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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 126

[Docket No. DHS–2022–0039]

RIN 1601–AB09

Procedures of the Transportation Security Oversight Board Review Panel Concerning Federal Aviation Administration Airman Certificates

AGENCY: Office of the Secretary, DHS.

ACTION: Interim final rule, request for comments.

SUMMARY: The Department of Homeland Security (DHS) is amending its regulations to codify certain review procedures of the Transportation Security Oversight Board (TSOB) Review Panel. This interim final rule explains the process by which a party appeals the decision of an Administrative Law Judge (ALJ) relating to the determination by the Transportation Security Administration (TSA) that an individual holding a Federal Aviation Administration (FAA) certificate poses or is suspected of posing a security threat. Publishing and codifying the procedures will enhance the TSOB review process by providing clarity to members of the Review Panel and litigants concerning filing deadlines, the form of motions and briefs, the administration of hearings, the standard of review, and the effect of TSOB Review Panel decisions. Providing clarity will reduce misconceptions about the intended process, encourage the uniform treatment of litigants, and promote consistent outcomes. Also, advance knowledge of the procedures will enable prospective parties to make informed decisions concerning whether to seek an appeal of an ALJ's decision. DHS invites comment on the interim final rule and will issue a final rule following consideration of the comments received.

DATES: *Effective date:* This rule is effective September 8, 2022.

Comment date: Comments must be received by September 8, 2022.

ADDRESSES: You may submit comments, identified by docket number DHS–2022–0039, through the Federal eRulemaking Portal at *www.regulations.gov.*

Instructions: In your submission, please include the agency name and docket number for this rulemaking. We will post all comments, without any change and including any personal information contained in the comment, to the public docket. All comments may be read at *www.reguations.gov.*

Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS officials, will not be considered comments on the IFR, and may not be considered by DHS. Please note that DHS cannot accept any comments that are hand-delivered or couriered. In addition, DHS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives.

DHS is not accepting mailed comments. If you cannot submit your comment by using *www.regulations.gov,* please contact Randall Kaplan, Attorney, Department of Homeland Security, by telephone at 202 282–9822 for alternate instructions.

Docket: For access to the docket or to read background documents or comments, go to *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Randall Kaplan, Attorney, Office of the General Counsel, Department of Homeland Security, Washington, DC, 20528–0485. PHONE: 202 282–9822.

SUPPLEMENTARY INFORMATION:

Abbreviations and Terms Used in This Document

ALJ—Administrative Law Judge
ATSA—The Aviation and Transportation Security Act of 2001
CFR—Code of Federal Regulations
DHS—Department of Homeland Security
FAA—Federal Aviation Administration
FRAP—Federal Rules of Appellate Procedure
Pt.—Part
Pub. L.—Public Law
§—Section
SES—Senior Executive Service
SL—Senior Level
SSI—Sensitive Security Information
Stat.—United States Statutes at Large
Subt.—Subtitle
TSA—Transportation Security Administration
TSOB—Transportation Security Oversight Board
U.S.C.—United States Code

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I. Background and Purpose

A. Statutory History

Section 102(a) of the Aviation and Transportation Security Act (ATSA), Public Law 107–71, as amended, (codified at 49 U.S.C. 115) established the Transportation Security Oversight Board (TSOB) in the Department of Homeland Security. The Secretary of Homeland Security, or the Secretary's designee, serves as the Chairperson of the TSOB. 49 U.S.C. 115(b)(2). The other statutory members of the TSOB are the Secretaries of Transportation, Defense, and the Treasury, the Attorney General, the Director of National Intelligence, or their designees, and one individual appointed by the President to represent the National Security Council. 49 U.S.C. 115(b)(1).

Section 601(a) of the Vision 100—Century of Aviation Reauthorization Act (Vision 100 Act), (Pub. L. 108–176; 49 U.S.C. 46111(a)) requires the FAA Administrator to issue an order amending, modifying, suspending, or revoking all or part of an FAA certificate issued under title 49 of the U.S. Code when notified by the Administrator of the TSA that the certificate holder poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. Following the FAA's issuance of such an order, an adversely affected U.S. citizen may challenge the TSA's determination that they pose or are suspected of posing such a risk (called a Determination of Security Threat) at a hearing on the record before an ALJ. 49 U.S.C. 46111(b)–(c). Any party to the

proceedings before the ALJ may appeal the ALJ's decision to a Review Panel appointed by the TSOB. 49 U.S.C. 46111(d). Any person who is substantially affected by the TSOB Review Panel's action may seek review by an appropriate U.S. Court of Appeals. 49 U.S.C. 46110(a) and 46111(e). The TSA Administrator may seek such review if it is determined that the Review Panel's action will have a significant adverse impact on carrying out 49 U.S.C. Subt. VII, Pt. A, which establishes Federal programs to ensure safety in aviation and air commerce.

When the TSOB receives an appeal from an ALJ's decision regarding a TSA Determination of Security Threat, it must establish a Review Panel to review the decision. 49 U.S.C. 46111(d). The members of the Review Panel may not be TSA employees, and they must hold an appropriate security clearance. 49 U.S.C. 46111(d)(1) and (2). A TSOB Review Panel may affirm, modify, or reverse the ALJ's decision. 49 U.S.C. 46111(d)(3).

B. TSA Vetting Process and Redress for Determinations of Security Threat

As a result of the September 11, 2001 terrorist attacks, Congress recognized the need for an entirely new and comprehensive regulatory regime focused on securing the transportation system and enacted many laws requiring TSA to conduct security threat assessments (STAs) of individuals who perform security functions in or have access to the transportation system. TSA conducts STAs of more than 25 million individuals every day. The vetted populations include airport workers, airline employees, air cargo handlers, FAA certificate holders, individuals seeking airspace waivers, drivers hauling hazardous materials in commerce, merchant mariners and longshoremen working in ports and on vessels, trusted travelers, flight students, chemical facility employees, and others. In accordance with the governing statutory requirements and fundamental principles of due process, TSA developed these vetting programs to collect ample biographic information to verify the identity of the applicant, conduct informed evaluations of the vetting results, and provide robust redress to protect against incorrectly designating an individual as a threat to national or transportation security, or of terrorism.

Of the 25 million individuals TSA vets daily, over five million hold FAA certificates. TSA is required to ensure that individuals ''are screened against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government before being certificated'' by the FAA.[1] To conduct this vetting, TSA uses the biographic information the FAA collects from applicants and certificate holders and compares it against several intelligence and law enforcement databases. TSA's intelligence analysts review any derogatory information generated during the vetting to determine whether the individual poses or is suspected of posing a security threat. This evaluation requires expertise and rigor to analyze behaviors and connections that are indicative of potential security threats. Analysts in TSA's Office of Intelligence and Analysis evaluate the vetting information thoroughly for behaviors and connections that reflect security threats based on their longstanding experience with this information. If TSA believes the individual poses, or is suspected of posing, a security threat, TSA issues a Determination of Security Threat, notifies the FAA of the Determination of Security Threat, and asks the FAA to amend, modify, suspend, or revoke the individual's certificates. Once the FAA takes action, the individual, if a U.S. citizen, may appeal the Determination of Security Threat underlying FAA's action to an ALJ.

The ALJs who hear these appeals are experienced judges who are frequently called upon to review TSA's eligibility determinations for other transportation worker populations and who possess the appropriate security clearance to review classified or otherwise protected information and evidence. As part of their review, they have the power to receive information and evidence; hold and regulate the course of hearings; dispose of procedural motions; and examine witnesses. The ALJ conducts a *de novo* hearing, reviews the evidence and testimony presented (including the information on which TSA based its Determination of Security Threat), and issues a decision based on that review. Following the ALJ's decision, the parties may appeal to the TSOB Review Panel.

C. TSOB Review Panel Procedures

As a result of the first appeal to the TSOB Review Panel in 2010, the TSOB Chairperson issued procedures in May 2011 for use in all appeals. DHS provides these procedures directly to litigants if they file a notice of intent to appeal following the ALJ process. All of the 2011 procedures governing briefs and motions, the conduct of proceedings, the treatment of sensitive documents, and the standard of review are closely aligned with the Federal Rules of Appellate Procedure (FRAP).[2] The 2011 procedures ensure that parties have adequate time to seek review, prepare briefs, respond to opposing party assertions, request extensions of time, and request hearings. Additionally, the 2011 procedures establish the standard of review, substantial evidence on the record, for the Review Panel to apply when reviewing evidence and reaching a decision.

From 2011 to November 30, 2021, the TSOB received only one additional appeal, which was resolved by decision of the TSOB Review Panel on September 23, 2021. The 2021 TSOB Review Panel applied a *de novo* standard of review.

Requests for review of an ALJ decision by the TSOB Review Panel are on the rise. As of the date of this publication, there are four Determinations of Security Threat regarding U.S. citizens pending review by an ALJ, and an additional three U.S. citizens have timely initiated the redress process in response to a Determination of Security Threat. Overall, TSA's caseload with respect to Determinations of Security Threat has increased by over 100% between Fiscal Year 2019 and Fiscal Year 2021, in significant part due to rising investigations of domestic terrorism-related cases in which affected certificate holders may seek reviews of Determinations of Security Threat by an ALJ and then the TSOB. Given this trend, publishing and codifying the procedures will help ensure optimal transparency in the process for affected individuals, clear understanding of the procedures, and consistency in results.

As discussed in greater detail in section *D. Procedural Rules under the Administrative Procedure Act,* DHS is issuing this interim final rule as a procedural rule, which are typically exempt from the notice-and-comment requirements of the Administrative Procedure Act (APA). 5 U.S.C. 553(b)(A). Nevertheless, DHS is asking for comment on this interim final rule from all affected stakeholders and will consider the comments and make changes as appropriate.

II. Discussion of the Rule

In the paragraphs below, organized by section number, we explain the origins and rationale for the standards in the interim final rule, and where it differs from the 2011 procedures.

[1] *See* 49 U.S.C. 44903(j)(2)(D).

[2] *https://www.uscourts.gov/rules-policies/current-rules-practice-procedure.*

§ 126.1 Purpose

Section 126.1 describes the general purpose of part 126, which is to establish procedures by which a TSOB Review Panel is appointed and reviews an appeal from an ALJ's decision regarding a TSA Determination of Security Threat.

§ 126.3 Definitions

Section 126.3 provides definitions of important terms that are used in the interim final rule. The 2011 procedures did not include a definition section, but based on the experience DHS has gained in prior TSOB review panel cases and other administrative review programs DHS and its components administer, establishing definitions of key terms aids all parties engaged in the review process. These definitions are taken from existing statutory, regulatory, or Executive Order language, or reflect common usage meanings.

'Classified information' has the same meaning the term has in Executive Order 13526, *Classified National Security Information,* or its successor Executive Order. The term 'communication technology' means telephone or videoconferencing platform. The term 'Sensitive Security Information' (SSI) is information described in 49 CFR 1520.5. The rule defines 'other protected information' as any other information that the government is authorized by statute, regulation, or Executive Order to withhold. The rule defines 'Transportation Security Oversight Board (TSOB)' as the board established pursuant to 49 U.S.C. 115. Finally, 'Transportation Security Oversight Board (TSOB) Review Panel' is defined as the panel established pursuant to 49 U.S.C. 46111(d) to consider an appeal from a decision of an ALJ as the result of a hearing under 49 U.S.C. 46111(b).

§ 126.5 Appointment of TSOB Review Panel and TSOB Docket Clerk

Section 126.5(a) provides that TSOB members must designate individuals who meet specific criteria to serve in a pool of potential Panel members for a period of two years. The criteria for nominees are listed in paragraphs (a)(1) through (a)(5). The nominee must be a member of the Senior Executive Service (SES) or a Senior Level (SL) employee to ensure that he or she possesses the appropriate level of experience to evaluate the issues and record before the Panel. The nominee must hold the appropriate security clearance to ensure that he or she can effectively review an administrative record that contains classified material. Nominees may not be employees of TSA or FAA, which ensures an unbiased review of TSA's security threat determination. Although 49 U.S.C. 46111(d) excludes only TSA employees from membership on a TSOB Review Panel, the TSOB Chairperson has determined that FAA employees should also be excluded. Exclusion of both TSA and FAA employees from participation in the TSOB Review Panel pool avoids the possible appearance of impartiality or lack of independent review. To the extent practicable, the nominee will have a legal background and be engaged in the practice of law on behalf of the U.S. government. Although these qualifications were not included in the 2011 procedures, through experience in this and other administrative appeal programs, DHS has found that individuals with this background enhance a Review Panel's ability to efficiently and accurately assess the legal arguments the parties assert during the appeal, and to prepare cogent decisions. Finally, to the extent practicable, a nominee will be familiar with transportation security issues. This factor was not included in the 2011 procedures, but DHS has found that such a background enhances the efficiency and accuracy of the review process.

Paragraph (b) provides that TSOB members must designate officials for the TSOB Review Panel when each two-year period expires. Paragraph (c) states that the General Counsel of the Department of Homeland Security, or the General Counsel's designee, will appoint an individual from within the Office of the General Counsel to serve as the TSOB Docket Clerk. The TSOB Docket Clerk serves as the Review Panel's point of contact for the public and the parties to ALJ proceedings. Paragraph (d) states that when the TSOB Docket Clerk receives a properly and timely filed appeal from an ALJ's decision, the TSOB Chairperson will select at least three individuals from the Review Panel pool to serve on a Review Panel to review the ALJ's decision. The TSOB Chairperson has discretion to choose which individuals from the pool will serve on a TSOB Review Panel. In making selections for a TSOB Review Panel, the TSOB Chairperson will, to the extent practicable, select at least one person with a legal background to serve as a Panel Member. A three-member Review Panel allows for appropriate deliberation and the exercise of independent judgment, and is similar to the size of other Federal Government administrative review panels and the panels that hear cases in the U.S. Courts of Appeals.[3]

§ 126.7 Function of TSOB Review Panel

Section 126.7 requires a TSOB Review Panel to review an ALJ's decision and affirm, modify, or reverse that decision, or remand the matter to the ALJ for reconsideration.

§ 126.9 Scope and Standard of Review

Section 126.9(a) states that the standard of review a TSOB Review Panel uses in considering an ALJ's decision is whether the decision is supported by substantial evidence in the record. The term ''standard of review'' refers to the degree of deference a reviewing court gives to the court below. The 2011 procedures stated that the standard of review is whether the ALJ's decision reasonably supports the conclusion that the FAA certificate holder does or does not pose a security threat, which is equivalent to ''substantial evidence in the record.'' Substantial evidence means ''such relevant evidence that a reasonable mind might accept as adequate to support a conclusion.'' [4] In contrast, the ALJ applies a *de novo* standard of review to TSA's Determinations of Security Threat for FAA certificate holders. A ''*de novo*'' standard of review applies the least amount of deference to the court below; the reviewing court examines the evidence as though it is being considered for the first time, allowing the reviewing court to substitute its own judgment about the application of the law to the facts.

Generally, the substantial evidence standard of review is used in civil cases relating to administrative decisions at the Federal level. TSA administers several vetting programs with robust redress processes that, like the 2011 TSOB Review Panel procedures, include multiple levels of review. One transportation-related example is the review process for the Transportation Worker Identification Credential (TWIC) and Hazardous Materials Endorsement (HME) programs found at 49 CFR 1515.5–1515.11. TWIC and HME applicants undergo an STA that includes criminal, immigration, terrorist, and other database checks. *See* 49 CFR part 1572. If TSA determines a TWIC or HME applicant poses a security threat, TSA issues a written preliminary determination of threat assessment that

[3] *See* 28 U.S.C. 46(b) (providing for three-judge panels to hear and determine cases in the U.S. Courts of Appeals); 49 CFR 1108.6 (providing for a three-member panel of arbitrators for the Surface Transportation Board).

[4] *See Richardson* vs. *Perales*, 402 U.S. 389 (1971).

includes information on how to appeal the assessment to TSA. TSA reviews all documents the applicant provides in the appeal, essentially providing *de novo* review of the case, and issues a final determination based upon its review of all relevant information available to TSA. The applicant may then appeal the final determination to an ALJ, and the ALJ applies the substantial evidence standard of review. An unsuccessful applicant may then appeal the ALJ's decision to the TSA Final Decision Maker, who also applies the substantial evidence standard of review. These regulations, issued through notice-and-comment rulemaking along with the corresponding STA requirements, have been in use for over a decade.

Cases that reach the TSOB Review Panel have undergone multiple levels of review within TSA and have been reviewed by an ALJ. TSA has access to all of the factual and intelligence information generated during the vetting of the FAA certificate holder, and the expertise to evaluate whether the information supports a security threat determination. Then, the ALJ applies a *de novo* standard of review to determine whether TSA correctly applied its standard on whether an individual poses or is suspected of posing a security threat. This *de novo* review includes the review of information and evidence; examining witnesses and weighing the veracity and probity of their testimony; and determining whether a preponderance of the evidence supports the security threat determination. Consequently, the TSOB Review Panel ought to apply the more deferential substantial evidence standard of review, not a *de novo* standard. This standard of review requires the Panel to determine whether a reasonable person might accept the evidence presented as adequate to support the ALJ's conclusion.

The 2011 and 2021 Review Panels relied on the 2011 procedures but applied different standards of review. Therefore, without having codified procedures, it is possible that future panels may also use different standards of review.

Paragraph (b) states that a TSOB Review Panel will not consider the constitutionality of any statute, regulation, Executive Order, or order issued by TSA. A TSOB Review Panel is an administrative body that lacks the authority or expertise to decide constitutional questions.[5] Constitutional claims or questions must be addressed by an appropriate U.S. Court of Appeals reviewing the TSOB Review Panel's action. When making its decisions, the Review Panel considers the entire record of the proceedings before the ALJ. The Review Panel may also consider additional materials that are properly added to the record through a duly filed motion, as permitted in section 126.19(b).

§ 126.11 Counsel

Section 126.11(a) gives all parties to proceedings before a TSOB Review Panel the right to be represented by counsel. Because Review Panel proceedings are civil proceedings that cannot result in a party's incarceration, the Federal Government is not required to provide legal counsel to represent a party who is unable to pay for an attorney. Thus, parties appearing before a TSOB Review Panel must obtain counsel at their own expense. TSA will designate legal counsel from among the attorneys in the DHS Office of the General Counsel who cover TSA's programs and issues on a daily basis, to represent TSA in Review Panel proceedings. This section also states that counsel for TSA must hold a security clearance commensurate with the information in the record on appeal. This requirement was not explicitly listed in the 2011 procedures, but has always been required for TSOB and similar administrative appeal procedures.

Section 126.11(b) provides that the General Counsel of DHS, or the General Counsel's designee, will appoint legal counsel who, in the General Counsel's discretion, has the requisite knowledge and experience to effectively assist a TSOB Review Panel reach a sound decision. The Review Panel's counsel facilitates communication between the Docket Clerk and the Review Panel, and assists with legal research, drafting documents, and similar tasks consistent with typical legal support. Appointed counsel must hold a security clearance that enables access to all materials in the record under review.

§ 126.13 Notice of Appeal and Service

Section 126.13 instructs parties on how to request TSOB review of an ALJ's decision and how to serve notice on all other parties. Any party to proceedings before the ALJ may file a notice of appeal with the TSOB via certified mail or email. DHS strongly encourages parties to file all documents and consent to service via email to the TSOB Docket Clerk. Allowing parties to file a notice via email will expedite the receipt of documents and the review process.

Section 126.13(a) provides that a notice of appeal must be filed within 60 calendar days of the date of issuance of the ALJ's decision. This time limit is drawn from Rule 4 of the FRAP, which generally allows parties to a civil action in U.S. District Court 60 days to file a notice of appeal with an appropriate U.S. Court of Appeals in a case in which the United States or a Federal agency is a party.

Section 126.13(b) provides the addresses for the TSOB Docket Clerk and instructions for filing any document with a TSOB Review Panel.

Section 126.13(c) specifies the date on which a document is deemed filed. The date of filing is the date that the document is received by the TSOB Docket Clerk.

Section 126.13(d) provides that a TSOB Review Panel must reject and summarily dismiss a notice of appeal that is filed after the expiration of the 60-day deadline for appealing an ALJ's decision. The Review Panel, in its discretion, may accept the untimely notice upon a written showing of good cause for failing to meet the deadline.

Section 126.13(e) provides that if a party files a notice of appeal but fails to perfect the appeal by timely filing a supporting brief, a TSOB Review Panel may dismiss the appeal.

Section 126.13(f) explains that if an appeal is dismissed in accordance with paragraphs (d) or (e), the ALJ's written decision becomes final. This provision did not appear in the 2011 procedures, but DHS is adding this to ensure all parties understand the practical effect of a dismissal.

§ 126.15 Entry of Appearance

Section 126.15 requires parties and counsel to enter appearances in writing before a TSOB Review Panel within 15 calendar days of being served with a notice of appeal. This requirement was not part of the 2011 procedures, but DHS is adding it to ensure efficiency and timeliness in the review process based on prior experience in TSOB. Also, the requirement to file an entry of appearance is consistent with Rule 12 of the FRAP.

§ 126.17 Procedures for Classified Information, Sensitive Security Information (SSI), and Other Protected Information

Section 126.17 provides the procedures for handling classified

[5] *See Thunder Basin Coal Co.* v. *Reich,* 510 U.S. 200, 215 (1994) (''[W]e agree that adjudication of the constitutionality of congressional enactments has generally been thought beyond the jurisdiction of administrative agencies.''); *Mont. Chapter of Ass'n of Civilian Technicians, Inc.* v. *Young,* 514 F.2d 1165, 1167 (9th Cir. 1975) (''[F]ederal administrative agencies have neither the power nor the competence to pass on the constitutionality of statutes.'').

information, SSI, and other protected information during proceedings before a TSOB Review Panel. This section did not appear in the 2011 procedures, but the processes outlined here reflect the current practice of the review panels. The procedures are consistent with the statutory provisions regarding the use of classified evidence in hearings pursuant to 49 U.S.C. 46111(g), and the protection of SSI set forth in 49 CFR 1520.9. This section sets deadlines for TSA with respect to protected information to aid efficiency and transparency in the process. Section 126.17(a) provides that TSA must file a notice of protected information within 30 calendar days of filing or being served with a notice of appeal. The notice of protected information must indicate whether the record of proceedings before the ALJ contains classified information or SSI. This notice will alert a TSOB Review Panel to take appropriate steps to protect the record from disclosure to non-government parties or the public. The TSOB Review Panel will review materials in the record containing classified information or SSI in camera or during an ex parte proceeding with TSA.

Section 126.17(b) provides that a TSOB Review Panel may not disclose classified information or SSI, except to government parties and government counsel who have the appropriate security clearance and a need to know the information to be disclosed.

§ 126.19 Filing and Supplementing the Record

Section 126.19(a) requires TSA to file a complete record of administrative proceedings, including a certified and un-redacted transcript of all proceedings before the ALJ and all material filed with the ALJ, with the TSOB Review Panel within 30 calendar days after filing or being served with a notice of appeal. The TSOB Review Panel needs the full record in order to conduct a comprehensive review of the ALJ's decision. To ensure that non-government parties have access to a redacted copy of the transcript of proceedings before the ALJ, this subsection permits non-government parties to file a motion requesting a redacted copy of any part of the full administrative record that they do not possess.

Section 126.19(b) permits a party to supplement the record presented to the TSOB Review Panel when (i) anything relevant to an issue on appeal occurs or is created after the ALJ issues a decision, or (ii) the party can show good cause for failing to submit material for the record at an earlier stage of the administrative proceedings.

§ 126.21 Motions

Section 126.21(a) provides the procedures for filing a motion with a TSOB Review Panel. The requirements are the same as those for filing a brief, which are modeled on Rule 28 of the FRAP.

Section 126.21(b) explains the duty to confer with all other parties before filing any motion. If a party seeks relief from a TSOB Review Panel (for example, extension of a deadline), that party must file a motion requesting the relief. Before filing the motion, the party seeking relief must first confer, or make reasonable, good-faith efforts to confer, with all other parties in an effort to obtain their consent to the relief requested. The 2011 procedures do not include this section, but DHS is adding it to improve efficiency and communications. It is consistent with Rules 26(c)(1) and 37(a)(1) of the Federal Rules of Civil Procedure. After conferring or attempting to confer, the party seeking relief may file the motion with the TSOB Review Panel. The moving party shall state in the motion, or in a certificate attached to the motion, the specific efforts made to confer. The moving party shall also state in the motion the other parties' positions with regard to the relief requested. If no party opposes the relief requested in a motion, the moving party shall include ''Unopposed'' in the motion's title. These provisions are modeled on Local Rules of Practice adopted by many U.S. District Courts, including, for example, the Rules of the United States District Court for the District of Columbia, Local Rule 7(m) (September 2015), Local Rules for the United States District Court, Eastern District of Virginia, Local Civil Rule 7 and Local Criminal Rule 47 (December 1, 2020). They are designed to promote cooperation between the parties and help resolve issues quickly and efficiently.

Section 126.21(c) provides for motion hearings using communication technology. As defined in this rule, *communication technology* means telephone or a videoconferencing platform. Using videoconferencing to conduct motion hearings allows a TSOB Review Panel to efficiently resolve motions without burdening the parties. The Review Panel will consider the availability of adequate security protocols in making determinations concerning motions hearings.

Section 126.21(d) gives a TSOB Review Panel discretion to grant or deny a motion at any time after it is filed. This provision allows a Review Panel to quickly and efficiently resolve routine motions (for example, motions for an extension of a deadline) without waiting for all parties to file a response.

Section 126.21(e) permits a TSOB Review Panel to establish additional procedural requirements regarding motion practice in response to the exigencies of a particular appeal. Additional procedural requirements apply on a case-by-case basis. For example, if a motion raises an unusually complex issue, a Review Panel may find it appropriate to allow the non-moving parties to file a response that is longer than the default 35-page limit. Section 126.21(e) gives the Review Panel the discretion to modify the page limit. This discretion is crucial to establishing an efficient review process. Section 126.21(e) provides two other examples of additional procedural requirements that a Review Panel may wish to adopt in a particular case: time periods for filing responses and replies to motions and a deadline for concluding all motion practice. These examples are illustrative and not intended as an exhaustive list of permissible additional procedural requirements for motion practice. Section 126.21(e) only concerns basic procedural requirements regarding motion practice, and it does not afford a TSOB Review Panel discretion to adopt procedural requirements unrelated to motion practice or to fundamentally change the review process prescribed in this part. A TSOB Review Panel will communicate specific additional procedural requirements regarding motion practice to the parties during proceedings or by serving them with orders.

§ 126.23 Briefs

Section 126.23(a) and (b) enumerate the procedures and deadlines for filing briefs with a TSOB Review Panel. These subsections are modeled after Rule 28 of the FRAP. A party appealing the ALJ's decision (an appellant) must perfect the appeal by filing a brief within 60 calendar days after the date on which the TSA files the administrative record. An appellant's brief must contain a specific list of objections to the ALJ's decision. This requirement is modeled after Rule 28(a)(8) of the FRAP, which requires appellants to clearly list and describe their contentions. A party not appealing the ALJ's decision (an appellee) may file a brief in response to an appellant brief within 30 calendar days after being served with the appellant brief.

Section 126.23(c) provides the specific form for submitting briefs to a TSOB Review Panel. The specifications are modeled on Rule 28 of the FRAP,

and they are intended to facilitate an efficient process with the least amount of burden to the parties and the Review Panel.

§ 126.25 Oral Argument

Section 126.25 provides for oral argument. A TSOB Review Panel will decide whether to grant oral argument upon receipt of a request for an oral argument contained in a brief pursuant to section 126.23(c)(5). The TSOB Review Panel has discretion to grant or deny a request for oral argument. The Review Panel may also order oral argument on its own initiative if it determines that oral argument is necessary to clarify the parties' arguments or that oral argument will improve the Panel's understanding of legal or factual issues material to the appeal.

If oral argument is held, the TSOB Review Panel has discretion to choose the method and location. Oral argument will typically be heard in Washington, DC, or via teleconference or videoconference. The TSOB Review Panel will consider expense and inconvenience to the parties, the need for information security, the quality and reliability of available communication technology, and concern for the efficient administration of proceedings when choosing the method and location of oral argument.

Section 126.25(c) provides that the TSOB Review Panel may also establish any necessary procedural rules to ensure the efficient administration of oral argument. This allows the Review Panel to adjust to the exigencies of a particular appeal. For example, the Review Panel may want to grant the parties a longer amount of time for argument if an appeal is complex and involves a large amount of evidence.

Section 126.25(d) provides that classified information and SSI may not be disclosed during oral argument, and that a Review Panel may hold ex parte proceedings to allow TSA to present such information.

§ 126.27 Deliberations and Action

Section 126.27 provides the procedures by which a TSOB Review Panel resolves an appeal. A Review Panel will consider the transcript of the ALJ's hearing, all material that the ALJ considered as part of the record for decision, any properly filed supplemental material, the parties' briefing, and, if applicable, oral argument. The Review Panel's deliberations are closed to the public, and any materials created by Panel members, the TSOB Docket Clerk, and the Panel's appointed counsel for use in deliberations are not part of the final administrative record and may not be disclosed to the public.

A TSOB Review Panel may affirm, reverse, or modify the ALJ's decision. It may also remand the matter to the ALJ with instructions to address particular issues or consider additional testimony or evidence. A TSOB Review Panel requires a simple majority to decide an action. A Review Panel is required to prepare a written explanation of its action and serve it on the parties. The Review Panel will endeavor to act to resolve an appeal and serve a written explanation within 60 calendar days after the last of the following events: (1) receipt of a timely filed appellant brief; (2) receipt of a timely filed appellee brief; or (3) oral argument. If a Panel member disagrees with the Panel's action or reasoning, that member may write a dissenting report to be served with the written explanation. A Review Panel must redact all classified information and SSI from the written explanation before serving it on non-government parties. The written explanation will not be made available to the public through publication.

§ 126.29 Effect of TSOB Review Panel Action

Section 126.29 explains the effect of a TSOB Review Panel action. After the TSOB Review Panel acts to resolve an appeal and serves a written explanation of its action, any person substantially affected by the action, or the TSA Administrator if he decides that the Panel's action will have a significant adverse impact on Federal programs to ensure safety in aviation and air commerce, may obtain judicial review of the action in an appropriate U.S. Court of Appeals. If judicial review is not obtained, the action of the TSOB Review Panel is final and binding on the parties for the purpose of resolving the particular matter under review.

§ 126.31 Administration of Proceedings

Section 126.31(a) describes the authority of a TSOB Review Panel to adopt additional procedures consistent with those established in this part. This ensures that a Review Panel has the flexibility to adjust to the exigencies of a particular appeal. Additional procedures apply on a case-by-case basis, and a Review Panel will communicate specific additional procedures to the parties during proceedings or by serving them with orders. For example, if a party or a party's counsel suffers from poor health that renders participation in proceedings difficult, a Review Panel may find it appropriate to adopt additional procedures to accommodate such needs. Section 126.31(a) gives the Review Panel the discretion to make the necessary accommodations. This discretion is crucial to establishing an efficient review process. Other examples of exigencies that may necessitate the adoption of additional procedures include unexpected changes to the TSOB office facilities and technical issues that make communication between the parties and a Review Panel difficult. These examples are illustrative and not intended as an exhaustive list of permissible additional procedures. The discretion afforded by Section 126.31(a) is similar to that afforded by Section 126.21(e) above in that it also does not empower a TSOB Review Panel to fundamentally change the review process prescribed in this part.

