimum Bid Size Multiplier, (iii) introduction of the Trading City concept and (iv) simplification of the Clearing Day definition. By ensuring that such rules and definitions are clear, transparent, and consistent with applicable laws and regulations in all relevant jurisdictions, LCH SA believes these proposed changes reduce potential legal risk at LCH SA and are therefore consistent with the requirements of Exchange Act Rule 17Ad–22(e)(1).[12]

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Exchange Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[13] The Proposed Rule Change will comply with regulatory requirements or will enhance the CDS Clearing Service in order to promote competition and the risk management process. Accordingly, LCH SA will continue to apply its existing fair and open access criteria to its CDS Clearing Service. Thus LCH SA 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.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–LCH SA–2022–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–LCH SA–2022–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at: *https://www.lch.com/resources/rulebooks/proposed-rule-changes.*

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–LCH SA–2022–002 and should be submitted on or before April 11, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–05843 Filed 3–18–22; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 39.13(g)(8)(ii).

[11] 17 CFR 240.17Ad–22(e)(1).

[12] 17 CFR 240.17Ad–22(e)(1).

[13] 15 U.S.C. 78q–1(b)(3)(I).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94416; File No. SR–BOX–2022–09]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC Facility

March 15, 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 March 1, 2022, BOX Exchange LLC (''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 Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with 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 the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule to amend Section II.D (Strategy QOO Order Fee Cap and Rebate) on the BOX Options Market LLC (''BOX'') options facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxexchange.com.*

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 II.D (Strategy QOO Order Fee Cap and Rebate) of the BOX Fee Schedule. Specifically, the Exchange proposes to decrease the daily fee cap for short stock interest, long stock interest, merger, reversal, conversion, jelly roll, and box spread strategies [5] executed on the same trading day from $1,000 to $500. Lastly, the Exchange notes that the daily fee cap for dividend strategies [6] will continue to be $1,000 per day per customer. As such, the Exchange proposes to add clarifying language to the Fee Schedule that states that for dividend strategies, the rebate of $500 per customer will apply once the $1,000 fee cap is met.[7]

The intent of the above change is to increase order flow in certain strategy QOO Orders on the BOX Trading Floor, which will benefit all market participants. The Exchange notes that these changes will apply equally to all Participants, regardless of Participant type or size of the Participant. The Exchange notes that similar fee caps exist at other options exchanges for these order types.[8]

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange's proposal to decrease the daily fee cap for short stock interest, long stock interest, merger, reversal, conversion, jelly roll, and box spread strategies is reasonable as the Exchange believes it will incentivize Participants to execute a greater number of these strategy types on the BOX Trading Floor for the opportunity to qualify for the lower daily strategy cap. Strategy fee caps limit fees for Participants executing these strategy types.

Further, the Exchange's proposal to decrease the daily fee cap for short stock interest, long stock interest, merger, reversal, conversion, jelly roll, and box spread strategies is equitable and not unfairly discriminatory because all account types may qualify for the strategy cap provided those strategies are executed on the same trading day.

As discussed above, the Exchange believes the proposed change will incentivize order flow in certain QOO Strategy Orders, and the Exchange believes that the decreased fee cap will

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A ''short stock interest strategy'' is defined as a transaction done to achieve a short stock interest arbitrage involving the purchase, sale, and exercise of in-the-money options of the same class. A ''long stock interest strategy'' is defined as a transaction done to achieve long stock involving the purchase, sale, and exercise of in-the-money options of the same class. A ''merger strategy'' is defined as transactions done to achieve a merger arbitrage involving the purchase, sale and exercise of options of the same class and expiration date, each executed prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.,* cash or stock. A ''reversal strategy'' is established by combining a short security position with a short put and a long call position that shares the same strike and expiration. A ''conversion strategy'' is established by combining a long position in the underlying security with a long put and a short call position that shares the same strike and expiration. A ''jelly roll strategy'' is created by entering into two separate positions simultaneously. One position involves buying a put and selling a call with the same strike price and expiration. The second position involves selling a put and buying a call, with the same strike price, but with a different expiration from the first position. A ''box spread strategy'' is a strategy that synthesizes long and short stock positions to create a profit. Specifically, a long call and short put at one strike is combined with a short call and long put at a different strike to create synthetic long and synthetic short stock positions, respectively.

[6] A ''dividend strategy'' is defined as a transaction done to achieve a dividend arbitrage involving the purchase, sale and exercise of in-the-money options of the same class, executed the first business day prior to the date on which the underlying stock goes ex-dividend.

[7] The Exchange notes that the daily fee cap for dividend strategies is similar to a fee cap at another options exchange in the industry. *See* Nasdaq Phlx LLC (''Phlx'') Fee Schedule. On Phlx, Lead Marker Makers, Market Makers, Professionals, Firms and Broker-Dealers receive a fee cap of $1,100 for dividend strategies executed on the same trading day in the same options class when such members are trading in their own proprietary account or on an agency basis.

[8] *See* NYSE American LLC (''NYSE American'') Options Fee Schedule Section I.J. At NYSE American, there is a $1,000 cap on transaction fees for options Strategy Executions involving reversals and conversions, box spreads, short stock interest spreads, merger spreads, and jelly rolls; however, the cap is reduced to $200 on transactions fees for qualifying strategies traded on the same trading day for those ATP Holders that trade at least 25,000 monthly billable contract sides in qualifying Strategy Executions. *See also* Nasdaq Phlx LLC (''Phlx'') Pricing Schedule, Options 7, Section 4. Phlx offers merger, short stock interest and box spread strategy cap, which is applicable to Lead Market Makers, Market Makers, Professionals, Firms and Broker-Dealers, of $1,000 (daily) if more than one class of options, and $700 (daily) if only in a single class of options. Further, Phlx offers a daily strategy cap for reversal and conversion and jelly roll strategies on the same trading day of $200 (daily).

[9] 15 U.S.C. 78f(b)(4) and (5).

result in increased participation in these types of orders on the BOX Trading Floor. As such, the Exchange believes that increased participation on the Trading Floor will result in increased liquidity on the BOX Floor which will benefit all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change burdens competition and will instead help promote competition by continuing to provide incentives for market participants to submit strategy orders to the BOX Trading Floor. Further, the Exchange does not believe that the proposed change will impose an undue burden on intra-market competition because all Floor Participants are subject to the proposed change, regardless of account type.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [10] and Rule 19b–4(f)(2) thereunder,[11] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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–BOX–2022–09 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–BOX–2022–09. 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–BOX–2022–09, and should be submitted on or before April 11, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–05839 Filed 3–18–22; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94415; File No. SR–NYSEAMER–2022–14]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Related to the Market-Wide Circuit Breaker in Rule 7.12E

March 15, 2022.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 8, 2022, NYSE American LLC (''NYSE American'' or the ''Exchange'') 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

The Exchange proposes to extend the pilot related to the market-wide circuit breaker in Rule 7.12E to the close of business on April 18, 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,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 extend the pilot related to the market-wide circuit breaker in Rule 7.12E to the close of business on April 18, 2022.

Background

The Market-Wide Circuit Breaker (''MWCB'') rules, including the Exchange's Rule 7.12E, provide an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when cash equities securities experience extreme market-wide declines. The MWCB rules are designed to slow the effects of extreme price declines through coordinated trading halts across both cash equity and equity options securities markets.

The cash equities rules governing MWCBs were first adopted in 1988 and, in 2012, all U.S. cash equity exchanges and FINRA amended their cash equities uniform rules on a pilot basis (the ''Pilot Rules,'' *i.e.,* Rule 7.12E (a)–(d)).[4] The Pilot Rules currently provide for trading halts in all cash equity securities during a severe market decline as measured by a single-day decline in the S&P 500 Index (''SPX'').[5] Under the Pilot Rules, a market-wide trading halt will be triggered if SPX declines in price by specified percentages from the prior day's closing price of that index. The triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. and before 3:25 p.m. would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. would not halt market-wide trading. (Level 1 and Level 2 halts may occur only once a day.) A market decline that triggers a Level 3 halt at any time during the trading day would halt market-wide trading for the remainder of the trading day.

The Commission approved the Pilot Rules, the term of which was to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (the ''LULD Plan''),[6] including any extensions to the pilot period for the LULD Plan.[7] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[8] In light of the proposal to make the LULD Plan permanent, the Exchange amended Rule 7.12E to untie the pilot's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[9] The Exchange then filed to extend the pilot to the close of business on October 18, 2020,[10] October 18, 2021,[11] and March 18, 2022.[12]

The Exchange now proposes to amend Rule 7.12E to extend the pilot to the close of business on April 18, 2022. This filing does not propose any substantive or additional changes to Rule 7.12E.

The MWCB Task Force and the March 2020 MWCB Events

In late 2019, Commission staff requested the formation of a MWCB Task Force (''Task Force'') to evaluate the operation and design of the MWCB mechanism. The Task Force included representatives from the SROs, the Commission, CME, the Commodity Futures Trading Commission (''CFTC''), and the securities industry and conducted several organizational meetings in December 2019 and January 2020.

In Spring 2020, the MWCB mechanism proved itself to be an effective tool for protecting markets through turbulent times. In March 2020, at the outset of the worldwide COVID–19 pandemic, U.S. equities markets experienced four MWCB Level 1 halts, on March 9, 12, 16, and 18, 2020. In each instance, the markets halted as intended upon a 7% drop in the S&P 500 Index, and resumed as intended 15 minutes later.

In response to these events, in the Spring and Summer of 2020, the Task Force held ten meetings that were attended by Commission staff, with the goal of performing an expedited review of the March 2020 halts and identifying any areas where the MWCB mechanism had not worked properly. Given the risk of unintended consequences, the Task Force did not recommend changes that were not rooted in a noted deficiency. The Task Force recommended creating a process for a backup reference price in the event that SPX were to become unavailable, and enhancing functional MWCB testing. The Task Force also asked CME to consider modifying its rules to enter into a limit-down state in the futures pre-market after a 7% decline instead of 5%. CME made the requested change, which became effective on October 12, 2020.[13]

The MWCB Working Group's Study

On September 17, 2020, the Director of the Commission's Division of Trading and Markets asked the SROs to conduct a more complete study of the design and operation of the Pilot Rules and the LULD Plan during the period of volatility in the Spring of 2020.

In response to the request, the SROs created a MWCB ''Working Group'' composed of SRO representatives and industry advisers that included members of the advisory committees to both the LULD Plan and the NMS Plans governing the collection, consolidation, and dissemination of last-sale transaction reports and quotations in NMS Stocks. The Working Group met regularly from September 2020 through March 2021 to consider the Commission's request, review data, and compile its study. The Working Group's efforts in this respect incorporated and built on the work of an MWCB Task Force.

The Working Group submitted its study to the Commission on March 31, 2021 (the ''Study'').[14] In addition to a

[4] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''Pilot Rules Approval Order'').

[5] The rules of the equity options exchanges similarly provide for a halt in trading if the cash equity exchanges invoke a MWCB Halt. *See, e.g.,* NYSE Arca Rule 6.65–O(d)(4).

[6] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012). The LULD Plan provides a mechanism to address extraordinary market volatility in individual securities.

[7] *See* Securities Exchange Act Release Nos. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–NYSEAmex–2011–73) (Approval Order); and 68787 (January 31, 2013), 78 FR 8615 (February 6, 2013) (SR–NYSEMKT–2013–08) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Delaying the Operative Date of a Rule Change to Exchange Rule 80B–Equities).

[8] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019).

[9] *See* Securities Exchange Act Release No. 85564 (April 9, 2019), 84 FR 15269 (April 15, 2019) (SR–NYSEAMER–2019–14).

[10] *See* Securities Exchange Act Release No. 87025 (September 19, 2019), 84 FR 50527 (September 25, 2019) (SR–NYSEAMER–2019–37).

[11] *See* Securities Exchange Act Release No. 90135 (October 8, 2020), 85 FR 65100 (October 14, 2020) (SR–NYSEAMER–2020–74).

[12] *See* Securities Exchange Act Release No. 93223 (September 30, 2021), 86 FR 55656 (October 6, 2021) (SR–NYSEAMER–2021–40).

[13] See *https://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_1.pdf; https://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_2.pdf.*

[14] *See Report of the Market-Wide Circuit Breaker (''MWCB'') Working Group Regarding the March*

Continued

timeline of the MWCB events in March 2020, the Study includes a summary of the analysis and recommendations of the MWCB Task Force; an evaluation of the operation of the Pilot Rules during the March 2020 events; an evaluation of the design of the current MWCB system; and the Working Group's conclusions and recommendations.

In the Study, the Working Group concluded: (1) The MWCB mechanism set out in the Pilot Rules worked as intended during the March 2020 events; (2) the MWCB halts triggered in March 2020 appear to have had the intended effect of calming volatility in the market, without causing harm; (3) the design of the MWCB mechanism with respect to reference value (SPX), trigger levels (7%/13%/20%), and halt times (15 minutes) is appropriate; (4) the change implemented in Amendment 10 to the Plan to Address Extraordinary Market Volatility (the ''Limit Up/Limit Down Plan'' or ''LULD Plan'') did not likely have any negative impact on MWCB functionality; and (5) no changes should be made to the mechanism to prevent the market from halting shortly after the opening of regular trading hours at 9:30 a.m.

In light of the foregoing conclusions, the Working Group also made several recommendations, including that the Pilot Rules should be permanent without any changes.[15]

Proposal To Extend the Operation of the Pilot Rules Pending the Commission's Consideration of the New York Stock Exchange LLC's Filing To Make the Pilot Rules Permanent

On July 16, 2021, the Exchange's affiliate, the New York Stock Exchange (''NYSE''), proposed a rule change to make the Pilot Rules permanent, consistent with the Working Group's recommendations.[16] On August 27, 2021, the Commission extended its time to consider the proposed rule change to October 20, 2021.[17] On September 30, 2021, the Commission initiated proceedings to determine whether to approve or disapprove the proposed rule change.[18] On January 7, 2022, the Commission extended its time to approve or disapprove the proposed rule change by an additional 60 days, to March 19, 2022.[19] The Exchange now proposes to extend the expiration date of the Pilot Rules to the end of business on April 18, 2022.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Section 6(b)(5) of the Act,[21] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The market-wide circuit breaker mechanism under Rule 7.12E is an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. Extending the market-wide circuit breaker pilot for an additional month would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's proposed rule change to make the Pilot Rules permanent.

The Exchange also believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. Based on the foregoing, the Exchange believes the benefits to market participants from Pilot Rules should continue on a pilot basis because they will promote fair and orderly markets and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[22] in general, and furthers the objectives of Section 6(b)(5) of the Act,[23] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The market-wide circuit breaker mechanism under Rule 7.12E is an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. Extending the market-wide circuit breaker pilot for an additional month would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's proposed rule change to make the Pilot Rules permanent.

The Exchange also believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. Based on the foregoing, the Exchange believes the benefits to market participants from Pilot Rules should continue on a pilot basis because they will promote fair and orderly markets and protect investors and the public interest.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[24] and Rule 19b–4(f)(6) thereunder.[25] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[26] and Rule 19b–4(f)(6)(iii) thereunder.[27]

2020 MWCB Events, submitted March 31, 2021 (the ''Study''), available at *https://www.nyse.com/publicdocs/nyse/markets/nyse/Report_of_the_Market-Wide_Circuit_Breaker_Working_Group.pdf.*

[15] *See id.* at 46.

[16] *See* Securities Exchange Act Release No. 92428 (July 16, 2021), 86 FR 38776 (July 22, 2021) (SR–NYSE–2021–40).

[17] *See* Securities Exchange Act Release No. 92785A (August 27, 2021), 86 FR 50202 (September 7, 2021) (SR–NYSE–2021–40).

[18] *See* Securities Exchange Act Release No. 93212 (September 30, 2021), 86 FR 55066 (October 5, 2021) (SR–NYSE–2021–40).

[19] *See* Securities Exchange Act Release No. 93933 (January 7, 2022), 87 FR 2189 (January 13, 2022) (SR–NYSE–2021–40).

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6).

[26] 15 U.S.C. 78s(b)(3)(A)(iii).

[27] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4 requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such

A proposed rule change filed under Rule 19b–4(f)(6) [28] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[29] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange asked that the Commission waive the 30 day operative delay so that the proposal may become operative immediately upon filing. Extending the Pilot Rules' effectiveness to the close of business on April 18, 2022 will extend the protections provided by the Pilot Rules, which would otherwise expire in less than 30 days. Waiver of the operative delay would therefore permit uninterrupted continuation of the MWCB pilot while the Commission reviews the NYSE's proposed rule change to make the Pilot Rules permanent. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[30]

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) [31] 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–NYSEAMER–2022–14 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–NYSEAMER–2022–14. 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–NYSEAMER–2022–14 and should be submitted on or before April 11, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–05840 Filed 3–18–22; 8:45 am]

BILLING CODE 8011–01–P

shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[28] 17 CFR 240.19b–4(f)(6).

[29] 17 CFR 240.19b–4(f)(6)(iii).

[30] 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).

[31] 15 U.S.C. 78s(b)(2)(B).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 87 FR 14306, March 14, 2022.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, March 17, 2022 at 2 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Thursday, March 17, 2022 at 2:00 p.m., has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

(Authority: 5 U.S.C. 552b.)

Dated: March 16, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–05960 Filed 3–17–22; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94418; File No. SR–NYSENAT–2022–02]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Related to the Market-Wide Circuit Breaker in Rule 7.12

March 15, 2022.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 8, 2022, NYSE National, Inc. (''NYSE National'' or the ''Exchange'') 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

The Exchange proposes to extend the pilot related to the market-wide circuit breaker in Rule 7.12 to the close of business on April 18, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 extend the pilot related to the market-wide circuit breaker in Rule 7.12 to the close of business on April 18, 2022.

Background

The Market-Wide Circuit Breaker (''MWCB'') rules, including the Exchange's Rule 7.12, provide an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when cash equities securities experience extreme market-wide declines. The MWCB rules are designed to slow the effects of extreme price declines through coordinated trading halts across both cash equity and equity options securities markets.

The cash equities rules governing MWCBs were first adopted in 1988 and, in 2012, all U.S. cash equity exchanges and FINRA amended their cash equities uniform rules on a pilot basis (the ''Pilot Rules,'' *i.e.,* Rule 7.12 (a)–(d)).[4] The Pilot Rules currently provide for trading halts in all cash equity securities during a severe market decline as measured by a single-day decline in the S&P 500 Index (''SPX'').[5] Under the Pilot Rules, a market-wide trading halt will be triggered if SPX declines in price by specified percentages from the prior day's closing price of that index. The triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. and before 3:25 p.m. would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. would not halt market-wide trading. (Level 1 and Level 2 halts may occur only once a day.) A market decline that triggers a Level 3 halt at any time during the trading day would halt market-wide trading for the remainder of the trading day.

The Commission approved the Pilot Rules, the term of which was to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (the ''LULD Plan''),[6] including any extensions to the pilot period for the LULD Plan.[7] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[8] In light of the proposal to make the LULD Plan permanent, the Exchange amended Rule 7.12 to untie the pilot's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[9] The Exchange then filed to extend the pilot to the close of business on October 18, 2020,[10] October 18, 2021 [11] and March 18, 2022.[12]

The Exchange now proposes to amend Rule 7.12 to extend the pilot to the close of business on March 18, 2022. This filing does not propose any substantive or additional changes to Rule 7.12.

The MWCB Task Force and the March 2020 MWCB Events

In late 2019, Commission staff requested the formation of a MWCB Task Force (''Task Force'') to evaluate the operation and design of the MWCB mechanism. The Task Force included representatives from the SROs, the Commission, CME, the Commodity Futures Trading Commission (''CFTC''), and the securities industry and conducted several organizational meetings in December 2019 and January 2020.

In Spring 2020, the MWCB mechanism proved itself to be an effective tool for protecting markets through turbulent times. In March 2020, at the outset of the worldwide COVID–19 pandemic, U.S. equities markets experienced four MWCB Level 1 halts, on March 9, 12, 16, and 18, 2020. In each instance, the markets halted as intended upon a 7% drop in the S&P 500 Index, and resumed as intended 15 minutes later.

In response to these events, in the Spring and Summer of 2020, the Task Force held ten meetings that were attended by Commission staff, with the goal of performing an expedited review of the March 2020 halts and identifying any areas where the MWCB mechanism had not worked properly. Given the risk of unintended consequences, the Task Force did not recommend changes that were not rooted in a noted deficiency. The Task Force recommended creating a process for a backup reference price in the event that SPX were to become unavailable, and enhancing functional MWCB testing. The Task Force also asked CME to consider modifying its rules to enter into a limit-down state in the futures pre-market after a 7% decline instead of 5%. CME made the requested change, which became effective on October 12, 2020.[13]

The MWCB Working Group's Study

On September 17, 2020, the Director of the Commission's Division of Trading and Markets asked the SROs to conduct a more complete study of the design and operation of the Pilot Rules and the LULD Plan during the period of volatility in the Spring of 2020.

In response to the request, the SROs created a MWCB ''Working Group'' composed of SRO representatives and industry advisers that included members of the advisory committees to both the LULD Plan and the NMS Plans governing the collection, consolidation, and dissemination of last-sale transaction reports and quotations in NMS Stocks. The Working Group met regularly from September 2020 through March 2021 to consider the Commission's request, review data, and compile its study. The Working Group's efforts in this respect incorporated and built on the work of an MWCB Task Force.

[4] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''Pilot Rules Approval Order'').

[5] The rules of the equity options exchanges similarly provide for a halt in trading if the cash equity exchanges invoke a MWCB Halt. *See, e.g.,* NYSE Arca Rule 6.65–O(d)(4).

[6] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012). The LULD Plan provides a mechanism to address extraordinary market volatility in individual securities.

[7] *See* Securities Exchange Act Release Nos. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–NSX–2011–11) (Approval Order); and 68779 (January 31, 2013), 78 FR 8638 (February 6, 2013) (SR–NSX–2013–04) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Delay the Operative Date of Rule 11.20A).

[8] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019).

[9] *See* Securities Exchange Act Release No. 85572 (April 9, 2019), 84 FR 15257 (April 15, 2019) (SR–NYSENAT–2019–08).

[10] *See* Securities Exchange Act Release No. 87077 (September 24, 2019), 84 FR 51671 (September 30, 2019) (SR–NYSENAT–2019–21).

[11] *See* Securities Exchange Act Release No. 90133 (October 8, 2020), 85 FR 65121 (October 14, 2020) (SR–NYSENAT–2020–33).

[12] *See* Securities Exchange Act Release No. 93232 (October 1, 2021), 86 FR 55669 (October 6, 2021) (SR–NYSENAT–2021–19).

[13] *See https://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_1.pdf; h*ttps://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_2.pdf

The Working Group submitted its study to the Commission on March 31, 2021 (the ''Study'').[14] In addition to a timeline of the MWCB events in March 2020, the Study includes a summary of the analysis and recommendations of the MWCB Task Force; an evaluation of the operation of the Pilot Rules during the March 2020 events; an evaluation of the design of the current MWCB system; and the Working Group's conclusions and recommendations.

In the Study, the Working Group concluded: (1) The MWCB mechanism set out in the Pilot Rules worked as intended during the March 2020 events; (2) the MWCB halts triggered in March 2020 appear to have had the intended effect of calming volatility in the market, without causing harm; (3) the design of the MWCB mechanism with respect to reference value (SPX), trigger levels (7%/13%/20%), and halt times (15 minutes) is appropriate; (4) the change implemented in Amendment 10 to the Plan to Address Extraordinary Market Volatility (the ''Limit Up/Limit Down Plan'' or ''LULD Plan'') did not likely have any negative impact on MWCB functionality; and (5) no changes should be made to the mechanism to prevent the market from halting shortly after the opening of regular trading hours at 9:30 a.m.

In light of the foregoing conclusions, the Working Group also made several recommendations, including that the Pilot Rules should be permanent without any changes.[15]

Proposal To Extend the Operation of the Pilot Rules Pending the Commission's Consideration of the New York Stock Exchange LLC's Filing To Make the Pilot Rules Permanent

On July 16, 2021, the Exchange's affiliate, the New York Stock Exchange (''NYSE''), proposed a rule change to make the Pilot Rules permanent, consistent with the Working Group's recommendations.[16] On August 27, 2021, the Commission extended its time to consider the proposed rule change to October 20, 2021.[17] On September 30, 2021, the Commission initiated proceedings to determine whether to approve or disapprove the proposed rule change.[18] On January 7, 2022, the Commission extended its time to approve or disapprove the proposed rule change by an additional 60 days, to March 19, 2022.[19] The Exchange now proposes to extend the expiration date of the Pilot Rules to the end of business on April 18, 2022.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Section 6(b)(5) of the Act,[21] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The market-wide circuit breaker mechanism under Rule 7.12 is an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. Extending the market-wide circuit breaker pilot for an additional month would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's proposed rule change to make the Pilot Rules permanent.

The Exchange also believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. Based on the foregoing, the Exchange believes the benefits to market participants from Pilot Rules should continue on a pilot basis because they will promote fair and orderly markets and protect investors and the public interest.

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 because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's proposed rule change to make the Pilot Rules permanent.

Further, the Exchange understands that FINRA and other national securities exchanges will file proposals to extend their rules regarding the market-wide circuit breaker pilot. Thus, the proposed rule change will help to ensure consistency across market centers 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 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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[22] and Rule 19b–4(f)(6) thereunder.[23] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[24] and Rule 19b–4(f)(6)(iii) thereunder.[25]

A proposed rule change filed under Rule 19b–4(f)(6)[26] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[27] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange asked that the Commission waive the 30 day operative delay so that the proposal may become operative immediately upon filing. Extending the Pilot Rules' effectiveness to the close of business on April 18,

[14] *See Report of the Market-Wide Circuit Breaker (''MWCB'') Working Group Regarding the March 2020 MWCB Events,* submitted March 31, 2021 (the ''Study''), available at *https://www.nyse.com/publicdocs/nyse/markets/nyse/Report_of_the_Market-Wide_Circuit_Breaker_Working_Group.pdf.*

[15] *See id.* at 46.

[16] *See* Securities Exchange Act Release No. 92428 (July 16, 2021), 86 FR 38776 (July 22, 2021) (SR–NYSE–2021–40).

[17] *See* Securities Exchange Act Release No. 92785A (August 27, 2021), 86 FR 50202 (September 7, 2021) (SR–NYSE–2021–40).

[18] *See* Securities Exchange Act Release No. 93212 (September 30, 2021), 86 FR 55066 (October 5, 2021) (SR–NYSE–2021–40).

[19] *See* Securities Exchange Act Release No. 93933 (January 7, 2022), 87 FR 2189 (January 13, 2022) (SR–NYSE–2021–40).

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78s(b)(3)(A)(iii).

[23] 17 CFR 240.19b–4(f)(6).

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4 requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

2022 will extend the protections provided by the Pilot Rules, which would otherwise expire in less than 30 days. Waiver of the operative delay would therefore permit uninterrupted continuation of the MWCB pilot while the Commission reviews the NYSE's proposed rule change to make the Pilot Rules permanent. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[28]

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)[29] 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–2022–02 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–2022–02. 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–2022–02 and should be submitted on or before April 11, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–05844 Filed 3–18–22; 8:45 am]

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[28] 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).

[29] 15 U.S.C. 78s(b)(2)(B).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94419; File No. SR–MEMX–2022–02]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule To Adopt Connectivity Fees

March 15, 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 March 1, 2022, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''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.

[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 is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members[3] and non-Members (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on March 1, 2022. The text of the proposed rule change is provided in Exhibit 5.

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

Background

The Exchange is re-filing its proposal to amend the Fee Schedule regarding fees the Exchange charges to Members and non-Members for physical connectivity to the Exchange and for application sessions (otherwise known as ''logical ports'') that a Member utilizes in connection with their participation on the Exchange (together with physical connectivity, collectively referred to in this proposal as ''connectivity services,'' as described in greater detail below and in Exhibit 5). The Exchange is proposing to implement the proposed fees on March 1, 2022.

The Exchange filed its Initial Proposal on December 30, 2021,[4] and began

[3] *See* Exchange Rule 1.5(p).

[4] The Exchange received one comment letter on the Initial Proposal, which asserted that the Exchange did not address the Exchange's ownership structure and that revenues from connectivity services could have a ''disparate impact'' on certain Members. *See* Letter from Tyler Gellasch, Healthy Markets Association, dated January 26, 2022. The Exchange notes that the ownership of an exchange by members is not unprecedented and that the ownership structure of the Exchange and related issues were addressed during the process of the Exchange's registration as

charging fees for connectivity services for the first time in January of 2022. On February 28, 2022, the Commission suspended the Initial Proposal and asked for comments on several questions.[5] The Exchange has collected fees for connectivity services for two months now and is thus able to supplement its filing with additional details that were not available at the time of filing of the Initial Proposal and is also able to respond to certain questions raised in the OIP. As set forth below, the Exchange believes that the Initial Proposal provided a great deal of transparency regarding the cost of providing connectivity services and anticipated revenue and that the Initial Proposal was consistent with the Act and associated guidance. The Exchange is re-filing this proposal promptly with the intention of maintaining the existing fees for connectivity services while at the same time providing additional details responsive to certain questions raised in the OIP. The Exchange believes that this approach is appropriate and fair for competitive reasons as several other exchanges currently charge for similar services, as described below, and because others have followed a similar approach when adopting fees.[6]

As set forth in the Initial Proposal and this filing, the Exchange does incur significant costs related to the provision of connectivity services and believes it should be permitted to continue charging for such services while also providing additional time for public comment on the level of detail contained in this proposal and other questions posed in the OIP. Finally, the Exchange does not believe that the ability to charge fees for connectivity services or the level of the Exchange's proposed fees are at issue, but rather, that the level of detail required to be included by the Exchange when adopting such fees is at issue. For these reasons, the Exchange believes it is appropriate to re-file this proposal and to continue charging for connectivity services.

In general, the Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the Exchange Act requirements that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among members and markets. In particular, the Exchange believes that each exchange should take extra care to be able to demonstrate that these fees are based on its costs and reasonable business needs.

In proposing to charge fees for connectivity services, the Exchange has sought to be especially diligent in assessing those fees in a transparent way against its own aggregate costs of providing the related service, and also carefully and transparently assessing the impact on Members—both generally and in relation to other Members, *i.e.,* to assure the fee will not create a financial burden on any participant and will not have an undue impact in particular on smaller Members and competition among Members in general. The Exchange believes that this level of diligence and transparency is called for by the requirements of Section 19(b)(1) under the Act,[7] and Rule 19b–4 thereunder,[8] with respect to the types of information self-regulatory organizations (''SROs'') should provide when filing fee changes, and Section 6(b) of the Act,[9] which requires, among other things, that exchange fees be reasonable and equitably allocated,[10] not designed to permit unfair discrimination,[11] and that they not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[12] This rule change proposal addresses those requirements, and the analysis and data in each of the sections that follow are designed to clearly and comprehensively show how they are met.[13]

Prior to January 3, 2022, MEMX did not charge fees for connectivity to the Exchange, including fees for physical connections or application sessions for order entry purposes or receipt of drop copies. The objective of this approach was to eliminate any fee-based barriers to connectivity for Members when MEMX launched as a national securities exchange in 2020, and it was successful in achieving this objective in that a significant number of Members are directly or indirectly connected to the Exchange.

As detailed below, MEMX recently calculated its aggregate monthly costs for providing physical connectivity to the Exchange at $795,789 and its aggregate monthly costs for providing application sessions at $347,936. Because MEMX has to date offered all connectivity free of charge, MEMX has borne 100% of all connectivity costs. In order to cover the aggregate costs of providing connectivity to its Users (both Members and non-Members [14]) and to recoup some of the costs already borne by the Exchange to create and offer its services, the Exchange is proposing to modify its Fee Schedule, pursuant to MEMX Rules 15.1(a) and (c), to charge a fee of $6,000 per month for each physical connection in the data center where the Exchange primarily operates under normal market conditions (''Primary Data Center'') and a fee of $3,000 per month for each physical connection in the Exchange's geographically diverse data center, which is operated for backup and disaster recovery purposes (''Secondary Data Center''), each as further described below. The Exchange also proposes to modify its Fee Schedule, pursuant to MEMX Rules 15.1(a) and (c), to charge a fee of $450 per month for each application session used for order entry (''Order Entry Port'') and application session for receipt of drop copies (''Drop Copy Port'') in the Exchange's Primary

a national securities exchange. *See* Securities Exchange Act Release No. 88806 (May 4, 2020), 85 FR 27451 (May 8, 2020) (approval order related to the application of MEMX LLC to register as a national securities exchange). The Exchange does not believe that the Initial Proposal or this proposal raises any new issues that have not been previously addressed.

[5] *See* Securities Exchange Act Release No. 94332 (February 28, 2022) (SR–MEMX–2021–22) (Suspension of and Order Instituting Proceedings to Determine Whether to Approve or Disapprove Proposed Rule Change to Amend the Exchange's Fee Schedule to Adopt Connectivity Fees) (the ''OIP'').

[6] *See, e.g.,* Securities Exchange Act Release No. 87875 (December 31, 2019), 85 FR 770 (January 7, 2020) (SR–MIAX–2019–51) (notice of filing and immediate effectiveness of changes to the Miami International Securities Exchange LLC, or ''MIAX'', fee schedule). The Exchange notes that the MIAX filing was the eighth filing by MIAX to adopt the fees proposed for certain connectivity services following multiple times of withdrawing and re-filing the proposal. The Exchange notes that MIAX charged the applicable fees throughout this period while working to develop a filing that met the new standards being applied to fee filings. *See also* Fee Guidance, *infra* note 13.

[7] 15 U.S.C. 78s(b)(1).

[8] 17 CFR 240.19b–4.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(8).

[13] In 2019, Commission staff published guidance suggesting the types of information that SROs may use to demonstrate that their fee filings comply with the standards of the Exchange Act (''Fee Guidance''). While MEMX understands that the Fee Guidance does not create new legal obligations on SROs, the Fee Guidance is consistent with MEMX's view about the type and level of transparency that exchanges should meet to demonstrate compliance with their existing obligations when they seek to charge new fees. *See* Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019) available at *https://www.sec.gov/tm/staff-guidancesro-rule-filings-fees*.