Section 126.31(b) provides that proceedings before a TSOB Review Panel are rendered moot and closed if TSA withdraws its Determination of Security Threat. If TSA withdraws its Determination, TSA will notify the TSOB Review Panel of the withdrawal within five calendar days.

Section 126.31(c) provides that TSOB Review Panel proceedings are generally closed to the public. DHS is adding this provision to protect sensitive panel deliberations and discussions, and other kinds of sensitive or protected information from disclosure, including information regarding the conduct of individuals impacted by a Determination of Security Threat and witnesses to that conduct that may adversely impact these respective individuals' privacy interests. The Review Panel may, at its discretion, decide to open its proceedings to the public. No classified information, SSI or other protected information will be released during an open hearing.

D. Procedural Rules Under the Administrative Procedure Act

The Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** and provide interested persons the opportunity to submit comments. 5 U.S.C. 553(b) and (c). However, the APA provides an exception to this prior notice and comment requirement for ''rules of agency organization, procedure, or practice.'' 5 U.S.C. 553(b)(A). This exemption has generally covered matters such as agency rules of practice governing the conduct of its proceedings and rules delegating authority or duties

within an agency.[6] The primary purpose for the procedural rule exemption is to ''preserve agency flexibility when dealing with limited situations where substantive rights are not at stake.'' [7] The distinction between 'procedural' and 'substantive' rules is sometimes hard to apply because ''even unambiguously procedural measures affect parties to some degree.'' [8] A mundane rule establishing office hours for an agency affects the public's ability to make use of agency programs.[9] The core distinction between a procedural and substantive rule is whether ''the agency action jeopardizes the rights and interests of parties.'' [10] In a 2000 case involving a U.S. Department of Agriculture rule that eliminated expedited face-to-face meetings to approve commercial food labels, the Court of Appeals for the D.C. Circuit held that the rule was clearly procedural even though the elimination might have a ''substantial impact'' on food processors.[11] The D.C. Circuit stressed that ''the critical feature of a procedural rule is that it covers agency actions that do not themselves alter the rights of parties, although it may alter the manner in which the parties present themselves to the agency.'' [12]

This interim final rule is procedural within the meaning of the APA because it does not alter the rights of or substantive standards applied to an individual appearing before the TSOB Review Panel, such as whether the individual poses or is suspected of posing a threat. Rather, the rule establishes the procedures a TSOB Review Panel uses to efficiently review the decision reached by the ALJ on that issue. If this rule established the standards TSA uses to determine whether an individual poses or is suspected of posing a threat, then the substantive rights of the individual would be implicated. This rule establishes only the process by which an individual may seek review of the ALJ's decision; it does not alter the individual's ability to appeal the ALJ decision, or the standards TSA uses to determine if an individual is a security threat.

The Administrative Conference of the United States (ACUS) issued a recommendation on how Federal agencies should approach the procedural rule exemption.[13] The Recommendation notes the value of notice and public comment in the development of sound policy, but also states there are distinct public costs associated with that process, including the time it takes to go through rulemaking and the delay in implementing the standards. The Recommendation concludes that ''the procedural and practice rule exemption can, in appropriate circumstances, serve a legitimate governmental purpose, and that Congress intended it to be available in such cases. Where such rules are truly procedural, rather than substantive in a procedural mask, the st atutory exemption should be available.'' The Recommendation also suggests that agencies voluntarily seek comment, if time permits, to further the development of good policy. For this reason, DHS is asking for comment on this interim final rule from all affected stakeholders. Although the rule will become effective sixty days after publication, DHS will consider all comments received and make appropriate changes to these standards in light of the comments received.

III. Regulatory Analyses

A. Executive Order 12866 and Executive Order 13563

Executive Orders 13563 and 12866 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the rule has not been reviewed by the Office of Management and Budget (OMB).

To evaluate properly the benefits and costs of regulations, it is important to define the baseline. DHS evaluates the impacts of this rule against both a no action and pre-statutory baseline. According to OMB Circular A–4, the no action baseline is what the world would be like if the rule is not adopted.[14] The pre-statutory baseline is an assessment against what the world would be like if the relevant statute(s) had not been adopted.

Relative to the pre-statutory baseline, this rule increases costs. The statute mandates that an appeal from a decision of an ALJ is made to the TSOB Review Panel. The law provides the benefits of appeal, but it also requires government time to manage and execute the panel's responsibilities, time of the parties to the appeal, and time and potential associated legal fees for the appellant. The government also incurred costs in 2011 developing the procedures for use by the TSOB Review Panel. As of the date of this publication, the panel has reviewed two requests for appeal. The 2011 and 2021 Review Panels relied on the 2011 procedures, but applied different standards of review.

Relative to the no action baseline, this rule has no costs. Without this rule, the TSOB Review Panel still has the authority and duty to review appeals. As discussed above, the TSOB Chairperson issued procedures in May 2011 intended for use in all appeals. Significant attorney time and resources were spent developing the procedures used in those cases. In the absence of a codified set of procedural rules, this developmental process might need to be repeated each time an appeal is filed with the TSOB. While DHS believes this rule does not impose any new costs (given that TSOB Review Panels would continue to issue decisions even if this rule was not promulgated), publication of this rule does provide several benefits which are discussed qualitatively below.

Codifying TSOB Review Panel procedures before the conclusion of presently pending and future ALJ proceedings serves the public's interest in government transparency, consistency in administrative review processes, and certainty of expectations regarding government operation. In the absence of codified procedures, the public does not have notice of the details regarding how a TSOB Review Panel is selected and operates, and U.S. citizens who may be adversely affected by FAA certificate action do not have a complete picture of the administrative process by which they may challenge TSA's Determination of Security Threat. Codified procedures allow the public to be informed about the operation of the

[6] *See A Guide to Federal Agency Rulemaking,* Fifth Edition, pp 58–59; Jeffrey S. Lubbers; 2012.

[7] *American Hospital Ass'n* v. *Bowen,* 834 F.2d 1037, 1045 (D.C. Cir. 1987).

[8] *Id.* at 1047.

[9] E. Freund, *Administrative Powers Over Persons and Property* 213–214 (1928).

[10] *Batterton* v. *Marshall,* 648 F.2d 694 (D.C. Cir. 1980).

[11] *James V. Hurson Assoc.* v. *Glickman,* 229 F.3d 277, 281 (D.C. Cir. 2000).

[12] *Id.* at 280, also citing *National Whistleblower Center* v. *Nuclear Regulatory Commission,* 208 F.3d 256, 262 (D.C. Cir. 2000); See also *JEM Broadcasting Co.* v. *FCC,* 22 F.3d 320 (D.C. Cir. 1994).

[13] ACUS Recommendation 92–1, The Procedural and Practice Rule Exemption from the APA Notice-and-Comment Rulemaking Requirements, (December 18, 1992).

[14] *https://obamawhitehouse.archives.gov/omb/circulars_a004_a-4/.*

Federal Government. Codification also provides certainty to U.S. citizens who may be adversely affected by FAA certificate action. This will allow them to make informed decisions about whether to challenge TSA's Determination, instill confidence that they will have a full and fair opportunity to be heard, and allow them to plan for the entire administrative review process. Codified procedures provide the public with confidence that all appeals will be reviewed following a consistent set of procedures and standards.

B. Regulatory Flexibility Act Assessment

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, title II, 110 Stat. 847, 857–74) requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. However, when a rule is exempt from APA notice and comment requirements the RFA does not require an agency to prepare a regulatory flexibility analysis. Because this rule does not trigger APA notice and comment requirements, DHS is exempt from preparing a regulatory flexibility analysis for this rule. DHS does note, however, that this rule regulates individuals, and individuals are not small entities as contemplated by the RFA.

C. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

D. Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804(2). This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and export markets.

E. Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

F. Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

G. Paperwork Reduction Act Assessment

This interim final rule does not call for a collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.* This rule falls under the category of an administrative action or investigation involving an agency against specific individuals or entities and is therefore excluded from Paperwork Reduction Act requirements. 44 U.S.C. 3518(c)(1)(B) and 5 CFR 1320.4(a).

List of Subjects in 6 CFR Part 126

Administrative practice and procedures, Appeals, Penalties, Reporting and recordkeeping requirements, Security measures.

The Amendments

■ For the reasons set forth in the preamble, the Department of Homeland Security adds part 126 to Title 6, Code of Federal Regulations, to read as follows:

PART 126—TRANSPORTATION SECURITY OVERSIGHT BOARD REVIEW PANEL PROCESS AND PROCEDURES

Sec.

126.1 Purpose.
126.3 Definitions.
126.5 Appointment of TSOB Review Panel and TSOB Docket Clerk.
126.7 Function of TSOB Review Panel.
126.9 Scope of review and standard of review.
126.11 Counsel.
126.13 Notice of appeal and service.
126.15 Entry of appearance.
126.17 Procedures for classified information, sensitive security information (SSI), and other protected information.
126.19 Filing and supplementing the record.
126.21 Motions.
126.23 Briefs.
126.25 Oral argument.
126.27 Deliberations and action.
126.29 Effect of TSOB Review Panel action.
126.31 Administration of proceedings.

Authority: 6 U.S.C. 112, 49 U.S.C. 115, 46111; Department of Homeland Security Delegation No. 7071.1.

§ 126.1 Purpose.

This part establishes the procedures by which a Transportation Security Oversight Board (TSOB) Review Panel reviews and acts to resolve an appeal from an Administrative Law Judge (ALJ) decision regarding a Determination of Security Threat made by the Administrator of the Transportation Security Administration (TSA).

§ 126.3 Definitions.

Classified information has the meaning given to that term in Executive Order 13526 or any successor Executive Order.

Communication technology means telephone or a videoconferencing platform.

Other protected information means other information that the government is authorized by statute, regulation, or Executive Order to withhold.

Sensitive Security Information (SSI) means information described in 49 CFR 1520.5.

Transportation Security Oversight Board (TSOB) means the board established pursuant to 49 U.S.C. 115.

Transportation Security Oversight Board (TSOB) Review Panel means the panel established pursuant to 49 U.S.C. 46111(d) to consider an appeal from a decision of an administrative law judge as the result of a hearing under 49 U.S.C. 46111(b).

§ 126.5 Appointment of TSOB Review Panel and TSOB Docket Clerk.

(a) Upon request by the Chairman of the TSOB, TSOB members will designate at least one official who meets the criteria in paragraphs (a)(1) through (5) of this section to participate in a TSOB Review Panel pool for a period of two years. The Review Panel nominees must—

(1) Be a member of the Senior Executive Service (SES) or a Senior Level (SL) employee;

(2) Hold a security clearance commensurate with the record under review;

(3) Not be employed by TSA or FAA;

(4) To the extent practicable, have a legal background and be engaged in the practice of law on behalf of the United States Government; and

(5) To the extent practicable, be familiar with transportation security issues.

(b) Upon the expiration of each two-year period, TSOB members will again designate officials to participate in the TSOB Review Panel pool.

(c) The General Counsel of the Department of Homeland Security, or the General Counsel's designee, will appoint an individual from within the Office of the General Counsel to serve as the TSOB Docket Clerk. The TSOB Docket Clerk will serve as the TSOB Review Panel's point of contact for both the public and the parties to ALJ proceedings.

(d) When the TSOB Docket Clerk receives a properly and timely filed appeal from an ALJ's decision, the TSOB Chairperson selects at least three individuals from the TSOB Review Panel pool to serve on a Review Panel to review the ALJ's decision. The TSOB Chairperson has discretion to choose which individuals from the pool will serve on a TSOB Review Panel. In making selections for a TSOB Review Panel, the TSOB Chairperson will consider selecting at least one person with the qualifications set out in paragraph (a)(4) of this section to serve as a Panel Member, and will consider, based upon the composition of the pool as well as the issues raised in the appeal, appointing more than one person with the qualifications set out in paragraph (a)(4) to the TSOB Review Panel.

§ 126.7 Function of TSOB Review Panel.

A TSOB Review Panel reviews an ALJ's decision regarding a Determination of Security Threat issued by the TSA Administrator and may affirm, modify, or reverse the ALJ's decision, or remand the matter to the ALJ with instructions to address particular issues or consider additional testimony or evidence.

§ 126.9 Scope of review and standard of review.

(a) A TSOB Review Panel reviews an ALJ's decision to address whether the decision is supported by substantial evidence in the record before the TSOB Review Panel.

(b) A TSOB Review Panel will not consider the constitutionality of any statute, regulation, Executive Order, or order issued by the TSA.

§ 126.11 Counsel.

(a)(1) Parties to proceedings before a TSOB Review Panel may be represented by an attorney who is in good standing with the bar of any State, district, territory, or possession of the United States. Parties desiring representation must obtain such representation at their own expense.

(2) TSA will designate counsel to represent TSA before a TSOB Review Panel. The attorney must hold a security clearance that enables access to all materials related to the appeal.

(b) The General Counsel of the Department of Homeland Security, or the General Counsel's designee, appoints legal counsel to assist a TSOB Review Panel. Counsel appointed to assist the TSOB Review Panel facilitates communication between the TSOB Docket Clerk and the TSOB Review Panel, and assists with legal research and drafting for the Panel, as needed. Appointed counsel must hold a security clearance that enables access to all materials related to the appeal.

§ 126.13 Notice of appeal and service.

(a) *Notice of appeal.* A party seeking review of the ALJ's decision must file a notice of appeal with the TSOB Docket Clerk via email at *TSOB_docket@hq.dhs.gov* or via certified U.S. mail at ATTN: TSOB Docket Clerk, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528–0485. A notice of appeal must be filed within 60 calendar days of the date of issuance of the ALJ's written decision.

(b) *Service.* To file any document with a TSOB Review Panel, a party must send the document to the TSOB Docket Clerk via email at *TSOB_docket@hq.dhs.gov,* or via certified U.S. mail at ATTN: TSOB Docket Clerk, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528–0485. Parties are strongly encouraged to file all documents and consent to service via email. Any document filed with the TSOB Docket Clerk (except a notice of protected information, the administrative record, ex parte motions, and documents containing classified information, Sensitive Security Information (SSI), or other protected information that accompany a motion to supplement the record) must also be served on all other parties by certified U.S. mail or email.

(c) *Filing date.* For purposes of all deadlines in this part, the date of filing of a notice of appeal or any document filed with a TSOB Review Panel is the date on which the document is received by the TSOB Docket Clerk.

(d) *Untimely appeals.* A TSOB Review Panel must reject and summarily dismiss a notice of appeal that is filed more than 60 calendar days after the date of issuance of the ALJ's written decision. A TSOB Review Panel may, in its discretion, accept an untimely notice of appeal upon a showing of good cause for failure to meet the filing deadline.

(e) *Failure to perfect the appeal.* A TSOB Review Panel may dismiss an appeal, on its own initiative or upon motion of any party, when a party has filed a notice of appeal but failed to perfect the appeal by timely filing a brief in accordance with § 126.23.

(f) *Effect of dismissal of appeal.* Where an appeal is dismissed in accordance with paragraph (d) or (e) of this section the ALJ's written decision becomes final.

§ 126.15 Entry of appearance.

(a) All parties to a proceeding before a TSOB Review Panel must enter their appearances in writing with the TSOB Docket Clerk within 15 calendar days after filing or being served with a notice of appeal. A party's written notice of entry of appearance must identify counsel, if applicable.

(b) Counsel beginning representation of a party after that party has already entered an appearance must file a separate notice of entry of appearance within 15 calendar days of beginning representation.

§ 126.17 Procedures for classified information, sensitive security information (SSI), and other protected information.

(a) *Notice of protected information.* Within 30 calendar days of filing or being served with a notice of appeal, TSA must file a notice of protected information indicating whether the record of proceedings before the ALJ contains classified information, SSI, or other protected information. The notice of protected information must be filed with the TSOB Docket Clerk in accordance with § 126.13(b). If the TSA presented classified information, SSI, or other protected information to the ALJ at an ex parte proceeding or provided such information for in camera review during the ALJ proceedings, then the TSOB Review Panel will also consider that information at an ex parte proceeding or in camera.

(b) *Access to protected information.* A TSOB Review Panel may not disclose Classified Information or other protected information to any non-government party or counsel. A TSOB Review Panel may not disclose SSI to any non-government party or counsel unless the TSA has determined that the party had a preexisting need to know specific SSI as a covered person pursuant to 49 CFR 1520.7 and 1520.11.

§ 126.19 Filing and supplementing the record.

(a) *Filing the record.* The TSA must file a complete record of administrative proceedings, including a certified and

unredacted transcript of all proceedings before the ALJ (including ex parte proceedings) and all material filed with the ALJ (including material containing classified information, SSI, or other protected information that was reviewed by the ALJ in camera), with the TSOB Docket Clerk within 30 calendar days after filing or being served with a notice of appeal. Upon motion filed by the TSA, or on its own initiative, the TSOB Review Panel may extend the time to file the record. The TSOB Docket Clerk notifies all parties of the date when the record is filed. Within 30 calendar days of the date the record is filed, non-government parties may file a motion requesting that the TSA provide them with a redacted copy of any part of the record (excluding ex parte proceedings and materials reviewed in camera) that they do not possess. The TSA redacts classified information or other protected information from any part of the record it provides to non-government parties, except to the extent that the TSA has determined that the party had a preexisting need to know specific SSI as a covered person pursuant to 49 CFR 1520.7 and 1520.11.

(b) *Supplementing the record.* (1) A party may file a motion to supplement the record when anything relevant to an issue on appeal occurs after the ALJ issued a decision, or the party can show good cause, as determined by the TSOB Review Panel, for failing to submit material for the record at an earlier stage of the administrative proceedings. When the TSA seeks to supplement the record with material that contains classified information, SSI or other protected information, it may file a motion to supplement the record ex parte.

(2) A TSOB Review Panel may grant a motion to supplement the record when it finds that the supplemental material is relevant to an issue on appeal and that a condition described in paragraph (b)(1) of this section applies.

§ 126.21 Motions.

(a) *Form of motions.* (1) A motion filed with a TSOB Review Panel must comply with the requirements set forth in § 126.23(c)(1) through (4).

(2) Motions must be filed with the TSOB Docket Clerk and served on all parties in accordance with § 126.13(b). The TSOB Docket Clerk provides all motions to the TSOB Review Panel.

(b) *Duty to confer.* Before filing any motion, a party must confer or make reasonable, good-faith efforts to confer with all other parties to resolve the issues that are the subject of the motion. The moving party must state in the motion, or in a certificate attached to the motion, the specific efforts made to comply with this duty to confer. The moving party must also state in the motion the other parties' positions with regard to the relief requested. If no party opposes the relief requested in a motion, the moving party includes ''Unopposed'' in the motion's title. TSA does not have a duty to confer before filing an ex parte motion, but must provide notice to all parties that it has made an ex parte filing.

(c) *Motion hearings.* Upon request of any party, or on its own initiative, a TSOB Review Panel may order the parties to appear for a hearing on any motion that was not filed ex parte. Motion hearings may be conducted via communication technology unless all parties agree to appear in person or the TSOB Review Panel in its discretion determines that an in person appearance is necessary for efficient administration of the hearing. The Review Panel considers expense and inconvenience to the parties, the importance of information security, and the quality and reliability of available communication technology when making these determinations.

(d) *Disposition.* A TSOB Review Panel may, consistent with the requirements of due process and after providing the opposing party with an opportunity to review and respond, grant or deny a motion at any time after it is filed.

(e) *Additional procedural requirements for motion practice.* A TSOB Review Panel has discretion to establish via order served on the parties, additional procedural requirements regarding motion practice in response to the exigencies of a particular appeal. Such requirements may include, for example, time periods for filing responses and replies, a deadline for concluding all motion practice, and page limitations different from the default 35-page limit established in § 126.23(c)(3). A TSOB Review Panel may not require disclosure of classified information, SSI, or other protected information.

§ 126.23 Briefs.

(a) *Appellant brief.* (1) A party appealing the ALJ's decision must perfect the appeal by filing an appellant brief with the TSOB Docket Clerk and serving that brief on all other parties in accordance with § 126.13(b) within 60 calendar days after the date on which TSA files the record in accordance with § 126.19(a), unless all parties consent to an extension of the filing deadline and provide notice of such agreement to the TSOB Docket Clerk or the TSOB Review Panel extends the filing deadline upon a motion by the appellant.

(2) The appellant brief must enumerate the appellant's objections to the ALJ's decision.

(b) *Appellee brief.* Within 30 calendar days after being served with an appellant brief, a party may file an appellee brief in response with the TSOB Docket Clerk. Any such brief must be served on all other parties in accordance with § 126.13(b) at the same time it is filed with the TSOB Docket Clerk. The parties may consent to an extension of the filing deadline and provide notice of such agreement to the TSOB Docket Clerk or the TSOB Review Panel may extend the deadline for filing an appellee brief upon a motion by the appellee.

(c) *Brief requirements.* A brief submitted to a TSOB Review Panel must adhere to the following specifications:

(1) The brief must be typewritten in Times New Roman, 12-point font, double-spaced, and, if submitted as a hard copy via certified U.S. mail, must be printed single-sided on 81/2-by-11 inch paper;

(2) The brief must set forth the name, address, email address, and telephone number of the party or attorney filing it;

(3) The brief must contain no more than 35 pages of text (excepting any tables, appendices, or cover sheets) unless prior permission to file excess pages has been granted by the TSOB Review Panel after consideration of a duly filed motion showing good cause as determined by the TSOB Review Panel;

(4) If submitted as a hard copy via certified U.S. mail, the brief must be bound in any manner that is secure, does not obscure the text, and permits easy reproduction; and

(5) If oral argument is desired, the brief should contain a request for oral argument that explains why oral argument will contribute substantially to the development of an issue on appeal.

§ 126.25 Oral argument.

(a) Upon receipt of a request from any party contained in a brief or in a motion, or on its own initiative, a TSOB Review Panel may order the parties to present oral argument. The Review Panel orders oral argument if it determines that oral argument will contribute substantially to the development of an issue on appeal.

(b) A TSOB Review Panel has discretion, within the requirements of all relevant statutory and regulatory provisions for information security, to choose the method and location of oral argument. The Review Panel will consider expense and inconvenience to the parties, the importance of

information security, the quality and reliability of available communication technology, and concern for the efficient administration of proceedings when establishing the method and location of oral argument.

(c) A TSOB Review Panel has discretion to structure and establish procedural rules for oral argument via order served on the parties. Such rules may include time limits for argument and the order in which parties present argument.

(d) Classified information, SSI, or other protected information may not be disclosed during oral argument. A TSOB Review Panel may hold ex parte proceedings to allow for the presentation of classified information, SSI, or other protected information.

§ 126.27 Deliberations and action.

(a) *Deliberations.* TSOB Review Panel deliberations are closed proceedings. Any materials created by Review Panel members, the TSOB Docket Clerk, and the Review Panel's appointed counsel for use in deliberations are not part of the final administrative record.

(b) *Action.* A TSOB Review Panel may affirm, modify, or reverse the ALJ's decision. It may also remand the matter to the ALJ with instructions to address particular issues or consider additional testimony or evidence.

(1) A TSOB Review Panel requires a simple majority to decide an action.

(2) In case of a disagreement among TSOB Review Panel members, a dissenting report may be served with the written explanation of the Review Panel's action. A dissenting report must be prepared in accordance with the requirements for the Review Panel's written explanation.

(c) *Written explanation.* A TSOB Review Panel will explain its action in writing to the maximum extent permitted by prudent concern for the national security interests of the United States and applicable laws and regulations governing information disclosure. If necessary, the Review Panel may prepare its written explanation in both a protected format (which may contain classified information, SSI, and other protected information) and a non-protected format (which must not contain classified information, SSI, and other protected information). The Review Panel serves non-government parties with the non-protected written explanation and government parties with the protected written explanation. The Review Panel is prohibited from providing the protected written explanation to non-government parties. The protected written explanation is part of the final administrative record that TSA must submit to a U.S. Court of Appeals in the event that a party seeks judicial review of the Review Panel's action.

(d) *Timing.* A TSOB Review Panel endeavors to resolve an appeal and issue a written explanation of its action to the parties no later than 60 calendar days after the last of the following events:

(1) Receipt of a timely filed appellant brief;

(2) Receipt of a timely filed appellee brief; or

(3) Oral argument.

§ 126.29 Effect of TSOB Review Panel action.

(a) Any person substantially affected by a TSOB Review Panel's action, or the TSA Administrator when he decides that the Panel's action will have a significant adverse impact on carrying out 49 U.S.C. Subt. VII, Pt. A, may obtain judicial review in an appropriate U.S. Court of Appeals. The Administrators of the FAA and TSA must be made parties to any civil action filed in a U.S. Court of Appeals seeking review of a TSOB Review Panel action.

(b) If judicial review is not obtained, the action of the TSOB Review Panel is final and binding on the parties for the purpose of resolving the particular decision under review.

§ 126.31 Administration of proceedings.

(a) A TSOB Review Panel has authority to govern the conduct of its proceedings and internal operations by establishing any additional rules or procedures that are not inconsistent with this part.

(b) If TSA withdraws its Determination of Security Threat at any time after a notice of appeal has been filed pursuant to § 126.13(a), the proceedings before the TSOB Review Panel are rendered moot and closed. TSA must file a notice of withdrawal of the Determination of Security Threat with the TSOB Docket Clerk within five calendar days of such withdrawal.

(c) TSOB Review Panel proceedings will generally be closed to the public. A TSOB Review Panel may, in its discretion, open its proceedings to the public. Classified information, SSI, or other protected information shall not be disclosed during administrative proceedings, in accordance with § 126.25(d).

Alejandro N. Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2022–17079 Filed 8–4–22; 4:15 pm]

BILLING CODE 9110–9B–P

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Docket No. R–1776; RIN 7100–AG35]

Regulation A: Extensions of Credit by Federal Reserve Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (''Board'') has adopted final amendments to its Regulation A to reflect the Board's approval of an increase in the rate for primary credit at each Federal Reserve Bank. The secondary credit rate at each Reserve Bank automatically increased by formula as a result of the Board's primary credit rate action.

DATES:

Effective date: The amendments to part 201 (Regulation A) are effective August 9, 2022.

Applicability date: The rate changes for primary and secondary credit were applicable on July 28, 2022.

FOR FURTHER INFORMATION CONTACT: M. Benjamin Snodgrass, Senior Counsel (202–263–4877), Legal Division, or Lyle Kumasaka, Lead Financial Institution & Policy Analyst (202–452–2382), or Margaret DeBoer, Senior Associate Director (202–452–3139), Division of Monetary Affairs; for users of telephone systems via text telephone (TTY) or any TTY-based Telecommunications Relay Services (TRS), please call 711 from any telephone, anywhere in the United States; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Federal Reserve Banks make primary and secondary credit available to depository institutions as a backup source of funding on a short-term basis, usually overnight. The primary and secondary credit rates are the interest rates that the twelve Federal Reserve Banks charge for extensions of credit under these programs. In accordance with the Federal Reserve Act, the primary and secondary credit rates are established by the boards of directors of the Federal Reserve Banks, subject to review and determination of the Board.

On July 27, 2022, the Board voted to approve a 0.75 percentage point increase in the primary credit rate in effect at each of the twelve Federal Reserve Banks, thereby increasing from 1.75 percent to 2.50 percent the rate that each Reserve Bank charges for extensions of primary credit. In addition, the Board had previously

approved the renewal of the secondary credit rate formula, the primary credit rate plus 50 basis points. Under the formula, the secondary credit rate in effect at each of the twelve Federal Reserve Banks increased by 0.75 percentage points as a result of the Board's primary credit rate action, thereby increasing from 2.25 percent to 3.00 percent the rate that each Reserve Bank charges for extensions of secondary credit. The amendments to Regulation A reflect these rate changes.

The 0.75 percentage point increase in the primary credit rate was associated with a 0.75 percentage point increase in the target range for the federal funds rate (from a target range of 1½ percent to 1¾ percent to a target range of 2¼ percent to 2½ percent) announced by the Federal Open Market Committee on July 27, 2022, as described in the Board's amendment of its Regulation D published elsewhere in today's issue of the **Federal Register**.

Administrative Procedure Act

In general, the Administrative Procedure Act (''APA'') [1] imposes three principal requirements when an agency promulgates legislative rules (rules made pursuant to Congressionally-delegated authority): (1) publication with adequate notice of a proposed rule; (2) followed by a meaningful opportunity for the public to comment on the rule's content; and (3) publication of the final rule not less than 30 days before its effective date. The APA provides that notice and comment procedures do not apply if the agency for good cause finds them to be ''unnecessary, impracticable, or contrary to the public interest.'' [2] Section 553(d) of the APA also provides that publication at least 30 days prior to a rule's effective date is not required for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) a rule for which the agency finds good cause for shortened notice and publishes its reasoning with the rule.[3] The APA further provides that the notice, public comment, and delayed effective date requirements of 5 U.S.C. 553 do not apply ''to the extent that there is involved . . . a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.'' [4]

Regulation A establishes the interest rates that the twelve Reserve Banks charge for extensions of primary credit and secondary credit. The Board has determined that the notice, public comment, and delayed effective date requirements of the APA do not apply to these final amendments to Regulation A. The amendments involve a matter relating to loans and are therefore exempt under the terms of the APA. Furthermore, because delay would undermine the Board's action in responding to economic data and conditions, the Board has determined that ''good cause'' exists within the meaning of the APA to dispense with the notice, public comment, and delayed effective date procedures of the APA with respect to the final amendments to Regulation A.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (''RFA'') does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[5] As noted previously, a general notice of proposed rulemaking is not required if the final rule involves a matter relating to loans. Furthermore, the Board has determined that it is unnecessary and contrary to the public interest to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (''PRA'') of 1995,[6] the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The final rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR Part 201

Banks, Banking, Federal Reserve System, Reporting and recordkeeping.

Authority and Issuance

For the reasons set forth in the preamble, the Board is amending 12 CFR part 201 as follows:

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS (REGULATION A)

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 12 U.S.C. 248(i)–(j), 343 *et seq.,* 347a, 347b, 347c, 348 *et seq.,* 357, 374, 374a, and 461.

■ 2. In § 201.51, paragraphs (a) and (b) are revised to read as follows:

§ 201.51 Interest rates applicable to credit extended by a Federal Reserve Bank.[3]

(a) *Primary credit.* The interest rate at each Federal Reserve Bank for primary credit provided to depository institutions under § 201.4(a) is 2.50 percent.

(b) *Secondary credit.* The interest rate at each Federal Reserve Bank for secondary credit provided to depository institutions under § 201.4(b) is 3.00 percent.