[14] Types of market participants that obtain connectivity services from the Exchange but are not Members include service bureaus and extranets. Service bureaus offer technology-based services to other companies for a fee, including order entry services to Members, and thus, may access application sessions on behalf of one or more Members. Extranets offer physical connectivity services to Members and non-Members.

Data Center, as further described below.[15]

Cost Analysis

In October 2021, MEMX completed a study of its aggregate costs to produce market data and connectivity (the ''Cost Analysis''). The Cost Analysis required a detailed analysis of MEMX's aggregate baseline costs, including a determination and allocation of costs for core services provided by the Exchange—transaction execution, market data, membership services, physical connectivity, and application sessions (which provide order entry, cancellation and modification functionality, risk functionality, ability to receive drop copies, and other functionality).[16] MEMX separately divided its costs between those costs necessary to deliver each of these core services, including infrastructure, software, human resources (*i.e.,* personnel), and selling, general and administrative expenses (''cost drivers''). Next, MEMX applied an estimated allocation of each cost driver to each core service. By allocating segmented costs to each core service, MEMX was able to estimate by core service the potential margin it might earn based on different fee models. The Exchange notes that as a non-listing venue it has four primary sources of revenue that it can potentially use to fund its operations: Transaction fees, fees for connectivity services, membership and regulatory fees, and market data fees. Accordingly, the Exchange must cover its expenses from these four primary sources of revenue.

Based on the analysis described above, MEMX estimates that the cost drivers to provide connectivity services, including both physical connections and application sessions, result in an aggregate monthly cost of $1,143,715.

The following chart details the individual line-item costs considered by MEMX to be related to offering physical connectivity.

Costs drivers	Costs
Human Resources	$262,129
Infrastructure and Connectivity Technology (servers, switches, etc.)	162,000
Data Center Costs	219,000
Hardware and Software Licenses	4,507
Monthly Depreciation	99,328
Allocated Shared Expenses	48,826
Total	795,789

For personnel costs (Human Resources), MEMX calculated an allocation of employee time for employees whose functions include providing and maintaining physical connectivity and performance thereof (primarily the MEMX network infrastructure team, which spends most of their time performing functions necessary to provide physical connectivity) as well as a limited subset of personnel with ancillary functions related to establishing and maintaining such connectivity (such as information security and finance personnel). The Human Resources cost was calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions. The Infrastructure and Connectivity Technology cost includes servers, switches and related hardware required to provide physical access to the Exchange, some of which is owned by the Exchange and some of which is leased by the Exchange in order to allow efficient periodic technology refreshes. Data Center costs includes an allocation of the costs the Exchange incurs to provide physical connectivity in the third party data centers where it maintains its equipment as well as related costs (the Exchange does not own the Primary Data Center or the Secondary Data Center, but instead, leases space in data centers operated by third parties). Hardware and Software Licenses includes hardware and software licenses used to operate and monitor physical assets necessary to offer physical connectivity to the Exchange. All physical assets and software, which also includes assets used for testing and monitoring of Exchange infrastructure, were valued at cost, depreciated or leased over periods ranging from three to five years. Finally, a limited portion of general shared expenses was allocated to overall physical connectivity costs as without these general shared costs the Exchange would not be able to operate in the manner that it does and provide physical connectivity. The costs included in general shared expenses include general expenses of the Exchange, including office space and office expenses, utilities, recruiting and training, marketing and advertising costs, professional fees for legal, tax and accounting services, and telecommunications costs. The total monthly cost of $795,789 was divided by the number of physical connections the Exchange maintains (143), to arrive at a cost of approximately $5,565 per month, per physical connection.

The following chart details the individual line-item costs considered by MEMX to be related to offering application sessions.

Costs drivers	Costs
Human Resources	$147,029
Infrastructure and Connectivity Technology (servers, switches, etc.)	33,358
Data Center Costs	n/a
Hardware and Software Licenses	108,138
Monthly Depreciation	n/a
Allocated Shared Expenses	59,400
Total	347,926

With respect to application sessions, MEMX calculated Human Resources cost by taking an allocation of employee time for employees whose functions include providing application sessions and maintaining performance thereof (including a broader range of employees such as technical operations personnel, market operations personnel, and software engineering personnel) as well as a limited subset of personnel with ancillary functions related to maintaining such connectivity (such as sales, membership, and finance personnel). The Human Resources cost was again calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions. The Infrastructure and Connectivity Technology cost includes servers and switches, and related hardware, and the allocation of cost was limited to those specifically supporting the provision of application sessions. Hardware and Software Licenses includes hardware and software licenses used to monitor the health of the order entry services provided by the Exchange. All physical assets and software, which also includes assets used for testing and monitoring of order entry infrastructure, were valued at cost, depreciated or leased over periods ranging from three to five years. Finally, a limited portion of general shared expenses was allocated to overall application session costs as without these general shared costs the Exchange

[15] As proposed, fees for connectivity services would be assessed based on each active connectivity service product at the close of business on the first day of each month. If a product is cancelled by a Member's submission of a written request or via the MEMX User Portal prior to such fee being assessed then the Member will not be obligated to pay the applicable product fee. MEMX will not return pro-rated fees even if a product is not used for an entire month.

[16] The Exchange is not proposing to adopt fees for market data in this filing but anticipates filing for such fees in the near future. In the meantime, the Exchange has proposed noting in Exhibit 5 that the Exchange does not charge for market data. MEMX notes that it has separately filed a proposal to modify transaction pricing (though such changes are not directly related to the costs described in this filing), which is also to be effective March 1, 2022.

would not be able to operate in the manner that it does and provide application sessions. The costs included in general shared expenses include general expenses of the Exchange, including office space and office expenses, utilities, recruiting and training, marketing and advertising costs, professional fees for legal, tax and accounting services, and telecommunications costs. The total monthly cost of $347,926 was divided by the number of application sessions the Exchange maintains (835), to arrive at a cost of approximately $417 per month, per application session.

As discussed above, the Exchange conducted an extensive Cost Analysis in which the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the provision of connectivity services, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the provision of connectivity services, and thus bears a relationship that is, ''in nature and closeness,'' directly related to network connectivity services. In turn, the Exchange allocated certain costs more to physical connectivity and others to applications, while certain costs were only allocated to such services at a very low percentage or not at all. The sum of all such portions of expenses represents the total actual baseline cost of the Exchange to provide connectivity services, or a monthly expense of $1,143,715.

In conducting its Cost Analysis, the Exchange did not allocate any of its expenses in full to any core services (including physical connectivity or application sessions) and did not double-count any expenses. Instead, as described above, the Exchange allocated applicable cost drivers across its core services and used the same Cost Analysis to form the basis of this proposal and the filing it intends to submit proposing fees for proprietary data feeds offered by the Exchange. For instance, in calculating the Human Resources expenses to be allocated to physical connections, the Exchange allocated network infrastructure personnel with a high percentage of the cost of such personnel (75%) given their focus on functions necessary to provide physical connections. The salaries of those same personnel were allocated only 2.5% to application sessions and the remaining 22.5% was allocated to transactions and market data. The Exchange did not allocate any other Human Resources expense for providing physical connections to any other employee group outside of a smaller allocation (19%) of the cost associated with certain specified personnel who work closely with and support network infrastructure personnel. In contrast, the Exchange allocated much smaller percentages of costs (11% or less) across a wider range of personnel groups in order to allocate Human Resources costs to providing application sessions. This is because a much wider range of personnel are involved in functions necessary to offer, monitor and maintain application sessions but the tasks necessary to do so are not a primary or full-time function.

In total, the Exchange allocated 13.8% of its personnel costs to providing physical connections and 7.7% of its personnel costs to providing application sessions, for a total allocation of 21.5% Human Resources expense to provide connectivity services. In turn, the Exchange allocated the remaining 78.5% of its Human Resources expense to membership (less than 1%) and transactions and market data (77.5%). Thus, again, the Exchange's allocations of cost across core services were based on real costs of operating the Exchange and were not double-counted across the core services or their associated revenue streams.

As another example, the Exchange allocated depreciation expense to all core services, including physical connections and application sessions, but in different amounts. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense includes the actual cost of the computer equipment, such as dedicated servers, computers, laptops, monitors, information security appliances and storage, and network switching infrastructure equipment, including switches and taps that were purchased to operate and support the network. Without this equipment, the Exchange would not be able to operate the network and provide connectivity services to its Members and non-Members and their customers. However, the Exchange did not allocate all of the depreciation and amortization expense toward the cost of providing connectivity services, but instead allocated approximately 27% of the Exchange's overall depreciation and amortization expense to connectivity services (19% attributed to physical connections and 8% to application sessions). The Exchange allocated the remaining depreciation and amortization expense (approximately 73%) toward the cost of providing transaction services and market data.

The Exchange notes that the Cost Analysis was based on the Exchange's first year of operations and projections for the next year. As such, the Exchange believes that its costs will remain relatively similar in future years. It is possible however that such costs will either decrease or increase. To the extent the Exchange sees growth in use of connectivity services it will receive additional revenue to offset future cost increases. However, if use of connectivity services is static or decreases, the Exchange might not realize the revenue that it anticipates or needs in order to cover applicable costs. Accordingly, the Exchange commits to periodically review the costs applicable to providing connectivity services and to propose changes to its fees as appropriate.

Looking at the Exchange's operations holistically, the total monthly costs to the Exchange for offering core services is $3,954,537. Based on the initial two months of billing for connectivity services, the Exchange expects to collect its original estimate of $1,233,750 on a monthly basis for such services.[17] Incorporating this amount into the Exchange's overall projected revenue, including projections related to market data fees that have not yet been proposed and which the Exchange will not begin collecting until April 2022, subject to filing the necessary proposal to adopt such fees, the Exchange anticipates monthly revenue ranging from $4,296,950 to $4,546,950 from all sources (*i.e.,* connectivity fees and membership fees that were introduced in January 2022, transaction fees, and revenue from market data, both through the fees anticipated to be adopted in April 2022 and through the revenue received from the SIPs). As such, applying the Exchange's holistic Cost Analysis to a holistic view of anticipated revenues, the Exchange would earn approximately 8.5% to 15% margin on its operations as a whole. The Exchange believes that this amount is reasonable.

The Exchange notes that its revenue estimates are based on projections across all potential revenue streams and will only be realized to the extent such revenue streams actually produce the revenue estimated. As a new entrant to the hyper-competitive exchange environment, and an exchange focused on driving competition, the Exchange does not yet know whether such

[17] The Exchange notes that it has charged connectivity services for two months and so far the average amount expected (because not all February bills have yet been paid) is very close to the estimated revenue provided in the Initial Proposal. Specifically, the Exchange has earned an estimated $1,229,125 for connectivity services on an average basis over January and February. As such, the Exchange will continue to use its original estimated revenue of $1,233,750 in this proposal.

expectations will be realized. For instance, in order to generate the revenue expected from connectivity, the Exchange will have to be successful in retaining existing clients that wish to maintain physical connectivity and/or application sessions or in obtaining new clients that will purchase such services. Similarly, the Exchange will have to be successful in retaining a positive net capture on transaction fees in order to realize the anticipated revenue from transaction pricing.

To the extent the Exchange is successful in gaining market share, improving its net capture on transaction fees, encouraging new clients to connect directly to the Exchange, and other developments that would help to increase Exchange revenues, the Exchange does not believe it should be penalized for such success. The Exchange, like other exchanges, is, after all, a for-profit business. Accordingly, while the Exchange believes in transparency around costs and potential margins, the Exchange does not believe that these estimates should form the sole basis of whether or not a proposed fee is reasonable or can be adopted. Instead, the Exchange believes that the information should be used solely to confirm that an Exchange is not earning supra-competitive profits, and the Exchange believes its Cost Analysis and related projections demonstrate this fact.

Physical Connectivity Fees

MEMX offers its Members the ability to connect to the Exchange in order to transmit orders to and receive information from the Exchange. Members can also choose to connect to MEMX indirectly through physical connectivity maintained by a third-party extranet. Extranet physical connections may provide access to one or multiple Members on a single connection. Users of MEMX physical connectivity services (both Members and non-Members [18]) seeking to establish one or more connections with the Exchange submit a request to the Exchange via the MEMX User Portal or directly to Exchange personnel. Upon receipt of the completed instructions, MEMX establishes the physical connections requested by the User. The number of physical connections assigned to each User as of February 28, 2022, ranges from one to ten, depending on the scope and scale of the Member's trading activity on the Exchange as determined by the Member, including the Member's determination of the need for redundant connectivity. The Exchange notes that 44% of its Members do not maintain a physical connection directly with the Exchange in the Primary Data Center (though many such Members have connectivity through a third party provider) and another 44% have either one or two physical ports to connect to the Exchange in the Primary Data Center. Thus, only a limited number of Members, 12%, maintain three or more physical ports to connect to the Exchange in the Primary Data Center.

As described above, in order to cover the aggregate costs of providing physical connectivity to Users and to recoup some of the costs already borne by the Exchange to provide physical connectivity, the Exchange is proposing to charge a fee of $6,000 per month for each physical connection in the Primary Data Center and a fee of $3,000 per month for each physical connection in the Secondary Data Center. There is no requirement that any Member maintain a specific number of physical connections and a Member may choose to maintain as many or as few of such connections as each Member deems appropriate. The Exchange notes, however, that pursuant to Rule 2.4 (Mandatory Participation in Testing of Backup Systems), the Exchange does require a small number of Members to connect and participate in functional and performance testing as announced by the Exchange, which occurs at least once every 12 months. Specifically, Members that have been determined by the Exchange to contribute a meaningful percentage of the Exchange's overall volume must participate in mandatory testing of the Exchange's backup systems (*i.e.,* such Members must connect to the Secondary Data Center). The Exchange notes that Members that have been designated are still able to use third party providers of connectivity to access the Exchange at its Secondary Data Center. Nonetheless, because some Members are required to connect to the Secondary Data Center pursuant to Rule 2.4 and to encourage Exchange Members to connect to the Secondary Data Center generally, the Exchange has proposed to charge one-half of the fee for a physical connection in the Primary Data Center.

The proposed fee will not apply differently based upon the size or type of the market participant, but rather based upon the number of physical connections a User requests, based upon factors deemed relevant by each User (either a Member, service bureau or extranet). The Exchange believes these factors include the costs to maintain connectivity, business model and choices Members make in how to participate on the Exchange, as further described below.

The proposed fee of $6,000 per month for physical connections at the Primary Data Center is designed to permit the Exchange to cover the costs allocated to providing connectivity services with a modest markup (approximately 8%), which would also account for costs the Exchange has previously borne completely on its own and help fund future expenditures (increased costs, improvements, etc.). The Exchange believes it is appropriate to charge fees that represent a reasonable markup over cost given the other factors discussed above, including the lack of other costs to participate on the Exchange and the need for the Exchange to maintain a highly performant and stable platform to allow Members to transact with determinism. The Exchange also reiterates that the Exchange did not charge any fees for connectivity services prior to January 2022, and its allocation of costs to physical connections was part of a holistic allocation that also allocated costs to other core services without double-counting any expenses. As such, the proposal only truly constitutes a ''markup'' to the extent the Exchange recovers the initial costs of building the network and infrastructure necessary to offer physical connectivity and operating the Exchange for over a year without connectivity fees.

As noted above, the Exchange proposes a discounted rate of $3,000 per month for physical connections at its Secondary Data Center. The Exchange has proposed this discounted rate for Secondary Data Center connectivity in order to encourage Members to establish and maintain such connections. Also, as noted above, a small number of Members are required pursuant to Rule 2.4 to connect and participate in testing of the Exchange's backup systems, and the Exchange believes it is appropriate to provide a discounted rate for physical connections at the Secondary Data Center given this requirement. The Exchange notes that this rate is well below the cost of providing such services and the Exchange will operate its network and systems at the Secondary Data Center without recouping the full amount of such cost through connectivity services.

The proposed fee for physical connections is effective on filing and will become operative on March 1, 2022. The Exchange has separately proposed to make certain changes to Exchange transaction fees effective March 1, 2022, and intends to propose in a separate filing market data fees effective April 1, 2022.

[18] *See supra* note 14.

Application Session Fees

Similar to other exchanges, MEMX offers its Members application sessions, also known as logical ports, for order entry and receipt of trade execution reports and order messages. Members can also choose to connect to MEMX indirectly through a session maintained by a third-party service bureau. Service bureau sessions may provide access to one or multiple Members on a single session. Users of MEMX connectivity services (both Members and non-Members [19]) seeking to establish one or more application sessions with the Exchange submit a request to the Exchange via the MEMX User Portal or directly to Exchange personnel. Upon receipt of the completed instructions, MEMX assigns the User the number of sessions requested by the User. The number of sessions assigned to each User as of February 28, 2022, ranges from one to more than 100, depending on the scope and scale of the Member's trading activity on the Exchange (either through a direct connection or through a service bureau) as determined by the Member. For example, by using multiple sessions, Members can segregate order flow from different internal desks, business lines, or customers. The Exchange does not impose any minimum or maximum requirements for how many application sessions a Member or service bureau can maintain, and it is not proposing to impose any minimum or maximum session requirements for its Members or their service bureaus.

As described above, in order to cover the aggregate costs of providing application sessions to Users and to recoup some of the costs already borne by the Exchange to provide application sessions, the Exchange is proposing to charge a fee of $450 per month for each Order Entry Port and Drop Copy Port in the Primary Data Center. The Exchange notes that it does not propose to charge for: (1) Order Entry Ports or Drop Copy Ports in the Secondary Data Center, or (2) any Test Facility Ports or MEMOIR Gap Fill Ports. The Exchange has proposed to provide Order Entry Ports and Drop Copy Ports in the Secondary Data Center free of charge in order to encourage Members to connect to the Exchange's backup trading systems. Similarly, because the Exchange wishes to encourage Members to conduct appropriate testing of their use of the Exchange, the Exchange has not proposed to charge for Test Facility Ports. With respect to MEMOIR Gap Fill ports, such ports are exclusively used in order to receive information when a market data recipient has temporarily lost its view of MEMX market data. The Exchange has not proposed charging for such ports because the costs of providing and maintaining such ports is more directly related to producing market data.

The proposed fee of $450 per month for each Order Entry Port and Drop Copy Port in the Primary Data Center is designed to permit the Exchange to cover the costs allocated to providing application sessions with a modest markup (approximately 8%), which would also account for costs the Exchange has previously borne completely on its own and help fund future expenditures (increased costs, improvements, etc.). The Exchange also reiterates that the Exchange did not charge any fees for connectivity services prior to January 2022, and its allocation of costs to application sessions was part of a holistic allocation that also allocated costs to other core services without double-counting any expenses. As such, the proposal only truly constitutes a ''markup'' to the extent the Exchange recovers the initial costs of building the network and infrastructure necessary to offer application sessions and operating the Exchange for over a year without connectivity fees.

The proposed fee is also designed to encourage Users to be efficient with their application session usage, thereby resulting in a corresponding increase in the efficiency that the Exchange would be able to realize in managing its aggregate costs for providing connectivity services. There is no requirement that any Member maintain a specific number of application sessions and a Member may choose to maintain as many or as few of such ports as each Member deems appropriate. The Exchange has designed its platform such that Order Entry Ports can handle a significant amount of message traffic (*i.e.,* over 50,000 orders per second), and has no application flow control or order throttling. As such, while several Members maintain a relatively high number of ports because that is consistent with their usage on other exchanges and is preferable for their own reasons, the Exchange believes that it has designed a system capable of allowing such Members to significantly reduce the number of application sessions maintained.

The proposed fee will not apply differently based upon the size or type of the market participant, but rather based upon the number of application sessions a User requests, based upon factors deemed relevant by each User (either a Member or service bureau on behalf of a Member). The Exchange believes these factors include the costs to maintain connectivity and choices Members make in how to segment or allocate their order flow.[20]

The proposed fee for application sessions is effective on filing and will become operative on March 1, 2022. The Exchange has separately proposed to make certain changes to Exchange transaction fees effective March 1, 2022, and intends to propose in a separate filing market data fees effective April 1, 2022.

Additional Discussion

As discussed above, the proposed fees for connectivity services do not by design apply differently to different types or sizes of Members. As discussed in more detail in the Statutory Basis section, the Exchange believes that the likelihood of higher fees for certain Members subscribing to connectivity services usage than others is not unfairly discriminatory because it is based on objective differences in usage of connectivity services among different Members. The Exchange's incremental aggregate costs for all connectivity services are disproportionately related to Members with higher message traffic and/or Members with more complicated connections established with the Exchange, as such Members: (1) Consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high-touch network support services provided by the Exchange and its staff, including network monitoring, reporting and support services, resulting in a much higher cost to the Exchange to provide such connectivity services. For these reasons, MEMX believes it is not unfairly discriminatory for the Members with higher message traffic and/or Members with more complicated connections to pay a higher share of the total connectivity services fees. While Members with a business model that

[19] *See supra* note 14.

[20] The Exchange understands that some Members (or service bureaus) may also request more Order Entry Ports to enable the ability to send a greater number of simultaneous order messages to the Exchange by spreading orders over more Order Entry Ports, thereby increasing throughput (*i.e.,* the potential for more orders to be processed in the same amount of time). The degree to which this usage of Order Entry Ports provides any throughput advantage is based on how a particular Member sends order messages to MEMX, however the Exchange notes that its architecture reduces the impact or necessity of such a strategy. All Order Entry Ports on MEMX provide the same throughput, and as noted above, the throughput is likely adequate even for a Member sending a significant amount of volume at a fast pace, and is not artificially throttled or limited in any way by the Exchange.

results in higher relative inbound message activity or more complicated connections are projected to pay higher fees, the level of such fees is based solely on the number of physical connections and/or application sessions deemed necessary by the Member and not on the Member's business model or type of Member. The Exchange notes that the correlation between message traffic and usage of connectivity services is not completely aligned because Members individually determine how many physical connections and application sessions to request, and Members may make different decisions on the appropriate ways based on facts unique to their individual businesses. Based on the Exchange's architecture, as described above, the Exchange believes that a Member even with high message traffic would be able to conduct business on the Exchange with a relatively small connectivity services footprint.

Because the Exchange has already adopted fees for connectivity services, the Exchange has initial results of the impact such fees have had on Member and non-Member usage of connectivity services. Since the fees went into effect as set forth in the Initial Proposal, nine (9) customers with physical connectivity to the Exchange have canceled one or more of their physical connections. In each instance, the customer told the Exchange that its reason for cancelling its connectivity was the imposition of fees. Of these customers, two (2) customers canceled services entirely, three (3) maintained at least one physical connection provided directly by the Exchange, and the remaining four (4) customers migrated to alternative sources of connectivity through a third-party provider. As such, some market participants (one market data provider and one extranet) determined that they no longer wanted to connect to the Exchange directly or through a third party as it was not necessary for their business and their initial connection was only worthwhile so long as services were provided free of charge. Other market participants (one market data provider, one extranet and one Member) determined that they still wished to be directly connected to the Exchange but did not need as many connections. Finally, some market participants (one market data provider, one service bureau and two trading participants) determined that there was a more affordable alternative through a third party provider of connectivity services. As a general matter, the customers that discontinued use of physical connectivity or transitioned to a third party provider of connectivity services were either connected purely to consume market data for their own purposes or distribution to others, were themselves extranets or service bureaus providing alternatives to the Exchange's connectivity services, or were smaller trading firms.

Additionally, since the Exchange began charging for application sessions, five (5) customers have canceled a total of thirty (30) application sessions due to the fees adopted by the Exchange. As a general matter, these customers determined that the number of application sessions that they maintained was not necessary in order to participate on the Exchange.

Based on its experience since adopting the proposed fees in January, the Exchange believes that there is ample evidence showing that it is subject to competitive forces when setting fees for physical connectivity and application sessions. Indeed, the evidence shows that firms can choose not to purchase those services, reduce consumption, or rely on external third-party providers in response to proposed fees. These competitive forces ensure that the Exchange cannot charge supra-competitive fees for connectivity services. In fact, as a new entrant to the exchange industry, the Exchange is particularly subject to competitive forces and has carefully crafted its current and proposed fees with the goal of growing its business. In this environment, the Exchange has no ability to set fees at levels that would be deemed supra-competitive as doing so would limit the Exchange's ability to compete with its larger, established competitors.

Finally, the fees for connectivity services will help to encourage connectivity services usage in a way that aligns with the Exchange's regulatory obligations. As a national securities exchange, the Exchange is subject to Regulation Systems Compliance and Integrity (''Reg SCI'').[21] Reg SCI Rule 1001(a) requires that the Exchange establish, maintain, and enforce written policies and procedures reasonably designed to ensure (among other things) that its Reg SCI systems have levels of capacity adequate to maintain the Exchange's operational capability and promote the maintenance of fair and orderly markets.[22] By encouraging Users to be efficient with their usage of connectivity services, the proposed fee will support the Exchange's Reg SCI obligations in this regard by ensuring that unused application sessions are available to be allocated based on individual User needs and as the Exchange's overall order and trade volumes increase. As noted above, based on early results, the adoption of fees has led to certain firms reducing the number of application sessions maintained now that such sessions are no longer provided free of charge. Additionally, because the Exchange will charge a lower rate for a physical connection to the Secondary Data Center and will not charge any fees for application sessions at the Secondary Data Center or its Test Facility, the proposed fee structure will further support the Exchange's Reg SCI compliance by reducing the potential impact of a disruption should the Exchange be required to switch to its Disaster Recovery Facility and encouraging Members to engage in any necessary system testing with low or no cost imposed by the Exchange.[23]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)[24] of the Act in general, and furthers the objectives of Section 6(b)(4)[25] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Additionally, the Exchange believes that the proposed fees are consistent with the objectives of Section 6(b)(5)[26] of the Act in that they are designed 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 a free and open market and national market system, and, in general, to protect investors and the public interest, and, particularly, are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission has repeatedly expressed its preference for competition

[21] 17 CFR 242.1000–1007.

[22] 17 CFR 242.1001(a).

[23] While some Members might directly connect to the Secondary Data Center and incur the proposed $3,000 per month fee, there are other ways to connect to the Exchange, such as through a service bureau or extranet, and because the Exchange is not imposing fees for application sessions in the Secondary Data Center, a Member connecting through another method would not incur any fees charged directly by the Exchange. However, the Exchange notes that a third party service provider providing connectivity to the Exchange likely would charge a fee for providing such connectivity; such fees are not set by or shared in by the Exchange.

[24] 15 U.S.C. 78f.

[25] 15 U.S.C. 78f(b)(4).

[26] 15 U.S.C. 78f(b)(5).

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.'' [27] One of the primary objectives of MEMX is to provide competition and to reduce fixed costs imposed upon the industry. Consistent with this objective, the Exchange believes that this proposal reflects a simple, competitive, reasonable, and equitable pricing structure designed to permit the Exchange to cover certain fixed costs that it incurs for providing connectivity services, which are discounted when compared to products and services offered by competitors.[28]

Commission staff noted in its Fee Guidance that, as an initial step in assessing the reasonableness of a fee, staff considers whether the fee is constrained by significant competitive forces. To determine whether a proposed fee is constrained by significant competitive forces, staff has said that it considers whether the evidence demonstrates that there are reasonable substitutes for the product or service that is the subject of a proposed fee. There is no regulatory requirement that any market participant connect to the Exchange, that any participant connect in a particular manner, or that any participant maintain a certain number of connections to the Exchange. The Exchange reiterates that a small number of Members are required to connect to the Exchange for participation in mandatory testing of backup systems but such connectivity does not have to be obtained directly from the Exchange but instead can be through a third party provider that provides connectivity to the Exchange.

The Exchange also acknowledges that certain market participants operate businesses that do, in fact, require them to be connected to all U.S. equity exchanges. For instance, certain Members operate as routing brokers for other market participants. As an equities exchange with 4% volume, these routing brokers likely need to maintain a connection to the Exchange on behalf of their clients. However, it is connectivity services provided by the Exchange that allow such participants to offer their clients a service for which they can be compensated (and allowing their clients not to directly connect but still to access the Exchange), and, as such, the Exchange believes it is reasonable, equitably allocated and not unfairly discriminatory to charge such Members for connectivity services.

As a new entrant to the equities market, the Exchange does not have as Members many market participants that actively trade equities on other exchanges nor are such market participants directly connected to the Exchange. There are also a number of the Exchange's Members that do not connect directly to MEMX. For instance, of the number of Members that maintain application sessions to participate directly on the Exchange, many such Members do not maintain physical connectivity but instead access the Exchange through a service bureau or extranet. In addition, of the Members that are directly connected to MEMX, it is generally the individual needs of the Member that require whether they need one or multiple physical connections to the Exchange as well as the number of application sessions that they will maintain. It is all driven by the business needs of the Member, and as described above, the Exchange believes it offers technology that will enable Members to maintain a smaller connectivity services footprint than they do on other markets.

The potential argument that all broker-dealers are required to connect to all exchanges is not true given the Exchange's experience as a new entrant to the market over the past year. Instead, many market participants awaited the Exchange growing to a certain percentage of market share before they would join as a Member or connect to the Exchange. In addition, many market participants still have not connected despite the Exchange's growth in one year to more than 4% of the overall equities market share. Thus, the Exchange recognizes that the decision of whether to connect to the Exchange is separate and distinct from the decision of whether and how to trade on the Exchange. This is because there are multiple alternatives to directly participating on the Exchange (such as use of a third-party routing broker to access the Exchange) or directly connecting to the Exchange (such as use of an extranet or service bureau). The Exchange acknowledges that many firms may choose to connect to the Exchange, but ultimately not trade on it, based on their particular business needs. The decision of which type of connectivity to purchase, or whether to purchase connectivity at all, is based on the business needs of each individual firm.

There is also competition for connectivity to the Exchange. For instance, the Exchange competes with certain non-Members who provide connectivity and access to the Exchange, namely extranets and service bureaus. These are resellers of MEMX connectivity—they are not arrangements between broker-dealers to share connectivity costs. Those non-Members resell that connectivity to multiple market participants over the same connection. When physical connectivity is re-sold by a third-party, the Exchange will not receive any connectivity revenue from that sale, and without connectivity fees for the past year, such third parties have been able to re-sell something they receive for free. Such arrangements are entirely between the third-party and the purchaser, thus constraining the ability of MEMX to set its connectivity pricing as indirect connectivity is a substitute for direct connectivity.

Indirect connectivity is a viable alternative that is already being used by Members and non-Members of MEMX, constraining the price that the Exchange is able to charge for connectivity to its Exchange. As set forth above, nearly half of the Exchange's Members do not have a physical connection provided by the Exchange and instead must use a third party provider. Members who have not established any connectivity to the Exchange are still able to trade on the Exchange indirectly through other Members or non-Member extranets or service bureaus that are connected. These Members will not be forced or compelled to purchase physical connectivity services, and they retain all of the other benefits of membership with the Exchange. Accordingly, Members have the choice to purchase physical connectivity and are not compelled to do so. The Exchange notes that without an application session, specifically an Order Entry Port, a Member could not submit orders to the Exchange. As such, while application sessions too can be obtained from a third party reseller (*i.e.,* a service bureau) the Exchange will receive revenue either from the Member or the third party service bureau for each application session. However, as noted elsewhere, the Exchange has designed its platform such that Order Entry Ports can handle a significant amount of message traffic (*i.e.,* over 50,000 orders per second), and has no application flow control or order throttling. As such, the Exchange believes that it has designed a system capable of allowing such Members to significantly reduce

[27] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[28] *See infra* notes 35–40 and accompanying text.

the number of application sessions maintained.

As described above, the Exchange has seen certain Members and non-Members discontinue or change their usage of connectivity services provided by the Exchange in response to the fees adopted by the Exchange. Specifically, nine (9) participants reduced or discontinued use of connectivity services provided directly by the Exchange and five (5) participants reduced the number of application sessions used to participate on the Exchange. The Exchange believes that this demonstrates that not all market participants are required to use connectivity services provided by the Exchange but can instead choose to participate on the Exchange through a third-party provider of connectivity services, indirectly through another Member of the Exchange, or not at all. The Exchange also notes that of the participants that reduced or discontinued their use of connectivity services, several were in fact third-party providers of connectivity services, which demonstrates that such providers will connect to the Exchange to the extent they have sufficient clients to whom they can provide connectivity services and make a profit but they will not connect if this is not the case.

The Exchange believes that the proposed fees for connectivity services are reasonable, equitable and not unfairly discriminatory because, as described above, the proposed pricing for connectivity services is directly related to the relative costs to the Exchange to provide those respective services, and does not impose a barrier to entry to smaller participants. Accordingly, the Exchange offers direct connectivity alternatives and various indirect connectivity (via third-party) alternatives, as described above.

The Exchange recognizes that there are various business models and varying sizes of market participants conducting business on the Exchange. The Exchange's incremental aggregate costs for all connectivity services are disproportionately related to Members with higher message traffic and/or Members with more complicated connections established with the Exchange, as such Members: (1) Consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high-touch network support services provided by the Exchange and its staff, including network monitoring, reporting and support services, resulting in a much higher cost to the Exchange to provide such connectivity services. Accordingly, the Exchange believes the allocation of the proposed fees that increase based on the number of physical connections or application sessions is reasonable based on the resources consumed by the respective type of market participant (*i.e.,* lowest resource consuming Members will pay the least, and highest resource consuming Members will pay the most), particularly since higher resource consumption translates directly to higher costs to the Exchange.

With respect to equities trading, the Exchange had approximately 4.3% market share of the U.S. equities industry in February 2022.[29] The Exchange is not aware of any evidence that a market share of approximately 4% provides the Exchange with supra-competitive pricing power because, as shown above, market participants that choose to connect to the Exchange have various choices in determining how to do so, including third party alternatives. This, in addition to the fact that not all broker-dealers are required to connect to the Exchange, supports the Exchange's conclusion that its pricing is constrained by competition.