* * * * *

By order of the Board of Governors of the Federal Reserve System.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2022–17018 Filed 8–8–22; 8:45 am]

BILLING CODE 6210–02–P

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R–1777; RIN 7100–AG36]

Regulation D: Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (''Board'') has adopted final amendments to its Regulation D to revise the rate of interest paid on balances (''IORB'') maintained at Federal Reserve Banks by or on behalf of eligible institutions. The final amendments specify that IORB is 2.40 percent, a 0.75 percentage point increase from its prior level. The amendment is intended to enhance the role of IORB in maintaining the federal funds rate in the target range established by the Federal Open Market Committee (''FOMC'' or ''Committee'').

DATES:

Effective date: The amendments to part 204 (Regulation D) are effective August 9, 2022.

Applicability date: The IORB rate change was applicable on July 28, 2022.

FOR FURTHER INFORMATION CONTACT: M. Benjamin Snodgrass, Senior Counsel (202–263–4877), Legal Division, or Lyle Kumasaka, Lead Financial Institution & Policy Analyst (202–452–2382), or Margaret DeBoer, Senior Associate Director (202–452–3139), Division of Monetary Affairs; for users of telephone systems via text telephone (TTY) or any

[1] 5 U.S.C. 551 *et seq.*

[2] 5 U.S.C. 553(b)(3)(A).

[3] 5 U.S.C. 553(d).

[4] 5 U.S.C. 553(a)(2) (emphasis added).

[5] 5 U.S.C. 603, 604.

[6] 44 U.S.C. 3506; see 5 CFR part 1320 Appendix A.1.

[3] The primary, secondary, and seasonal credit rates described in this section apply to both advances and discounts made under the primary, secondary, and seasonal credit programs, respectively.

TTY-based Telecommunications Relay Services (TRS), please call 711 from any telephone, anywhere in the United States; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

For monetary policy purposes, section 19 of the Federal Reserve Act (''Act'') imposes reserve requirements on certain types of deposits and other liabilities of depository institutions.[1] Regulation D, which implements section 19 of the Act, requires that a depository institution meet reserve requirements by holding cash in its vault, or if vault cash is insufficient, by maintaining a balance in an account at a Federal Reserve Bank (''Reserve Bank'').[2] Section 19 also provides that balances maintained by or on behalf of certain institutions in an account at a Reserve Bank may receive earnings to be paid by the Reserve Bank at least once each quarter, at a rate or rates not to exceed the general level of short-term interest rates.[3] Institutions that are eligible to receive earnings on their balances held at Reserve Banks (''eligible institutions'') include depository institutions and certain other institutions.[4] Section 19 also provides that the Board may prescribe regulations concerning the payment of earnings on balances at a Reserve Bank.[5] Prior to these amendments, Regulation D established IORB at 1.65 percent.[6]

II. Amendment to IORB

The Board is amending § 204.10(b)(1) of Regulation D to establish IORB at 2.40 percent. The amendment represents a 0.75 percentage point increase in IORB. This decision was announced on July 27, 2022, with an effective date of July 28, 2022, in the Federal Reserve Implementation Note that accompanied the FOMC's statement on July 27, 2022. The FOMC statement stated that the Committee decided to raise the target range for the Federal funds rate to 2¼ to 2½ percent.

The Federal Reserve Implementation Note stated:

> The Board of Governors of the Federal Reserve System voted unanimously to raise the interest rate paid on reserve balances to 2.4 percent, effective July 28, 2022.

As a result, the Board is amending § 204.10(b)(1) of Regulation D to establish IORB at 2.40 percent.

III. Administrative Procedure Act

In general, the Administrative Procedure Act (''APA'')[7] imposes three principal requirements when an agency promulgates legislative rules (rules made pursuant to congressionally-delegated authority): (1) publication with adequate notice of a proposed rule; (2) followed by a meaningful opportunity for the public to comment on the rule's content; and (3) publication of the final rule not less than 30 days before its effective date. The APA provides that notice and comment procedures do not apply if the agency for good cause finds them to be ''unnecessary, impracticable, or contrary to the public interest.''[8] Section 553(d) of the APA also provides that publication at least 30 days prior to a rule's effective date is not required for (1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretive rules and statements of policy; or (3) a rule for which the agency finds good cause for shortened notice and publishes its reasoning with the rule.[9]

The Board has determined that good cause exists for finding that the notice, public comment, and delayed effective date provisions of the APA are unnecessary, impracticable, or contrary to the public interest with respect to these final amendments to Regulation D. The rate change for IORB that is reflected in the final amendment to Regulation D was made with a view towards accommodating commerce and business and with regard to their bearing upon the general credit situation of the country. Notice and public comment would prevent the Board's action from being effective as promptly as necessary in the public interest and would not otherwise serve any useful purpose. Notice, public comment, and a delayed effective date would create uncertainty about the finality and effectiveness of the Board's action and undermine the effectiveness of that action. Accordingly, the Board has determined that good cause exists to dispense with the notice, public comment, and delayed effective date procedures of the APA with respect to this final amendment to Regulation D.

IV. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (''RFA'') does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[10] As noted previously, the Board has determined that it is unnecessary and contrary to the public interest to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (''PRA'') of 1995,[11] the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The final rule contains no requirements subject to the PRA.

List of Subjects in 12 CFR part 204

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the Board amends 12 CFR part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (REGULATION D)

■ 1. The authority citation for part 204 continues to read as follows:

Authority: 12 U.S.C. 248(a), 248(c), 461, 601, 611, and 3105.

■ 2. Section 204.10 is amended by revising paragraph (b)(1) to read as follows:

§ 204.10 Payment of interest on balances.

* * * * *

(b) * * *

(1) For balances maintained in an eligible institution's master account, interest is the amount equal to the interest on reserve balances rate (''IORB rate'') on a day multiplied by the total balances maintained on that day. The IORB rate is 2.40 percent.

* * * * *

By order of the Board of Governors of the Federal Reserve System.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2022–17019 Filed 8–8–22; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 461(b). In March 2020, the Board set all reserve requirement ratios to zero percent. See Interim Final Rule, 85 FR16525 (Mar. 24, 2020); Final Rule, 86 FR 8853 (Feb. 10, 2021).

[2] 12 CFR 204.5(a)(1).

[3] 12 U.S.C. 461(b)(1)(A) and (b)(12)(A).

[4] See 12 U.S.C. 461(b)(1)(A) & (b)(12)(C); see also 12 CFR 204.2(y).

[5] See 12 U.S.C. 461(b)(12)(B).

[6] See 12 CFR 204.10(b)(1).

[7] 5 U.S.C. 551 *et seq.*

[8] 5 U.S.C. 553(b)(3)(A).

[9] 5 U.S.C. 553(d).

[10] 5 U.S.C. 603, 604.

[11] 44 U.S.C. 3506; see 5 CFR part 1320 Appendix A.1.

DEPARTMENT OF STATE

22 CFR Part 135

[Public Notice: 11807]

RIN 1400–AF52

Implementation of HAVANA Act of 2021

AGENCY: Department of State.

ACTION: Supplemental interim final rule.

SUMMARY: This document supplements the interim final rule (IFR) published by the Department of State (the Department) on June 30, 2022, implementing the HAVANA Act of 2021. The Act provides authority for the Secretary of State and other agency heads to provide payments to certain individuals who have incurred qualifying injuries to the brain. The Department is modifying one provision of the IFR relating to the Board certification of the physician who is required to assess and diagnose an individual's qualifying injury to the brain and who completes the DS–4316, ''Eligibility Questionnaire for HAVANA Act Payments''. The updated regulation provides that physicians may be certified by either the American Board of Psychiatry and Neurology (ABPN) or the American Board of Physical Medicine and Rehabilitation (ABPMR).

DATES: Effective August 15, 2022.

FOR FURTHER INFORMATION CONTACT: Susan Ware Harris, Senior Advisor, Health Incidents Response Task Force, 202–679–0127, *HARuleInfo@state.gov.*

SUPPLEMENTARY INFORMATION: The Department is amending the interim final rule that it published June 30, 2022 at 87 FR 38981. The text of the interim rule remains unchanged, except for certain provisions in § 135.3. The Department is providing that either physicians currently certified by the American Board of Psychiatry and Neurology (APBN) or the American Board of Physical Medicine and Rehabilitation (ABPMR) may assess an individual's qualifying injury to the brain and complete the DS–4316, ''Eligibility Questionnaire for HAVANA Act Payments''. The DS–4316 will also be modified to reflect this regulatory change.

The Department is publishing this Supplemental IFR both in response to public comments advocating for this addition and additional corroborative information from medical providers. The Department has consulted with officials at several prominent medical centers. Based on those inquiries, it appears that the majority of patients who have reported anomalous health incidents were seen by either a neurologist certified by the American Board of Psychiatry and Neurology (ABPN) or by a physician certified by the American Board of Physical Medicine and Rehabilitation (ABPMR). The Department believes that it would be in the best interest of the public and affected community if, on the effective date of the IFR, part 135 provided that patients could be assessed by physicians currently certified by either ABPN or ABPMR.

The comment period for the IFR closed on August 1, 2022, and the Department will publish a final rule addressing the other relevant comments in the near future.

Regulatory Analyses

The regulatory analyses included in the IFR are adopted herein, supplemented by the following comments. With respect to the Administrative Procedure Act, this Supplemental IFR is a technical amendment to the IFR, which was a rule relating to public benefits and therefore exempt from the requirements of 5 U.S.C. 553. *See* 5 U.S.C. 553(a)(2). Since the IFR and this Supplemental IFR are exempt from the entirety of § 553 pursuant to § 553(a)(2), the provisions of § 553(d) do not apply. This Supplemental IFR will be in effect on August 15, 2022, with the IFR.

With respect to Executive Order 12866, the Office of Information and Regulatory Affairs has designed this Supplemental IFR ''non-significant''.

List of Subjects in 22 CFR Part 135

Federal retirees, Government employees, Health care.

Accordingly, for the reasons stated in the preamble, the Department of State amends 22 CFR part 135 as follows:

PART 135—IMPLEMENTATION OF THE HAVANA ACT OF 2021

■ 1. The authority citation for part 135 continues to read as follows:

Authority: 22 U.S.C. 2651a; 22 U.S.C. 2680b.

■ 2. Amend § 135.3 by revising paragraphs (a) through (c) and paragraph (e)(2) to read as follows:

§ 135.3 Eligibility for payments by the Department of State.

(a) The Department of State may provide a payment to covered individuals, as defined herein, if the qualifying injury to the brain was assessed and diagnosed in person by a currently board-certified neurologist from the American Board of Psychiatry and Neurology (ABPN) or a physician currently certified by the American Board of Physical Medicine and Rehabilitation (ABPMR), occurred on or after January 1, 2016, and while the individual was a covered employee of the Department.

(b) The Department of State may provide a payment to covered employees, as defined herein, if the qualifying injury to the brain was assessed and diagnosed in person by a currently board-certified neurologist from the ABPN or a physician currently certified by the ABPMR, occurred on or after January 1, 2016, and while the employee was a covered employee of the Department.

(c) The Department of State may provide a payment to a covered dependent, if the qualifying injury to the brain was assessed and diagnosed in person by a currently board-certified neurologist from the ABPN or a physician currently certified by the ABPMR, occurred on or after January 1, 2016, and the dependent's sponsor was a covered employee of the Department at the time of the dependent's injury.

* * * * *

(e) * * *

(2) Whether the Department of Labor (Workers' Compensation) has determined that the requestor has no reemployment potential, or the Social Security Administration has approved the requestor for Social Security Disability Insurance, or the requestor's ABPN-certified neurologist or ABPMR-certified physician has certified that the individual requires a full-time caregiver for activities of daily living, as defined by the Katz Index of Independence of Daily Living.

* * * * *

Kevin E. Bryant,

Deputy Director, Office of Directives Management, U.S. Department of State.

[FR Doc. 2022–16968 Filed 8–5–22; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 3 and 165

[Docket Number USCG–2022–0429]

Coast Guard Sector Guam; Sector Name Conforming Amendment

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This rule makes non-substantive amendments to Coast Guard regulations in association with a change

in the Coast Guard's internal organization. These amendments reflect that U.S. Coast Guard Sector Guam has been renamed U.S. Coast Guard Forces Micronesia/Sector Guam. This rule will have no substantive effect on the regulated public.

DATES: This rule is effective August 9, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0429 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Sandra J. Miracle, U.S. Coast Guard; telephone 202–372–3851, email *Sandra.J.Miracle@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

AOR Area of responsibility
CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
OFCO Operating Facility Change Order
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

Several years ago, the Coast Guard recognized the need to increase force allocation to Sector Guam's area of responsibility and asset presence in Oceania. The multi-year review of Sector Guam's missions and engagements within the region highlighted that ''Sector Guam'' alone did not adequately capture the breadth and range of Coast Guard operations and relationships throughout the U.S. Territories of Guam and the Commonwealth of the Northern Mariana Islands, as well as the Compact of Free Association States in Micronesia. The Coast Guard has approved the name change to U.S. Coast Guard Forces Micronesia/Sector Guam in order to acknowledge the long standing commitment to Oceania partners and to reaffirm the multi-mission support that the Coast Guard provides to ensure safety at sea and enhanced maritime governance.

We did not publish a notice of proposed rulemaking (NPRM) before this final rule. The Coast Guard finds that this rule is exempt from notice and comment rulemaking requirements under 5 U.S.C. 553(b)(A) because the changes it makes are conforming amendments involving agency organization. The Coast Guard also finds good cause exists under 5 U.S.C. 553(b)(B) for not publishing an NPRM because the changes will have no substantive effect on the public, and notice and comment are therefore unnecessary. For the same reasons, the Coast Guard finds good cause under 5 U.S.C. 553(d)(3) to make the rule effective fewer than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 14 U.S.C. 504(a)(2), as delegated at 33 CFR 1.05–1(h), to issue regulations necessary to implement technical, organizational, and conforming amendments and corrections to rules, regulations, and notices.

On February 28, 2022, the Coast Guard changed the official unit name of U.S. Coast Guard Sector Guam to U.S. Coast Guard Forces Micronesia/Sector Guam. See Operating Facility Change Order (OFCO) No. 012–22, which is available in the docket for this rule. The previous name of Sector Guam is described and reflected in regulations, which also contain contact details and other references to Sector Guam. These conforming amendments update those regulations so that they contain current information.

Under 14 U.S.C. 504(a)(2), the Commandant of the Coast Guard has authority to establish and prescribe the purpose of Coast Guard Shore establishments. This authority has been delegated to the Chief of the Coast Guard's Office of Regulations and Administrative Law under 33 CFR 1.05–1(h).

IV. Discussion of the Rule

OFCO No. 012–22, issued February 28, 2022, changed the name of U.S. Coast Guard Sector Guam to U.S. Coast Guard Forces Micronesia/Sector Guam. This rule simply reflects that name change in parts 3 and 165 of Title 33 of the Code of Federal Regulations. Part 3 of 33 CFR describes the location of U.S. Coast Guard districts, sectors, and Captain of the Port (COTP) and Officer in Charge of Marine Inspections (OCMI) zones. And part 165 contains regulations for regulated navigation areas, safety zones, and security zones that make references to Captains of the Port.

The February 2022 OFCO did not change the area of responsibility (AOR). The AOR of U.S. Coast Guard Forces Micronesia/Sector Guam is identical to that of what was U.S. Coast Guard Sector Guam. All authorities and responsibilities previously assigned to Commander, U.S. Coast Guard Sector Guam have been assigned to Commander, U.S. Coast Guard Forces Micronesia/Sector Guam. Additionally, all authorities that were vested in the Commander, U.S. Coast Guard Sector Guam as it pertains to the COTP, the OCMI, the Federal On Scene Coordinator, the Federal Maritime Security Coordinator, and the Search and Rescue Coordinator, have been assigned to Commander, U.S. Coast Guard Forces Micronesia/Sector Guam.

This rule does not change any sector, OCMI, or COTP zone boundary lines, nor does it have any substantive impact on existing regulated navigation area, safety zone, or security zone regulation, or any naval vessel protection zones.

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.

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), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the finding that the name change will have no substantive effect on the public.

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.

For the reasons stated in section V.A above, this rule will not have a significant economic impact on any member of the public, including ''small entities.''

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 consists only of an organizational amendment. It is categorically excluded from further review under paragraph L3 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01, Implementation of the National Environmental Policy Act.

List of Subjects

33 CFR Part 3

Organization and functions (Government agencies).

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 parts 3 and 165 as follows:

PART 3—COAST GUARD AREAS, DISTRICTS, SECTORS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

■ 1. The authority citation for part 3 is revised to read as follows:

Authority: 14 U.S.C. 501, 504; Public Law 107–296, 116 Stat. 2135; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Revise § 3.70–15 to read as follows:

§ 3.70–15 U.S. Coast Guard Forces Micronesia/Sector Guam Marine Inspection Zone and Captain of the Port Zone.

U.S. Coast Guard Forces Micronesia/Sector Guam's office is located in Santa Rita, Guam. The boundaries of U.S. Coast Guard Forces Micronesia/Sector Guam's Marine Inspection Zone and Captain of the Port Zone comprise the Territory of Guam and the adjacent waters of the EEZ, and the Commonwealth of the Northern Mariana Islands and the adjacent waters of the EEZ. U.S. Coast Guard Forces Micronesia/Sector Guam's Marine Inspection Zone also includes the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

§ 165.1401 [Amended]

■ 4. In § 165.1401(b)(3), remove the word ''Guam'' and add, in its place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam''.

§ 165.1402 [Amended]

■ 5. In § 165.1402 in paragraph (a) introductory text, remove the word ''Guam'' and add, in its place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam''.

§ 165.1404 [Amended]

■ 6. In § 165.1404(b), remove the word ''Guam'' and add, in its place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam''.

§ 165.1405 [Amended]

■ 7. In § 165.1405 in paragraphs (d)(1), (3) and (6), remove the word ''Guam'' and add, in its place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam''.

§ 165.1416 [Amended]

■ 8. In § 165.1416(a), remove the word ''Guam'' and add, in its place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam''.

§ 165.1417 [Amended]

■ 9. In § 165.1417:

■ a. In paragraph (a), remove the word ''Guam'' and add, in its place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam''; and

■ b. In paragraph (b), remove the words ''Sector Guam'' and add, in their place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam''.

§ 165.1418 [Amended]

■ 10. In § 165.1418:

■ a. In paragraph (a), remove the words ''Guam Captain of the Port'' and add, in its place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam Captain of the Port''; and

■ b. In paragraph (b), remove the words ''Sector Guam'' and add, in their place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam''.

§ 165.1419 [Amended]

■ 11. In § 165.1419:
■ a. In paragraph (a), remove the words ''Captain of the Port Guam'' and add, in their place, the words ''Captain of the Port U.S. Coast Guard Forces Micronesia/Sector Guam''; and
■ b. In paragraph (b), remove the words ''Sector Guam'' and add, in their place, the words ''U.S. Coast Guard Forces Micronesia/Sector Guam''.

Dated: August 3, 2022.

Michael T. Cunningham,

Chief, Office of Regulations and Administrative Law.

[FR Doc. 2022–16987 Filed 8–8–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 220801–0167]

RIN 0648–BK82

International Fisheries; Pacific Tuna Fisheries; 2022–2024 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean

Correction

In rule document 2022–16824, appearing on pages 47939 through 47944 in the issue of Friday, August 5, 2022, make the following correction:

§ 300.25 Fisheries management. [Corrected]

■ On page 47943, in the second table, on the second line, ''(ii) January through June'' should read ''(i) January through June''.

[FR Doc. C1–2022–16824 Filed 8–8–22; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 220803–0169]

RIN 0648–BL57

Fisheries of the Northeastern United States; Illex Squid Fishery; Revised 2022 Specifications

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

ACTION: Final rule.

SUMMARY: NMFS is increasing the specifications for the 2022 *Illex* squid fishery. This rule is required to ensure that the 2022 specifications are based on the best scientific information available. This rule is also intended to inform the public of the changes to the specifications for the remainder of the 2022 fishing year.

DATES: Effective August 9, 2022, through December 31, 2022.

ADDRESSES: Copies of the revised specifications, including the Supplemental Information Report, and other supporting documents for the action, are available upon request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N State Street, Dover, DE 19901. These documents are also accessible via the internet at *http://www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Policy Analyst, (978) 281–9150.

SUPPLEMENTARY INFORMATION:

Background

The Mid-Atlantic Fishery Management Council manages the *Illex* squid fishery under the Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP). Section 302(g)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) states that the Scientific and Statistical Committee (SSC) for each regional fishery management council shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch (ABC), preventing overfishing, ensuring maximum sustainable yield, and achieving rebuilding targets. The ABC is a level of catch that accounts for the scientific uncertainty in the estimate of the stock's defined overfishing level (OFL). The regulations implementing the MSB FMP require the Council's MSB Monitoring Committee to develop specification recommendations for each species based upon the ABC advice of the Council's SSC. The regulations at 50 CFR 648.22(e) allow the Regional Administrator, in consultation with the Council, to adjust specifications during the fishing year.

At its March 2022 meeting, the Council's SSC reviewed preliminary work by its *Illex* Squid Working Group and concluded that the species continues to be lightly exploited and the fishery footprint is small relative to the entire management unit. The SSC recommended increasing the 2022 ABC from 33,000 mt to 40,000 mt. The Council recommended this specification adjustment at its April 2022 meeting and requested that NMFS use its in-season authority to increase the 2022 ABC and also adjust the closure threshold from 94 percent to 96 percent. The Council recommended a 96-percent closure threshold given improved reporting appears to have enabled NMFS to more effectively monitor the fishery in recent years and take action to close the fishery when necessary without overages, and it is expected that the smaller closure threshold should still avoid exceeding the ABC.

On May 10, 2022, we published *Illex* squid specifications for 2022 (87 FR 27952), and the National Environmental Policy Act (NEPA) analysis for that rule considered a range of ABCs from 18,000–40,000 mt. The final rule adopted an ABC of 33,000 mt for 2022. The revised specifications implemented by this final rule increase the 2022 *Illex* squid ABC to 40,000 mt, which was included and analyzed during the development of the original 2022 specifications.

Revised Specifications

We are implementing the revised 2022 specifications recommended by the Council and its SSC. The Council recommended that the status quo discard rate of 4.61 percent be reduced from the ABC, which results in a DAH amount of 38,156 mt for 2022 that would be maintained for the 2022 fishing year. These revised specifications will increase the 2022 commercial quota by implementing a 38,156-mt domestic annual harvest (DAH), an increase of 21 percent. Table 1 summarizes the recommended changes to the revised 2022 *Illex* squid specifications. Additionally, the *Illex* fishery closure threshold will change from 94 percent to 96 percent.

TABLE 1—2022 ILLEX SQUID SPECIFICATIONS IN METRIC TONS
[mt]

	Current	Modified
OFL	Unknown	Unknown.
ABC	33,000	40,000.
Initial Optimum Yield	31,478	38,156.
DAH	31,478	38,156.

Regulatory Clarifications

This action also includes corrections to existing regulations to correct the title of the Regional Administrator in the Tier 1 longfin squid vessel permit regulations, and to remove an outdated requirement for chub mackerel that expired on December 31, 2020, from the

vessel trip report regulations. These corrections are being implemented under the authority of section 305(d) of the Magnuson-Stevens Act.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the MSB FMP, the national standards and other provisions of the Magnuson-Stevens Act, and other applicable law.

Pursuant to section 6 Executive Order 12866, the Office of Management and Budget has determined that this rule is not significant.

This final rule does not duplicate, conflict, or overlap with any existing Federal rules.

This final rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

The Assistant Administrator for Fisheries, NOAA, finds it is unnecessary and contrary to the public interest to provide for prior notice and an opportunity for public comment, pursuant to 5 U.S.C. 553(b)(B). Additionally, the Assistant Administrator finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay of effectiveness period for this rule. This action increases the 2022 specifications (*i.e.,* annual catch limits) for the *Illex* squid fishery based on new information, which is authorized pursuant to our regulatory in-season authority at 50 CFR 648.22(e). Implementing a 40,000-mt ABC was anticipated during development and implementation of the original specifications action (87 FR 27952, May 10, 2022), as well as at the April 2022 Council meeting. Where the public has had an opportunity to review, and comment on, a range of specifications that included the amount considered in this action, a delay in its effectiveness from prior notice and comment would not serve any legitimate purpose, while unnecessarily disadvantaging fishermen who wish to take advantage of the fishing opportunity that this action provides with increased quotas. A delay would be contrary to the public interest for this loss of potential economic opportunity, and it could also create confusion in the *Illex* squid fishery. This rule is being issued at the earliest possible date where we only received the Council's Supplemental Information Report for this action on June 24, 2022. The revised specifications increase the quota and allow this predominantly summer fishery to benefit from the quota increase and achieve optimal yield. This rule should be effective as soon as possible to fully realize the intended benefits to the fishery.

Furthermore, requiring a 30-day delay before this rule becomes effective does not provide any benefit to the regulated parties or the public. Unlike actions that require an adjustment period to comply with new rules, *Illex* squid fishery participants will not be required to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this rule simply means adhering to the higher (less restrictive) catch limits set for the remainder of the *Illex* squid fishing year. A 30-day delay could result in the fishery reaching the current lower harvest limit before the new higher limits become effective. This would trigger a disruptive closure, followed by a reopening of the fishery after the 30-days pass to allow the fishery to reach the new, higher limit, which would result in an inefficient, costly burden on the fishery, particularly with the current high price of fuel, with no apparent environmental or economic benefit. Fishery stakeholders have been involved in the development of this action and are anticipating this rule. Therefore, there would be no added benefit to delaying the implementation of these specifications. For these reasons, a 30-day delay in effectiveness would be contrary to the public interest. As a result, we are waiving the requirement.

Therefore, the Assistant Administrator finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness and these specifications shall be made effective on August 9, 2022.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Fishery closures and accountability measures.

Dated: August 3, 2022.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.4, revise paragraph (a)(5)(i)(A)(*1*) to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(5) * * *

(A) * * *

(*1*) *Tier 1 longfin squid moratorium permit.* Beginning in February 2019, the Regional Administrator shall automatically issue a Tier 1 longfin squid moratorium permit to any vessel that is issued a longfin squid/butterfish moratorium permit or eligible to be issued such a permit held in confirmation of permit history (CPH) during calendar year 2018 that meets the eligibility criteria in this paragraph (a)(5)(i)(A)(*1*). To be eligible for a Tier 1 permit, a vessel must have been issued a valid longfin squid/butterfish moratorium permit and landed more than 10,000 lb (4,536 kg) of longfin squid in at least one calendar year between January 1, 1997, and December 31, 2013. Fishing history, including for a permit held in confirmation of permit history, can be used by a vessel to qualify for and be issued a tier 1 longfin squid moratorium permit, provided the Regional Administrator has determined that the fishing and permit history of such vessel has been lawfully retained by the applicant. Landings data used in this qualification must be verified by dealer reports submitted to NMFS. A vessel that was not automatically issued a Tier 1 longfin squid moratorium permit may apply for such a permit in accordance with paragraph (a)(5)(i)(B) of this section.

* * * * *

■ 3. In § 648.7, revise paragraph (b)(1) introductory text to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

* * * * *

(b) * * * (1) *Fishing Vessel Trip Reports.* The owner or operator of any vessel issued a valid permit, or eligible to renew a limited access permit under this part must maintain on board the vessel, and submit, and accurate fishing log report for each fishing trip, regardless of species fished for or taken, by electronic means. This report must be entered into and submitted through a software application approved by NMFS.

* * * * *

■ 4. In § 648.24, revise paragraph (a)(2) to read as follows:

§ 648.24 Fishery closures and accountability measures.

(a) * * *

(2) *Illex.* NMFS shall close the directed *Illex* fishery in the EEZ when

the Regional Administrator projects that 96 percent of the *Illex* DAH is harvested. The closure of the directed fishery shall be in effect for the remainder of that fishing period, with incidental catches allowed as specified at § 648.26.

* * * * *

[FR Doc. 2022–16993 Filed 8–8–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 220126–0034; RTID 0648–XC249]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers From MD to RI

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

ACTION: Notification; quota transfers.

SUMMARY: NMFS announces that the State of Maryland is transferring a portion of its 2022 commercial bluefish quota to the State of Rhode Island. This quota adjustment is necessary to comply with the Atlantic Bluefish Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial bluefish quotas for Maryland and Rhode Island.

DATES: Effective August 8, 2022, through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Management Specialist, (978) 281–9184.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162, and the final 2022 allocations were published on February 2, 2022 (87 FR 5739).

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan (FMP) published in the **Federal Register** on July 26, 2000 (65 FR 45844), and provided a mechanism for transferring bluefish quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e)(1)(i) through (iii). The Regional Administrator must approve any such transfer based on the criteria in § 648.162(e). In evaluating requests to transfer a quota or combine quotas, the Regional Administrator shall consider whether: The transfer or combinations would preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

Maryland is transferring 30,000 lb (13,608 kg) to Rhode Island through mutual agreement of the states. This transfer was requested to ensure Rhode Island would not exceed its 2022 state quota. The revised bluefish quotas for 2022 are: Maryland, 70,698 lb (32,068 kg) and Rhode Island, 324,956 lb (147,398 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: August 3, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–17010 Filed 8–8–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 220216–0049; RTID 0648–XC227]

Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Rockfish'' in the Western and Central Regulatory Areas of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of ''other rockfish'' in the Western and Central Regulatory Areas of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2022 total allowable catch of ''other rockfish'' in the Western and Central Regulatory Areas of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), August 6, 2022, through 2400 hours, A.l.t., December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR parts 600 and 679.

The 2022 total allowable catch (TAC) of ''other rockfish'' in the Western and Central Regulatory Areas of the GOA is 940 metric tons (mt) as established by the final 2022 and 2023 harvest specifications for groundfish of the GOA (87 FR 11599, March 2, 2022).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2022 ''other rockfish'' TAC in the Western and Central Regulatory Areas of the GOA will soon be reached. Therefore, NMFS is requiring that ''other rockfish'' in the Western and Central Regulatory Areas of the GOA be treated as prohibited species in accordance with § 679.21(b), as described under § 679.21(a), for the remainder of the year, except other rockfish species in the Western and Central Regulatory Areas of the GOA caught by catcher vessels using hook-and-line, pot, or jig gear as described in § 679.20(j).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting retention of ''other rockfish'' in the Western and Central Regulatory Areas of the GOA. NMFS was unable to publish a notice

providing time for public comment because the most recent, relevant data only became available as of August 4, 2022.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: August 5, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–17158 Filed 8–5–22; 4:15 pm]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 87, No. 152
Tuesday, August 9, 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

Notice of Advisory Committee Re-Establishment

AGENCY: Agency for International Development (USAID).

ACTION: Notice of advisory committee re-establishment.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), notice is hereby given of the re-establishment of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

ADDRESSES: To view additional information related to ACVFA please visit *http://www.usaid.gov/who-we-are/organization/advisory-committee*.