Several market participants choose not to be Members of the Exchange and choose not to access the Exchange, and several market participants also access the Exchange indirectly through another market participant. To illustrate, the Exchange currently has 66 Members. However, based on publicly available information regarding a sample of the Exchange's competitors, the New York Stock Exchange LLC (''NYSE'') has 142 members, Cboe BZX Exchange, Inc. (''BZX'') has 140 members, and Investors Exchange LLC (''IEX'') has 133 members.[30] If all market participants were required to be Members of the Exchange and connect directly to the Exchange, the Exchange would have over 130 Members, in line with these other exchanges. But it does not. The Exchange currently has approximately half of the number of members as compared to these other exchanges.

Separately, the Exchange is not aware of any reason why market participants could not simply drop their connections and cease being Members of the Exchange if the Exchange were to establish unreasonable and uncompetitive prices for its connectivity services. Market participants choose to connect to a particular exchange and because it is a choice, MEMX must set reasonable pricing for connectivity services, otherwise prospective Members would not connect and existing Members would disconnect, connect through a third-party reseller of connectivity, or otherwise access the Exchange indirectly. The Exchange reiterates that several Members and non-Members did in fact reduce or discontinue use of connectivity services provided directly by the Exchange in response to the fees adopted by the Exchange. No market participant is required by rule or regulation to be a Member of or connect directly to the Exchange, though again, the Exchange acknowledges that certain types of broker-dealers might be compelled by their business model to connect and also notes that pursuant to Rule 2.4, certain Members with significant volume on the Exchange are required to connect to the Exchange's backup systems for testing on at least an annual basis.

With regard to reasonableness, the Exchange understands that the Commission has traditionally taken a market-based approach to examine whether the SRO making the proposal was subject to significant competitive forces in setting the terms of the proposal. In looking at this question, the Commission considers whether the SRO has demonstrated in its filing that: (i) There are reasonable substitutes for the product or service; (ii) ''platform'' competition constrains the ability to set the fee; and/or (iii) revenue and cost analysis shows the fee would not result in the SRO taking supra-competitive profits. If the SRO demonstrates that the fee is subject to significant competitive forces, the Commission will next consider whether there is any substantial countervailing basis to suggest the fee's terms fail to meet one or more standards under the Exchange Act. If the filing fails to demonstrate that the fee is constrained by competitive forces, the SRO must provide a substantial basis, other than competition, to show that it is consistent with the Exchange Act, which may include production of relevant revenue and cost data pertaining to the product or service.

As described above, the Exchange believes that competitive forces are in effect and that if the proposed fees for connectivity services were unreasonable that the Exchange would lose current or prospective Members and market share. The Exchange does not yet have comprehensive data of the impact of the

[29] Market share percentage calculated as of February 28, 2022. The Exchange receives and processes data made available through consolidated data feeds (*i.e.,* CTS and UTDF).

[30] *See* NYSE Membership Directory, available at: *https://www.nyse.com/markets/nyse/membership*; BZX Form 1 filed November 19, 2021, available at: *https://www.sec.gov/Archives/edgar/vprr/2100/21009368.pdf*; IEX Current Members list, available at: *https://exchange.iex.io/resources/trading/current-membership/*.

proposed fees but, as discussed, several market participants have in fact modified the way that they connect to the Exchange in response to the Exchange's pricing proposal. Further, the Exchange has conducted a comprehensive Cost Analysis in order to determine the reasonability of its proposed fees, including that the Exchange will not take supra-competitive profits.

MEMX believes the proposed fees for connectivity services are fair and reasonable as a form of cost recovery for the Exchange's aggregate costs of offering connectivity services to Members and non-Members. The proposed fees are expected to generate monthly revenue of $1,233,750 providing cost recovery to the Exchange for the aggregate costs of offering connectivity services, based on a methodology that narrowly limits the aggregate cost elements considered to those closely and directly related to the particular product offering.[31] In addition, this revenue will allow the Exchange to continue to offer, to enhance, and to continually refresh its infrastructure as necessary to offer a state-of-the-art trading platform. The Exchange believes that, consistent with the Act, it is appropriate to charge fees that represent a reasonable markup over cost given the other factors discussed above, including the lack of other costs to participate on the Exchange and the need for the Exchange to maintain a highly performant and stable platform to allow Members to transact with determinism. The Exchange also believes the proposed fee is a reasonable means of encouraging Users to be efficient in the connectivity services they reserve for use, with the benefits to overall system efficiency to the extent Members and non-Members consolidate their usage of connectivity services or discontinue subscriptions to unused physical connectivity.

The Exchange further believes that the proposed fees, as they pertain to purchasers of each type of connectivity alternative, constitute an equitable allocation of reasonable fees charged to the Exchange's Members and non-Members and are allocated fairly amongst the types of market participants using the facilities of the Exchange.

As described above, the Exchange believes the proposed fees are equitably allocated because the Exchange's incremental aggregate costs for all connectivity services are disproportionately related to Members with higher message traffic and/or Members with more complicated connections established with the Exchange, as such Members: (1) Consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high-touch network support services provided by the Exchange and its staff, including network monitoring, reporting and support services, resulting in a much higher cost to the Exchange to provide such connectivity services.

Commission staff previously noted that the generation of supra-competitive profits is one of several potential factors in considering whether an exchange's proposed fees are consistent with the Act.[32] As described in the Fee Guidance, the term ''supra-competitive profits'' refers to profits that exceed the profits that can be obtained in a competitive market. The proposed fee structure would not result in excessive pricing or supra-competitive profits for the Exchange. The proposed fee structure is merely designed to permit the Exchange to cover the costs allocated to providing connectivity services with a modest markup (approximately 8%), which would also account for costs the Exchange has previously borne completely on its own and help fund future expenditures (increased costs, improvements, etc.). The Exchange believes that this is fair, reasonable, and equitable. Accordingly, the Exchange believes that its proposal is consistent with Section 6(b)(4) [33] of the Act because the proposed fees will permit recovery of the Exchange's costs and will not result in excessive pricing or supra-competitive profit.

The proposed fees for connectivity services will allow the Exchange to cover certain costs incurred by the Exchange associated with providing and maintaining necessary hardware and other network infrastructure as well as network monitoring and support services; without such hardware, infrastructure, monitoring and support the Exchange would be unable to provide the connectivity services. The Exchange routinely works to improve the performance of the network's hardware and software. The costs associated with maintaining and enhancing a state-of-the-art exchange network is a significant expense for the Exchange, and thus the Exchange believes that it is reasonable and appropriate to help offset those costs by adopting fees for connectivity services. As detailed above, the Exchange has four primary sources of revenue that it can potentially use to fund its operations: Transaction fees, fees for connectivity services, membership and regulatory fees, and market data fees. Accordingly, the Exchange must cover its expenses from these four primary sources of revenue. The Exchange's Cost Analysis estimates the costs to provide connectivity services at $1,143,715. Based on current connectivity services usage, the Exchange would generate monthly revenues of approximately $1,233,750.[34] This represents a modest profit when compared to the cost of providing connectivity services. However, the Exchange does anticipate (and encourages) Members and non-Members to more closely evaluate their connectivity services usage now that such services are no longer free, and thus, it is possible that the revenue actually received by the Exchange will be less than $1,233,750. Even if the Exchange earns that amount or incrementally more, the Exchange believes the proposed fees for connectivity services are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total expense of MEMX associated with providing connectivity services versus the total projected revenue of the Exchange associated with network connectivity services. As noted above, when incorporating the projected revenue from connectivity services into the Exchange's overall projected revenue, including projections related to market data fees that have not yet been proposed and which the Exchange will not begin collecting until April 2022, subject to filing the necessary proposal to adopt such fees, the Exchange anticipates monthly revenue ranging from $4,296,950 to $4,546,950 from all sources. As such, applying the Exchange's holistic Cost Analysis to a holistic view of anticipated revenues, the Exchange would earn approximately 8.5% to 15% margin on its operations as a whole. The Exchange believes that this amount is reasonable and is again evidence that the Exchange will not earn a supra-competitive profit.

[31] *See supra* note 17.

[32] *See* Fee Guidance, *supra* note 13.

[33] 15 U.S.C. 78f(b)(4).

[34] *See supra* note 17.

The Exchange notes that other exchanges offer similar connectivity options to market participants and that the Exchange's fees are a discount as compared to the majority of such fees.[35] With respect to physical connections, each of the Nasdaq Stock Market LLC (''Nasdaq''), NYSE, NYSE Arca, Inc. (''Arca''), BZX and Cboe EDGX Exchange, Inc. (''EDGX'') charges between $7,500–$22,000 per month for physical connectivity at their primary data centers that is comparable to that offered by the Exchange.[36] Nasdaq, NYSE and Arca also charge installation fees, which are not proposed to be charged by the Exchange. With respect to application sessions, each of Nasdaq, NYSE, Arca, BZX and EDGX charges between $500–$575 per month for order entry and drop ports.[37] The Exchange further notes that several of these exchanges each charge for other logical ports that the Exchange will continue to provide for free, such as application sessions for testing and disaster recovery purposes.[38] While the Exchange's proposed connectivity fees are lower than the fees charged by Nasdaq, NYSE, Arca, BZX and EDGX, MEMX believes that it offers significant value to Members over these other exchanges in terms of bandwidth available over such connectivity services, which the Exchanges believes is a competitive advantage, and differentiates its connectivity versus connectivity to other exchanges.[39] Additionally, the Exchange's proposed connectivity fees to its disaster recovery facility are within the range of the fees charged by other exchanges for similar connectivity alternatives.[40] The Exchange believes that its proposal to offer certain application sessions free of charge is reasonable, equitably allocated and not unfairly discriminatory because such proposal is intended to encourage Member connections and use of backup and testing facilities of the Exchange, and, with respect to MEMOIR Gap Fill ports, such ports are used exclusively in connection with the receipt and processing of market data from the Exchange.

In conclusion, the Exchange submits that its proposed fee structure satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act[41] for the reasons discussed above in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities, does not permit unfair discrimination between customers, issuers, brokers, or dealers, and is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general to protect investors and the public interest, particularly as the proposal neither targets nor will it have a disparate impact on any particular category of market participant. As described more fully below in the Exchange's statement regarding the burden on competition, the Exchange believes that it is subject to significant competitive forces, and that the proposed fee structure is an appropriate effort to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[42] 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.

Intra-Market Competition

The Exchange does not believe that the proposed rule change would place certain market participants at the Exchange at a relative disadvantage compared to other market participants or affect the ability of such market participants to compete. In particular, while the Exchange did not officially proposed fees until late December of 2021 when it filed the Initial Proposal, Exchange personnel had been informally discussing potential fees for connectivity services with a diverse group of market participants that are connected to the Exchange (including large and small firms, firms with large connectivity service footprints and small connectivity service footprints, as well as extranets and service bureaus) for several months leading up to that time. The Exchange received no official complaints from Members, non-Members (extranets or service bureaus), third-parties that purchase the Exchange's connectivity and resell it, and customers of those resellers, that the Exchange's fees or the proposed fees for connectivity services would negatively impact their abilities to compete with other market participants or that they are placed at a disadvantage.

As expected, the Exchange did, however, have several market participants reduce or discontinue use of connectivity services provided directly by the Exchange in response to the fees adopted by the Exchange. The Exchange does not believe that the proposed fees for connectivity services place certain market participants at a relative disadvantage to other market participants because the proposed connectivity pricing is associated with relative usage of the Exchange by each market participant and does not impose a barrier to entry to smaller participants. As described above, the connectivity services purchased by market participants typically increase based on their additional message traffic and/or the complexity of their operations. The market participants that utilize more connectivity services typically utilize the most bandwidth, and those are the participants that consume the most resources from the network. Accordingly, the proposed fees for connectivity services do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the proposed connectivity fees reflects the network resources consumed by the various size of market participants and the costs to the

[35] One significant differentiation between the Exchanges is that while it offers different types of physical connections, including 10Gb, 25Gb, 40Gb, and 100Gb connections, the Exchange does not propose to charge different prices for such connections. In contrast, most of the Exchange's competitors provide scaled pricing that increases depending on the size of the physical connection. The Exchange does not believe that its costs increase incrementally based on the size of a physical connection but instead, that individual connections and the number of such separate and disparate connections are the primary drivers of cost for the Exchange.

[36] *See* the Nasdaq equities fee schedule, available at: *http://www.nasdaqtrader.com/trader.aspx?id=pricelisttrading2*; the NYSE fee schedule, available at: *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf*; the NYSE Arca equities fee schedule, available at: *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf*; the BZX equities fee schedule, available at: *https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/*; the EDGX equities fee schedule, available at: *https://markets.cboe.com/us/equities/membership/fee_schedule/edgx/*. This range is based on a review of the fees charged for 10–40Gb connections at each of these exchanges and relates solely to the physical port fee or connection charge, excluding co-location fees and other fees assessed by these exchanges. The Exchange notes that it does not offer physical connections with lower bandwidth than 10Gb and that Members and non-Members with lower bandwidth requirements typically access the Exchange through third-party extranets or service bureaus.

[37] *See id.*

[38] *See id.*

[39] As noted above, all physical connections offered by MEMX are at least 10Gb capable and physical connections provided with larger bandwidth capabilities will be provided at the same rate as such connections. MEMX application sessions are capable of handling significant amount of message traffic (*i.e.,* over 50,000 orders per second), and have no application flow control or order throttling.

[40] *See supra* note 36.

[41] 15 U.S.C. 78f(b)(4) and (5).

[42] 15 U.S.C. 78f(b)(8).

Exchange of providing such connectivity services.

Inter-Market Competition

The Exchange does not believe the proposed fees place an undue burden on competition on other SROs that is not necessary or appropriate. In particular, market participants are not forced to connect to all exchanges, as shown by the number of Members of the Exchange as compared to the much greater number of members at other exchanges, as described above. Not only does MEMX have less than half the number of members as certain other exchanges, but there are also a number of the Exchange's Members that do not connect directly to the Exchange. Additionally, other exchanges have similar connectivity alternatives for their participants, but with higher rates to connect.[43] The Exchange is also unaware of any assertion that the proposed fees for connectivity services would somehow unduly impair its competition with other exchanges. To the contrary, if the fees charged are deemed too high by market participants, they can simply disconnect.

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)(ii) of the Act[44] and Rule 19b–4(f)(2)[45] 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 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–MEMX–2022–02 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–MEMX–2022–02. 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–MEMX–2022–02 and should be submitted on or before April 11, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[46]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–05842 Filed 3–18–22; 8:45 am]

BILLING CODE 8011–01–P

[43] *See supra* notes 35–40 and accompanying text.

[44] 15 U.S.C. 78s(b)(3)(A)(ii).

[45] 17 CFR 240.19b–4(f)(2).

[46] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94417; File No. SR–NYSEARCA–2022–12]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Related to the Market-Wide Circuit Breaker in Rule 7.12–E

March 15, 2022.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 8, 2022, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') 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

The Exchange proposes to extend the pilot related to the market-wide circuit breaker in Rule 7.12–E to the close of business on April 18, 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 extend the pilot related to the market-wide circuit

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

breaker in Rule 7.12–E to the close of business on April 18, 2022.

Background

The Market-Wide Circuit Breaker (''MWCB'') rules, including the Exchange's Rule 7.12–E, provide an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when cash equities securities experience extreme market-wide declines. The MWCB rules are designed to slow the effects of extreme price declines through coordinated trading halts across both cash equity and equity options securities markets.

The cash equities rules governing MWCBs were first adopted in 1988 and, in 2012, all U.S. cash equity exchanges and FINRA amended their cash equities uniform rules on a pilot basis (the ''Pilot Rules,'' *i.e.,* Rule 7.12–E (a)–(d)).[4] The Pilot Rules currently provide for trading halts in all cash equity securities during a severe market decline as measured by a single-day decline in the S&P 500 Index (''SPX'').[5] Under the Pilot Rules, a market-wide trading halt will be triggered if SPX declines in price by specified percentages from the prior day's closing price of that index. The triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. and before 3:25 p.m. would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. would not halt market-wide trading. (Level 1 and Level 2 halts may occur only once a day.) A market decline that triggers a Level 3 halt at any time during the trading day would halt market-wide trading for the remainder of the trading day.

The Commission approved the Pilot Rules, the term of which was to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (the ''LULD Plan''),[6] including any extensions to the pilot period for the LULD Plan.[7] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[8] In light of the proposal to make the LULD Plan permanent, the Exchange amended Rule 7.12–E to untie the pilot's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[9] The Exchange then filed to extend the pilot to the close of business on October 18, 2020,[10] October 18, 2021,[11] and March 18, 2022.[12]

The Exchange now proposes to amend Rule 7.12–E to extend the pilot to the close of business on April 18, 2022. This filing does not propose any substantive or additional changes to Rule 7.12–E.

The MWCB Task Force and the March 2020 MWCB Events

In late 2019, Commission staff requested the formation of a MWCB Task Force (''Task Force'') to evaluate the operation and design of the MWCB mechanism. The Task Force included representatives from the SROs, the Commission, CME, the Commodity Futures Trading Commission (''CFTC''), and the securities industry and conducted several organizational meetings in December 2019 and January 2020.

In Spring 2020, the MWCB mechanism proved itself to be an effective tool for protecting markets through turbulent times. In March 2020, at the outset of the worldwide COVID–19 pandemic, U.S. equities markets experienced four MWCB Level 1 halts, on March 9, 12, 16, and 18, 2020. In each instance, the markets halted as intended upon a 7% drop in the S&P 500 Index, and resumed as intended 15 minutes later.

In response to these events, in the Spring and Summer of 2020, the Task Force held ten meetings that were attended by Commission staff, with the goal of performing an expedited review of the March 2020 halts and identifying any areas where the MWCB mechanism had not worked properly. Given the risk of unintended consequences, the Task Force did not recommend changes that were not rooted in a noted deficiency. The Task Force recommended creating a process for a backup reference price in the event that SPX were to become unavailable, and enhancing functional MWCB testing. The Task Force also asked CME to consider modifying its rules to enter into a limit-down state in the futures pre-market after a 7% decline instead of 5%. CME made the requested change, which became effective on October 12, 2020.[13]

The MWCB Working Group's Study

On September 17, 2020, the Director of the Commission's Division of Trading and Markets asked the SROs to conduct a more complete study of the design and operation of the Pilot Rules and the LULD Plan during the period of volatility in the Spring of 2020.

In response to the request, the SROs created a MWCB ''Working Group'' composed of SRO representatives and industry advisers that included members of the advisory committees to both the LULD Plan and the NMS Plans governing the collection, consolidation, and dissemination of last-sale transaction reports and quotations in NMS Stocks. The Working Group met regularly from September 2020 through March 2021 to consider the Commission's request, review data, and compile its study. The Working Group's efforts in this respect incorporated and built on the work of an MWCB Task Force.

The Working Group submitted its study to the Commission on March 31, 2021 (the ''Study'').[14] In addition to a timeline of the MWCB events in March 2020, the Study includes a summary of the analysis and recommendations of the MWCB Task Force; an evaluation of the operation of the Pilot Rules during the March 2020 events; an evaluation of the design of the current MWCB system; and the Working Group's conclusions and recommendations.

In the Study, the Working Group concluded: (1) The MWCB mechanism

[4] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''Pilot Rules Approval Order'').

[5] The rules of the equity options exchanges similarly provide for a halt in trading if the cash equity exchanges invoke a MWCB Halt. *See, e.g.,* NYSE Arca Rule 6.65–O(d)(4).

[6] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012). The LULD Plan provides a mechanism to address extraordinary market volatility in individual securities.

[7] *See* Securities Exchange Act Release Nos. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–NYSEArca–2011–68) (Approval Order); and 68785 (January 31, 2013), 78 FR 8646 (February 6, 2013) (SR–NYSEArca–2013–06) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Delaying the Operative Date of a Rule Change to Exchange Rule 7.12–E).

[8] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019).

[9] *See* Securities Exchange Act Release No. 85561 (April 9, 2019), 84 FR 15262 (April 15, 2019) (SR–NYSEArca–2019–23).

[10] *See* Securities Exchange Act Release No. 87017 (September 19, 2019), 84 FR 50543 (September 25, 2019) (SR–NYSEArca–2019–66).

[11] *See* Securities Exchange Act Release No. 90136 (October 8, 2020), 85 FR 65082 (October 14, 2020) (SR–NYSEArca–2020–89).

[12] *See* Securities Exchange Act Release No. 93228 (October 1, 2021), 86 FR 55901 (October 7, 2021) (SR–NYSEArca–2021–86).

[13] *See https://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_1.pdf*; *https://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_2.pdf.*

[14] *See Report of the Market-Wide Circuit Breaker (''MWCB'') Working Group Regarding the March 2020 MWCB Events,* submitted March 31, 2021 (the ''Study''), available at *https://www.nyse.com/publicdocs/nyse/markets/nyse/Report_of_the_Market-Wide_Circuit_Breaker_Working_Group.pdf.*

set out in the Pilot Rules worked as intended during the March 2020 events; (2) the MWCB halts triggered in March 2020 appear to have had the intended effect of calming volatility in the market, without causing harm; (3) the design of the MWCB mechanism with respect to reference value (SPX), trigger levels (7%/13%/20%), and halt times (15 minutes) is appropriate; (4) the change implemented in Amendment 10 to the Plan to Address Extraordinary Market Volatility (the ''Limit Up/Limit Down Plan'' or ''LULD Plan'') did not likely have any negative impact on MWCB functionality; and (5) no changes should be made to the mechanism to prevent the market from halting shortly after the opening of regular trading hours at 9:30 a.m.

In light of the foregoing conclusions, the Working Group also made several recommendations, including that the Pilot Rules should be permanent without any changes.[15]

Proposal To Extend the Operation of the Pilot Rules Pending the Commission's Consideration of the New York Stock Exchange LLC's Filing To Make the Pilot Rules Permanent

On July 16, 2021, the Exchange's affiliate, the New York Stock Exchange (''NYSE''), proposed a rule change to make the Pilot Rules permanent, consistent with the Working Group's recommendations.[16] On August 27, 2021, the Commission extended its time to consider the proposed rule change to October 20, 2021.[17] On September 30, 2021, the Commission initiated proceedings to determine whether to approve or disapprove the proposed rule change.[18] On January 7, 2022, the Commission extended its time to approve or disapprove the proposed rule change by an additional 60 days, to March 19, 2022.[19] The Exchange now proposes to extend the expiration date of the Pilot Rules to the end of business on April 18, 2022.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Section 6(b)(5) of the Act,[21] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The market-wide circuit breaker mechanism under Rule 7.12–E is an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. Extending the market-wide circuit breaker pilot for an additional month would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's proposed rule change to make the Pilot Rules permanent.

The Exchange also believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. Based on the foregoing, the Exchange believes the benefits to market participants from Pilot Rules should continue on a pilot basis because they will promote fair and orderly markets and protect investors and the public interest.

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 because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's proposed rule change to make the Pilot Rules permanent.

Further, the Exchange understands that FINRA and other national securities exchanges will file proposals to extend their rules regarding the market-wide circuit breaker pilot. Thus, the proposed rule change will help to ensure consistency across market centers 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 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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[22] and Rule 19b–4(f)(6) thereunder.[23] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[24] and Rule 19b–4(f)(6)(iii) thereunder.[25]

A proposed rule change filed under Rule 19b–4(f)(6)[26] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[27] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange asked that the Commission waive the 30 day operative delay so that the proposal may become operative immediately upon filing. Extending the Pilot Rules' effectiveness to the close of business on April 18, 2022 will extend the protections provided by the Pilot Rules, which would otherwise expire in less than 30 days. Waiver of the operative delay would therefore permit uninterrupted continuation of the MWCB pilot while the Commission reviews the NYSE's proposed rule change to make the Pilot Rules permanent. Therefore, the Commission hereby waives the 30-day operative delay and designates the

[15] *See id*. at 46.

[16] *See* Securities Exchange Act Release No. 92428 (July 16, 2021), 86 FR 38776 (July 22, 2021) (SR–NYSE–2021–40).

[17] *See* Securities Exchange Act Release No. 92785A (August 27, 2021), 86 FR 50202 (September 7, 2021) (SR–NYSE–2021–40).

[18] *See* Securities Exchange Act Release No. 93212 (September 30, 2021), 86 FR 55066 (October 5, 2021) (SR–NYSE–2021–40).

[19] *See* Securities Exchange Act Release No. 93933 (January 7, 2022), 87 FR 2189 (January 13, 2022) (SR–NYSE–2021–40).

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78s(b)(3)(A)(iii).

[23] 17 CFR 240.19b–4(f)(6).

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4 requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

proposed rule change as operative upon filing.[28]

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)[29] 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–NYSEARCA–2022–12 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–NYSEARCA–2022–12. 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–NYSEARCA–2022–12 and should be submitted on or before April 11, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–05838 Filed 3–18–22; 8:45 am]

BILLING CODE 8011–01–P

[28] 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).

[29] 15 U.S.C. 78s(b)(2)(B).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94420; File No. SR–NYSECHX–2022–03]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Related to the Market-Wide Circuit Breaker in Rule 7.12

March 15, 2022.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 8, 2022, the NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') 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

The Exchange proposes to extend the pilot related to the market-wide circuit breaker in Rule 7.12 to the close of business on April 18, 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 extend the pilot related to the market-wide circuit breaker in Rule 7.12 to the close of business on April 18, 2022.

Background

The Market-Wide Circuit Breaker (''MWCB'') rules, including the Exchange's Rule 7.12, provide an important, automatic mechanism that is invoked to promote stability and investor confidence during periods of significant stress when cash equities securities experience extreme market-wide declines. The MWCB rules are designed to slow the effects of extreme price declines through coordinated trading halts across both cash equity and equity options securities markets.

The cash equities rules governing MWCBs were first adopted in 1988 and, in 2012, all U.S. cash equity exchanges and FINRA amended their cash equities uniform rules on a pilot basis (the ''Pilot Rules,'' *i.e.,* Rule 7.12 (a)–(d)).[4] The Pilot Rules currently provide for trading halts in all cash equity securities during a severe market decline as measured by a single-day decline in the S&P 500 Index (''SPX'').[5] Under the Pilot Rules,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129) (''Pilot Rules Approval Order'').

[5] The rules of the equity options exchanges similarly provide for a halt in trading if the cash

a market-wide trading halt will be triggered if SPX declines in price by specified percentages from the prior day's closing price of that index. The triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2), and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 halt after 9:30 a.m. and before 3:25 p.m. would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. would not halt market-wide trading. (Level 1 and Level 2 halts may occur only once a day.) A market decline that triggers a Level 3 halt at any time during the trading day would halt market-wide trading for the remainder of the trading day.

The Commission approved the Pilot Rules, the term of which was to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS (the ''LULD Plan''),[6] including any extensions to the pilot period for the LULD Plan.[7] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[8] In light of the proposal to make the LULD Plan permanent, the Exchange amended Article 20, Rule 2 to untie the pilot's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[9] After the Commission approved the Exchange's proposal to transition to trading on Pillar,[10] the Exchange subsequently amended the corresponding Pillar rule—Rule 7.12—to extend the pilot's effectiveness to the close of business on October 18, 2020,[11] October 18, 2021,[12] and March 18, 2022.[13]

The Exchange now proposes to amend Rule 7.12 to extend the pilot to the close of business on March[sic] 18, 2022. This filing does not propose any substantive or additional changes to Rule 7.12.

The MWCB Task Force and the March 2020 MWCB Events

In late 2019, Commission staff requested the formation of a MWCB Task Force (''Task Force'') to evaluate the operation and design of the MWCB mechanism. The Task Force included representatives from the SROs, the Commission, CME, the Commodity Futures Trading Commission (''CFTC''), and the securities industry and conducted several organizational meetings in December 2019 and January 2020.

In Spring 2020, the MWCB mechanism proved itself to be an effective tool for protecting markets through turbulent times. In March 2020, at the outset of the worldwide COVID–19 pandemic, U.S. equities markets experienced four MWCB Level 1 halts, on March 9, 12, 16, and 18, 2020. In each instance, the markets halted as intended upon a 7% drop in the S&P 500 Index, and resumed as intended 15 minutes later.

In response to these events, in the Spring and Summer of 2020, the Task Force held ten meetings that were attended by Commission staff, with the goal of performing an expedited review of the March 2020 halts and identifying any areas where the MWCB mechanism had not worked properly. Given the risk of unintended consequences, the Task Force did not recommend changes that were not rooted in a noted deficiency. The Task Force recommended creating a process for a backup reference price in the event that SPX were to become unavailable, and enhancing functional MWCB testing. The Task Force also asked CME to consider modifying its rules to enter into a limit-down state in the futures pre-market after a 7% decline instead of 5%. CME made the requested change, which became effective on October 12, 2020.[14]

The MWCB Working Group's Study

On September 17, 2020, the Director of the Commission's Division of Trading and Markets asked the SROs to conduct a more complete study of the design and operation of the Pilot Rules and the LULD Plan during the period of volatility in the Spring of 2020.

In response to the request, the SROs created a MWCB ''Working Group'' composed of SRO representatives and industry advisers that included members of the advisory committees to both the LULD Plan and the NMS Plans governing the collection, consolidation, and dissemination of last-sale transaction reports and quotations in NMS Stocks. The Working Group met regularly from September 2020 through March 2021 to consider the Commission's request, review data, and compile its study. The Working Group's efforts in this respect incorporated and built on the work of an MWCB Task Force.

The Working Group submitted its study to the Commission on March 31, 2021 (the ''Study'').[15] In addition to a timeline of the MWCB events in March 2020, the Study includes a summary of the analysis and recommendations of the MWCB Task Force; an evaluation of the operation of the Pilot Rules during the March 2020 events; an evaluation of the design of the current MWCB system; and the Working Group's conclusions and recommendations.

In the Study, the Working Group concluded: (1) The MWCB mechanism set out in the Pilot Rules worked as intended during the March 2020 events; (2) the MWCB halts triggered in March 2020 appear to have had the intended effect of calming volatility in the market, without causing harm; (3) the design of the MWCB mechanism with respect to reference value (SPX), trigger levels (7%/13%/20%), and halt times (15 minutes) is appropriate; (4) the change implemented in Amendment 10 to the Plan to Address Extraordinary Market Volatility (the ''Limit Up/Limit Down Plan'' or ''LULD Plan'') did not likely have any negative impact on MWCB functionality; and (5) no changes should be made to the mechanism to prevent the market from halting shortly after the opening of regular trading hours at 9:30 a.m.

In light of the foregoing conclusions, the Working Group also made several recommendations, including that the

equity exchanges invoke a MWCB Halt. *See, e.g.,* NYSE Arca Rule 6.65–O(d)(4).

[6] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012). The LULD Plan provides a mechanism to address extraordinary market volatility in individual securities.

[7] *See* Securities Exchange Act Release Nos. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–CHX–2011–30) (Approval Order); and 68777 (January 31, 2013), 78 FR 8673 (February 6, 2013) (SR–CHX–2013) (Notice of Filing of Immediate Effectiveness of Proposed Rule Change Delaying the Operative Date of a Rule Change to CHX Article 20, Rule 2).

[8] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019).

[9] *See* Securities Exchange Act Release No. 85565 (April 9, 2019), 84 FR 15239 (April 15, 2019) (SR–NYSECHX–2019–05).

[10] *See* Securities Exchange Act Release No. 87264 (October 9, 2019), 84 FR 55345 (October 16, 2019) (SR–NYSECHX–2019–08).

[11] *See* Securities Exchange Act Release No. 87027 (September 19, 2019), 84 FR 50484 (September 25, 2019) (SR–NYSECHX–2019–09).

[12] *See* Securities Exchange Act Release No. 90140 (October 8, 2020), 85 FR 65888 (October 16, 2020) (SR–NYSECHX–2020–30).

[13] *See* Securities Exchange Act Release No. 93231 (October 1, 2021), 86 FR 55893 (October 7, 2021) (SR–NYSECHX–2021–14).

[14] *See https://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_1.pdf; https://www.cmegroup.com/content/dam/cmegroup/market-regulation/rule-filings/2020/9/20-392_2.pdf.*

[15] *See Report of the Market-Wide Circuit Breaker (''MWCB'') Working Group Regarding the March 2020 MWCB Events,* submitted March 31, 2021 (the ''Study''), available at *https://www.nyse.com/publicdocs/nyse/markets/nyse/Report_of_the_Market-Wide_Circuit_Breaker_Working_Group.pdf.*

Pilot Rules should be permanent without any changes.[16]

Proposal To Extend the Operation of the Pilot Rules Pending the Commission's Consideration of the New York Stock Exchange LLC's Filing To Make the Pilot Rules Permanent

On July 16, 2021, the Exchange's affiliate, the New York Stock Exchange (''NYSE''), proposed a rule change to make the Pilot Rules permanent, consistent with the Working Group's recommendations.[17] On August 27, 2021, the Commission extended its time to consider the proposed rule change to October 20, 2021.[18] On September 30, 2021, the Commission initiated proceedings to determine whether to approve or disapprove the proposed rule change.[19] On January 7, 2022, the Commission extended its time to approve or disapprove the proposed rule change by an additional 60 days, to March 19, 2022.[20] The Exchange now proposes to extend the expiration date of the Pilot Rules to the end of business on April 18, 2022.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[21] in general, and furthers the objectives of Section 6(b)(5) of the Act,[22] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The market-wide circuit breaker mechanism under Rule 7.12 is an important, automatic mechanism that is invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. Extending the market-wide circuit breaker pilot for an additional month would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's proposed rule change to make the Pilot Rules permanent.

The Exchange also believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning when and how to halt trading in all stocks as a result of extraordinary market volatility. Based on the foregoing, the Exchange believes the benefits to market participants from Pilot Rules should continue on a pilot basis because they will promote fair and orderly markets and protect investors and the public interest.

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 because the proposal would ensure the continued, uninterrupted operation of a consistent mechanism to halt trading across the U.S. markets while the Commission reviews the Exchange's proposed rule change to make the Pilot Rules permanent.

Further, the Exchange understands that FINRA and other national securities exchanges will file proposals to extend their rules regarding the market-wide circuit breaker pilot. Thus, the proposed rule change will help to ensure consistency across market centers 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 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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[23] and Rule 19b–4(f)(6) thereunder.[24] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[25] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[26] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange asked that the Commission waive the 30 day operative delay so that the proposal may become operative immediately upon filing.