FOR FURTHER INFORMATION CONTACT: Sophia Lajaunie, Designated Federal Officer for ACVFA, at *slajaunie@usaid.gov* or 917–804–3674.

SUPPLEMENTARY INFORMATION: ACVFA brings together USAID and representatives from private voluntary organizations (PVO), universities, nongovernmental organizations (NGOs), multilateral and private organizations to foster understanding, communication, and cooperation in the area of foreign aid. The Administrator of USAID is re-establishing the committee for two years, effective on the date of filing of its renewed charter.

Sophia Lajaunie,

ACVFA Designated Federal Officer.

[FR Doc. 2022–17000 Filed 8–8–22; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2022–0042]

Notice of Request for Extension of Approval of an Information Collection; Importation of Table Eggs From Regions Where Newcastle Disease or Highly Pathogenic Avian Influenza is Considered to Exist and Exportation of Poultry and Hatching Eggs

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the importation of table eggs from regions where Newcastle disease or highly pathogenic avian influenza is considered to exist and exportation of poultry and hatching eggs from the United States.

DATES: We will consider all comments that we receive on or before October 11, 2022.

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

- *Federal eRulemaking Portal:* Go to *www.regulations.gov*. Enter APHIS–2022–0042 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2022–0042, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

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

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the importation of table eggs, contact Dr. Nathaniel Koval, Senior Staff Veterinarian, APHIS, VS, Strategy & Policy, Animal Product Import and Export, 4700 River Road, Riverdale, MD 20737; (301) 851–3434. For information on the regulations for exportation of poultry and hatching eggs, contact Dr. Amber Headen, Director of Live Animal Exports, Strategy & Policy, VS, 4700 River Road, Riverdale, MD 20737; (301) 851–3300. For information on the information collection reporting process, contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483; *joseph.moxey@usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: Importation of Table Eggs From Regions Where Newcastle Disease or Highly Pathogenic Avian Influenza is Considered to Exist and Exportation of Poultry and Hatching Eggs.

OMB Control Number: 0579–0328.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (the Act, 7 U.S.C. 8301 *et seq.*), the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is authorized, among other things, to prohibit or restrict the importation and interstate movement of animals and animal products to prevent the introduction into and dissemination within the United States of livestock diseases and pests. To carry out this mission, APHIS regulates the importation of animals and animal products into the United States. In addition, under the Act, APHIS collects information and conducts inspections to ensure that poultry and hatching eggs exported from the United States are free of communicable diseases.

The regulations in 9 CFR 91.3 provide, among other things, the requirements for the export of poultry and hatching eggs from the United States to other countries. Certification that the poultry and hatching eggs are free of diseases is required. In addition, APHIS requires owners and exporters of poultry and hatching eggs to provide health and identification information via an export health certificate for poultry and hatching eggs.

The regulations contained in 9 CFR 94.6 govern the importation of

carcasses, meat, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds to prevent the introduction of Newcastle disease (ND) and highly pathogenic avian influenza (HPAI) into the United States. Various conditions for the importation of table eggs from regions where ND and HPAI exists, including Mexico, apply and involve information collection activities. APHIS also requires certain information for the importation of table eggs that includes a certificate for table eggs from ND and HPAI affected regions and a government seal issued by the veterinarian accredited by the national government who signed the certificate.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.5 hours per response.

Respondents: Owners of poultry and hatching egg operations, exporters, and national animal health authorities.

Estimated annual number of respondents: 201.

Estimated annual number of responses per respondent: 34.

Estimated annual number of responses: 6,803.

Estimated total annual burden on respondents: 3,405 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 2nd day of August 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–17047 Filed 8–8–22; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

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

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Iowa Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Wednesday, August 31, 2022, at 2:00 p.m.–3:45 p.m. Central Time. The Committee will review their report draft on employment discrimination and administrative closures.

DATES: The meeting will take place on Wednesday, August 31, 2022, at 2:00 p.m. CT.

Online Regisration (Audio/Visual): https://tinyurl.com/bdyevwy7.

Telephone (*Audio Only*): Dial 800–360–9505 USA Toll Free; Access code: 2762 206 8331.

FOR FURTHER INFORMATION CONTACT: Ana Fortes, DFO, at *afortes@usccr.gov* or (202) 519–2938.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email *afortes@usccr.gov* at least ten (10) days prior to the meeting.

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

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

Agenda

I. Welcome
II. Review Draft Report
III. Public Comment
IV. Next Steps
a. Continue to Review Draft Report
V. Adjournment

Dated: August 3, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–16983 Filed 8–8–22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

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

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Iowa Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Tuesday, September 27, 2022, at 2:00 p.m.—-3:45 p.m. Central Time. The Committee will review their report draft on employment discrimination and administrative closures.

DATES: The meeting will take place on Tuesday, September 27, 2022, at 2:00 p.m. CT.

- *Online Regisration (Audio/Visual): https://tinyurl.com/2p8kaema.*

Telephone (Audio Only): Dial 800–360–9505 USA Toll Free; Access code: 2760 688 9044.

FOR FURTHER INFORMATION CONTACT: Ana Fortes, DFO, at *afortes@usccr.gov* or (202) 519–2938.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email *afortes@usccr.gov* at least ten (10) days prior to the meeting.

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

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

Agenda

I. Welcome
II. Review Draft Report
III. Public Comment
IV. Next Steps
  a. Continue to Review Draft Report
  b. Schedule Next Meeting
V. Adjournment

Dated: Monday, August 3, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–16982 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–99–2022]

Approval of Subzone Status, DMA Sales, LLC, Marion and Nichols, South Carolina

On June 16, 2022, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the South Carolina State Ports Authority, grantee of FTZ 21, requesting subzone status subject to the existing activation limit of FTZ 21, on behalf of DMA Sales, LLC, in Marion and Nichols, South Carolina.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (87 FR 37497, June 23, 2022). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 21I was approved on August 3, 2022, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 21's 2,000-acre activation limit.

Dated: August 3, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–17022 Filed 8–8–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results of Countervailing Duty Administrative Review, and Rescission, in Part; 2020

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to SRF Limited (SRF), a producer and exporter of polyethylene terephthalate film, sheet, and strip (PET film) from India. The period of review is January 1, 2020, through December 31, 2020. In addition, we are rescinding the review with respect to three companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable August 9, 2022.

FOR FURTHER INFORMATION CONTACT: Michael A. Romani or Konrad Ptaszynski, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0198 or (202) 482–6187, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2002, Commerce published in the **Federal Register** the countervailing duty (CVD) order on PET film from India.[1] On September 7, 2021, Commerce published a notice of initiation of an administrative review of the *Order.*[2] On March 30, 2022, Commerce extended the deadline for the preliminary results of this review to no later than July 29, 2022.[3] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[4] A list of topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The products covered by this *Order* are PET film from India. For a complete description of the scope of the *Order,*

[1] *See Countervailing Duty Order; Polyethylene Terephthalate Film Sheet, and Strip (PET Film) from India,* 67 FR 44179 (July 1, 2002) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 50034 (September 7, 2021) as corrected by *Initiation of Antidumping and Countervailing Duty Administrative Review,* 86 FR 555572 (October 6, 2021) and *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 57808 (October 18, 2021).

[3] *See* Memorandum, ''Polyethylene Terephthalate Film, Sheet and Strip from India: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2020,'' dated March 30, 2022.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from India; 2020,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

see the Preliminary Decision Memorandum.[5]

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, we preliminarily find that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation. Commerce received timely-filed withdrawal requests for MTZ Polyesters Ltd. (MTZ), Uflex Ltd. (Uflex), and Vacmet India Ltd. (Vacmet). Because the withdrawal requests were timely filed and no other party requested a review of these companies, in accordance with 19 CFR 351.213(d)(1), Commerce is rescinding this review of the *Order* with respect to MTZ, Uflex, and Vacmet.

Preliminary Rate for Non-Selected Companies Under Review

There are four companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents. The statute and Commerce's regulations do not directly address the establishment of rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides the basis for calculating the all-others rate in an investigation.

Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate an all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and/or producers individually examined, excluding any rates that are zero, *de minimis,* or based entirely on facts available. In this review, the preliminary rate calculated for SRF, the sole mandatory respondent, was not zero, *de minimis,* or based entirely on facts available. Therefore, for the companies for which a review was requested that were not selected as mandatory company respondents, and for which Commerce did not receive a timely request for withdrawal of review, Commerce based the preliminary subsidy rate on the preliminary rate calculated for SRF.

Preliminary Results of Review

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily determine the following net countervailable subsidy rates for the POR:

Manufacturer/exporter	Subsidy rate (percent *ad valorem*)
SRF Limited[7]	3.52
Review-Specific Average Rate Applicable to the Following Companies	
Ester Industries Limited	3.52
Garware Polyester Ltd	3.52
Jindal Polyester Ltd	3.52
Polyplex USA	3.52

Disclosure and Public Comment

We will disclose to parties in this review the calculations performed for these preliminary results within five days of publication of these preliminary results.[8] Pursuant to 19 CFR 351.309(c), interested parties may submit written comments (case briefs) on the preliminary results no later than 30 days from the date of publication of this **Federal Register** notice, and rebuttal comments (rebuttal briefs) within seven days after the time limit for filing case briefs.[9] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10] All briefs must be filed electronically using ACCESS[11] and must be served on interested parties.[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues addressed at the hearing will be limited to those raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[13]

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date. Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[14]

Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their

[5] *Id.* at 3.

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] SRF Limited is also known as SRF Limited of India, SRF Ltd., and SRF Limited Packaging Films.

[8] *See* 19 CFR 351.224(b).

[9] *See* 19 CFR 351.309(c)(1)(ii); 351.309(d)(1); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] See generally 19 CFR 351.303.

[12] See 19 CFR 351.303(f).

[13] *See* 19 CFR 351.310(c).

[14] *See Temporary Rule.*

briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h), unless this deadline is extended.

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producers/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. For the companies for which this review is rescinded, we will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2020, through December 31, 2020, in accordance with 19 CFR 351.212(c)(l)(i). For the companies remaining in the review, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respondents listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

These preliminary results and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 29, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Partial Rescission of Administrative Review
IV. Non-Selected Rate
V. Scope of the *Order*
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Recommendation

[FR Doc. 2022–17020 Filed 8–8–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–858]

Certain Softwood Lumber Products From Canada: Final Results and Final Rescission, in Part, of the Countervailing Duty Administrative Review, 2020

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers and exporters of certain softwood lumber products (softwood lumber) from Canada received countervailable subsidies during the period of review (POR), January 1, 2020, through December 31, 2020. With respect to 18 companies, we are rescinding this administrative review because none of the companies had a reviewable entry during the POR.

DATES: Applicable August 9, 2022.

FOR FURTHER INFORMATION CONTACT: Jonathan Hall-Eastman (Canfor), John Hoffner (JDIL), Kristen Johnson/Samuel Brummitt (Resolute), and Laura Griffith (West Fraser), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1468, (202) 482–3315, (202) 482–4793/(202) 482–7851, and (202) 482–6430, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the preliminary results of this countervailing duty (CVD) administrative review of softwood lumber from Canada on February 4, 2022, and invited interested parties to comment.[1] For a summary of the events that occurred since the *Preliminary Results* and a full discussion of the issues raised by parties for the final results, *see* the Issues and Decision Memorandum.[2]

Scope of the Order

The product covered by this order is certain softwood lumber products from Canada. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Final Rescission of Administrative Review, in Part

Based on our analysis of U.S. Customs and Border Protection (CBP) data and comments received from interested parties, we determine that the 18 companies listed below had no reviewable shipments, sales, or entries of subject merchandise during the POR. Absent evidence of shipments on the record, we are rescinding the administrative review of these companies, pursuant to 19 CFR 351.213(d)(3). For further information, *see* ''Final Rescission of Administrative Review, in Part'' in the Issues and Decision Memorandum.

AA Trading Ltd.
Blanchette & Blanchette Inc.
Canada Pallet Corp.
Careau Bois Inc.
Cedarcoast Lumber Products
CWP—Montreal inc.
Goldband Shake & Shingle Ltd.
Imperial Cedar Products, Ltd.
Les Produits Forestiers D&G Ltée (aka, D&G Forest Products Ltd.)
Marcel Lauzon Inc.
North American Forest Products Ltd. (located in Saint-Quentin, New Brunswick)
Sapphire Lumber Company
Scierie Alexandre Lemay & Fils Inc.
Skeena Sawmills Ltd
Sonora Logging Ltd.

[1] *See Certain Softwood Lumber Products from Canada: Preliminary Results, Partial Rescission, and Preliminary Intent to Rescind, in Part, the Countervailing Duty Administrative Review; 2020,* 87 FR 6500 (February 4, 2022) (*Preliminary Results*).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Countervailing Duty Order on Certain Softwood Lumber Products from Canada; 2020,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum). The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*. In addition, members of the public may access the IDM directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx*.

Suncoast Industries Inc.

Western Timber Products, Inc.

WWW Timber Products Ltd.

Analysis of Subsidy Programs and Comments Received

Commerce conducted this CVD administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). The subsidy programs under review, and the issues raised in case and rebuttal briefs submitted by the interested parties, are discussed in the Issues and Decision Memorandum. A list of the issues that the parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at Appendix I. Based on our analysis of the comments received from the interested parties, we made changes to the subsidy rates calculated for certain respondents. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Rate for Non-Selected Companies Under Review

Because the rates calculated for the companies selected for individual review are above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted average of the subsidy rates calculated for the reviewed companies using sales data submitted by those companies to calculate a rate for the companies not selected for review. This is consistent with the methodology that we would use in an investigation to establish the all-others rate, pursuant to section 705(c)(5)(A) of the Act. A list of all non-selected companies is included in Appendix II.

For further information on the calculation of the non-selected rate, *see* ''Final *Ad Valorem* Rate for Non-Selected Companies under Review'' in the Issues and Decision Memorandum. For a list of the non-selected companies, *see* Appendix II to this notice.

Final Results of Administrative Review

In accordance with section 751(a)(1)(A) and of the Act and 19 CFR 351.221(b)(5), we determine that the following total estimated countervailable subsidy rates exist for 2020:

Companies	Subsidy rate *ad valorem* (percent)
Canfor Corporation and its cross-owned affiliates[3]	0.95 percent
J.D. Irving, Limited and its cross-owned affiliates[4]	2.41 percent
Resolute FP Canada Inc. and its cross-owned affiliates[5]	10.10 percent
West Fraser Mills Ltd. and its cross-owned affiliates[6]	3.62 percent
Non-Selected Companies	3.83 percent

Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce will determine, and CBP shall assess, countervailing duties on all appropriate entries of subject merchandise covered by this review.

Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies subject to this review. For all non-reviewed companies, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposits, when imposed, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 the terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4) and 351.221(b)(5).

Dated: August 3, 2022.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Case History
IV. Period of Review
V. Final Rescission of Administrative Review, in Part
VI. Scope of the *Order*
VII. Subsidies Valuation
VIII. Analysis of Programs
IX. Final *Ad Valorem* Rate for Non-Selected Companies Under Review
X. Analysis of Comments

A. General Issues

Comment 1: Whether Commerce Respects Canadian Sovereignty
Comment 2: Whether Commerce's Specificity Analysis for Certain Québec Programs Is Consistent With the Law
Comment 3: Whether Commerce's Countervailable Findings for Québec's Grant Programs Are Appropriate
Comment 4: Whether Electricity Curtailment Programs Are Countervailable
Comment 5: Whether Agreements with Consumers to Reduce Energy Consumption and GHG Are Grants
Comment 6: Whether Commerce Should Rescind Lemay's Review
Comment 7: Whether Commerce Should Consider Climate Change Goals
Comment 8: Whether Commerce Should Have Used a Sampling Methodology to Select Respondents for This Review

B. General Stumpage Issues

Comment 9: Whether Stumpage Is an Untied Subsidy

C. Alberta Stumpage Issues

Comment 10: Whether the Alberta Stumpage Market Is Distorted
Comment 11: Whether TDA Survey Prices Are an Appropriate Benchmark for Alberta Crown-Origin Stumpage
Comment 12: Whether FRIAA Dues are Part of the Alberta Stumpage Price

D. British Columbia Stumpage Issues

Comment 13: Whether There Is a Useable Tier-One Benchmark in British Columbia

[3] Commerce finds the following companies to be cross-owned with Canfor Corporation: Canadian Forest Products., Ltd. and Canfor Wood Products Marketing, Ltd.

[4] Commerce finds the following companies to be cross-owned with J.D. Irving, Limited: Miramichi Timber Holdings Limited, The New Brunswick Railway Company, Rothesay Paper Holdings Ltd., and St. George Pulp & Paper Limited.

[5] Commerce finds the following companies to be cross-owned with Resolute FP Canada Inc.: Produits Forestiers Maurice SEC. and Resolute Forest Products Inc.

[6] Commerce finds the following companies to be cross-owned with West Fraser Mills Ltd.: West Fraser Timber Co., Ltd., Blue Ridge Lumber Inc., Sunpine Inc., Sundre Forest Products Inc., Manning Forest Products, Ltd., and West Fraser Alberta Holdings, Ltd.

E. New Brunswick Stumpage Issues

Comment 14: Whether the Private Stumpage Market in New Brunswick Is Distorted and Should be Used as Tier-One Benchmarks

F. Ontario Stumpage Issues

Comment 15: Whether Ontario's Crown Stumpage Market Is Distorted
Comment 16: Whether the MNP Ontario Survey Prices May Serve as an Appropriate Tier One Benchmark
Comment 17: Whether Ontario's Stumpage Prices Distort the Log Market

G. Québec Stumpage Issues

Comment 18: Whether Québec's Stumpage Market Is Distorted
Comment 19: Whether Québec's Auction Prices Are an Appropriate Tier-One Benchmark to Measure Whether the GOO and the GOQ Sold Crown-Origin Standing Timber for LTAR

H. British Columbia Stumpage Benchmark Issues

Comment 20: Whether Commerce Should Use F2M Pricing Data as a Benchmark for BC Stumpage and the BC LER
Comment 21: Use and Selection of a Beetle-Killed Benchmark Price for the Final Results
Comment 22: Whether Commerce's Selection of a Log Volume Conversion Factor Was Appropriate
Comment 23: Whether Commerce Should Adjust the BC Log Benchmark Price for Certain Scaling and G&A Costs
Comment 24: Whether to Account for BC's ''Stand-as-a-Whole'' Stumpage Pricing

I. Nova Scotia Stumpage Benchmark Issues

Comment 25: Whether Private Standing Timber Prices in Nova Scotia Are Available in the Provinces at Issue
Comment 26: Whether the Tree Size in Nova Scotia, as Measured by Diameter, Is Comparable to Tree Size in Québec, Ontario, and Alberta
Comment 27: Whether SPF Tree Species in Nova Scotia Are Comparable to SPF Tree Species in Québec, Ontario, and Alberta
Comment 28: Whether Nova Scotia's Forest Is Comparable to the Forests of New Brunswick, Québec, Ontario, and Alberta
Comment 29: Whether to Revise the Conversion Factor Used in Calculation of the Nova Scotia Benchmark
Comment 30: Whether Commerce Should Adjust the Method Used to Index the Nova Scotia Benchmark
Comment 31: Whether the Nova Scotia Benchmark is Comparable or Should Be Adjusted to Account for Log Product Characteristics
Comment 32: Reliability of Nova Scotia Private-Origin Standing Timber Benchmark
Comment 33: Whether Nova Scotia Is Comparable to Québec, Ontario, and Alberta in Terms of Haulage Costs and Whether to Otherwise Adjust the Nova Scotia Benchmark to Account for Such Differences
Comment 34: Whether to Adjust the Nova Scotia Benchmark to Account for Spruce Budworm-Infested Timber
Comment 35: Whether to Adjust the Nova Scotia Benchmark to Account for Beetle-Killed-Timber Harvested in Alberta
Comment 36: Whether Pulp Mill Consumption of Standing Timber in Nova Scotia Creates Unique Market Conditions that Are Not Comparable to Market Conditions in Québec, Ontario, and Alberta
Comment 37: Whether to Add a C$3.00/m3 Silviculture Fee to the Nova Scotia Benchmark
Comment 38: Whether to Compare Government Transaction-Specific Prices to an Average Benchmark Price or Offset the LTAR Benefit Using Negative Benefits
Comment 39: Whether the Nova Scotia Benchmark Adequately Accounts for Regional and Country-Level Differences
Comment 40: Whether Commerce Should Publicly Disclose the Anonymized Data that Comprise the 2017–2018 Private Market Survey and the Price Index Used to Calculate the Nova Scotia Benchmark
Comment 41: Whether Log Pricing Differences Between Nova Scotia and New Brunswick Require an Adjustment to the Nova Scotia Benchmark Utilized in JDIL's Stumpage Benefit Analysis
Comment 42: Whether Commerce Should Make Adjustments to Stumpage Rates Paid by the Respondents to Account for ''Total Remuneration'' in Alberta, New Brunswick, Ontario, and Québec

J. Log Export Restraint Issues

Comment 43: Whether Commerce Should Find Restrictions on Log Exports in Alberta, New Brunswick, Ontario, and Québec to Be Countervailable Subsidies
Comment 44: Whether the LER in British Columbia Results in a Financial Contribution
Comment 45: Whether Log Export Restraints Have an Impact in British Columbia

K. Purchase of Goods for MTAR Issues

• *British Columbia*

Comment 46: Whether Commerce Correctly Calculated a Benefit for BC Hydro EPAs
Comment 47: Whether Benefits Under the BC Hydro EPA Program Are Tied to Electricity Production and Not Lumber Products

• *Ontario and Québec*

Comment 48: Whether Resolute's Ontario and Québec Electricity PPAs Are Tied to Non-Subject Merchandise
Comment 49: Whether Commerce Applied the Correct Benchmark to Calculate the Benefit Under the IESO CHP III Program
Comment 50: Whether the IESO CHP III Program Is Specific
Comment 51: Whether Commerce Applied the Correct Benchmark to Calculate the Benefit Under the Hydro-Québec PAE 2011–01 Program
Comment 52: Whether the Hydro-Québec PAE 2011–01 Program Is Specific

L. Grant Program Issues

• *Federal*

Comment 53: Whether Funds West Fraser Received for a Lignin Plant through the SDTC Program are Tied to Non-Subject Merchandise
Comment 54: Whether the SDTC Program Is Specific
Comment 55: Whether the Green Jobs Program Is Countervailable

• *Alberta*

Comment 56: Whether the CES Program Is Specific
Comment 57: Whether the TIER Program Is Countervailable
Comment 58: Whether the Payments Made from AESO to West Fraser for Load Shedding Constitute a Financial Contribution
Comment 59: Whether the AESO Load Shedding Program Is a Grant
Comment 60: Whether the Benefit Calculation For Load Shedding Payments to West Fraser Should Be Adjusted For West Fraser's Costs Incurred
Comment 61: Whether the AESO Load Shedding Program Is Specific

• *British Columbia*

Comment 62: Whether the Purchase of Carbon Offsets From Canfor Is Countervailable

• *New Brunswick*

Comment 63: Whether Commerce Should Continue to Find the Silviculture and License Management Programs Countervailable
Comment 64: Whether Commerce Should Find LIREPP Countervailable

• *Ontario*

Comment 65: Whether the IESO Demand Response Provides a Benefit and Is Specific
Comment 66: Whether the IESO IEI Is Specific
Comment 67: Whether the OFRFP Is Countervailable
Comment 68: Whether the TargetGHG Is Specific
Comment 69: Whether the TargetGHG Is Tied to Non-Subject Merchandise

• *Québec*

Comment 70: Whether the PCIP and PIAF Are Countervailable
Comment 71: Whether the PDB Is Countervailable
Comment 72: Whether the Côte-Nord Wood Residue Program Is Countervailable
Comment 73: Whether the Investment Program in Public Forests Affected by Natural or Anthropogenic Disturbances Is Countervailable
Comment 74: Whether the MCRP Is Countervailable
Comment 75: Whether the PIB Is Countervailable
Comment 76: Whether the ÉcoPerformance Is Specific
Comment 77: Whether the FDRCMO Is Countervailable
Comment 78: Whether the MFOR Is *De Facto* Specific
Comment 79: Whether FDRCMO and MFOR Are Non-Recurring Subsidies
Comment 80: Whether the Hydro-Québec IEO Provides a Benefit and Is Specific
Comment 81: Whether the Hydro-Québec Special L Rate Is Tied to the Production of Paper

Comment 82: Whether the Hydro-Québec Special L Rate Confers a Benefit
Comment 83: Whether the Hydro-Québec EDL Is *De Jure* Specific
Comment 84: Whether Road Clearing Contracts with Hydro-Québec Are Countervailable

M. Tax and Other Revenue Foregone Programs Issues

• *Federal*

Comment 85: Whether the Federal and Provincial SR&ED Tax Credits Are Specific
Comment 86: Whether the ACCA for Class 29 and Class 53 Assets Program Is Specific
Comment 87: Whether Commerce Was Correct to Treat the ACCA as an Individual Program
Comment 88: Whether the Class 1 Additional CCA Program Provides a Financial Contribution that Confers a Benefit
Comment 89: Whether the Class 1 Additional CCA Program Is Specific

• *Alberta*

Comment 90: Whether Tax Savings Under Alberta's Schedule D Are Countervailable
Comment 91: Whether Alberta's TEFU Program Is Countervailable
Comment 92: Whether the Property Tax EOA Is Countervailable

• *British Columbia*

Comment 93: Whether BCAA Section 9 Closure Allowance Provides a Financial Contribution and Is Specific
Comment 94: Whether British Columbia's Coloured Fuel Program Is Countervailable
Comment 95: Whether the CleanBC CIIP and CIF Are Countervailable

• *New Brunswick*

Comment 96: Whether Commerce Correctly Calculated the Benefit JDIL Received from the Atlantic Investment Tax Credit
Comment 97: Whether Commerce Correctly Calculated the Benefit JDIL Received from the New Brunswick Research & Development Tax Credit
Comment 98: Whether Commerce Should Find New Brunswick's Property Tax Incentives for Private Forest Producers Program Countervailable
Comment 99: Whether the Gasoline and Fuel Tax Program Provides a Financial Contribution in the Form of Revenue Forgone or Can Be Found Specific

• *Québec*

Comment 100: Whether the Tax Credit for Investments Relating to Manufacturing and Processing Equipment Is Specific
Comment 101: Whether the Tax Credit for an On-the-Job Training Is Specific
Comment 102: Whether the Research Consortium Tax Credit Is *De Facto* Specific
Comment 103: Whether the Refund of Fuel Tax Paid on Fuel Used for Stationary Purposes Is Specific
Comment 104: Whether the Additional CCA Relating to Manufacturing and Processing Equipment Is Specific

N. Company-Specific Issues

• *Resolute*

Comment 105: Whether Commerce Should Reconsider If the GOO Forgave Debt Owed by Resolute
Comment 106: Whether Commerce Erred in Calculating Resolute's Benefit Under the Additional CCA Relating to Manufacturing and Processing Equipment Program

• *West Fraser*

Comment 107: Whether to Revise West Fraser's Sales Denominators
XI. Recommendation

Appendix II—Non-Selected Exporters/Producers

1074712 BC Ltd.
5214875 Manitoba Ltd.[7]
54 Reman
752615 B.C Ltd., Fraserview Remanufacturing Inc., dba Fraserview Cedar Products.
9224–5737 Quebec Inc. (aka A.G. Bois)
Absolute Lumber Products, Ltd.
Adwood Manufacturing Ltd.
Aler Forest Products, Ltd.
All American Forest Products Inc.
Alpa Lumber Mills Inc.
Andersen Pacific Forest Products Ltd.
Anglo-American Cedar Products, Ltd.
Antrim Cedar Corporation
Aquila Cedar Products, Ltd.
Arbec Lumber Inc. (aka Arbec Bois Doeuvre Inc.)
Aspen Planers Ltd.
B&L Forest Products Ltd
B.B. Pallets Inc.
Babine Forest Products Limited
Bakerview Forest Products Inc.
Bardobec Inc.
BarretteWood Inc.
Barrette-Chapais Ltee
Benoit & Dionne Produits Forestiers Ltee
Best Quality Cedar Products Ltd.
Blanchet Multi Concept Inc.
Bois Aise de Montreal Inc.
Bois Bonsai Inc.
Bois Daaquam inc. (aka Daaquam Lumber Inc.)
Bois D'oeuvre Cedrico Inc. (aka Cedrico Lumber Inc.)
Bois et Solutions Marketing SPEC, Inc. (aka SPEC Wood & Marketing Solution or SPEC Wood and Marketing Solutions Inc.)
Boisaco Inc.
Boscus Canada Inc.
Boucher Bros. Lumber Ltd.
BPWood Ltd.
Bramwood Forest Inc.
Brunswick Valley Lumber Inc.
Burrows Lumber (CD) Ltd., Theo A. Burrows Lumber Company Limited (aka Burrows Lumber Inc.)
Busque & Laflamme Inc.
Campbell River Shake & Shingle Co., Ltd.
Canasia Forest Industries Ltd.
Canyon Lumber Company, Ltd.
Carrier & Begin Inc.
Carrier Forest Products Ltd.
Carrier Lumber Ltd.
Carter Forest Products Inc.
Cedar Island Forest Products Ltd.
Cedar Valley Holdings Ltd.
Cedarland Forest Products Ltd.
Cedarline Industries, Ltd.
Central Cedar Ltd.
Central Forest Products Inc.
Centurion Lumber, Ltd.
Chaleur Forest Products Inc.[8]
Chaleur Forest Products LP[9]
Channel-ex Trading Corporation
Clair Industrial Development Corp. Ltd.
Clermond Hamel Ltee
CNH Products Inc.
Coast Mountain Cedar Products Ltd.
Columbia River Shake & Shingle Ltd./Teal Cedar Products Ltd., dba The Teal Jones Group[10]
Commonwealth Plywood Co. Ltd.
Comox Valley Shakes (2019) Ltd.
Conifex Fibre Marketing Inc.
Cowichan Lumber Ltd.
CS Manufacturing Inc., dba Cedarshed
CWP—Industriel Inc.
D & D Pallets Ltd.
Dakeryn Industries Ltd.
Decker Lake Forest Products Ltd.
Delco Forest Products Ltd.
Delta Cedar Specialties Ltd.
Devon Lumber Co. Ltd.
DH Manufacturing Inc.
Direct Cedar Supplies Ltd.
Distribution Rioux Inc.
Doubletree Forest Products Ltd.
Downie Timber Ltd.
Dunkley Lumber Ltd.
EACOM Timber Corporation
East Fraser Fiber Co. Ltd.
Edgewood Forest Products Inc.
Elrod Cartage Ltd.
ER Probyn Export Ltd.
Falcon Lumber Ltd.
Fontaine Inc.
Foothills Forest Products Inc.
Fraser Specialty Products Ltd.
FraserWood Industries Ltd.
Furtado Forest Products Ltd.
Gilbert Smith Forest Products Ltd.
Glandell Enterprises Inc.
Goldwood Industries Ltd.
Goodfellow Inc.
Gorman Bros. Lumber Ltd.
Greendale Industries Inc.
Greenwell Resources Inc.
Griff Building Supplies Ltd.