Extending the Pilot Rules' effectiveness to the close of business on April 18, 2022 will extend the protections provided by the Pilot Rules, which would otherwise expire in less than 30 days. Waiver of the operative delay would therefore permit uninterrupted continuation of the MWCB pilot while the Commission reviews the NYSE's proposed rule change to make the Pilot Rules permanent. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[27]

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)[28] 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

[16] *See id.* at 46.

[17] *See* Securities Exchange Act Release No. 92428 (July 16, 2021), 86 FR 38776 (July 22, 2021) (SR–NYSE–2021–40).

[18] *See* Securities Exchange Act Release No. 92785A (August 27, 2021), 86 FR 50202 (September 7, 2021) (SR–NYSE–2021–40).

[19] *See* Securities Exchange Act Release No. 93212 (September 30, 2021), 86 FR 55066 (October 5, 2021) (SR–NYSE–2021–40).

[20] *See* Securities Exchange Act Release No. 93933 (January 7, 2022), 87 FR 2189 (January 13, 2022) (SR–NYSE–2021–40).

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78s(b)(3)(A)(iii).

[24] 17 CFR 240.19b–4(f)(6).

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6)(iii).

[27] 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).

[28] 15 U.S.C. 78s(b)(2)(B).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSECHX–2022–03 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–NYSECHX–2022–03. 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–NYSECHX–2022–03 and should be submitted on or before April 11, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–05841 Filed 3–18–22; 8:45 am]

BILLING CODE 8011–01–P

[29] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 20, 2022.

ADDRESSES: Send all comments to Gregorius Suryadi, Financial and Loan Specialist, Office of Financial Assistance, Small Business Administration, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Gregorius Suryadi, Financial and Loan Specialist, Office of Financial Assistance, *gregorius.suryadi@sba.gov,* or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov;*

SUPPLEMENTARY INFORMATION: The Small Business Investment Act authorizes SBA to guarantee a debenture issued by a Certified Development Company (CDC). The proceeds from each debenture are used to fund loans to eligible small business concerns (''504 loans''). 15 U.S.C. 697(a). The Small Business Act and the Small Business Investment Act mandate that all guaranteed loans provided by the SBA to small business concerns (SBCs) must have a reasonable assurance of ability to repay. See 15 U.S.C. 636(a) (6) and 687(f); see also 13 CFR 120.150. The information collections described below—SBA Form 1244 is part of the application process for a 504 loan. SBA issued Information Notice under control number 5000–20056 on September 30,2020 for the retirement of Form 2450.

Additionally, in accordance with the National Defense Authorization Act (NDAA)/Small Business Runway Extension Act (SBREA) for the anticipated Fiscal Year 2022 final rule, the SBA plans to use its administrative discretion to permit loan applicants to choose between 3 years and 5 years for receipts-based size standards, and from 12 months to 24 months for employee-based size standards. (15 U.S.C. 632(a)(2))

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Application for Section 504 Loans.

Form Number: SBA Form 1244.

Description of Respondents: Small Business Concerns applying for a section 504 loan and Certified Development Companies.

The information collected by this form is used to review the eligibility of the small business concern (SBC) for SBA financial assistance; the creditworthiness and repayment ability of the SBC; and the terms and conditions of the 504 loan for which the SBC is applying.

SBA has established a streamlined loan application processing procedure known as the Abridged Submission Method (ASM). Under this process, the CDCs are required to collect and retain all exhibits to SBA Form 1244, but are only required to submit selective documents. CDCs using the non-ASM method are required to submit all documents and exhibits required for Form 1244.

The burden estimates (based on the experience of the CDCs and SBA field offices) of the burden hours imposed by use of these forms, including exhibits, are as follows:

There are 200 CDCs affected by the information collection. The total number of small business concerns that will annually respond to Form 1244 is approximately 7,119 based on the average submission of applications submitted from CDCs over the past FY using both the ASM and non-ASM methods. This is a total of 7,119 respondents. Burden hours are 2.25 hours for PCLP Loan and ALP Express Loan, 2.5 hours for ASM, and 3.5 hours for non-ASM submissions.

Submission through delegated authority: $15 \times 2.25 = 34$ burden hours.

Submission through the ASM: $5{,}695 \times 2.5 = 14{,}238$ burden hours.

Submission through non-ASM (standard method): $1{,}409 \times 3.5 = 4{,}932$ burden hours.

Total burden hours: 19,204.

Curtis Rich,

Management Analyst.

[FR Doc. 2022–05942 Filed 3–18–22; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17374 and #17375; MAINE Disaster Number ME–00063]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Maine

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of MAINE (FEMA–4647–DR), dated 03/15/2022.

Incident: Severe Storm and Flooding.

Incident Period: 10/30/2021 through 10/31/2021.

DATES: Issued on 03/15/2022.

Physical Loan Application Deadline Date: 05/16/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 12/15/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 03/15/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Knox, Waldo, York.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	1.875
Non-Profit Organizations without Credit Available Elsewhere	1.875
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17374 6 and for economic injury is 17375 0.

(Catalog of Federal Domestic Assistance Number 59008)

Barbara Carson,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–05939 Filed 3–18–22; 8:45 am]

BILLING CODE 8026–03–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 5) (2022–2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the second quarter 2022 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The second quarter 2022 RCAF (Unadjusted) is 1.197. The second quarter 2022 RCAF (Adjusted) is 0.493. The second quarter 2022 RCAF–5 is 0.467.

DATES: *Applicability Date:* April 1, 2022.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez at (202) 245–0333. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available at *www.stb.gov.*

Decided: March 16, 2022.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2022–05944 Filed 3–18–22; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2016–4042; Summary Notice No. 2022–17]

Petition for Exemption; Summary of Petition Received; Wittman Regional Airport.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 11, 2022.

ADDRESSES: Send comments identified by docket number FAA–2016–4042 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alphonso Pendergrass, (202) 267–4713, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Angela O. Anderson,

Director, Regulatory Support Division, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2016–4042

Petitioner: Wittman Regional Airport (KOSH)

Section(s) of 14 CFR Affected: § 139.101

Description of Relief Sought: The petitioner seeks an exemption from 14 CFR § 139.101, general requirements for airport certification. The relief sought under the exemption is to permit certain unscheduled air carrier operations at KOSH at limited times during the week of Experimental Aircraft Association (EAA) AirVenture Oshkosh, July 25 through July31, 2022.

[FR Doc. 2022–05807 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2022–16]

Petition for Exemption; Summary of Petition Received; American Airlines, Inc.

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 11, 2022.

ADDRESSES: Send comments identified by docket number FAA–2022–0194 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean O'Tormey at 202–267–4044, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Angela O. Anderson,

Director, Regulatory Support Division, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2022–0194.

Petitioner: American Airlines, Inc.

Section of 14 CFR Affected: § 121.1005(a).

Description of Relief Sought: American Airlines, Inc., is petitioning for an exemption from 14 CFR 121.1005(a) to allow dangerous goods training that meets the requirements of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods, as a substitution for the requirement to provide training in accordance with the certificate holder's FAA-approved initial and recurrent hazardous materials training program.

[FR Doc. 2022–05808 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2022–07]

Petition for Exemption; Summary of Petition Received; Uninsured United Parachute Technologies, LLC

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 11, 2022.

ADDRESSES: Send comments identified by docket number FAA–2021–0969 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Charnecia McGee, telephone number (202) 267–7884, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Angela O. Anderson,

Director, Regulatory Support Division, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2021–0969.
Petitioner: Uninsured United Parachute Technologies, LLC.
Section(s) of 14 CFR Affected: § 105.45(a)(1)(i).
Description of Relief Sought: The Uninsured United Parachute Technologies, LLC, the manufacturer and trainer of the Sigma and Micro Sigma Tandem parachute systems, is petitioning for an exemption from § 105.45(a)(1)(i) specifically from the requirement that the parachutist using the tandem parachute system who is acting as the parachutist in command (PIC), must have a minimum of 3 years of experience in parachuting.

[FR Doc. 2022–05811 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2021–1022; Summary Notice No. –2022–05]

Petition for Exemption; Summary of Petition Received; Indro Robotics

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 11, 2022.

ADDRESSES: Send comments identified by docket number FAA–2021–1022 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jake Troutman, (202) 683–7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Angela O. Anderson,

Director, Regulatory Support Division, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2021–1022.
Petitioner: Indro Robotics.
Section(s) of 14 CFR Affected: §§ 107.15 and 107.49.
Description of Relief Sought: Indro Robotics seeks relief to the extent necessary to operate a small unmanned aircraft system, below 55 pounds, for beyond visual line of sight operations. The proposed personnel will include an offsite remote pilot in command who is remotely located and assisted by a visual observer who is onsite. The petitioner requests this relief in order to conduct commercial operations by inspecting solar farms on privately owned property with owner permission, in rural settings, and in Class G Airspace.

[FR Doc. 2022–05812 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0070]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SEAS FIRE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0070 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0070 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0070, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@*dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SEAS FIRE is:

—*Intended Commercial Use of Vessel:* ''Fishing charters.''
—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Port Canaveral, FL)
—*Vessel Length and Type*: 32&′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0070 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0070 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05829 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0071]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: GOTTEM ANYA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0071 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0071 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0071, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel GOTTEM ANYA is:

—*Intended Commercial Use of Vessel:* ''Intended use is for a 6 passenger or less fishing charter boat.''

—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Islamorada, FL)

—*Vessel Length and Type:* 34.1′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0071 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0071 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05818 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0060]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SCOTT FREE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0060 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0060 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0060, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SCOTT FREE is:

—*Intended Commercial Use of Vessel:* ''Occasional charters.''

—*Geographic Region Including Base of Operations:* ''Maine, Massachusetts, Rhode Island, New Hampshire, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida'' (Base of Operations: Wrightsville Beach, NC)

—*Vessel Length and Type:* 71.4′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0060 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0060 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05828 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0058]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ONWARD (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0058 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0058 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0058, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in

nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ONWARD is:

—*Intended Commercial Use of Vessel:* ''Sailing charters.''

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York (excluding New York Harbor), New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.'' (Base of Operations: Harwichport, MA)

—*Vessel Length and Type:* 42.8′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2022–0058 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0058 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05824 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0073]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: CLEAR LIGHT (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0073 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0073 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2022–0073, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@*dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel CLEAR LIGHT is:

—*Intended Commercial Use of Vessel:* ''The vessel will be captained chartered with six passengers or less for sightseeing tours and recreational sport fishing tours.''

—*Geographic Region Including Base of Operations:* ''Connecticut and New York.'' (Base of Operations: Mystic, CT)

—*Vessel Length and Type:* 26.2′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0073 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0073 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05816 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0065]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: NATALIA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0065 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0065 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0065, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel NATALIA is:

—*Intended Commercial Use of Vessel:* ''Transport passengers and offer private tours to a group of no more than six people to islands near the marina.''

—*Geographic Region Including Base of Operations:* ''Puerto Rico.'' (Base of Operations: Ceiba, PR)

—*Vessel Length and Type:* 32′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0065 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0065 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05823 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0068]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LINDY (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0068 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0068 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0068, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LINDY is:

—Intended Commercial Use of Vessel: ''Carrying passengers for hire. In particular, LINDY will carry passengers with an interest in WWII maritime history for hire on a charter basis. The boat is of historical value, one of the last remaining WWII-era wood boats on the West Coast.''

—Geographic Region Including Base of Operations: ''California, Oregon, and Washington.'' (Base of Operations: Juneau, AK)

—Vessel Length And Type: 75′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2022–0068 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0068 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05822 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0066]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: VIRGINIA BEACH FIRE BOAT 178233 (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0066 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0066 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2022–0066, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel VIRGINIA BEACH FIRE BOAT 178233 is:

—*Intended Commercial Use of Vessel:* ''Fireboat operations within Virginia Beach waters.''

—*Geographic Region Including Base of Operations:* ''Virginia.'' (Base of Operations: Virginia Beach, VA)

—*Vessel Length and Type:* 50′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0066 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0066 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05817 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0062]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: UNCAGED (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0062 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0062 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0062, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel UNCAGED is:

—*Intended Commercial Use of Vessel:* 5–10 day charters with Captain in local waters of Puerto Rico and USVI. Intend to charter 8 times per year with 6 people or less at one time.
—*Geographic Region Including Base of Operations:* ''Puerto Rico'' (Base of Operations: Fajardo, PR)
—*Vessel Length and Type:* 45′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0062 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0062 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05834 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0063]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: RESET (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0063 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0063 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0063, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email James.Mead@*dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel RESET is:

—*Intended Commercial Use of Vessel:* ''Pleasure charter.''

—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operations: Boca Raton, FL)

—*Vessel Length and Type:* 62.0′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0063 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0063 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05826 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0067]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ISLAMINE (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0067 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0067 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0067, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ISLAMINE is:

—*Intended Commercial Use of Vessel:* ''To teach couples to sail the catamaran. In most cases, there will be 4 persons plus the Captain and a mate. Vessel may also be used for evening cruises in and around Belhaven NC with a max capacity of 10 people plus the Captain and mate.''

—*Geographic Region Including Base of Operations:* ''North Carolina, Virginia.'' (Base of Operations: Belhaven, NC)

—*Vessel Length And Type:* 38′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0067 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0067 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05821 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0059]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SOLSTICE (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0059 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0059 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0059, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SOLSTICE is:

—*Intended Commercial Use of Vessel:* ''Charter, transporting paid customers from port to designated port.''

—*Geographic Region Including Base of Operations:* ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and Puerto Rico'' (Base of Operations: Annapolis, MD)

—*Vessel Length and Type:* 50′ Sail

The complete application is available for review identified in the DOT docket as MARAD–2022–0059 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0059 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05831 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0064]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: TRAVELER (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0064 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0064 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0064, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body

of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel TRAVELER is:

—*Intended Commercial Use of Vessel:* ''Day and overnight sail charters.''
—*Geographic Region Including Base of Operations:* ''Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Texas'' (Base of Operations: St. John, USVI)
—*Vessel Length and Type:* 51′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2022–0064 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0064 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05832 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0072]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: THE REEL GULF PREDATOR (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0072 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0072 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0072, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel The Reel Gulf Predator is:

—*Intended Commercial Use of Vessel:* ''Charter boat, head boat, fishing Gulf of Mexico.''

—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Hudson, FL)

—*Vessel Length and Type:* 35.5′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0072 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0072 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05825 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0074]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: GRAYSKY (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0074 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0074 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0074, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel GRAYSKY is:

—*Intended Commercial Use of Vessel:* ''Mostly personal use but some chartering during the summer seasons.''

—*Geographic Region Including Base of Operations:* ''Florida.'' (Base of Operations: Hollywood, CA)

—*Vessel Length and Type:* 66′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0074 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0074 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05819 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0061]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: THE ROYAL BLUE (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0061 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0061 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0061, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel THE ROYAL BLUE is:

—Intended Commercial Use of Vessel: ''Intended for carrying passengers for hire on sailing excursions.''

—Geographic Region Including Base of Operations: ''Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Maine, New Hampshire'' (Base of Operations: Key West, FL)

—Vessel Length and Type: 68.9′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2022–0061 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0061 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05827 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0075]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SICK DAY (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0075 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0075 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0075, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SICK DAY is:

—*Intended Commercial Use of Vessel:* ''Owner intends to use the vessel for high end limited load offshore sport fishing.''

—*Geographic Region Including Base of Operations:* ''California.'' (Base of Operations: San Diego, CA)

—*Vessel Length and Type:* 37.5′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0075 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0075 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05830 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0069]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: HOOK–IAO (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 20, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0069 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0069 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2022–0069, 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.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel HOOK–IAO is:

—*Intended Commercial Use of Vessel:* ''UPV, Commercial 6 passenger.''

—*Geographic Region Including Base of Operations:* ''Puerto Rico.'' (Base of Operations: Fajardo, PR)

—*Vessel Length and Type:* 28′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0069 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0069 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–05820 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2022–0019]

Renewal of Information Collection (OMB No. 2105–0520); Agency Requests for Reinstatement of a Previously Approved Information Collection(s): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and for Grants and Cooperative Agreements With Institutions of Higher Education, and Other Nonprofit Organizations

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a previously approved information collection. These forms include Application for Federal Assistance (SF–424), Federal Financial Report (SF–425), Request for Advance or Reimbursement (SF–270) and Outlay Report and Request for Reimbursement for Construction Programs (SF–271).

We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Written comments should be submitted by May 20, 2022.

ADDRESSES: You may submit comments identified by Docket No. DOT–OST–2022–0019 through one of the following methods:

- *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.

FOR FURTHER INFORMATION CONTACT: Audrey Clarke, Associate Director of the Financial Assistance Policy and Oversight Division, M–65, Office of the Senior Procurement Executive, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590,

(202) 366–4268. Refer to OMB Control Number 2105–0520.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105–0520.

Title: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

Form Numbers: SF–424, SF–425, SF–270, and SF–271.

Type of Review: Revision of a previously approved collection.