[7] In the *Initiation Notice,* AM Lumber Brokerage was not included. Subsequently, we determined that 5214875 Manitoba was doing business under the name AM Lumber Brokerage. Thus, entries made under company name AM Lumber Brokerage should be entered under 5214875 Manitoba. *See Initiation Notice,* 86 FR at 12610.

[8] In the *Initiation Notice,* we included the company name ''Fornebu Lumber Co. Ltd.'' *See Initiation Notice,* 86 FR at 12608. Subsequently, we determined that the successor-in-interest to Fornebu Lumber Co. Ltd. is Chaleur Forest Products Inc. *See Certain Softwood Lumber Products from Canada: Notice of Final Results of Countervailing Duty Changed Circumstances Review,* 86 FR 43189 (August 6, 2021) (*Chaleur CCR Final*).

[9] In the *Initiation Notice,* we included the company name ''Chaleur Sawmills LP.'' *See Initiation Notice,* 86 FR at 12607. Subsequently, we determined that the successor-in-interest to Chaleur Sawmills LP is Chaleur Forest Products LP. *See Chaleur CCR Final.*

[10] In the *Initiation Notice,* ''Teal Cedar Products Ltd.'' and ''The Teal-Jones Group'' were inadvertently listed separately. *See Initiation Notice,* 86 FR at 12610.

Groupe Crete Chertsey Inc.
Groupe Crete Division St-Faustin Inc.
Groupe Lebel Inc.
Groupe Lignarex inc.
H.J. Crabbe & Sons Ltd.
Haida Forest Products Ltd.
Hampton Tree Farms, LLC dba Hampton Lumber Sales Canada
Hornepayne Lumber LP
Hudson Mitchell & Sons Lumber Inc.
Hy Mark Wood Products Inc.
Interfor Corporation
Interfor Sales & Marketing Ltd.
Intertran Holdings Ltd. dba Richmond Terminal
Island Cedar Products Ltd
J&G Log Works Ltd.
J.H. Huscroft Ltd.
Jan Woodlands (2001) Inc.
Jasco Forest Products Ltd.
Jazz Forest Products Ltd.
Jhajj Lumber Corporation
Kalesnikoff Lumber Co. Ltd.
Kan Wood, Ltd.
Kebois Ltd (aka Kebois Ltee)
Kelfor Industries Ltd.
Kermode Forest Products Ltd.
Keystone Timber Ltd.
L'Atelier de Readaptation au Travail de Beauce Inc.
Lafontaine Lumber Inc.
Langevin Forest Products Inc.
Lecours Lumber Co. Limited
Leisure Lumber Ltd.
Les Bardeaux Lajoie Inc.
Les Bois d'oeuvre Beaudoin Gauthier inc.
Les Bois Martek Lumber
Les Bois Traites M.G. Inc.
Les Chantiers de Chibougamau ltd.
Les Industries P.F. Inc.
Leslie Forest Products Ltd.
Lignum Forest Products LLP
Linwood Homes Ltd.
Lonestar Lumber Inc.
Lulumco Inc.
Magnum Forest Products, Ltd.
Maibec inc.
Manitou Forest Products Ltd.
Marwood Ltd.
Materiaux Blanchet Inc.
Mid Valley Lumber Specialties, Ltd.
Midway Lumber Mills Ltd.
Mill & Timber Products Ltd.
Millar Western Forest Products Ltd.
Mirax Lumber Products Ltd.
Mobilier Rustique (Beauce) Inc.
Monterra Lumber Mills Limited
Morwood Forest Products Inc.
Multicedre ltee
Nakina Lumber Inc.
National Forest Products Ltd.
Nicholson and Cates Ltd
Norsask Forest Products Limited Partnership
North American Forest Products Ltd. (located in Abbotsford, British Columbia)
North Enderby Timber Ltd.
Northland Forest Products Ltd.
Olympic Industries, Inc./Olympic Industries Inc-Reman Code/Olympic Industries ULC/Olympic Industries ULC-Reman/Olympic Industries ULC-Reman Code
Oregon Canadian Forest Products Inc. dba Oregon Canadian Forest Products
Pacific Coast Cedar Products, Ltd.
Pacific Lumber Remanufacturing Inc.
Pacific Pallet, Ltd.
Pacific Western Wood Works Ltd.
PalletSource Inc.
Parallel Wood Products Ltd.
Pat Power Forest Products Corporation
Phoenix Forest Products Inc.
Pioneer Pallet & Lumber Ltd.
Porcupine Wood Products Ltd.
Portbec Forest Products Ltd (aka Les Produits Forestiers Portbec Ltee)
Power Wood Corp.
Precision Cedar Products Corp.
Prendiville Industries Ltd. (aka Kenora Forest Products)
Produits Forestiers Petit Paris Inc.
Produits forestiers Temrex, s.e.c. (aka Temrex Forest Products LP)
Produits Matra Inc. and Sechoirs de Beauce Inc.
Promobois G.D.S. inc.
Rayonier A.M. Canada GP
Rembos Inc.
Rene Bernard Inc.
Rick Dubois
Rielly Industrial Lumber Inc.
River City Remanufacturing Inc.
S&R Sawmills Ltd
S&W Forest Products Ltd.
San Industries Ltd.
Sawarne Lumber Co. Ltd.
Scierie St-Michel inc.
Scierie West Brome Inc.
Scott Lumber Sales
Shakertown Corp.
Sigurdson Forest Products Ltd.
Silvaris Corporation
Sinclar Group Forest Products Ltd.
Skana Forest Products Ltd.
Source Forest Products
South Beach Trading Inc.
South Coast Reman Ltd.
South Fraser Container Terminals
Specialiste du Bardeau de Cedre Inc (aka SBC)
Spruceland Millworks Inc.
Star Lumber Canada Ltd.
Suncoh Custom Lumber Ltd.
Sundher Timber Products Inc.
Surplus G Rioux
Surrey Cedar Ltd.
Taan Forest Limited Partnership
Taiga Building Products Ltd.
Tall Tree Lumber Company
Terminal Forest Products Ltd.
The Wood Source Inc.
Tolko Industries Ltd. and Tolko Marketing and Sales Ltd.
Trans-Pacific Trading Ltd.
Triad Forest Products Ltd.
Twin Rivers Paper Co. Inc.
Tyee Timber Products Ltd.
Usine Sartigan Inc.
Vaagen Fibre Canada, ULC
Valley Cedar 2 Inc.
Vancouver Specialty Cedar Products Ltd.
Visscher Lumber Inc
W.I. Woodtone Industries Inc.
Waldun Forest Product Sales Ltd.
Watkins Sawmills Ltd.
West Bay Forest Products Ltd.
Western Forest Products Inc.
Western Lumber Sales Limited
Westminster Industries Ltd.
Weston Forest Products Inc.
Weyerhaeuser Co.
White River Forest Products L.P.
Winton Homes Ltd.
Woodline Forest Products Ltd.
Woodstock Forest Products
Woodtone Specialties Inc.

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BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with June anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable August 9, 2022.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with June anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

With respect to antidumping administrative reviews, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *https://access.trade.gov,* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the POR. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted within seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act, the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (*e.g.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[2] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *https://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned

[2] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[4] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at *https://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for respondent selection. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than June 30, 2023.

	Period to be reviewed
AD proceedings	
GERMANY: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel, A–428–845	6/1/21–5/31/22
Benteler Steel/Tube GmbH/Benteler Distribution International GmbH.	
Mubea Fahrwerksfedern GmbH	
Salzgitter Mannesmann Line Pipe GmbH.	
Salzgitter Mannesmann Precision GmbH.	
INDIA: Glycine, A–533–883	6/1/21–5/31/22
Avid Organics Private Limited	
Kumar Industries.	
Paras Intermediates Private Limited.	
INDIA: Quartz Surface Products, A–533–889	6/1/21–5/31/22
3HQ Surfaces Private Limited.	
Antique Marbonite Private Limited.	
Argil Ceramics.	
Aro Granite Industries Ltd.	
ASI Industries Limited.	
Asian Granito India Limited.	
Baba Super Minerals Pvt. Ltd.	
Camrola Quartz Limited.	
Classic Marble Company Pvt. Ltd.	
Cuarzo.	
Divine Surfaces Private Limited.	
Divya Shakti Granites Ltd.	
Divya Shakti Ltd.	
Esprit Stones Private Limited.	
Global Surfaces Limited.	
Glowstone Industries Pvt. Ltd.	
Hi Elite Quartz LLP.	
Imperiaal Granimarmo Pvt Ltd.	
Internaational Stones India Pvt. Ltd.	
Keros Stone LLP.	
Mahi Granites Private Limited.	
Malbros Marbles and Granites Industries.	
Marudhar Quartz Surfaces Pvt Ltd.	
Marudhar Rocks International Private Limited.	
Mountmine Impex Pvt. Ltd.	
Pacific Industries Limited.	
Pacific Quartz Surfaces LLP.	
Paradigm Stone India Pvt. Ltd.	
Pelican Buildmat Pvt. Ltd.	
Pelican Grani Marmo Pvt. Ltd.	
Pelican Quartz Stone.	
PM Quartz Surfaces Pvt Ltd.	
Pokarna Engineered Stone Limited.	
Prism Johnson Limited.	
QuartzKraft LLP.	
Renshou Industries.	
RMC Readymix Porselano India Limited.	
Rocks Forever.	
Safayar Ceramics Pvt. Ltd.	
Satya Exports.	

[3] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[4] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Shanmukha Exports.	
Shivam Enterprises.	
Southern Rocks and Minerals Pvt. Ltd.	
Sunex Stones Private Limited.	
Tab India Granites Pvt. Ltd.	
Venkata Sri Balaji Quartz Surfaces.	
INDIA: Carbon and Alloy Steel Threaded Rod, A–533–887 [5]	4/1/21–3/31/22
V.J Industries Pvt., Ltd.	
INDIA: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel, A–533–873	6/1/21–5/31/22
Goodluck India Limited.	
Tube Products of India, Ltd., a unit of Tube Investments of India Limited (collectively, TPI).	
INDONESIA: Prestressed Concrete Steel Wire Strand, A–560–837	11/19/20–5/31/22
PT. Bumi Steel Indonesia aka PT. Bumi Nindyyacipta.	
P.T. Kingdom Indah.	
ITALY: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel, A–475–838	6/1/21–5/31/22
Dalmine S.p.A.	
ITALY: Pressed Concrete Steel Wire Strand, A–475–843	11/19/20–5/31/22
CB Trafilati Acciai S.p.A.	
Trafilerie Meridionali S.p.A.	
WBO Italcables Societa Cooperativa.	
JAPAN: Glycine, A–588–878	6/1/21–5/31/22
Nagase & Co., Ltd.	
Yuki Gosei Kogyo Co., Ltd.	
MALAYSIA: Prestressed Concrete Steel Wire Strand, A–557–819	11/19/20–5/31/22
Kiswire Sdn. Bhd.	
Kiswire Sdn. Bhd. (Kota Kiswire).	
Southern Steel Sdn. Bhd.	
Southern PC Steel Sdn. Bhd.	
Wei Dat Steel Wire Sdn. Bhd.	
SPAIN: Chlorinated Isocyanurates, A–469–814	6/1/21–5/31/22
Ercros, S.A.	
Electroquimica de Hernani, S.A.	
Industrias Quimicas Tamar, S.L.	
SPAIN: Finished Carbon Steel Flanges, A–469–815	6/1/21–5/31/22
Aleaciones De Metales Sinterizados S.A.	
Central Y Almacenes.	
Friedrich Geldbach Gmbh.	
Farina Group Spain.	
Grupo Cunado.	
Transglory S.A.	
Tubacero, S.L.	
ULMA Forja, S.Coop.	
SPAIN: Prestressed Concrete Steel Wire Strand, A–469–821	11/19/20–5/31/22
Global Special Steel Products S.A.U. (d.b.a. Trenzas y Cables de Acero PSC, S.L. (TYCSA)).	
SWITZERLAND: Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel, A–441–801	6/1/21–5/31/22
Benteler Rothrist AG.	
Mubea Inc.	
Mubea Präzisionsstahlrohr AG.	
THE PEOPLE'S REPUBLIC OF CHINA: Chlorinated Isocyanurates, A–570–898	6/1/21–5/31/22
Heze Huayi Chemical Co., Ltd.	
Juancheng Kangtai Chemical Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Tapered Roller Bearings, A–570–601	6/1/21–5/31/22
C&U Group Shanghai Bearing Co., Ltd.	
Changshan Peer Bearing Co., Ltd.	
Hangzhou C&U Automotive Bearing Co., Ltd.	
Hangzhou C&U Metallurgy Bearing Co., Ltd.	
Huangshi C&U Bearing Co., Ltd.	
Shanghai Tainai Bearing Co., Ltd.	
Sichuan C&U Bearing Co., Ltd.	
Zhejiang Jingli Bearing Technology Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Wooden Cabinets and Vanities and Components Thereof,[6] A–570–106	4/1/21–3/31/22
UKRAINE: Prestressed Concrete Steel Wire Strand, A–823–817	11/19/20–5/31/22
PJSC PA Stalkanat-Silur.	
PJSC Stalkanat.	
UNITED ARAB EMIRATES: Certain Steel Nails,[7] A–520–804	5/1/21–4/30/22
Al Falaq Building Materials.	
Al Khashab Building Materials Co., LLC.	
Al Rafaa Star Building Materials Est.	
Al Sabbah Trading and Importing, Est.	
All Ferro Building Materials, LLC.	
Asgar Ali Yousif Trading Co., LLC.	
Azymuth Consulting, LLC.	
Burj Al Tasmeem, Tr.	
Dubai Wire FZE.	
Gheewala Hardware Trading Company, LLC.	
Master Nails and Pins Manufacturing LLC.	
Middle East Manufacturing Steel, LLC.	
New World International, LLC.	
Okzeela Star Building Materials Trading, LLC.	
Rich Well Steel Industries LLC.	
Samrat Wire Industry, LLC.	
SK Metal International DMCC.	
Steel Racks Factory, LLC.	

	Period to be reviewed
Trade Circle Enterprises, LLC..	
CVD Proceedings	
INDIA: Glycine, C–533–884	1/1/21–12/31/21
Avid Organics Private Limited.	
Paras Intermediates Private Limited.	
Kumar Industries, India[8]	
Rexisize Rasayan Industries.	
Rudraa International.	
INDIA: Quartz Surface Products, C–533–890	1/1/21–12/31/21
Antique Marbonite Private Limited, and	
Argil Ceramics.	
Aro Granite Industries Ltd.	
ASI Industries Limited.	
Baba Super Minerals Pvt Ltd.	
Camrola Quartz Limited.	
Chariot International Pvt Ltd.	
Classic Marble Company Pvt Ltd.	
Cuarzo.	
Divine Surfaces Private Limited.	
Divya Shakti Granites Ltd.	
Divya Shakti Ltd.	
Esprit Stones Private Limited.	
Global Surfaces Limited.	
Glowstone Industries Pvt Ltd.	
Imperiaal Granimarmo Pvt Ltd.	
Keros Stone LLP.	
Mahi Granites Private Limited Marudhar Quartz Surfaces Pvt Ltd.	
Marudhar Rocks International Pvt Ltd.	
Pacific Industries Limited.	
Pacific Quartz Surfaces LLP.	
Paradigm Stone India Pvt Ltd.	
Pelican Quartz Stone.	
Pokarna Engineered Stone Limited.	
Prism Johnson Limited.	
Rare Rocks.	
Renshou Industries.	
Rocks Forever.	
Safayar Ceramics Pvt Ltd.	
Satya Exports.	
Shanmukha Exports.	
Shivam Enterprises.	
Southern Rocks & Minerals.	
Sunex Stones Private Limited.	
THE PEOPLE'S REPUBLIC OF CHINA: High Pressure Steel Cylinders, C–570–978	1/1/21–12/31/21
Beijing Tianhai Industry Co. Ltd.	
Langfang Tianhai High Pressure Container Co., Ltd.	
Tianjin Tianhai High Pressure Container Co., Ltd.	

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether AD duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant ''gap'' period of the order (*i.e.,* the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19

[5] In the notice of initiation for April anniversary orders, published in the **Federal Register** on June 9, 2022 (87 FR 35165), Commerce inadvertently omitted one company for which a review was requested. Commerce hereby corrects that omission.

[6] In the initiation notice that published on June 9, 2022 (87 FR 35165) Commerce inadvertently listed the wrong period of review. The correct period of review is listed in this notice.

[7] In the initiation notice that published on July 14, 2022 (87 FR 42144) Commerce inadvertently omitted a company name from the list of companies under review; additionally, certain company names contained typographical or formatting errors. The names are presented in this notice.

[8] GEO Specialty Chemicals, Inc. (GEO), a domestic producer of glycine, requested a review for ''Kumar Industries.'' We confirmed that GEO intended to request a review for ''Kumar Industries, India.'' *See* Memorandum, ''Phone Conversation with an Interested Party,'' dated July 27, 2022.

CFR 351.102(b)(21), which are summarized as follows: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,[9] available at *www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf*, prior to submitting factual information in this segment. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[10]

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.[11] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.[12] In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule,* available at *https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: August 3, 2022.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2022–17021 Filed 8–8–22; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[10] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 41363 (July 10, 2020).

[11] *See* section 782(b) of the Act; *see also Final Rule;* and the frequently asked questions regarding the *Final Rule,* available at *https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[12] *See* 19 CFR 351.302.

DEPARTMENT OF COMMERCE

International Trade Administration

United States Travel and Tourism Advisory Board: Meeting of the United States Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Travel and Tourism Advisory Board (Board or TTAB) will hold a meeting on Wednesday, September 7, 2022. The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry. The purpose of the meeting is for Board members to discuss and potentially adopt letters of recommendation in the areas of diverse tourism product; tourism planning; business travel; climate change; and infrastructure. The final agenda will be posted on the Department of Commerce website for the Board at *https://www.trade.gov/ttab-meetings* at least two days prior to the meeting.

DATES: Wednesday, September 7, 2022, 11:30 a.m.–12:30 p.m. EDT. The deadline for members of the public to register for the meeting or to submit written comments for dissemination prior to the meeting is 5:00 p.m. EDT on Friday, September 2, 2022.

ADDRESSES: The meeting will be held virtually. The access information will be provided by email to registrants. Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted by email to *TTAB@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Aguinaga, the United States Travel and Tourism Advisory Board, National Travel and Tourism Office, U.S. Department of Commerce; telephone: 202–482–2404; email: *TTAB@trade.gov.*

SUPPLEMENTARY INFORMATION:

Public Participation: The meeting will be open to the public and will be accessible to people with disabilities. Any member of the public requesting to join the meeting is asked to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may not be possible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Members of the public wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m.

EDT on Friday, September 2, 2022, for inclusion in the meeting records and for circulation to the members of the Board.

In addition, any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Jennifer Aguinaga at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EDT on Friday, September 2, 2022, to ensure transmission to the Board prior to the meeting. Comments received after that date and time will be transmitted to the Board but may not be considered during the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

This Notice is published pursuant to the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C., app., 9(c). It has been determined that the Committee is necessary and in the public interest. The Committee was established pursuant to Commerce's authority under 15 U.S.C. 1512, established under the FACA, as amended, 5 U.S.C. app., and with the concurrence of the General Services Administration.

Jennifer Aguinaga,

Designated Federal Officer, United States Travel and Tourism Advisory Board.

[FR Doc. 2022–17076 Filed 8–8–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Review: Notice of NAFTA Panel Order

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of NAFTA Panel Order in the matter of Ammonium Sulphate from the United States of America. (Secretariat File Number: MEX–USA–2015–1904–01).

SUMMARY: On July 19, 2022, a NAFTA Binational Panel issued an Order pursuant to NAFTA Article 1904(8) and Rules 72, 73(5), and 77 of the *NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews* in the matter of Ammonium Sulphate from the United States of America (Determination on Remand). The Binational Panel affirmed the Secretaria de Economia's Fourth Determination on Remand.

FOR FURTHER INFORMATION CONTACT: Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Article 1904 of chapter 19 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to provide judicial review of the trade remedy determination. There are established *NAFTA Rules of Procedure for Article 1904 Binational Panel Reviews.* For the complete Rules, please see *https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/nafta-alena-tlcan/rules-regles-reglas/article-article-articulo_1904.aspx?lang=eng.*

Dated: August 4, 2022.

Vidya Desai,

Secretary of U.S. Section, NAFTA Secretariat.

[FR Doc. 2022–17082 Filed 8–8–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–857]

Certain Softwood Lumber Products From Canada: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2020

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), January 1, 2020, through December 31, 2020.

DATES: Applicable August 9, 2022.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen (Canfor) or Maisha Cryor (West Fraser), AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2769 or (202) 482–5831, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* on February 4, 2022.[1] This review covers 275 producers/exporters of subject merchandise, including two mandatory respondents, Canfor [2] and West Fraser.[3] For events subsequent to the *Preliminary Results, see* the Issues and Decision Memorandum.[4] The final weighted-average dumping margins are listed below in the ''Final Results of Review'' section of this notice. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The product covered by this review is softwood lumber from Canada. For a full description of the scope, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case briefs filed in this administrative review are addressed in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is included in Appendix I of this notice. The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum is also accessible on the internet at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Determination of No Shipments

Based on the comments received, we find that Careau Bois, Inc. had no

[1] *See Certain Softwood Lumber Products from Canada: Preliminary Results of Antidumping Duty Administrative Review,* 87 FR 6506 (February 4, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] As described in the *Preliminary Results* PDM, we have treated Canfor Corporation, Canadian Forest Products Ltd., and Canfor Wood Products Marketing Ltd. (collectively, Canfor) as a single entity. *See Preliminary Results* PDM.

[3] As described in the *Preliminary Results* PDM, we have treated West Fraser Mills Ltd., Blue Ridge Lumber Inc., Manning Forest Products Ltd., and Sundre Forest Products Inc. (collectively, West Fraser) as a single entity. *See Preliminary Results* PDM at 6–7.

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2020 Administrative Review of the Antidumping Duty Order on Certain Softwood Lumber Products from Canada,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

shipments.[5] We will issue appropriate instructions to U.S. Customs and Border Protection (CBP) based on these final results.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made the following changes to the *Preliminary Results*:

- Identified Comox Valley Shakes (2019) Ltd. as a non-selected company under review; [6]
- For West Fraser, corrected an error with how we calculated the byproduct offset; and
- Made a determination that Careau Bois, Inc. had no shipments.

Final Results of Review

As a result of this administrative review, we are assigning the following weighted-average dumping margins to the manufacturers/exporters listed below for the POR, January 1, 2020, through December 31, 2020:

Exporter/producer	Weighted-average dumping margin (percent)
Canfor Corporation/Canadian Forest Products Ltd./Canfor Wood Products Marketing Ltd	4.92
West Fraser Mills Ltd., Blue Ridge Lumber Inc./Manning Forest Products Ltd./and Sundre Forest Products Inc	4.63
Non-Selected Companies [7]	4.76

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

We intend to calculate importer- (or customer-) specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer (or customer's) examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Generally, when calculating margins for non-selected respondents, Commerce looks to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act provides that when calculating the all-others rate, Commerce will exclude any zero and *de minimis* weighted-average dumping margins, as well as any weighted-average dumping margins based on total facts available. Accordingly, Commerce's usual practice has been to average the margins for selected respondents, excluding margins that are zero, *de minimis,* or based entirely on facts available.

In this review, we calculated a weighted-average dumping margin of 4.92 percent for Canfor and 4.63 percent for West Fraser. In accordance with section 735(c)(5)(A) of the Act, Commerce assigned the weighted-average of these two calculated weighted-average dumping margins to the non-selected companies in these final results, based on their publicly ranged sales data.[8] Accordingly, we have applied a rate of 4.76 percent to the non-selected companies.[9] A list of all non-selected companies is included in Appendix II.

Commerce's ''reseller policy'' will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[10]

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future cash deposits of estimated duties, where applicable. Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies under review will be equal to the weighted-average dumping margin listed above in the ''Final Results of Review'' section; (2) for merchandise exported by producers or exporters not covered in this review but covered in a previously completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the final results for the most recent period in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, then the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final results for the most recent period in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previously completed segment of this proceeding, then the cash deposit rate will be 6.58 percent *ad valorem,* the all-others rate established in the less than fair value investigation.[11] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during 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.

Notification Regarding Administrative Protective Order

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or

[5] *See* Issues and Decision Memorandum at Comment 15.

[6] Despite parties requesting a review of Comox Valley Shakes (2019) Ltd., we failed to list Comox Valley Shakes (2019) Ltd. in the *Initiation Notice.* However, we included Comox Valley Shakes (2019) Ltd. in a subsequent initiation notice. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews; Amendment of Notice,* 87 FR 43242 (July 20, 2022).

[7] See Appendix II of this notice for a list of the non-selected respondent companies.

[8] *See* Memorandum, ''Calculation of the Rate for Non-Selected Respondents,'' dated concurrently with this notice. A list of the non-selected companies under review is included as Appendix II.

[9] *Id.*

[10] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[11] *See Certain Softwood Lumber Products from Canada: Final Affirmative Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 82 FR 51806 (November 8, 2017).

destruction of proprietary information disclosed under the 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 the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h).

Dated: August 3, 2022.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues
- Comment 1: Particular Market Situation (PMS) Allegation
- Comment 2: Whether Commerce's Application of the Cohen's *d* Test is Contrary to Law
- Comment 3: Whether Commerce Failed to Consider Qualitative Factors in Determining Whether Price Differences Were Significant in Differential Pricing Analysis
- Comment 4: Whether Commerce Erred in Finding a Pattern of U.S. Prices that Differ Significantly Among Purchasers, Regions, or Periods of Time
- Comment 5: Whether the Average-to-Average (A-to-A) Methodology Accounts for the Identified Price Differences in Applying the ''Meaningful Difference'' Test
- Comment 6: Zeroing
- Comment 7: The Cohen's *d* and Ratio Test
- Comment 8: Whether Commerce's Simple Average of Variances is Appropriate
- Comment 9: Whether to Update J.D. Irving's Cash Deposit Rate
- Comment 10: Whether it was Proper not to Select Respondents based on Sampling
- Comment 11: Whether it was Proper not to have Adjusted U.S. Price by Countervailing Duties (CVD)
- Comment 12: Whether to Correct the Names of Certain Companies under Review
- Comment 13: Whether Commerce Should Include Restructuring and Impairment Costs in the Calculation of West Fraser's General & Administrative (G&A) Expense Ratio
- Comment 14: Whether Commerce Should Make Certain Revisions to West Fraser's Byproduct Offset Calculation
- Comment 15: Whether Commerce Should Rescind this Administrative Review for Companies with No Suspended Entries in the U.S. Customs and Border Protection (CBP) Data
- Comment 16: Whether Commerce Used the Proper Market Price for Canfor's Wood Chip Sales
- Comment 17: Whether the Costs Associated with Canfor's Mill Closures Should Be Excluded from the Mill Specific Cost of Production
- Comment 18: Whether the Cost for Electricity Should be Based on Electricity Prices in Alberta Alone
- Comment 19: Whether Commerce Should Adjust the Reported Cost of Electricity at the PG Sawmill

V. Recommendation

Appendix II

Non-Selected Exporters/Producers

1. 1074712 BC Ltd.
2. 5214875 Manitoba Ltd.
3. 54 Reman
4. 752615 B.C Ltd. Fraserview Remanufacturing Inc., (dba Fraserview Cedar Products)
5. 9224–5737 Quebec inc. (aka A.G. Bois)
6. AA Trading Ltd.
7. Absolute Lumber Products Ltd.
8. Adwood Manufacturing Ltd
9. Aler Forest Products Ltd.
10. All American Forest Products Inc.
11. Alpa Lumber Mills Inc.
12. Andersen Pacific Forest Products Ltd.
13. Anglo American Cedar Products Ltd.; Anglo-American Cedar Products Ltd.[12]
14. Antrim Cedar Corporation
15. Aquila Cedar Products Ltd.
16. Arbec Lumber Inc.; Arbec Bois Doeuvre Inc.[13]
17. Aspen Planers Ltd.
18. B&L Forest Products Ltd.
19. B.B. Pallets Inc.; Les Palettes B.B.Inc.[14]
20. Babine Forest Products Limited
21. Bakerview Forest Products Inc.
22. Bardobec Inc.
23. Barrette-Chapais Ltee
24. BarretteWood Inc.
25. Benoît & Dionne Produits Forestiers Ltée; Benoît & Dionne Forest Products Ltd.[15]
26. Best Quality Cedar Products Ltd.
27. Blanchet Multi Concept Inc.
28. Blanchette & Blanchette Inc.
29. Bois Aisé de Montréal Inc.
30. Bois Bonsaï Inc.
31. Bois D'Oeuvre Cedrico Inc.; Cedrico Lumber Inc.[16]
32. Bois Daaquam Inc.; Daaquam Lumber Inc.[17]
33. Bois et Solutions Marketing SPEC, Inc.; SPEC Wood & Marketing Solution; SPEC Wood and Marketing Solutions Inc.[18]
34. Boisaco Inc.
35. Boscus Canada Inc.
36. Boucher Bros. Lumber Ltd.
37. BPWood Ltd.
38. Bramwood Forest Inc.
39. Brink Forest Products Ltd.
40. Brunswick Valley Lumber Inc.
41. Burrows Lumber (CD) Ltd., Theo A. Burrows Lumber Company Limited
42. Busque & Laflamme Inc.
43. Campbell River Shake & Shingle Co. Ltd.
44. Canada Pallet Corp.
45. Canasia Forest lndustries Ltd.
46. Canyon Lumber Company Ltd.
47. Carrier & Bégin Inc.
48. Carrier Forest Products Ltd.
49. Carrier Lumber Ltd.
50. Carter Forest Products Inc.
51. Cedar Island Forest Products Ltd.
52. Cedar Valley Holdings Ltd.
53. Cedarcoast Lumber Products
54. Cedarland Forest Products Ltd.
55. Cedarline Industries Ltd.
56. Central Cedar Ltd.
57. Central Forest Products Inc.
58. Centurion Lumber Ltd.
59. Chaleur Sawmills LP/Chaleur Forest Products LP[19]
60. Channel-ex Trading Corporation
61. Clair Industrial Development Corp. Ltd.
62. Clermond Hamel Ltee
63. CNH Products Inc.
64. Coast Clear Wood Ltd.
65. Coast Mountain Cedar Products Ltd.
66. Commonwealth Plywood Co. Ltd.
67. Comox Valley Shakes (2019) Ltd.
68. Conifex Fibre Marketing Inc.
69. Coulson Manufacturing Ltd.
70. Cowichan Lumber Ltd.
71. CS Manufacturing Inc. (dba Cedarshed)
72. CWP—Industriel Inc.
73. CWP—Montréal Inc.
74. D & D Pallets Ltd.
75. Dakeryn Industries Ltd.
76. Decker Lake Forest Products Ltd.
77. Deep Cove Forest Products, Inc.
78. Delco Forest Products Ltd.
79. Delta Cedar Specialties Ltd.
80. Devon Lumber Co. Ltd.
81. DH Manufacturing Inc.
82. Direct Cedar Supplies Ltd.
83. Distribution Rioux Inc.
84. Doubletree Forest Products Ltd.
85. Downie Timber Ltd.
86. Dunkley Lumber Ltd.

[12] We have added the hyphenated version of Anglo American Cedar Products Ltd.

[13] We have added the French translation of Arbec Lumber Inc.

[14] We have reformatted the name Les Palettes B.B.Inc. (aka B.B. Pallets Inc.) stated in the *Initiation Notice. See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 12599 (March 4, 2021)(*Initiation Notice*).

[15] We have added the English translation of Benoît & Dionne Produits Forestiers Ltée.

[16] We have reformatted the name Bois D'Oeuvre Cedrico Inc. (aka Cedrico Lumber Inc.).

[17] We have added the English translation of Bois D'Oeuvre Cedrico Inc.

[18] We have added the English translations of Bois et Solutions Marketing SPEC, Inc.

[19] In the *Initiation Notice,* we included the company name ''Chaleur Sawmills LP.'' *See Initiation Notice.* Subsequently, we determined that the successor-in-interest to Chaleur Sawmills LP is Chaleur Forest Products LP. *See Certain Softwood Lumber Products from Canada: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 86 FR 22934 (April 30, 2021), and accompanying Preliminary Decision Memorandum, unchanged in *Certain Softwood Lumber Products from Canada: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 86 FR 33222 (June 24, 2021) (*Chaleur CCR).* We intend to liquidate all entries by Chaleur Sawmills LP based on the final results, but revise the cash deposit rate to apply to Chaleur Forest Products LP.

87. EACOM Timber Corporation
88. East Fraser Fiber Co. Ltd.
89. Edgewood Forest Products Inc.
90. Elrod Cartage Ltd.
91. ER Probyn Export Ltd.
92. Falcon Lumber Ltd.
93. Fontaine Inc.
94. Foothills Forest Products Inc.
95. Fornebu Lumber Company Inc./Chaleur Forest Products Inc.[20]
96. Fraser Specialty Products Ltd.
97. FraserWood Industries Ltd
98. Furtado Forest Products Ltd.
99. Glandell Enterprises Inc.
100. Goldband Shake & Shingle Ltd.
101. Goldwood Industries Ltd.
102. Goodfellow Inc.
103. Gorman Bros. Lumber Ltd.
104. Greendale Industries Inc.
105. Greenwell Resources Inc.
106. Griff Building Supplies Ltd.
107. Groupe Crête Chertsey Inc.
108. Groupe Crête Division St-Faustin Inc.
109. Groupe Lebel Inc.
110. Groupe Lignarex Inc.
111. H.J. Crabbe & Sons Ltd.
112. Haida Forest Products Ltd.
113. Halo Sawmill, a division of Delta Cedar Specialties Ltd.
114. Hampton Tree Farms, LLC (dba Hampton Lumber Sales Canada)
115. Hornepayne Lumber LP
116. Hudson Mitchell & Sons Lumber Inc.
117. Hy Mark Wood Products Inc.
118. Imperial Cedar Products Ltd.
119. Independent Building Materials Distribution Inc.
120. Interfor Corporation
121. Interfor Sales & Marketing Ltd.
122. Intertran Holdings Ltd. (dba Richmond Terminal)
123. Island Cedar Products Ltd.
124. J&G Log Works Ltd.
125. Jan Woodlands (2001) Inc.
126. Jasco Forest Products Ltd.
127. Jazz Forest Products Ltd.
128. J.H. Huscroft Ltd.
129. Jhajj Lumber Corporation
130. Kalesnikoff Lumber Co. Ltd.
131. Kan Wood Ltd.
132. Kébois Ltée; Kébois Ltd.[21]
133. Kelfor Industries Ltd.
134. Kermode Forest Products Ltd.
135. Keystone Timber Ltd.
136. L'Atelier de Réadaptation au Travil de Beauce Inc.[22]
137. Lafontaine Lumber Inc.
138. Langevin Forest Products Inc.
139. Lecours Lumber Co. Limited
140. Leisure Lumber Ltd.
141. Les Bardeaux Lajoie Inc.
142. Les Bois d'oeuvre Beaudoin Gauthier Inc.
143. Les Bois Martek Lumber
144. Les Bois Traités M.G. Inc.
145. Les Chantiers de Chibougamau Ltee; Les Chantiers de Chibougamau Ltd.[23]
146. Les Industries P.F. Inc.
147. Les Produits Forestiers D&G Ltée; D&G Forest Products Ltd.[24]
148. Leslie Forest Products Ltd.
149. Lignum Forest Products LLP
150. Linwood Homes Ltd.
151. Lonestar Lumber Inc.
152. Lulumco inc.
153. Magnum Forest Products Ltd.
154. Maibec inc.
155. Mainland Sawmill, a division of Terminal Forest Products
156. Manitou Forest Products Ltd.
157. Marcel Lauzon Inc.
158. Marwood Ltd.
159. Materiaux Blanchet Inc.
160. Mid Valley Lumber Specialties Ltd.
161. Midway Lumber Mills Ltd.
162. Mill & Timber Products Ltd.
163. Millar Western Forest Products Ltd.
164. Mirax Lumber Products Ltd.
165. Mobilier Rustique (Beauce) Inc.
166. Monterra Lumber Mills Limited
167. Morwood Forest Products Inc.
168. Multicedre Ltee
169. Nakina Lumber Inc.
170. National Forest Products Ltd.
171. Nicholson and Cates Ltd.
172. Nickel Lake Lumber
173. Norsask Forest Products Inc.
174. Norsask Forest Products Limited Partnership
175. North American Forest Products Ltd. (located in Saint-Quentin, New Brunswick)
176. North American Forest Products Ltd. (located in Abbotsford, British Columbia)
177. North Enderby Timber Ltd.
178. Northland Forest Products Ltd.
179. Olympic Industries Inc-Reman Codes[25]
180. Olympic Industries ULC
181. Olympic Industries ULC-Reman[26]
182. Olympic Industries ULC-Reman Code[27]
183. Olympic Industries Inc.
184. Oregon Canadian Forest Products Inc. d.b.a. Oregon Canadian Forest Products
185. Pacific Coast Cedar Products Ltd.
186. Pacific Lumber Remanufacturing Inc.
187. Pacific Pallet Ltd.
188. Pacific Western Wood Works Ltd.
189. PalletSource Inc.
190. Parallel Wood Products Ltd.
191. Pat Power Forest Products Corporation
192. Phoenix Forest Products Inc.
193. Pine Ideas Ltd.
194. Pioneer Pallet & Lumber Ltd.
195. Porcupine Wood Products Ltd.
196. Portbec Forest Products Ltd.; Les Produits Forestiers Portbec Ltée[28]
197. Power Wood Corp.
198. Precision Cedar Products Corp.
199. Prendiville Industries Ltd. (aka Kenora Forest Products)
200. Produits Forestiers Petit Paris Inc.
201. Produits forestiers Temrex SEC.; Temrex Forest Products LP[29]
202. Produits Matra Inc.
203. Promobois G.D.S. Inc.
204. Rayonier A.M. Canada GP
205. Rembos Inc.
206. René Bernard Inc.
207. Resolute Growth Canada Inc.; Forest Products Mauricie LP, Société en commandite Scierie Opitciwan; Resolute-LP Engineered Wood Larouche Inc.; Resolute-LP Engineered Wood St-Prime Limited Partnership; Resolute FP Canada Inc.
208. Rick Dubois
209. Rielly Industrial Lumber Inc.
210. River City Remanufacturing Inc.
211. S&R Sawmills Ltd.
212. S&W Forest Products Ltd.
213. San Industries Ltd.
214. Sapphire Lumber Company
215. Sawarne Lumber Co. Ltd.
216. Scierie Alexandre Lemay & Fils Inc.
217. Scierie St-Michel Inc.
218. Scierie West Brome Inc.
219. Scott Lumber Sales
220. Sechoirs de Beauce Inc.
221. Shakertown Corp.
222. Sigurdson Forest Products Ltd.
223. Silvaris Corporation
224. Sinclar Group Forest Products Ltd.
225. Skana Forest Products Ltd.
226. Skeena Sawmills Ltd.
227. Sonora Logging Ltd.
228. Source Forest Products
229. South Beach Trading Inc.
230. South Coast Reman Ltd.
231. South Fraser Container Terminals
232. Specialiste du Bardeau de Cedre Inc.
233. Spruceland Millworks Inc.
234. Star Lumber Canada Ltd.
235. Suncoast Industries Inc.
236. Suncoh Custom Lumber Ltd.
237. Sundher Timber Products Inc.

[20] In the *Initiation Notice,* we included the company name ''Fornebu Lumber Company Inc.'' *See Initiation Notice* at 86 FR 12602. On February 11, 2021, Fornebu Lumber Company Inc. stated that it had incorrectly identified itself as Fornebu Lumber Co. Ltd. but that they are the same company. *See* Fornebu Lumber Company Inc. Letter, ''Clarification of Company Name of Fornebu Lumber Company Inc.,'' dated February 11. 2021. Subsequently, we determined that the successor-in-interest to Fornebu Lumber Co. Ltd. (and Fornebu Lumber Company Inc.) is Chaleur Forest Products Inc. *See Chaleur CCR.* We intend to liquidate all entries by Fornebu Lumber Company Inc. based on the final results, but revise the cash deposit rate to apply to Chaleur Forest Products Inc.

[21] We have reformatted the name Kebois Ltee/Ltd. identified in the *Initiation Notice.*

[22] On August 26, 2021 Commerce published the final results of a changed circumstances review determining that CHAP Alliance, Inc. (CHAP) is the successor-in-interest to L'Atelier de Réadaptation au Travil de Beauce Inc. (L'Atelier). *See Certain Softwood Lumber Products From Canada: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 86 FR 47621 (August 26, 2021). We intend to liquidate all entries by L'Atelier based on the final results, but revise the cash deposit rate to apply to CHAP.

[23] We have added the English translation of Ltee.

[24] We have reformatted the name Les Produits Forestiers D&G Ltée (aka D&G Forest Products Ltd.) identified in *Initiation Notice.*

[25] On April 15, 2021 we deactivated the case number for Olympic Industries Inc-Reman Codes in the ACE customs portal but directed CBP that all entries by Olympic Industries Inc. regardless of whether they have a suffix of ''Reman Codes'', should be entered as an entry by Olympic Industries Inc.

[26] On April 15, 2021 we deactivated Olympic Industries Inc-Reman Codes in the ACE customs portal but directed CBP that all entries by Olympic Industries Inc. regardless of whether they have a suffix of ''Reman'' or ''Reman Code,'' should be entered as an entry by Olympic Industries ULC.

[27] On April 15, 2021 we deactivated Olympic Industries Inc-Reman Codes in the ACE customs portal but directed CBP that all entries by Olympic Industries Inc. regardless of whether they have a suffix of ''Reman'' or ''Reman Code,'' should be entered as an entry by Olympic Industries ULC.

[28] We have added the English translation of Les Produits Forestiers Portbec Ltée.

[29] We added the English translation of Produits Forestiers Temrex SEC.

238. Surplus G Rioux
239. Surrey Cedar Ltd.
240. Taan Forest Limited Partnership
241. Taiga Building Products Ltd.
242. Tall Tree Lumber Company
243. Teal Cedar Products Ltd.
244. Terminal Forest Products Ltd.
245. The Teal Jones Group
246. The Wood Source Inc.
247. Tolko Marketing and Sales Ltd., Tolko Industries Ltd., and Gilbert Smith Forest Products Ltd.
248. Trans-Pacific Trading Ltd.
249. Triad Forest Products Ltd.
250. Twin Rivers Paper Co. Inc.
251. Tyee Timber Products Ltd.
252. Usine Sartigan Inc.
253. Vaagen Fibre Canada ULC
254. Valley Cedar 2 Inc.
255. Vancouver Specialty Cedar Products Ltd.
256. Vanderhoof Specialty Wood Products Ltd.
257. Visscher Lumber Inc.
258. W.I. Woodtone Industries Inc.
259. Waldun Forest Product Sales Ltd.
260. Watkins Sawmills Ltd.
261. West Bay Forest Products Ltd.
262. Western Forest Products Inc.
263. Western Lumber Sales Limited
264. Western Timber Products, Inc.
265. Westminster Industries Ltd.
266. Weston Forest Products Inc.
267. Weyerhaeuser Co.
268. White River Forest Products L.P.
269. Winton Homes Ltd.
270. Woodline Forest Products Ltd.
271. Woodstock Forest Products
272. Woodtone Specialties Inc.
273. WWW Timber Products Ltd.

[FR Doc. 2022–17065 Filed 8–8–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; West Coast Region Groundfish Electronic Fish Ticket Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 11, 2022.

ADDRESSES: Direct all written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0620 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jahnava Duryea, National Marine Fisheries Service, California Central Valley Office, 650 Capital Mall, Suite 5–100, Sacramento, CA 95814, (916) 930–3725 or via email at *jahnava.duryea@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) requests comments on an extension of a currently approved information collection for the West Coast Region Groundfish Electronic Fish Ticket Program.

As part of its fishery management responsibilities, the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) collects information to determine the amount and type of groundfish caught by fishing vessels. Electronic fish tickets are submissions of landings data from the first receiver to the Pacific States Marine Fisheries Commission (PSMFC) and NMFS. This collection supports requirements for participants of the Pacific Coast shorebased commercial groundfish fisheries (including the shorebased Individual Fishing Quota (IFQ) program, the limited entry fixed gear fishery, and the open access fixed gear fishery) to account for all landed catch and to send electronic catch data used to manage the catch allocations and limits. The respondents are principally shorebased first receivers.

II. Method of Collection

Shoreside first receivers, defined as persons who receive, purchase, or take custody, control, or possession of catch onshore directly from a vessel, are required to use a web-based, NMFS-approved electronic fish ticket program to send catch reports within 24 hours from the date of the landing.

III. Data

OMB Control Number: 0648–0738.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations; Individuals or households; State, Local, or Tribal government.

Estimated Number of Respondents: 141.

Estimated Time per Response: Electronic fish ticket filling and submission (Washington and California): 10 minutes. Electronic fish ticket submission (Oregon): 2 minutes.

Estimated Total Annual Burden Hours: 2,102.

Estimated Total Annual Cost to Public: $0.

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. 2022–17073 Filed 8–8–22; 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; Pacific Coast Groundfish Trawl Rationalization Program Permit and License Information Collection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before October 11, 2022.

ADDRESSES: Direct all written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0620 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jahnava Duryea, National Marine Fisheries Service, California Central Valley Office, 650 Capital Mall, Suite 5–100, Sacramento, CA 95814, (916) 930–3725 or via email at *jahnava.duryea@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) requests comments on the extension of a currently approved information collection for the West Coast Region's Pacific Coast Groundfish Trawl Rationalization Program.

The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.,* provides that the Secretary of Commerce is responsible for the conservation and management of marine fisheries resources in the Exclusive Economic Zone (3–200 miles offshore) of the United States. NMFS West Coast Region manages the Pacific Coast Groundfish Fishery in the Exclusive Economic Zone (EEZ) off the coast of Washington, Oregon, and California under the Pacific Coast Groundfish Fishery Management Plan (FMP).

In January 2011, NMFS implemented a trawl rationalization program, which is a catch share program, for the Pacific Coast Groundfish Limited Entry Trawl Fishery. The program was implemented through Amendments 20 and 21 to the Pacific Coast Groundfish FMP and the corresponding implementing regulations at 50 CFR part 660. Amendment 20 established the trawl rationalization program that consists of an individual fishing quota (IFQ) program for the shorebased trawl fleet (including whiting and non-whiting sectors) and cooperative programs for the at-sea mothership and catcher/processor trawl fleets (whiting only). Amendment 21 set long-term allocations for the limited entry trawl sectors of certain groundfish species.

Under the trawl rationalization program, new permits, accounts, endorsements and licenses were established. These consist of: quota share (QS) permits/accounts, vessel accounts, first receiver site licenses, mothership endorsements on certain limited entry trawl permits, mothership catcher vessel endorsements on certain limited entry trawl permits, catcher/processor endorsements on certain limited entry trawl permits, a mothership cooperative permit, and a catcher/processor cooperative permit. NMFS collects information from program participants in order to: (1) establish new permits, accounts, and licenses; (2) renew permits, accounts, and licenses; (3) allow trading of QS percentages and quota pounds (QP) in online QS and vessel accounts, and allow transfer of catch history assignments between limited entry trawl permits; (4) track compliance with program control limits; and (5) implement other features of the regulations pertaining to permits and licenses.

As part of its fishery management responsibilities, NMFS requires this information to determine whether a respondent complies with regulations that pertain to issuance and renewal of permits, and transfer and use of quota. Identification of the participants of the trawl rationalization program, their gear types, descriptions of their vessels, and activity levels are needed to control and determine the extent of fishing and to track inseason quota use. Collection of this information also allows NMFS to equitably manage annual shorebased trawl allocations for the fishery and enforce control limits such that no person may own or control, or have a controlling influence over, quota for any individual species that exceeds the Shorebased IFQ Program accumulation limits.

There is a concurrent proposed rule (0648–BL41) that is seeking to revise certain parts of the collection.

II. Method of Collection

Information is primarily collected by paper format (USPS) mail and electronically (internet). In some situations, email or phone conversations supplement the information.

The following information is collected by mail: QS permit application forms; late QS permit renewals; vessel account registration requests; late vessel account renewals; trawl identification of ownership interest forms for new applicants, mothership catcher vessel endorsed limited entry permit owners, and mothership permit owners; mothership permit change of vessel registration, permit owner, or vessel owner application forms; mothership cooperative permit application forms; change of mothership catcher vessel endorsement and catch history assignment registration forms; mutual agreement exception forms; mothership withdrawal forms; catcher/processor cooperative permit application forms; material change forms; and QS abandonment requests.

The following information is collected electronically: QS permit renewals; QS percent transfers; QP transfers from a QS account to a vessel account; vessel account renewals; QP transfers from a vessel account to another vessel account; trawl identification of ownership interest forms for online QS and vessel account renewals; first receiver site license application forms (new applicants and re-registrations); and mothership permit renewal forms.

III. Data

OMB Control Number: 0648–0620.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations; non-profit institutions; State, local, or tribal government.

Estimated Number of Respondents: 359.

Estimated Time per Response: QS permit/account application form—20 minutes; QS permit/account online renewal—10 minutes; QS permit/

account late renewal form—15 minutes; QS transfer—10 minutes; QP transfer from QS account to vessel account—5 minutes; vessel account registration request—15 minutes; vessel account online renewal—10 minutes; vessel account late renewal form—15 minutes; QP transfer from vessel account to another vessel account—5 minutes; trawl identification of ownership interest form for new entrants—45 minutes; trawl identification of ownership interest form for renewals—3.2 minutes; first receiver site license application form for new entrants—200 minutes; first receiver site license application form for re-registering license holders—100 minutes; mothership permit renewal form—10 minutes; mothership permit change of vessel registration, permit owner, or vessel owner application form—35 minutes; mothership cooperative permit application form—230 minutes; change of mothership catcher vessel endorsement and catch history assignment registration form—35 minutes; catcher/processor cooperative permit application form—110 minutes; QS abandonment request—10 minutes.

Estimated Total Annual Burden Hours: 663.

Estimated Total Annual Cost to Public: $12,640.

Respondent's Obligation: Required to Obtain or Retain Benefits.

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. 2022–17072 Filed 8–8–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC233]

Marine Mammals; File No. 26562

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that James Hain, Ph.D., Associated Scientists at Woods Hole, Box 721, Woods Hole, MA 02543, has applied in due form for a permit to conduct research on North Atlantic right whales (*Eubalaena glacialis*).

DATES: Written, telefaxed, or email comments must be received on or before September 8, 2022.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 26562 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 26562 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Shasta McClenahan, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant proposes to study North Atlantic right whales (NARW) from Cumberland Island, Georgia, south to Jupiter Inlet, Florida. The purpose of the research is to continue a long-term study of the distribution, abundance, habitat use, behavior, reproduction, and human impacts on NARWs. Research would consist of photo-ID, behavioral observations, counts, and passive acoustic recordings. Annually, researchers may approach up to 25 NARW using boats, and another 40 NARW may be approached from unmanned aircraft systems, manned airplanes, and blimps. If encountered, ten humpback whales (*Megaptera novaenagliae*) may be studied annually. Up to 60 bottlenose dolphins (*Tursiops truncatus*) and 12 Atlantic spotted dolphins (*Stenella frontalis*) may be unintentionally harassed annually. The permit would be valid for 5 years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 27, 2022.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–17005 Filed 8–8–22; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

CPSC Roundtable on the Freedom of Information Act

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of forum.

SUMMARY: The Consumer Product Safety Commission (Commission or CPSC) will hold a roundtable discussion for CPSC requesters and Freedom of Information Act (FOIA) Office staff to discuss issues related to requests for CPSC FOIA

records. CPSC staff invites interested parties to attend and participate in this forum in person or via webinar.

DATES: The forum will take place from 10:30 a.m. to 12 p.m., Eastern Time (ET) on Tuesday, September 20, 2022. Individuals interested in serving as discussants in person or via webinar should contact Bob Dalton at *rdalton@cpsc.gov* by September 12, 2022. All other individuals who wish to attend the discussion as online observers should register by September 19, 2022. In-person observers do not require registration.

ADDRESSES: The forum will be held in person and via webinar in the Commission's main Hearing Room located on the fourth floor of Bethesda Towers, 4330 East-West Highway, Bethesda, MD 20814. Attendance is free of charge. There are three categories of attendance: discussant (*i.e.,* active participants in the discussion), either online or in person; online observer only; and in-person observer only. Persons interested in being discussants, whether online or in person, should contact Bob Dalton, Senior Attorney Advisor, at *rdalton@cpsc.gov.*

All persons interested in attending the roundtable online, whether as a discussant or observer only, should register online at: *https://cpsc.webex.com/cpsc/onstage/g.php?MTID=ea9ba73e30109ef918dcd5dc66a5c594d.* After registering, you will receive a confirmation email containing information about joining the webinar. In-person observer-only attendance does not require registration.

FOR FURTHER INFORMATION CONTACT: Chief FOIA Officer Abioye Mosheim, *amosheim@cpsc.gov,* or Senior Attorney Advisor Bob Dalton, *rdalton@cpsc.gov,* 4330 East-West Highway, Bethesda, MD 20814; telephone 301–785–6340.

SUPPLEMENTARY INFORMATION: CPSC FOIA Office (Office) staff is hosting a roundtable discussion on common issues requesters and FOIA Office staff face with FOIA requests. The information collected from the forum will assist staff in making recommendations for improving CPSC's FOIA processes.

I. Background

Attorney General Merrick B. Garland issued new FOIA Guidelines on March 15, 2022.[1] Among other points, the FOIA Guidelines stress that agencies should continue to work with requesters in a ''spirit of cooperation'' and help requesters understand the FOIA process and the nature and scope of the records the agency maintains. CPSC agrees that it is important for agencies to establish good communication and a cooperative working relationship with FOIA requesters to ensure that the FOIA process is meeting the needs of both requesters and the agency, consistent with law.

Improving communication and working cooperatively with FOIA requesters is an essential part of implementing an efficient and effective FOIA system at CPSC. Good communication with requesters is necessary where the Commission is uncertain about the scope of what is being requested and allows both parties to ensure they have a common understanding of what records are being sought. Many times, FOIA requesters do not know how agency records are organized or what might be involved in searching for the records they seek. Being able to talk through the request and reach an understanding can be very helpful to both the requester and the agency. By improving communication with the requester community, CPSC hopes to strengthen relationships that will allow us to increase our efficiency in processing FOIA requests and to anticipate and address issues that might cause delays.

II. Topics

This FOIA Roundtable will focus on common issues with requesting and processing CPSC FOIA requests, including the scope of FOIA requests and agency jurisdiction, fee categories, requests for expedited processing, essential elements of a perfected FOIA request, clarification process, timing, and how the Office searches for responsive records and what bearing that may have on request formulation. Attendees are invited to suggest additional FOIA-related topics in advance of the roundtable, for inclusion in the discussion.

III. Roundtable Details

A. Time and Place

CPSC staff will hold the forum in person and via webinar from 10:30 a.m.–12 p.m., Eastern Time (ET), on Tuesday, September 20, 2022.

B. Registration

Registration is required to participate as a discussant and to attend via webinar. Registration is not required for in-person observers. If you would like to attend the roundtable discussion as an online observer, but you do not wish to participate as a discussant, please register online by September 19, 2022. (See the **ADDRESSES** portion of this document for the website link and instructions to register.)

If you would like to participate in the roundtable in person or as online discussant, contact Bob Dalton, Senior Attorney Advisor, at *rdalton@cpsc.gov* by September 12, 2022, and register by September 12, 2022. (See the **ADDRESSES** portion of this document for the website link.) Although staff will try to accommodate all persons who wish to participate, the final discussant group will depend on the number of persons who wish to contribute. If necessary for management of the session, CPSC staff may select participants based on considerations such as the total number of volunteers, time constraints, and representation from a wide variety of stakeholder groups and interests. If you have questions regarding participating in the roundtable, please contact Bob Dalton at *rdalton@cpsc.gov,* or 301–785–6340. Detailed instructions for the webinar participants and other interested parties will be made available on the CPSC's Public Calendar: *https://cpsc.gov/newsroom/public-calendar.*

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2022–17040 Filed 8–8–22; 8:45 am]

BILLING CODE 6355–01–P

[1] *https://www.justice.gov/ag/page/file/1483516/download.*

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2022–HQ–0007]

Proposed Collection; Comment Request

AGENCY: United States Transportation Command (USTRANSCOM), Department of the Air Force, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* USTRANSCOM announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on

respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 11, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

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

Instructions: All submissions received must include the agency name, 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 *https://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 Component Name: Military Surface Deployment and Distribution Command, Mailing Address: 1 Soldier Way Bldg. 1900 West, Scott AFB, IL 62225–5006, ATTN: Mr. Kevin Cockrell Telephone Number: 618 220–5074; Alternate POC: Estella McNaughton Telephone Number: 618 220–5074.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Surface Deployment and Distribution Command Transportation Financial Management System Access Request; SDDC Form 417; OMB Control Number 0704–0587.

Needs and Uses: The information collection requirement is necessary to establish Human Resource (HR) accounts within the Transportation Financial Management System (TFMS) for the Military Surface Deployment and Distribution Command (SDDC). The HR account is linked to the supplier module for payment of entitlements (Defense Travel System). The information is also linked to the Defense Civilian Pay system (DCPS) for payment of civilian personnel for entitlements. The information is also used to establish and control user accounts in TFMS, Oracle Business Intelligence Enterprise Edition and authenticate Transportation Enhanced Access Management Service access. Respondents are new employees that will be paid through DCPS, travelers that will be reimbursed using the SDDC line of accounting, or anyone requiring access to the accounting system to enter data or query exiting data. They are responding to the information collection to ensure they receive pay and benefits or to gain access to the accounting system as part of their assigned duties.

Affected Public: Individuals or households.

Annual Burden Hours: 238.25.

Number of Respondents: 953.

Responses per Respondent: 1.

Annual Responses: 953.

Average Burden per Response: 15 minutes.

Frequency: As required.

Dated: August 3, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–16979 Filed 8–8–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Research and Engineering, Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Science Board (DSB) will take place.

DATES: Closed to the public Wednesday, August 10, 2022 from 8:00 a.m. to 5:00 p.m. Closed to the public Thursday, August 11, 2022 from 8:00 a.m. to 4:00 p.m.

ADDRESSES: The address of the closed meeting is the Executive Conference Center, 4075 Wilson Blvd., Floor 3, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Doxey, (703) 571–0081 (Voice), (703) 697–1860 (Facsimile), *kevin.a.doxey.civ@mail.mil* (Email). Mailing address is Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140. Website: *http://www.acq.osd.mil/dsb/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (Title 5 United States Code (U.S.C), appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and Title 41 Code of Federal Regulations (CFR), Sections 102–3.140 and 102–3.150.

Due to circumstances beyond the control of the Designated Federal Officer, the Defense Science Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its August 10 through 11 meeting. 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 mission of the DSB is to provide independent advice and recommendations on matters relating to the DoD's scientific and technical enterprise. The objective of the meeting is to obtain, review, and evaluate classified information related to the DSB's mission. DSB membership will meet to discuss the 2022 DSB Summer Study on Technology Superiority (''the Summer Study'').

Agenda: The DSB meeting on the Summer Study will begin on August 10, 2022 at 8:00 a.m. with administrative opening remarks from Mr. Kevin Doxey, the Executive Director and Designated Federal Officer, and a classified overview of the objectives of the Summer Study from Dr. Eric Evans, the DSB Chair. Next, the DSB members will meet in a plenary session to discuss classified concepts, capabilities, and strategies that may enhance the military technological advantage of the United States. Following break, the DSB members will continue to meet to discuss classified concepts, capabilities, and strategies that may enhance the military technological advantage of the United States. The meeting will adjourn at 5:00 p.m. On August 11, 2022, beginning at 8:00 a.m., the DSB members will again meet to discuss classified concepts, capabilities, and strategies that may enhance the military technological advantage of the United States. Following break, the DSB members will meet in a plenary session to discuss classified concepts, capabilities, and strategies that may enhance the military technological advantage of the United States. The meeting will adjourn at 4:00 p.m.

Meeting Accessibility: In accordance with Section 10(d) of the FACA and 41 CFR 102–3.155, the DoD has determined that the DSB meeting will be closed to the public. Specifically, the Under Secretary of Defense for Research and Engineering, in consultation with the DoD Office of the General Counsel, has

determined in writing that the meeting will be closed to the public because it will consider matters covered by 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meetings. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the Under Secretary of Defense for Research and Engineering.

Written Statements: In accordance with Section 10(a)(3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration by the DSB at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB DFO provided in the **FOR FURTHER INFORMATION CONTACT** section at any point; however, if a written statement is not received at least three calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DSB until a later date.

Dated: August 3, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–17014 Filed 8–8–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0099]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 11, 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: Spouse and Family Issues Survey—Active Duty; OMB Control Number 0704–SFIS.

Needs and Uses: The 2022 Spouse and Family Issues Survey of Active Duty Spouses will serve as the primary source for reliable and generalizable survey data on the prevalence of suicide ideation and attempts by military spouses and dependents. DoD is required to report suicide data on military family members per section 567 of the National Defense Authorization Act for Fiscal Year 2015. This will be the first time the DoD has collected this sort of survey data for military spouses and dependents addressing suicide ideation, attempts, and vulnerability/protective factors of suicide.