Background: This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection, entitled, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' OMB Control No 2105–0520, which is currently due to expire on July 31, 2022. This information collection involves the use of various forms necessary because of management and oversight responsibilities of the agency imposed by OMB Circular 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The May 31, 2015 OMB Control Number is titled: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (OMB 2 CFR 200). These guidelines cover the following data collection standard forms (SF): Application for Federal Assistance (SF–424); Federal Financial Report (SF–425); Request for Advance or Reimbursement (SF–270); and Outlay Report & Request for Reimbursement for Construction Programs (SF–271).

The following adjustments have been made to the burden estimates. In 2019, the Department estimated a combined total of 1,758 respondents and 123,060 burden hours. The updated burden estimates have changed due to the Coronavirus AID Relief and Economic Security Act, the American Rescue Plan Act as well as the Infrastructure Investment and Jobs Act.

Respondents: Grantees.

Number of Respondents: 2,936.

Number of Responses: 11,740.

Total Annual Burden: 205,520.

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.

Authority: The Paperwork Reduction Act of 1995, Public Law 104–13; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on March 16, 2022.

Audrey Clarke,

Associate Director, Financial Assistance Policy and Oversight, Office of the Senior Procurement Executive.

[FR Doc. 2022–05941 Filed 3–18–22; 8:45 am]

BILLING CODE 4910–9X–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 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.

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 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 Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On March 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 authorities listed below.

BILLING CODE 4810–AL–P

Individuals:

1. MUSHNIKOVA, Natalia Evgenievna (Cyrillic: МУШНИКОВА, Наталья Евгеньевна) (a.k.a. MUSHNIKOVA, Natalya (Cyrillic: МУШНИКОВА, Наталья)), Moscow, Russia; DOB 11 Feb 1973; nationality Russia; Gender Female (individual) [MAGNIT].

   Designated pursuant to sections 404(a)(1) and 406(a)(1) of the Sergei Magnitsky Rule of Law Accountability Act of 2012, Public Law 112-208, Title IV (the Magnitsky Act), for having participated in efforts to conceal the legal liability for the detention, abuse, or death of Sergei Magnitsky.

2. AKHMATOV, Dzhabrail Alkhazurovich (Cyrillic: АХМАТОВ, Джабраил Алхазурович) (a.k.a. AKHMATOV, Dzhabrail (Cyrillic: АХМАТОВ, Джабраил)), Kurchaloi District, Chechen Republic, Russia; DOB 1981; POB Gudermes, Chechen Republic, Russia; nationality Russia; Gender Male (individual) [MAGNIT].

   Designated pursuant to sections 404(a)(3) and 406(a)(1) of the Magnitsky Act for having acted as an agent of or on behalf of a person in a matter relating to extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections, in Russia.

3. KHUTAEV, Khusein Merlovich (Cyrillic: ХУТАЕВ, Хусейн Мерлович) (a.k.a. KHUTAEV, Khusein (Cyrillic: ХУТАЕВ, Хусейн); a.k.a. KHUTAEV, Khussein; a.k.a. KHUTAYEV, Hussein), Achkhoy-Martan, Chechen Republic,

Russia; DOB 1975; POB Stavropol Territory, Russia; nationality Russia; Gender Male (individual) [MAGNIT].

Designated pursuant to sections 404(a)(3) and 406(a)(1) of the Magnitsky Act for having acted as an agent of or on behalf of a person in a matter relating to extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections, in Russia.

4. SALAMOV, Nurid Denilbekovich (Cyrillic: САЛАМОВ, Нурид Денильбекович) (a.k.a. SALAMOV, Nurid (Cyrillic: САЛАМОВ, Нурид)), Geldagan, Kurchaloi District, Chechen Republic, Russia; DOB 1987; nationality Russia; Gender Male (individual) [MAGNIT].

   Designated pursuant to sections 404(a)(3) and 406(a)(1) of the Magnitsky Act for having acted as an agent of or on behalf of a person in a matter relating to extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections, in Russia.

5. LUKASHENKA, Alyaksandr Ryhorovich (Cyrillic: ЛУКАШЭНКА, Аляксандр Рыгоравіч) (a.k.a. LUKASHENKA, Alyaksandr Hryhoryavich; a.k.a. LUKASHENKO, Aleksander Grigoriyevich; a.k.a. LUKASHENKO, Aleksandr Grigorevich (Cyrillic: ЛУКАШЕНКО, Александр Григорьевич); a.k.a. LUKASHENKO, Alexander Grigoryevich; a.k.a. LUKASHENKO, Alexandr Grigorievich), Official residence of the President of the Republic of Belarus Drozdiy, pr-d Drozdiy, 11, Minsk, Belarus (Cyrillic: официальная резиденция Президента Республики Беларусь Дрозды, пр-д Дрозды, 11, Минск, Belarus); 38 Karl Marx St., Minsk, Belarus; DOB 30 Aug 1954; alt. DOB 31 Aug 1954; POB Kopys, Vitebsk oblast, Belarus; nationality Belarus; Gender Male (individual) [BELARUS].

   Designated pursuant to section 1(a)(ii)(C) of Executive Order 13405 of June 16, 2006, "Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus," 71 FR 35485, 3 CFR 13405 (E.O. 13405), for being a senior-level official, a family member of such an official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus.

6. LUKASHENKA, Halina Radzivonawna (a.k.a. LUKASHENKO, Galina Rodionovna (Cyrillic: ЛУКАШЕНКО, Галина Родионовна)), Belarus; DOB 01 Jan 1955; nationality Belarus; Gender Female (individual) [BELARUS].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13405 for being a senior-level official, a family member of such an official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus.

Entity:

1. KURCHALOI DISTRICT OF THE CHECHEN REPUBLIC BRANCH OF THE MINISTRY OF INTERNAL AFFAIRS OF THE RUSSIAN FEDERATION (Cyrillic: ОТДЕЛ МИНИСТЕРСТВА ВНУТРЕННИХ ДЕЛ РОССИЙСКОЙ ФЕДЕРАЦИИ ПО КУРЧАЛОЕВСКОМУ РАЙОНУ ЧЕЧЕНСКОЙ РЕСПУБЛИКИ) (a.k.a. KURCHALOI DISTRICT BRANCH OF THE MVD OF RUSSIA (Cyrillic: ОТДЕЛ МВД РОССИИ ПО КУРЧАЛОЕВСКОМУ РАЙОНУ); a.k.a. KURCHALOI DISTRICT MVD BRANCH (Cyrillic: ОТДЕЛ МВД ПО КУРЧАЛОЕВСКОМУ РАЙОНУ); a.k.a. KURCHALOI DISTRICT POLICE DEPARTMENT; a.k.a. KURCHALOI OMVD (Cyrillic: КУРЧАЛОЕВСКОЕ ОМВД); a.k.a. KURCHALOI POLICE; a.k.a. KURCHALOI ROVD (Cyrillic: КУРЧАЛОЕВСКОЕ РОВД); a.k.a. KURCHALOY DIVISION OF THE RUSSIAN MINISTRY OF INTERNAL AFFAIRS; a.k.a. KURCHALOY POLICE DEPARTMENT; a.k.a. KURCHALOYEVSKY DISTRICT POLICE DEPARTMENT; a.k.a. KURCHALOYEVSKY POLICE DEPARTMENT; a.k.a. MINISTRY OF INTERNAL AFFAIRS IN KURCHALOYEVSKY DISTRICT), 163a A.A. Kadyrov Prospekt, Kurchaloi, Kurchaloi District, Chechen Republic 366329, Russia (Cyrillic: Дом 163 А, Проспект А.А. Кадырова, Город Курчалой, Район Курчалоевский, Чеченская Республика 366329, Russia); 83 A.Kh. Kadyrov Street, Kurchaloi village, Kurchaloi district, Chechen Republic, Russia (Cyrillic: улица А-Х.Кадырова, №83, село Курчалой, Курчалоевский район, Чеченская республика, Russia); Organization Established Date 16 Nov 2004; Tax ID No. 2027000900 (Russia); Registration Number 1042002408140 (Russia) [MAGNIT].

Designated pursuant to sections 404(a)(3) and 406(a)(1) of the Magnitsky Act for having acted as an agent of or on behalf of a person in a matter relating to extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections, in Russia.

Dated: March 15, 2022.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2022–05858 Filed 3–18–22; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Small Dollar Loan Program

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (PRA), on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before April 20, 2022 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Community Development Financial Institutions Fund (CDFIF)

Title: Small Dollar Loan Program.

OMB Control Number: 1559–0051.

Type of Review: Reinstatement of a previously approved collection.

Description: The Small Dollar Loan Program (SDL Program) is a new program, authorized by Title XII—Improving Access to Mainstream Financial Institutions Act of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Pub. L. 111–203), which amended The Community Development Banking and Financial Institutions Act of 1994 to include the Small Dollar Loan Program (12 U.S.C. 4719). Through the SDL Program, the CDFI Fund provides grants for loan loss reserves and technical assistance to enable award recipients to establish and maintain small dollar loan programs to address the issues of expanding consumer access to mainstream financial institutions and providing alternatives to high-cost small dollar loans. The SDL Program is also intended to enable award recipients to help unbanked and underbanked populations build credit, access affordable capital, and allow greater access into the mainstream financial system.

Through the SDL Program, the CDFI Fund will provide:

Grants for Loan Loss Reserves (LLR): The awards will enable a Certified Community Development Financial Institution (CDFI) to establish a loan loss reserve fund in order to defray the costs of establishing or maintaining a small dollar loan program.

Grants for Technical Assistance (TA): The awards will support technology, staff support, and other eligible activities to enable a Certified CDFI to establish and maintain a small dollar loan program.

SDL Program Award Recipients are selected through a competitive process involving a careful review of their Application for program funding. The Application requires the submission of numeric data and narrative responses for two parts: Part 1: Business Strategy and Community Impact and Part 2: Organization Capacity, including Financial Analysis and Compliance Risk Evaluation. The Award selection process is described in the Notice of Funds Availability (NOFA) for each funding round.

This request for public comment relates to the SDL Program Application Form under OMB control number 1559–0051. Capitalized terms not defined in this Notice (other than titles) have the meaning set forth in the fiscal year (FY) 2021 SDL Program NOFA.

Form: None.

Affected Public: Not-for profit institutions; business or other for-profits.

Estimated Number of Respondents: 50.

Frequency of Response: Once.

Estimated Total Number of Annual Responses: 50.

Estimated Time per Response: 15 hours.

Estimated Total Annual Burden Hours: 750 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2022–05899 Filed 3–18–22; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Veterans and Community Oversight and Engagement Board

ACTION: Notice

SUMMARY: The Department of Veterans Affairs (VA) is seeking nominations of qualified candidates to be considered for appointment as a member of the Veterans and Community Oversight and Engagement Board (herein-after referred in this section to as ''the Board'') for the VA West Los Angeles Campus in Los Angeles, CA (''Campus'') for the 2022 membership cycle.

DATES: Nominations for membership on the Board must be received no later than 5:00 p.m. EST on April 21, 2022.

ADDRESSES: All nominations should be mailed to the Veterans Experience Office, Department of Veterans Affairs, 810 Vermont Avenue NW (30), Washington, DC 20420; or sent electronically to the Advisory Committee Management Office mailbox at *vaadvisorycmte@va.gov.*

FOR FURTHER INFORMATION CONTACT: Eugene W. Skinner Jr., Designated Federal Officer, Veterans Experience Office, Department of Veterans Affairs, 810 Vermont Avenue NW (30), Washington, DC 20420, telephone 202–631–7645 or via email at *Eugene.Skinner@va.gov.*

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth in the West LA Leasing Act, the Board shall:

(1) Provide the community with opportunities to collaborate and communicate by conducting public forums; and

(2) Focus on local issues regarding the Department that are identified by the community with respect to health care, implementation of the Master Plan, and any subsequent plans, benefits, and memorial services at the Campus. Information on the Master Plan can be found at *https://www.losangeles.va.gov/masterplan/.*

Authority: The Board is a statutory committee established as required by Section 2(i) of the West Los Angeles Leasing Act of 2016, Public Law 114–226 (the West LA Leasing Act). The Board operates in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The Board is established to coordinate locally with the Department of Veterans Affairs to identify the goals of the community and Veteran partnership; provide advice and

recommendations to the Secretary to improve services and outcomes for Veterans, members of the Armed Forces, and the families of such Veterans and members; and provide advice and recommendations on the implementation of the Draft Master Plan approved by the Secretary on January 28, 2016, and on the creation and implementation of any other successor master plans.

Membership Criteria and Qualifications: VA is seeking nominations for Board membership. The Board is composed of fifteen members and several ex-officio members. The Board meets up to four times annually; and it is important that Board members attend meetings to achieve a quorum so that Board can effectively carry out its duties. The members of the Board are appointed by the Secretary of Veterans Affairs from the general public, from various sectors and organizations, and shall meet the following qualifications, as set forth in the West LA Leasing Act:

(1) Not less than 50% of members shall be Veterans; and

(2) Non-Veteran members shall be:

a. Family members of Veterans,

b. Veteran advocates,

c. Service providers,

d. Real estate professionals familiar with housing development projects, or

e. Stakeholders.

The Board members may also serve as Subcommittee members.

In accordance with the Board Charter, the Secretary shall determine the number, terms of service, and pay and allowances of Board members, except that a term of service of any such member may not exceed two years. The Secretary may reappoint any Board member for additional terms of service.

To the extent possible, the Secretary seeks members who have diverse professional and personal qualifications including but not limited to subject matter experts in the areas described above. We ask that nominations include any relevant experience and information so that VA can ensure diverse Board membership.

Requirements for Nomination Submission

Nominations should be typed written (one nomination per nominator). Nomination package should include:

(1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Board;

(2) The nominee's contact information, including name, mailing address, telephone numbers, and email address;

(3) The nominee's curriculum vitae, not to exceed three pages and a one-page cover letter; and

(4) A summary of the nominee's experience and qualifications relative to the membership criteria and professional qualifications criteria listed above.

The Department makes every effort to ensure that the membership of VA Federal advisory committees is diverse in terms of points of view represented and the committee's capabilities. Appointments to this Board shall be made without discrimination because of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Board and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee. An OGE Form 450, Confidential Financial Disclosure, is required annually for all Board Members.

Dated: March 16, 2022.

M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2022–05917 Filed 3–18–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Increase in Maximum Tuition and Fee Amounts Payable Under the Post-9/11 GI Bill

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of the increase in the Post-9/11 GI Bill maximum tuition and fee amounts payable and the increase in the amount used to determine an individual's entitlement charge for reimbursement of a licensing, certification, or national test for the 2022–2023 Academic Year (AY), effective August 1, 2022, through July 31, 2023.

FOR FURTHER INFORMATION CONTACT: Jamak Clifton, Management and Program Analyst, Education Service (225), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, at 202- 461–9800 or *Jamak.Clifton@va.gov.* This is not a toll-free number.

SUPPLEMENTARY INFORMATION: For the 2022–2023 AY, the Post-9/11 GI Bill allows the Department of Veterans Affairs (VA) to pay the actual net cost of tuition and fees not to exceed the in-state amounts for students pursuing training at public schools; $26,381.37 for students training at private and foreign schools; $26,381.37 for students training at non-degree granting schools; $15,075.05 for students training at vocational flight schools; and $12,813.78 for students training at correspondence schools. In addition, the entitlement charge for individuals receiving reimbursement of the costs associated with taking a licensing, certification, or national test is pro-rated based on the actual amount of the fee charged for the test relative to the rate of $2,200.96 for one month. The maximum reimbursable amount for licensing and certification tests is $2,000. There is no maximum reimbursable amount for national tests.

Sections 3313, 3315 and 3315A of title 38, U.S.C., direct VA to increase the maximum tuition and fee payments and entitlement-charge amounts each AY (beginning on August 1st) based on the most recent percentage increase determined under 38 U.S.C. 3015(h). The most recent percentage increase determined under 38 U.S.C. 3015(h) is 1.3%, which was effective on October 1, 2021.

The maximum tuition and fee payments and entitlement charge amounts for training pursued under the Post-9/11 GI Bill beginning after July 31, 2022, and before August 1, 2023, are listed below. VA's calculations for the 2022–2023 AY are based on the 1.3% increase.

2022–2023 ACADEMIC YEAR

Type of school	Actual net cost of tuition and fees not to exceed
POST-9/11 GI BILL MAXIMUM TUITION AND FEE AMOUNTS	
PUBLIC	In-State/Resident Charges.

2022–2023 ACADEMIC YEAR—Continued

Type of school	Actual net cost of tuition and fees not to exceed
PRIVATE/FOREIGN	$26,381.37.
NON-DEGREE GRANTING	$26,381.37.
VOCATIONAL FLIGHT	$15,075.05.
CORRESPONDENCE	$12,813.78.
POST 9/11 ENTITLEMENT CHARGE AMOUNT FOR TESTS	
LICENSING AND CERTIFICATION TESTS	Entitlement will be pro-rated based on the actual amount of the fee charged for the test relative to the rate of $2,200.96 for one month. The maximum reimbursable amount for licensing and certification tests is $2,000.
NATIONAL TESTS	Entitlement will be pro-rated based on the actual amount of the fee charged for the test relative to the rate of $2,200.96 for one month. There is no maximum reimbursable amount for national tests.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on March 4, 2022 and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2022–05866 Filed 3–18–22; 8:45 am]

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