The survey is designed to help DoD inform programs and policies focused on strengthening resilience and mitigating suicidality in military spouses and dependents to enhance understanding of how spouse and family resilience impact force readiness and retention, and to inform the effectiveness of programs and policies under the purview of the Defense Suicide Prevention Office.

Affected Public: Individuals or households.

Annual Burden Hours: 2,875 hours.

Number of Respondents: 11,500.

Responses per Respondent: 1.

Annual Responses: 11,500.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Dated: August 3, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–16992 Filed 8–8–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22–98–000.

Applicants: NaturEner Glacier Wind Energy 1, LLC, NaturEner Glacier Wind Energy 2, LLC, NaturEner Power Watch, LLC, NaturEner Rim Rock Wind Energy, LLC, NaturEner Wind Watch, LLC, Berkshire Hathaway Energy Company.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of NaturEner Glacier Wind Energy 1, LLC, et al.

Filed Date: 8/2/22.

Accession Number: 20220802–5135.

Comment Date: 5 p.m. ET 8/23/22.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL22–81–000; TX22–8–000.

Applicants: Kimball Wind, LLC v. *Western Area Power Administration*, Rocky Mountain Region, *Kimball Wind, LLC* v. *Western Area Power Administration*, Rocky Mountain Region.

Description: Complaint of *Kimball Wind, LLC* v. *Western Area Power Administration*, Rocky Mountain Region.

Filed Date: 8/2/22.

Accession Number: 20220802–5172.

Comment Date: 5 p.m. ET 9/1/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1547–014; ER10–1975–029; ER10–2421–009; ER10–2585–009; ER10–2586–002; ER10–2590–010; ER10–2593–010; ER10–2613–009; ER10–2616–023; ER10–2617–011; ER10–2619–012; ER10–2677–015; ER10–3247–015; ER11–2457–009; ER11–3857–016; ER11–3867–016; ER11–4266–017; ER11–4400–020; ER12–75–012; ER12–192–016; ER12–1769–011; ER12–2250–010; ER12–2251–010; ER12–2252–011; ER12–2253–010; ER13–2475–013; ER14–883–016; ER14–924–008; ER14–1569–016; ER14–2245–010; ER15–1596–016; ER15–1598–008; ER15–1599–016; ER15–1600–007; ER15–1602–007; ER15–1605–007; ER15–1607–007; ER15–2535–005; ER16–1761–001; ER17–1906–004; ER19–102–009; ER19–158–011; ER19–2803–008; ER19–2806–008; ER19–2807–008; ER19–2809–008; ER19–2810–008; ER19–2811–008; ER20–2414–004; ER20–2415–004; ER21–2346–001; ER21–2347–001.

Applicants: Blackstone Power Generation LLC, Bellingham Power Generation LLC, Moss Landing Energy Storage 2, LLC, Moss Landing Energy Storage 1, LLC, Viridian Energy, LLC, Viridian Energy PA, LLC, Viridian Energy NY, LLC, Energy Rewards, LLC, Connecticut Gas & Electric, Inc., Cincinnati Bell Energy LLC, Ambit Northeast, LLC, Luminant Energy Company LLC, Lake Road Generating Company, LLC, Calumet Energy Team, LLC, Midwest Electric Power, Inc., Dynegy Washington II, LLC, Dynegy Miami Fort, LLC, Dynegy Hanging Rock II, LLC, Dynegy Fayette II, LLC, Dynegy Energy Services (East), LLC, Dynegy Dicks Creek, LLC, Dynegy Commercial Asset Management, LLC, TriEagle Energy, LP, Dynegy Energy Services, LLC, Illinois Power Resources Generating, LLC, Illinois Power Marketing Company, Kincaid Generation, L.L.C., Public Power & Utility of Maryland, LLC, Public Power, LLC of Pennsylvania, Public Power & Utility of NY, Inc, Public Power & Utility of New Jersey, LLC, Viridian Energy NG, LLC, Liberty Electric Power, LLC, Public Power & Utility, Inc., Dynegy Power Marketing, LLC, Richland-Stryker Generation LLC, MASSPOWER, Milford Power Company, LLC, Massachusetts Gas & Electric, Inc., Electric Energy, Inc., Pleasants Energy, LLC, Dynegy Kendall Energy, LLC, Ontelaunee Power Operating Co., LLC, Dynegy Marketing and Trade, LLC, Sithe/Independence Power Partners, L.P., Dynegy Oakland, LLC, Dynegy Moss Landing, LLC, Dynegy Midwest Generation, Inc., Casco Bay Energy Company, LLC, Energy Services Providers, Inc., North Jersey Energy Associates, L.P., Hopewell Cogeneration Limited Partnership.

Description: Notice of Change in Status of Hopewell Cogeneration Limited Partnership, et al.

Filed Date: 7/29/22.

Accession Number: 20220729–5399.

Comment Date: 5 p.m. ET 8/19/22.

Docket Numbers: ER10–1841–026; ER10–1852–069; ER10–1907–025; ER10–1918–026; ER10–1950–026; ER10–1951–047; ER10–1970–025; ER10–1972–025; ER10–2005–026; ER11–26–026; ER11–4462–069; ER12–1660–025; ER13–2458–020; ER13–2461–020; ER16–1872–016; ER16–2506–018; ER17–838–044; ER17–2270–017; ER18–1771–015; ER18–2224–016; ER18–2246–015; ER19–987–013; ER19–1003–013; ER19–1393–013; ER19–1394–013; ER19–2373–009; ER19–2382–009; ER19–2398–011; ER19–2437–009; ER19–2461–009; ER20–122–007; ER20–1220–007; ER20–1769–007; ER20–1879–008; ER20–1987–008; ER20–2690–007; ER21–1320–003; ER21–1953–005; ER21–2048–004; ER21–2100–004; ER22–381–004.

Applicants: Dunns Bridge Solar Center, LLC, Point Beach Solar, LLC, Sac County Wind, LLC, Heartland Divide Wind II, LLC, Crystal Lake Wind Energy III, LLC, Jordan Creek Wind Farm LLC, Cerro Gordo Wind, LLC, Oliver Wind I, LLC, Chicot Solar, LLC, Oliver Wind II, LLC, Crowned Ridge Interconnection, LLC, Crowned Ridge Wind, LLC, Emmons-Logan Wind, LLC, Hancock County Wind, LLC, Story County Wind, LLC, Ashtabula Wind I, LLC, Endeavor Wind II, LLC, Endeavor Wind I, LLC, Crystal Lake Wind Energy II, LLC, Crystal Lake Wind Energy I, LLC, Heartland Divide Wind Project, LLC, Pegasus Wind, LLC, Langdon Renewables, LLC, Stuttgart Solar, LLC, NextEra Energy Marketing, LLC, Oliver Wind III, LLC, Marshall Solar, LLC, Pheasant Run Wind, LLC, Tuscola Wind II, LLC, Tuscola Bay Wind, LLC,NEPM II, LLC, Ashtabula Wind III, LLC, Ashtabula Wind II, LLC, NextEra Energy Point Beach, LLC, NextEra Energy Duane Arnold, LLC, Gexa Energy L.L.C., Garden Wind, LLC, FPL Energy North Dakota Wind II, LLC, FPL Energy North Dakota Wind, LLC, Florida Power & Light Company, Butler Ridge Wind Energy Center, LLC.

Description: Notice of Change in Status of Butler Ridge Wind Energy Center, LLC, et al.

Filed Date: 8/1/22.

Accession Number: 20220801–5294.

Comment Date: 5 p.m. ET 8/22/22.

Docket Numbers: ER10–1852–068; ER10–1890–022; ER10–1951–046; ER10–1962–022; ER19–1076–007; ER11–2160–022; ER19–1073–007; ER11–4462–068; ER11–4677–022; ER11–4678–022; ER17–804–002; ER12–631–023; ER12–676–018; ER12–2444–021; ER13–1991–022; ER13–1992–022; ER13–2112–017; ER15–1016–015; ER15–1375–016; ER15–1418–016; ER15–1883–016; ER15–2243–013; ER15–2477–015; ER16–90–015; ER16–91–015; ER16–632–015; ER16–2443–012; ER17–582–014; ER17–583–014; ER17–838–043; ER17–2340–012; ER20–819–009; ER20–820–008; ER20–2695–007; ER21–1580–004; ER21–1813–006; ER21–1814–006; ER21–2294–004; ER21–2304–004; ER22–415–004; ER22–1370–002.

Applicants: Sunlight Storage, LLC, Arlington Energy Center III, LLC, Arlington Solar, LLC, Arlington Energy Center II, LLC, Yellow Pine Energy Center II, LLC, Yellow Pine Energy Center I, LLC, Sky River Wind, LLC, Mohave County Wind Farm LLC, Blythe Solar IV, LLC, Blythe Solar III, LLC, Golden Hills North Wind, LLC, NextEra Energy Marketing, LLC, Whitney Point Solar, LLC, Westside Solar, LLC, NextEra Blythe Solar Energy Center, LLC, Blythe Solar II, LLC, Blythe Solar 110, LLC, Golden Hills Interconnection, LLC, Golden Hills Wind, LLC, Silver State Solar Power South, LLC, Adelanto Solar, LLC, Adelanto Solar II, LLC, McCoy Solar, LLC, Shafter Solar, LLC, Genesis Solar, LLC, Desert Sunlight 300, LLC, Desert Sunlight 250, LLC, North Sky River Energy, LLC, Perrin Ranch Wind, LLC, Windpower Partners 1993, LLC, Coram California Development, L.P., Vasco Winds, LLC, NextEra Energy Montezuma II Wind, LLC,NEPM II, LLC, Alta Wind VIII, LLC, FPL Energy Montezuma Wind, LLC, Windstar Energy, LLC, High Winds, LLC, Gexa Energy L.L.C., FPL Energy Green Power Wind, LLC, Florida Power & Light Company.

Description: Notice of Change in Status of Florida Power & Light Company, et al.

Filed Date: 8/1/22.

Accession Number: 20220801–5293.

Comment Date: 5 p.m. ET 8/22/22

Docket Numbers: ER11–3035–002.

Applicants: Midland Cogeneration Venture Limited Partnership.

Description: Midland Cogeneration Venture Limited Partnership submits Informational Filing to Schedule 2 of MISO's Tariff.

Filed Date: 7/21/22.

Accession Number: 20220721–5137.

Comment Date: 5 p.m. ET 8/11/22.

Docket Numbers: ER19–1553–006.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits Compliance Filing.

Filed Date: 8/2/22.

Accession Number: 20220802–5173.

Comment Date: 5 p.m. ET 8/23/22.

Docket Numbers: ER21–281–002.

Applicants: MidAmerican Energy Company.

Description: Tariff Amendment: Amendment to Services Tariff (Docket No. ER21–281) to be effective 1/1/2021.

Filed Date: 8/3/22.

Accession Number: 20220803–5027.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22–1679–000.

Applicants: Google Energy LLC.

Description: Supplement to April 22, 2022 Google Energy LLC tariff filing.

Filed Date: 6/16/22.

Accession Number: 20220616–5181.

Comment Date: 5 p.m. ET 8/10/22.

Docket Numbers: ER22–1698–003.

Applicants: EDF Spring Field WPC, LLC.

Description: Tariff Amendment: Amendment to 3 to be effective 6/28/2022.

Filed Date: 8/3/22.

Accession Number: 20220803–5114.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22–2089–001.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): Supplement to Origis Development (Thalmann 1 Solar & Battery) LGIA Filing to be effective 6/1/2022.

Filed Date: 8/3/22.

Accession Number: 20220803–5101.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22–2090–001.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): Supplement to Origis Development (Thalmann 2 Solar & Battery) LGIA Filing to be effective 6/1/2022.

Filed Date: 8/3/22.

Accession Number: 20220803–5102.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22–2588–000.

Applicants: Puget Sound Energy, Inc.

Description: § 205(d) Rate Filing: NWPP Tariff Volume No. 9, Version 3.0.0 to be effective 10/1/2022.

Filed Date: 8/2/22.

Accession Number: 20220802–5104.

Comment Date: 5 p.m. ET 8/23/22.

Docket Numbers: ER22–2589–000.

Applicants: Public Service Company of New Mexico.

Description: Tariff Amendment: Notice of Cancellation Rate Schedule No. 45 to be effective 10/1/2022.

Filed Date: 8/2/22.

Accession Number: 20220802–5110.

Comment Date: 5 p.m. ET 8/23/22.

Docket Numbers: ER22–2590–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Third Amendment to ISA, Service Agreement No. 5548; Queue No. AC1–076/AE2–134 to be effective 12/16/2019.

Filed Date: 8/3/22.

Accession Number: 20220803–5017.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22–2591–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: FPL & FMPA Amendment No. 6 to Rate Schedule No. 74 to be effective 10/1/2022.

Filed Date: 8/3/22.

Accession Number: 20220803–5054.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22–2592–000.

Applicants: Link Energy Incorporated.

Description: Tariff Amendment: Notice of Cancellation of MBR Tariff to be effective 8/4/2022.

Filed Date: 8/3/22.

Accession Number: 20220803–5058.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22–2593–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Pembroke Energy Project LGIA Termination Filing to be effective 8/3/2022.

Filed Date: 8/3/22.

Accession Number: 20220803–5062.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22–2594–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2022–08–03 Plains Hopper-FESA/SISA T–T 707–0.0.0 to be effective 8/4/2022.

Filed Date: 8/3/22.

Accession Number: 20220803–5070.

Comment Date: 5 p.m. ET 8/24/22.

Docket Numbers: ER22–2595–000.

Applicants: New York Independent System Operator, Inc.

Description: Tariff Amendment: Notice of cancellation of SGIA SA No. 2549 for NorthCountry Solar project to be effective 3/14/2022.

Filed Date: 8/3/22.

Accession Number: 20220803–5089.

Comment Date: 5 p.m. ET 8/24/22.

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: August 3, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–17053 Filed 8–8–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–15–000]

Joint Federal-State Task Force on Electric Transmission; Notice Inviting Post-Meeting Comments

On July 20, 2022, the Joint Federal-State Task Force on Electric Transmission convened for a public meeting.

All interested persons are invited to file post-meeting comments to address issues raised during the meeting and identified in the Agenda issued June 30, 2022. For reference, questions asked by the meeting moderator are included below. Comments must be submitted on or before 30 days from the date of this Notice.

Comments may be filed electronically via the internet.[1] Instructions are available on the Commission's website *http://www.ferc.gov/docs-filing/*

[1] *See* 18 CFR 385.2001(a)(1)(iii) (2021).

efiling.asp. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, submissions sent via the U.S. Postal Service must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, Maryland 20852.

For more information about this Notice, please contact: Gretchen Kershaw (Legal Information), Office of the General Counsel, (202) 502–8213, *Gretchen.Kershaw@ferc.gov.*

Dated: August 3, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–17055 Filed 8–8–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings in Existing Proceedings

Docket Numbers: RP22–823–001.

Applicants: Wyoming Interstate Company, L.L.C.

Description: Compliance filing: Settlement Implementation Filing to be effective 4/1/2022.

Filed Date: 8/2/22.

Accession Number: 20220802–5045.

Comment Date: 5 p.m. ET 8/15/22.

Docket Numbers: RP22–824–001.

Applicants: Young Gas Storage Company, Ltd.

Description: Compliance filing: Settlement Implementation Filing to be effective 4/1/2022.

Filed Date: 8/2/22.

Accession Number: 20220802–5040.

Comment Date: 5 p.m. ET 8/15/22.

Docket Numbers: RP22–825–001.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: Compliance filing: Settlement Implementation Filing to be effective 4/1/2022.

Filed Date: 8/2/22.

Accession Number: 20220802–5048.

Comment Date: 5 p.m. ET 8/15/22.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

Filings Instituting Proceedings

Docket Numbers: RP22–1101–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco August 2 2022) to be effective 8/2/2022.

Filed Date: 8/2/22.

Accession Number: 20220802–5066.

Comment Date: 5 p.m. ET 8/15/22.

Docket Numbers: RP22–1103–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco August 3 2022) to be effective 8/3/2022.

Filed Date: 8/2/22.

Accession Number: 20220802–5069.

Comment Date: 5 p.m. ET 8/15/22.

Docket Numbers: RP22–1104–000.

Applicants: Rover Pipeline LLC.

Description: § 4(d) Rate Filing: Summary of Negotiated Rate Capacity Release Agreements on 8–2–22 to be effective 8/1/2022.

Filed Date: 8/2/22.

Accession Number: 20220802–5094.

Comment Date: 5 p.m. ET 8/15/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 3, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–17054 Filed 8–8–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10021–01–OMS]

Good Neighbor Environmental Board

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 Good Neighbor Environmental Board (GNEB or Board). The purpose of the meeting is to continue developing the framework for the Board's annual letter to the President, focusing on water and wastewater infrastructure issues and challenges along the U.S.-Mexico border region.

DATES: The Board will hold a two-day meeting on August 24, 2022, from 3:00 p.m.–5:00 p.m. (EST) and August 25, 2022, from 3:00 p.m.–5:00 p.m. (EST). A copy of the agenda will be posted at *www.epa.gov/faca/gneb.*

ADDRESSES: The meeting will be conducted virtually and is open to the public with limited access available on a first-come, first-served basis. Members of the public wishing to participate in the video/teleconference, should contact Eugene Green at *green.eugene@epa.gov* by August 17th.

SUPPLEMENTARY INFORMATION: The GNEB is an independent federal advisory committee. Its mission is to advise the President and Congress of the United States on good neighbor practices along the U.S. border with Mexico. Its recommendations are focused on environmental infrastructure needs within the U.S. states contiguous to Mexico. The Board is a federal advisory committee chartered under the Federal Advisory Committee Act, Public Law 92–463.

Requests to make oral comments or submit written public comments to the Board, should also be directed to Eugene Green at least five business days prior to the teleconference.

Meeting Access: Information regarding accessibility and/or accommodations for individuals with disabilities should be directed to Eugene Green 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. For additional information regarding the teleconference, please contact Eugene Green at (202) 564–2432 or via email at *green.eugene@epa.gov.*

Dated: July 26, 2022.

Eugene Green,

Program Analyst.

[FR Doc. 2022–16356 Filed 8–8–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10124–01–OA; EPA–HQ–OA–2022–0053]

National Environmental Justice Advisory Council; Notification of Virtual Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification for a public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the National Environmental Justice Advisory Council (NEJAC) will meet on the date and time described below. The meeting is open to the public. Members of the public are encouraged to provide comments relevant to EPA's pursuit in addressing Environmental Justice and any related topics being considered by the NEJAC. For additional information about registering to attend the meeting or to provide public comment, please see ''Registration'' under **SUPPLEMENTARY INFORMATION**. Pre-Registration is required.

DATES: The NEJAC will convene a virtual public meeting on Wednesday, September 28, 2022, from approximately 12:00 p.m. to 6:00 p.m., Eastern Time. The meeting discussions will focus on several topics including, but not limited to, EPA administration priorities, recommendations on EPA's 2021 PFAS (per- and polyfluoroalkyl substances) Strategic Roadmap, and recommendations on community air quality monitoring that provides greater protection, and clean and healthy air to environmental justice communities. A public comment period relevant to the specific issues will be considered by the NEJAC during the meeting (see **SUPPLEMENTARY INFORMATION**). Members of the public who wish to register to speak during the public comment period must register by 11:59 p.m., Eastern Time, September 21, 2022.

FOR FURTHER INFORMATION CONTACT: Paula Flores-Gregg, NEJAC Designated Federal Officer, U.S. EPA; email: *nejac@epa.gov;* or by telephone at: (214) 665–8123. Additional information about the NEJAC is available at *https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council.*

SUPPLEMENTARY INFORMATION: The Charter of the NEJAC states that the advisory committee ''will provide independent advice and recommendations to the Administrator about broad, crosscutting issues related to environmental justice. The NEJAC's efforts will include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement and economic issues related to environmental justice.''

Registration: Individual registration is required for the virtual public meeting. No two individuals can share the same registration link. Information on how to register is located at *https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings.* Registration to attend the meetings is available through the scheduled end time of the meeting day. Registration to speak during the virtual public comment period will close at 11:59 p.m., Eastern Time, September 21, 2022. When registering, please provide your name, organization, city and state, and email address for follow up. Please indicate if you would like to provide oral public comment during the meeting, and if you are submitting written comments at time of registration.

A. Public Comment

The NEJAC is interested in receiving public comments on several topics including, but not limited to, EPA administration priorities and recommendations on EPA's 2021 PFAS (per- and polyfluoroalkyl substances) Strategic Roadmap, and recommendations on community air quality monitoring that provides greater protection, and clean and healthy air to environmental justice communities. Every effort will be made to hear from as many registered public commenters during the time specified on the agenda. Individuals or groups making remarks during the oral public comment period will be limited to three (3) minutes. Please be prepared to briefly describe your comments; including what you want the NEJAC to advise the EPA to do. Submitting written comments for the record are strongly encouraged. You can submit your written comments in three different ways, (1) by using the webform at *https://www.epa.gov/environmentaljustice/forms/national-environmental-justice-advisory-council-nejac-public-comment,* (2) by sending comments via email to *nejac@epa.gov* and (3) by creating comments in the Docket ID No. EPA–HQ–OA–2022–0053 at *http://www.regulations.gov.* Written comments can be submitted through October 12, 2022.

B. Information About Services for Individuals With Disabilities or Requiring English Language Translation Assistance

For information about access or services for individuals requiring assistance, please contact Paula Flores-Gregg, via email at *nejac@epa.gov,* or contact by phone at (214) 665–8123. To request special accommodations for a disability or other assistance, please submit your request at least seven (7) working days prior to the meeting, to give EPA sufficient time to process your request. All requests should be sent to the address or email listed in the **FOR FURTHER INFORMATION CONTACT** section.

Matthew Tejada,

Director for the Office of Environmental Justice.

[FR Doc. 2022–17081 Filed 8–8–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL TRADE COMMISSION

[File No. 212 3139]

Weber-Stephen Products LLC; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 8, 2022.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''Weber-Stephen Products LLC; File No. 212 3139'' 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, please mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Melissa Dickey (202–326–2662), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 8, 2022. Write ''Weber-Stephen Products LLC; File No. 212 3139'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

Because of heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Weber-Stephen Products LLC; File No. 212 3139'' 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 D), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include 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 your comment does not include 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 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 on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, 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.

Visit the FTC website at *http://www.ftc.gov* to read this document and the news release describing the proposed settlement. The FTC Act and other laws 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 September 8, 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.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (the ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Weber-Stephen Products LLC. (''Respondent'' or ''Weber''). The proposed consent order (''Proposed Order'') has been placed on the public record for 30 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement, along with any comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the Proposed Order.

This matter involves the warranty Weber offers to purchasers of its gas and electric grills. According to the Commission's complaint, the warranty is conditioned on purchasers using authorized Weber parts and accessories; otherwise, the warranty is void. Based on the foregoing, the Commission alleges that Respondent violated the Magnuson-Moss Warranty Act and regulations promulgated thereunder and engaged in deceptive acts or practices in violation of Section 5(a) of the FTC Act.

The Proposed Order contains injunctive provisions addressing the alleged deceptive conduct. Section I prohibits Respondent from expressly or implicitly conditioning a warranty on a consumer's use of any article or service which is identified by brand, trade, or corporate name, unless the article or service is offered for free or the Commission has issued a waiver to the company, or from otherwise violating the Warranty Act or the Rules promulgated thereunder. Section II prohibits Respondent from representing to consumers, expressly or by implication, (a) that its warranties will be void if they use third-party parts or services or if they modify or alter the product without authorization, or (b) as a condition of warranty coverage, or within the written warranty, that consumers must use only genuine or authorized parts. Under Section II, Respondent may expressly exclude liability for defects or damage caused by unauthorized or third-party parts or service, or expressly exclude liability for unauthorized conversions of a gas grill to use a different fuel type (*e.g.,* liquid propane to natural gas, or vice versa). Section II also requires Respondent to include language in the warranty that both affirmatively notifies consumers of their rights to use third-party parts under the Magnuson-Moss Warranty Act and enjoins Respondent from misrepresenting any material facts to consumers about the warranty.

Section III requires Respondent to inform its customers that its warranty has been updated, and that the updated warranty is not conditioned on the use of authorized parts. Respondent must clearly and conspicuously post and keep on its website, and on its smartphone/tablet app, the notice and its updated warranty terms, and it must submit reports regarding its notification program.

Sections IV through VII of the Proposed Order are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring Respondent to provide information or documents necessary for the Commission to monitor compliance with the Proposed Order. Section VIII states that the Proposed Order will remain in effect for 20 years, with certain exceptions.

The purpose of this analysis is to aid public comment on the Proposed Order. It is not intended to constitute an official interpretation of the complaint or Proposed Order, or to modify in any way the Proposed Order's terms.

By direction of the Commission.

Joel Christie,

Acting Secretary.

[FR Doc. 2022–17017 Filed 8–8–22; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 192 3191]

Opendoor Labs Inc; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order To Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 8, 2022.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''Opendoor Labs Inc.; File No. 192 3191'' 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 D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Matthew Wilshire (214–979–9362), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 8, 2022. Write ''Opendoor Labs Inc.; File No. 192 3191'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

Because of heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Opendoor Labs Inc.; File No. 192 3191'' 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 D), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include 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 your comment does not include 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 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 on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, 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.

Visit the FTC website at *https://www.ftc.gov* to read this document and the news release describing the proposed settlement. The FTC Act and other laws 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 September 8, 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.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Opendoor Labs Inc. (''Opendoor'' or ''Respondent''). The proposed consent order has been placed on the public record for 30 days for receipt of comments from interested persons. Comments received during this period will become part of the public

record. After 30 days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves Respondent's home-buying service. Respondent offers to buy consumers' homes directly as an alternative to listing those homes for sale on the market. In advertisements, on its website, and in its offers to purchase homes, Respondent has represented that: (1) its offers reflect Opendoor's best estimate of the home's market value, with no adjustments to that amount; (2) the costs associated with a sale to Opendoor are generally lower than costs associated with traditional sales; and (3) the vast majority of consumers who sell their homes to Opendoor will make substantially more than if they sold traditionally.

The complaint alleges that, in fact, Opendoor reduced its offers below what it believed to be the homes' market value, costs associated with Opendoor sales were higher than typical costs in a traditional sale, and most consumers who sold to Opendoor lost thousands of dollars compared to what they would have made in a traditional sale. The complaint therefore alleges that Respondent violated Section 5(a) of the FTC Act by making false and unsubstantiated claims that consumers were likely to realize more money selling their homes to it than they would realize in traditional sales, including by misrepresenting that: (1) Opendoor's offers reflect its unadjusted assessment of a home's market value; (2) Opendoor does not make money from ''buying low and selling high''; (3) the costs of repairs it demands a seller make or pay for would be likely the same as what they would pay in a traditional sale; and (4) consumers would pay less in costs by selling to Opendoor than what they would pay in a traditional sale.

The proposed order contains provisions designed to prevent Respondent from engaging in the same or similar acts or practices in the future. It applies to the marketing of any ''Real-Estate Service,'' defined as ''any product or service designed to assist a consumer in selling a home, including Respondent purchasing homes from consumers.'' It does not apply to titling services, which are not relevant to the allegations in the complaint.

Part I.A of the order prohibits Respondent from misrepresenting: (1) that consumers will receive more money using a Real Estate Service than they would using a different good or service; (2) that consumers will save money; (3) that consumers will receive a price for their homes equivalent to what they would likely receive by listing their homes on the market; (4) the amount of repair costs consumers will pay; (5) that consumers will save money on repair costs; (6) that any offer to purchase a consumer's home is an accurate and unbiased projection of that home's market value; and (7) that the person or persons offering any good or service do not expect to make money from reselling homes.

Part I.B prohibits Respondent from making any representation about the costs of selling a home traditionally unless the representation is non-misleading and Respondent has competent and reliable evidence to substantiate that the representation is true. Part I.C prohibits Respondent from making any representation about the costs, savings, or financial benefit of a Real-Estate Service unless the representation is non-misleading and Respondent has competent and reliable evidence to substantiate that the representation is true.

Parts II and III require Respondent to pay to the Commission $62,000,000 and describes the procedures and legal rights related to that payment. Part IV requires Respondent to provide customer information to enable the Commission to administer consumer redress.

Part V requires Respondent to submit an acknowledgement of receipt of the order, and to distribute a copy of the order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for Real Estate Services; and (3) any business entity resulting from a change in corporate governance. It also requires Respondent to obtain acknowledgements from each individual or entity to which a Respondent has delivered a copy of the order.

Part VI requires Respondent to file a compliance report with the Commission and to notify the Commission of bankruptcy filings or changes in corporate structure that might affect compliance obligations. Part VII contains recordkeeping requirements for accounting records, personnel records, and advertising and marketing materials related to Real-Estate Services, as well as all records necessary to demonstrate compliance with the order. Part VIII contains other requirements related to the Commission's monitoring of Respondent's order compliance. Part IX provides the effective dates of the order, including that, with exceptions, the order will terminate in 20 years.

The purpose of this analysis is to facilitate public comment on the order, and it is not intended to constitute an official interpretation of the complaint or order, or to modify the order's terms in any way.

By direction of the Commission.

Joel Christie,

Assistant Secretary.

[FR Doc. 2022–17077 Filed 8–8–22; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX; Docket No. 2022–0001; Sequence No. 7]

Submission for OMB Review; General Services Administration Regulation; Construction Payrolls and Basic Records

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for comments regarding a new request for an OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement.

DATES: Submit comments on or before September 8, 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.

FOR FURTHER INFORMATION CONTACT: Ms. Johnnie McDowell, Procurement Analyst, General Services Administration, at telephone 202–718–6112 or via email at *gsarpolicy@gsa.gov.* for clarification of content.

SUPPLEMENTARY INFORMATION:

A. Purpose

The Federal Acquisition Regulation (FAR) Clause 52.222–8 Payrolls and Basic Records requires United States construction contracts in excess of $2,000 to submit weekly for each week in which any contract work is performed a copy of all payrolls to the Contracting Officer. The clause allows contractors to submit the required

weekly payroll information using the DOL WH–347 form or any other form desired. GSA is proposing to deviate from the FAR clause to require these construction contractors to use the GSA Electronic Payroll Template and its portal to submit the required weekly payroll data. The proposed revision will increase the efficiency of the weekly payroll certification process for the contractor, GSA and the contractor's employee through the use of a standardized automated process. The current manual process for reviewing weekly certified payroll data requires an enormous amount of labor hours and has a large probability of human error, *i.e.,* non-identification or delayed identification of errors in pay for covered workers. Delays in identifying payroll errors are costly to the contractor who will need to pay retroactive wage adjustments and the employee will have suffered reduced economic purchase power due to the error in wages.

B. Annual Reporting Burden

GSA bases the following burden estimates for certified payrolls on *SAM.gov* reports for Fiscal Year 2021. The report indicated 182 new prime construction contractors for GSA projects were subject to the Davis-Bacon or Related Act. GSA's automation of the data collection process will not increase the existing data collection burden from the DOL Wage and Hour Division (WHD) the Office of Management and Budget (OMB) Information Control No. 1235–0008, Davis-Bacon Certified Payroll or 1235–0018, Records to be kept by Employers—Fair Labor Standards Act.

Respondents: 182 (170 prime contractors plus 12 subcontractors).

Responses per Respondent: 52 (1 for each week of the year).

Total Annual Responses: 9,464 (182 new respondents × 52 responses).

Hours per Response: 33 minutes (weighted average of 56 minutes (DOL estimated time to input information plus 1 minute recordkeeping for initial entry) + 31 minutes (estimated time to certify payroll in new system plus 1 minute recordkeeping)).

Total Burden Hours: 5,205 ((9,464 annual responses × 33 minutes)/60 minutes).

C. Discussion and Analysis

A 60-day notice published in the **Federal Register** at 87 FR 27148 on May 6, 2022. One comment was received. No change was made to the information collection requirements or supporting statement as a result of the public comments, because it was not applicable to the policy.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 3090–XXXX, Payrolls and Basic Records Clause, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2022–17050 Filed 8–8–22; 8:45 am]

BILLING CODE 6820–61–P

UNITED STATES AGENCY FOR GLOBAL MEDIA

USAGM FY 2021 Service Contract Analysis & FY 2020 Service Contract Inventory

AGENCY: United States Agency for Global Media.

ACTION: Notice.

SUMMARY: The United States Agency for Global Media (USAGM) announces the members of its FY 2021 Service Contract Analysis and FY 2020 Service Contract Inventory.

ADDRESSES: USAGM Office of Contracts, 330 Independence Ave. SW, Washington, DC 20237

FOR FURTHER INFORMATION CONTACT: Khilena Adhin, Acquisition Policy Branch Chief, at *kadhin@usagm.gov* or (202) 920–2302.

SUPPLEMENTARY INFORMATION: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010, the U.S. Agency for Global Media (USAGM) is publishing this notice to advise the public of the availability of its FY 2021 Service Contract Analysis and FY 2020 Service Contract Inventory. They are available on the USAGM website, through the following link: *USAGM—Service Contract Inventory Reports.*

The service contract inventory provides information on service contract actions over $25,000 made in FY 2020. The information is organized by function to show how contracted resources are distributed throughout the Agency. The inventory has been developed in accordance with guidance on service contract inventories issued on November 5, 2010 and on December 19, 2011 by the Office of Management and Budget, Office of Federal Procurement Policy (OFPP).

Dated: August 4, 2022.

Oanh Tran,

Executive Director, U.S. Agency for Global Media.

[FR Doc. 2022–17038 Filed 8–8–22; 8:45 am]

BILLING CODE 8610–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–437A and CMS–437B]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by October 11, 2022.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–437A and CMS–437B Rehabilitation Unit and Hospital Criteria Worksheet

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Rehabilitation Unit and Hospital Criteria Worksheet; *Use:* Inpatient Rehabilitation Facility (IRF) hospitals and units must initially attest that they meet the Inpatient Prospective Payment System (IPPS) exclusion criteria set forth at 42 CFR 412.20 to § 412.29 prior to being placed into IPPS exempt status. Form CMS–437A must be completed by IRF units and form CMS–437B must be completed by IRF hospitals.

For first time verification requests for exclusion from the IPPS, an IRF unit or hospital must notify the Regional Office (RO) servicing the State in which it is located that it believes it meets the criteria for exclusion from the IPPS. Currently, all new IRF units or hospitals must provide written certification that the inpatient population it intends to serve will meet the requirements of the IPPS exclusion criteria for IRFs. The completed CMS–437A and 437B forms are submitted to the State Agency (SA) no later than 5 months before the date the IRF unit or hospital would become subject to Inpatient Rehabilitation Facility Prospective Payment System (IRF–PPS). For IRF units and hospitals already excluded from the IPPS, annual onsite re-verification surveys by the SA are no longer required. IRF units and hospitals must now re-attest to meeting the exclusion criteria every 3 years thereafter.

IRF units and hospitals that have already been excluded need not reapply for exclusion. These facilities will automatically be reevaluated yearly to determine whether they continue to meet the exclusion criteria. For the tri-annual re-verification, IRF units and hospitals will be provided with a copy of the appropriate CMS–437 worksheet at least 5-months prior to the beginning of its cost reporting period, so that the IRF unit or hospital official may complete and sign an attestation statement and complete and return the appropriate form CMS–437A or CMS–437B at least 5-months prior to the beginning of the cost reporting period. However, Fiscal Intermediaries (FIs) will continue to verify, on an annual basis, compliance with the 60 percent rule (42 CFR 412.29(b)(2)) for IRF units and hospitals through a sample of medical records and the SA will verify the medical director requirement.

The SA will notify the RO at least 60 days prior to the end of the IRF unit's or hospital's cost reporting period of the status of compliance or non-compliance with the payment requirements. The information collected on the 437A and 437B forms, along with other information submitted by the IRF is necessary for determining the IRF's IPPS exclusion status. We have revised the CMS–437A and 437B forms so that they more adequately reflect the regulatory requirements of § 412.20 to § 412.29. More specifically, we have updated the text in the 3rd column of the form, which tells the facility what actions must be taken and what information must be verified to receive IPPS excluded status.; *Form Number:* CMS–437A and CMS–437B (OMB control number: 0938–0986); *Frequency:* tri-annually; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 497; *Total Annual Responses:* 497; *Total Annual Hours:* 497. (For policy questions regarding this collection contact Caroline Gallaher at 410–786–8705).

Dated: August 4, 2022.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022–17063 Filed 8–8–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Office of Refugee Resettlement Cash and Medical Assistance Program Quarterly Report on Expenditures and Obligations (ORR–2) (OMB #0970–0407)

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Refugee Resettlement (ORR) is requesting a 3-year extension of the ORR–2, Cash and Medical Assistance Program Quarterly Report on Expenditures and Obligations (OMB #0970–0407, expiration 9/30/2022). There are no changes requested to the form.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed

requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ORR reimburses, to the extent of available appropriations, certain non-federal costs for the provision of cash and medical assistance (CMA) to refugees, along with allowable expenses for the administration of the refugee resettlement program at the state level. States and Replacement Designees currently submit the ORR–2 Quarterly Report on Expenditures and Obligations, which provides aggregate expenditure and obligation data. The ORR–2 collects expenditures and obligations data separately for each of the four following CMA program components: refugee cash assistance, refugee medical assistance, CMA administration, and services for unaccompanied minors. This breakdown of financial status data allows ORR to track program expenditures in greater detail to anticipate any funding issues and to meet the requirements of ORR regulations at CFR 400.211 to collect these data for use in estimating future costs of the refugee resettlement program. ORR must implement the methodology at CFR 400.211 each year after receipt of its annual appropriation to ensure that appropriated funds will be adequate for reimbursement to states of the costs for assistance provided to entering refugees. The estimating methodology prescribed in the regulations requires the use of actual past costs by program component. If the methodology indicates that appropriated funds are inadequate, ORR must take steps to reduce federal expenses, such as by limiting the number of months of eligibility for Refugee Cash Assistance and Refugee Medical Assistance. The ORR–2 is a single-page financial report that allows ORR to collect the necessary data to ensure that funds are adequate for the projected need and thereby meet the requirements of both the Refugee Act and ORR regulations.

Respondents: State governments and Replacement Designees.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Annual burden hours
ORR–2, Cash and Medical Assistance Program, Quarterly Report on Expenditures and Obligations	63	4	1.5	378

Estimated Total Annual Burden Hours: 378.

Authority: 8 U.S.C. 1522 Sec. 412 and 8 U.S.C. 524 (Title IV), Sec. 414.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–17078 Filed 8–8–22; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–1694]

Determination That AVC (Sulfanilamide) Vaginal Cream, 15%, and Other Drug Products Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that the drug products listed in this document were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to these drug products, and it will allow FDA to continue to approve ANDAs that refer to the products as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–8363, *Stacy.Kane@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, a drug is removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

Under § 314.161(a) (21 CFR 314.161(a)), the Agency must determine whether a listed drug was withdrawn from sale for reasons of safety or effectiveness: (1) before an ANDA that refers to that listed drug may be approved, (2) whenever a listed drug is voluntarily withdrawn from sale and ANDAs that refer to the listed drug have been approved, and (3) when a person petitions for such a determination under 21 CFR 10.25(a) and 10.30. Section 314.161(d) provides that if FDA determines that a listed drug was withdrawn from sale for safety or effectiveness reasons, the Agency will initiate proceedings that could result in the withdrawal of approval of the ANDAs that refer to the listed drug.

FDA has become aware that the drug products listed in the table are no longer being marketed.

Application No.	Drug name	Active ingredient(s)	Strength(s)	Dosage form/route	Applicant
NDA 006530	AVC	Sulfanilamide	15%	Cream; Vaginal	Mylan Specialty LP.
NDA 007936	SELSUN	Selenium Sulfide	2.5%	Lotion/Shampoo; Topical	Chattem, Inc.
NDA 008816	XYLOCAINE	Lidocaine Hydrochloride	2%	Jelly; Topical	Akorn.
NDA 009218	COUMADIN	Warfarin Sodium	1 Milligram (mg)	Tablet; Oral	Bristol Myers Squibb.
NDA 012806	CORDRAN SP	Flurandrenolide	0.025%	Cream; Topical	Almirall.
NDA 016647	QUINAGLUTE	Quinidine Gluconate	324 mg	Tablet, Extended Release; Oral.	Bayer Healthcare.
NDA 017386	ZAROXOLYN	Metolazone	2.5 mg; 5 mg; 10 mg	Tablet; Oral	Lannett Co., Inc.
NDA 017531	TIGAN	Trimethobenzamide Hydrochloride.	300 mg	Capsule; Oral	King Pharms LLC.
NDA 018081	DEPAKENE	Valproic Acid	250 mg	Capsule; Oral	AbbVie Inc.
NDA 018281	TEGRETOL	Carbamazepine	100 mg	Tablet, Chewable; Oral	Novartis.
NDA 018303	LOPRESSOR HCT	Hydrochlorothiazide; Metoprolol Tartrate.	25mg; 100mg	Tablet; Oral	Validus Pharms.
NDA 018878	INDOCIN	Indomethacin Sodium	EQ 1 mg Base/Vial	Injectable; Injection	Recordati Rare Diseases.
NDA 019404	OCUFEN	Flurbiprofen Sodium	0.03%	Solution/Drops; Ophthalmic	Allergan.
NDA 019661	CYTOVENE	Ganciclovir Sodium	EQ 500 mg Base/Vial	Injectable; Injection	Cheplapharm.
NDA 019697	ORTHO TRI–CYCLEN	Ethinyl Estradiol; Norgestimate.	0.035 mg, 0.035 mg, 0.035 mg; 0.18 mg, 0.215 mg, 0.25 mg.	Tablet; Oral	Janssen Pharms.
NDA 019766	ZOCOR	Simvastatin	80 mg	Tablet; Oral	Organon.
NDA 019814	BETAGAN	Levobunolol Hydrochloride	0.25%	Solution/Drops; Ophthalmic	Allergan.
NDA 019856	SINEMET CR	Carbidopa; Levodopa	25 mg, 100 mg; 50 mg, 200 mg.	Tablet, Extended Release; Oral.	Organon.
NDA 019907	OPTIPRANOLOL	Metipranolol Hydrochloride	0.3%	Solution/Drops; Ophthalmic	Bausch and Lomb.
NDA 019968	ULTRAVATE	Halobetasol Propionate	0.05%	Ointment; Topical	Sun Pharm Inds. Inc.
NDA 020010	LOTRISONE	Betamethasone Dipropionate; Clotrimazole.	EQ 0.05% Base; 1%	Lotion; Topical	Merck Sharp Dohme.
NDA 020381	NIASPAN	Niacin	500 mg; 750 mg; 1g	Tablet, Extended Release; Oral.	AbbVie Inc.
NDA 020412	ZERIT	Stavudine	15 mg; 20 mg; 30 mg; 40 mg.	Capsule; Oral	Bristol Myers Squibb.
NDA 020509	GEMZAR	Gemcitabine Hydrochloride	EQ 200 mg Base/Vial; 1 Gram (g) Base/Vial.	Injectable; Injection	Lilly.
NDA 020593	DEPACON	Valproate Sodium	100 mg Base/Milliliter (mL)	Injectable; Injection	AbbVie Inc.
NDA 020615	DURACLON	Clonidine Hydrochloride	5 mg/10 mL (0.5 mg/mL)	Injectable; Injection	Mylan Institutional.
NDA 020718	INTEGRILIN	Eptifibatide	2 mg/mL; 75 mg/100 mL	Injectable; Injection	Merck Sharp Dohme.
NDA 021005	SOLARAZE	Diclofenac Sodium	3%	Gel; Topical	Fougera Pharms.
NDA 021085	AVELOX	Moxifloxacin Hydrochloride	EQ 400 mg Base	Tablet; Oral	Bayer Healthcare.
NDA 021183	VIDEX EC	Didanosine	125 mg; 200 mg; 250 mg; 400 mg.	Capsule, Delayed Release Pellets; Oral.	Bristol Myers Squibb.
NDA 021241	ORTHO TRI–CYCLEN LO	Ethinyl Estradiol; Norgestimate.	0.025 mg, 0.025 mg, 0.025 mg; 0.18 mg, 0.215 mg, 0.25 mg.	Tablet; Oral-28	Janssen Pharms.
NDA 021300	CLARINEX	Desloratadine	0.5 mg/mL	Solution; Oral	Merck Sharp Dohme.
NDA 021312	CLARINEX	Desloratadine	2.5 mg; 5 mg	Tablet, Orally Disintegrating; Oral.	Organon.
NDA 021372	ALOXI	Palonosetron Hydrochloride.	EQ 0.25 mg Base/5 mL (EQ 0.05 mg Base/mL); EQ 0.075 mg Base/1.5 mL (EQ 0.05 mg Base/mL).	Injectable; Intravenous	Helsinn Healthcare.
NDA 021444	RISPERDAL	Risperidone	0.5 mg; 1 mg; 2 mg; 3 mg; 4 mg.	Tablet, Orally Disintegrating; Oral.	Janssen Pharms.
NDA 021455	BONIVA	Ibandronate Sodium	EQ 150 mg Base	Tablet; Oral	Hoffmann La Roche.
NDA 021605	CLARINEX D 24 HOUR	Desloratadine; Pseudoephedrine Sulfate.	5 mg; 240 mg	Tablet, Extended Release; Oral.	Organon.
NDA 021858	BONIVA	Ibandronate Sodium	EQ 3 mg Base/3 mL	Injectable; Intravenous	Hoffmann La Roche.
NDA 021860	SARAFEM	Fluoxetine Hydrochloride	EQ 10 mg Base; EQ 20 mg Base.	Tablet; Oral	Allergan.
NDA 021956	DUTOPROL	Hydrochlorothiazide; Metoprolol Succinate.	12.5 mg; EQ 25 mg Tartrate; 12.5 mg: EQ 50 mg Tartrate; 12.5 mg; EQ 100 mg Tartrate.	Tablet, Extended Release; Oral.	Concordia.
NDA 022064	XYZAL	Levocetirizine Dihydrochloride.	5 mg	Tablet; Oral	Chattem Sanofi.
NDA 022106	DORIBAX	Doripenem	250 mg/Vial; 500 mg/Vial	Injectable; Intravenous Infusion.	Shionogi, Inc.
NDA 022129	ULESFIA	Benzyl Alcohol	5%	Lotion; Topical	Shionogi, Inc.
NDA 022157	XYZAL	Levocetirizine Dihydrochloride.	2.5 mg/5 mL	Solution; Oral	Chattem Sanofi.
NDA 022321	EMBEDA	Morphine Sulfate; Naltrexone Hydrochloride.	20 mg, 0.8 mg; 30 mg, 1.2 mg; 50 mg, 2 mg; 60 mg, 2.4 mg; 80 mg, 3.2 mg; 100 mg, 4 mg.	Capsule, Extended Release; Oral.	Alpharma Pharms.
NDA 050261	DECLOMYCIN	Demeclocycline Hydrochloride.	75 mg; 150 mg; 300 mg	Tablet; Oral	Corepharma.
NDA 050405	KEFLEX	Cephalexin	EQ 250 mg Base; EQ 500 mg Base; EQ 750 mg Base.	Capsule; Oral	Pragma.
NDA 050529	PEDIAZOLE	Erythromycin Ethylsuccinate; Sulfisoxazole Acetyl.	EQ 200 mg Base/5 mL; EQ 600 mg Base/5 mL.	Granule; Oral	Ross Labs.

Application No.	Drug name	Active ingredient(s)	Strength(s)	Dosage form/route	Applicant
ANDA 083082 ..	CHLOROQUINE PHOSPHATE.	Chloroquine Phosphate	250 mg; 500 mg	Tablet; Oral	Hikma Pharms.
NDA 204592	ZORVOLEX	Diclofenac	18 mg	Capsule; Oral	Zyla.

FDA has reviewed its records and, under § 314.161, has determined that the drug products listed were not withdrawn from sale for reasons of safety or effectiveness. Accordingly, the Agency will continue to list the drug products in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' identifies, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness.

Approved ANDAs that refer to the drug products listed are unaffected by the discontinued marketing of the products subject to these applications. Additional ANDAs that refer to these products may also be approved by the Agency if they comply with relevant legal and regulatory requirements. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: August 2, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–17056 Filed 8–8–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–2475]

Advisory Committee; Allergenic Products Advisory Committee, Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Allergenic Products Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Allergenic Products Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the July 9, 2024, expiration date.

DATES: Authority for the Allergenic Products Advisory Committee will expire on July 9, 2024, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Sussan Paydar, Division of Scientific Advisors and Consultants, Center for Biologics Evaluation and Research, Food and Drug Administration, 10993 New Hampshire Ave., Bldg. 71, Rm. 1333A, Silver Spring, MD 20993–0002, 301–796–4897, *Sussan.Paydar@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services and by the General Services Administration, FDA is announcing the renewal of the Allergenic Products Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee shall consist of a core of nine voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of allergy, immunology, pediatrics, internal medicine, biochemistry, and related specialties. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this committee serve as Special Government Employees. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting member who is identified with industry interests.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees (normally not to exceed 10 members) to serve temporarily as voting members and to designate consultants to serve temporarily as voting members when: (1) expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members), or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking. Because of the size of the Committee and the variety in the types of issues that it will consider, FDA may, in connection with a particular committee meeting, specify a quorum that is less than a majority of the current voting members. The Agency's regulations (21 CFR 14.22(d)) authorize a committee charter to specify quorum requirements.

If functioning as a medical device panel, a non-voting representative of consumer interests and a non-voting representative of industry interests will be included in addition to the voting members.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/allergenic-products-advisory-committee/charter-allergenic-products-advisory-committee* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This document is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please visit us at *https://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: August 2, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–17052 Filed 8–8–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–1608]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (VRBPAC). The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held virtually on September 22, 2022, from 8:30 a.m. to 5 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. The online web conference meeting will be available at the following link on the day of the meeting: *https://youtu.be/vrahKrbyJaU.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2022–N–1608. The docket will close on September 21, 2022. Either electronic or written comments on this public meeting must be submitted by September 21, 2022. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 21, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before September 14, 2022, will be provided to the committee. Comments received after September 14, 2022, and by September 21, 2022, will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2022–N–1608 for ''Vaccines and Related Biological Products Advisory Committee (VRBPAC); Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September18, 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: Sussan Paydar or Prabhakara Atreya, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Silver Spring, MD 20993–0002, 240–506–4946, *CBERVRBPAC@fda.hhs.gov;* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. On September 22, 2022, the committee will meet in open session to discuss BLA 125739 from Rebiotix Inc., for a product REBYOTA (Fecal Microbiota, Live), with a requested indication to ''reduce the recurrence of *Clostridioides difficile* infection (CDI) in adults following antibiotic treatment for recurrent *Clostridioides difficile* infection.''

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the time of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Dockets (see **ADDRESSES**) on or before September 14, 2022, will be provided to the committee. Comments received after September 14, 2022, and by September 21, 2022, will be taken into consideration by FDA. Oral presentations from the public will be scheduled between approximately 1:50 p.m. and 2:50 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, along with their names, email addresses, and direct contact phone numbers of proposed participants, on or before 12 p.m. Eastern Time on September 14, 2022. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by 6 p.m. Eastern Time September 16, 2022.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Sussan Paydar or Prabhakara Atreya (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 1, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–17059 Filed 8–8–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–D–0530]

Agency Information Collection Activities; Proposed Collection; Comment Request; Q-Submission Program for Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) 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 collections associated with the Q-Submission Program for medical devices.

DATES: Either electronic or written comments on the collection of information must be submitted by October 11, 2022.

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

Electronic Submissions

Submit electronic comments in the following way:

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

Instructions: All submissions received must include the Docket No. FDA–2012–D–0530 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Q-Submission Program for Medical Devices.'' 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: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *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.

Q-Submissions Program for Medical Devices

OMB Control Number 0910–0756—Revision

The guidance entitled ''Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program'' (*https://www.fda.gov/media/114034/download*) provides an overview of the mechanisms available to submitters through which they can request feedback from, or a meeting with, FDA regarding certain potential or planned medical device submissions reviewed by the Center for Devices and Radiological Health (CDRH) and the Center for Biologics Evaluation and Research (CBER). The guidance provides recommendations regarding certain types of Q-Submissions, such as Pre-Submissions, Submission Issue Requests, Study Risk Determinations, Informational Meetings, and other Q-Submission types and other uses of the Q-Submission Program.

Respondents are medical device manufacturers subject to FDA's laws and regulations. FDA's annual estimate of 3,700 submissions is based on recent trends. FDA's administrative and technical staffs, who are familiar with Q-Submissions, estimate that an average of 137 hours is needed to prepare a Q-Submission.

Early Payor Feedback Program

Prior to submitting a Pre-Submission, medical device sponsors may request that one or more payor organizations join a Pre-Submission meeting. Payors include public payors such as Centers for Medicare & Medicaid Services, private health plans, health technology assessment groups, and others who provide input into coverage, procurement, and reimbursement decisions. To facilitate such opportunities to obtain payor input, FDA provides information about our Early Payor Feedback Program (EPFP) and a list of current payor participants on our website (*https://www.fda.gov/about-fda/cdrh-innovation/payor-communication-task-force#2*). For payors to decide which devices to provide feedback on, we have developed a voluntary form for manufacturers to provide basic information regarding their device. This form is shared with the payors from whom the manufacturer is requesting feedback. We expect preparation and submission of the form to take no more than 2 hours.

eSTAR for Q-Submissions

Under section 745A(b) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 379k–1(b)), amended by section 207 of the FDA Reauthorization Act of 2017 (Pub. L. 115–52), and consistent with the Medical Device User Fee Amendments 2017 (MDUFA IV) Commitment Letter and the FDA guidance document entitled ''Providing Regulatory Submissions for Medical Devices in Electronic Format—Submissions Under Section 745A(b) of the Federal Food, Drug, and Cosmetic Act'' (*https://www.fda.gov/media/131064/download*), FDA has developed an ''electronic Submission Template and Resource'' (eSTAR) for Q-submissions to facilitate the preparation of submissions in electronic format (*https://www.fda.gov/medical-devices/how-study-and-market-your-device/voluntary-estar-program*). The use of eSTAR for Q-Submissions is currently voluntary. We assume approximately 40 percent of Q-Submissions will use eSTAR and that preparation using eSTAR will take approximately half the time of preparing a submission without using eSTAR.

We estimate a setup burden of 5 minutes for new eSTAR users. Respondents will only need to set up eSTAR the first time they use it. We note that because some respondents

may have already undergone eSTAR set up for other types of submission, *e.g.,* premarket notification, fewer respondents may need to undergo eSTAR setup than estimated.

FDA estimates 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
"Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program"					
Q-Submissions:					
CDRH	2,160	1	2,160	137	295,920
CBER	60	1	60	137	8,220
Q-Submissions Using eSTAR (21 CFR Part 814, Subparts A Through E; Section 745A(b) of the FD&C Act)					
CDRH	1,440	1	1,440	69	99,360
CBER	40	1	40	69	2,760
eSTAR setup	1,480	1	1,480	0.08 (5 minutes)	118
Manufacturer request to participate in EPFP	30	1	30	2	60
Total					406,438

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

Including the EPFP form represents a revision to this information collection request. Our estimated burden for the information collection reflects the availability of eSTAR to assist electronic preparation of Q-submissions and addition of the EPFP form, resulting in an overall decrease of 85,803 hours.

Dated: August 2, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–17058 Filed 8–8–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Biodefense Science Board Public Meeting

AGENCY: Office of the Assistant Secretary for Preparedness and Response (ASPR), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The National Biodefense Science Board (NBSB or the Board), authorized under Section 319M of the Public Health Service (PHS) Act, as added by Section 402 of the Pandemic and All-Hazards Preparedness Act of 2006 and amended by Section 404 of the Pandemic and All-Hazards Preparedness Reauthorization Act, will hold a public meeting. The NBSB provides expert advice and guidance to the Department of Health and Human Services (HHS) regarding current and future chemical, biological, radiological, and nuclear threats, as well as other matters related to disaster preparedness and response. The Assistant Secretary for Preparedness and Response (ASPR) manages and convenes the NBSB on behalf the Secretary. A detailed agenda and Zoom registration instructions will be posted on the ASPR website at least two weeks in advance.

DATES: The public meeting will be held on September 29, 2022 beginning at 11 a.m. Eastern time.

FOR FURTHER INFORMATION CONTACT: CAPT Christopher Perdue, NBSB Designated Federal Official, *NBSB@hhs.gov,* 202–401–5837.

SUPPLEMENTARY INFORMATION: Those interested may attend the meeting via a toll-free phone number or Zoom teleconference, which requires pre-registration. The meeting link to pre-register will be posted on the meeting website. The online meeting will include American Sign Language interpretation and live captioning.

Members of the public may provide written comments or submit questions at any time via email to *NBSB@hhs.gov*. Additionally, the NBSB invites stakeholders to request up to seven minutes to address the Board in-person during the meeting. The Board wishes to hear from experts from relevant biomedical, biodefense, or health industries; faculty or researchers at academic institutions; health professionals, health system experts, or those who work in health care consumer organizations; or experts in state, Tribal, territorial, or local government agencies. Requests to provide remarks to the NBSB during the public meeting must be sent to *NBSB@hhs.gov* by September 15, 2022. In that request, please provide the speaker's name, title, position, and organization with a brief description of the topic that they will address. Requests to speak to the Board will be approved in consultation with the Board Chair and based on time available during the meeting. Obvious commercial bias, to include any form of advertising, marketing, or solicitation, will not be allowed.

Dawn O'Connell,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2022–16978 Filed 8–8–22; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel SARS–CoV–2 infection and genetic variations effects on Risk of Cognitive Decline.

Date: September 9, 2022.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: RAJASRI ROY, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 496–6477, *rajasri.roy@nih.gov*.

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–16988 Filed 8–8–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 National Cancer Advisory Board.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

A portion of the National Cancer Advisory Board meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Date: August 31, 2022.

Open: 11:00 a.m. to 1:10 p.m.

Agenda: NCAB Subcommittee Meetings—*Ad Hoc* Subcommittee on Experimental Therapeutics and Subcommittee on Planning and Budget.

Open: 1:15 p.m. to 4:00 p.m.

Agenda: Acting Director's and Program reports and presentations; business of the Board.

Closed: 4:10 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute—Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 (Virtual Meeting).

Contact Person: Paulette S. Gray, Ph.D., Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Room 7W444, Bethesda, MD 20892, 240–276–6340, *grayp@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: NCAB: *https://deainfo.nci.nih.gov/advisory/ncab/ncabmeetings.htm,* where an agenda and any additional information for the meetings will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 4, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17036 Filed 8–8–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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 National Advisory Environmental Health Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend as well as those who 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 open session will be videocast and can be accessed from the NIH Videocasting website (*http://videocast.nih.gov/*).

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Environmental Health Sciences Council.

Date: September 13–14, 2022.

Closed: September 13, 2022, 10:00 a.m. to 10:45 a.m.

Agenda: To review and evaluate grant applications.

Place: Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Durham, NC 27709 (Virtual Meeting).

Open: September 13, 2022, 11:00 a.m. to 4:30 p.m.

Agenda: Discussion of program policies and issues/Council Discussion.

Place: Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Durham, NC 27709, *https://www.niehs.nih.gov/news/webcasts/* (Virtual Meeting).

Open: September 14, 2022, 10:00 a.m. to 1:00 p.m.

Agenda: Discussion of program policies and issues/Council Discussion.

Place: Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Durham, NC 27709, *https://www.niehs.nih.gov/news/webcasts/* (Virtual Meeting).

Contact Person: David M Balshaw, Ph.D., Acting Director and Chief, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–27, Research Triangle Park, NC 27709–2233, 984–287–3234, *balshaw@niehs.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.niehs.nih.gov/about/boards/naehsc/agenda/index.cfm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund

Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: August 4, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17034 Filed 8–8–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel Pepper Center Review.

Date: September 2, 2022.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anita H. Undale, Ph.D., MD, Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 827–7428, *anita.undale@nih.gov.*

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 4, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17032 Filed 8–8–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NRSA Individual Fellowship (F30, F31, F32) Review Panel.

Date: October 20, 2022.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20892, (301) 443–8599, *espinozala@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: August 4, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17035 Filed 8–8–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Drug Repositioning and Combination Therapy for AD.

Date: October 19, 2022.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *PARSADANIANA@NIA.NIH.GOV.*

Information is also available on the Institute's/Center's home page: *www.nia.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 4, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–17033 Filed 8–8–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6344–N–01]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: This Notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Administration under the provisions of the National Housing Act (the Act). The interest rate for debentures issued the Act during the 6-month period beginning July 1, 2022, is 2⅞ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the 6-month period beginning July 1, 2022, is 3¼ percent.

FOR FURTHER INFORMATION CONTACT: Elizabeth Olazabal, Department of Housing and Urban Development, 451 Seventh Street SW, Room 5146, Washington, DC 20410–8000; telephone (202) 402–4608 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (12 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4) of the Act) will bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6), and 220.830. These regulatory provisions state that the applicable rates of interest will be published twice each year as a notice in the **Federal Register**.

Section 224 further provides that the interest rate on these debentures will be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the annual interest rate determined by the Secretary of the Treasury pursuant to a statutory formula based on the average yield of all outstanding marketable Treasury obligations of maturities of 15 or more years.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of Section 224, that the statutory maximum interest rate for the period beginning July 1, 2022, is 3¼ percent; and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 3¼ percent for the 6-month period beginning July 1, 2022. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4)) with insurance commitment or endorsement date (as applicable) within the last 6 months of 2022).

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since January 1, 1980:

Effective interest rate	On or after	Prior to
9½	Jan. 1, 1980 ..	July 1, 1980.
9⅞	July 1, 1980 ..	Jan. 1, 1981.
11¾	Jan. 1, 1981 ..	July 1, 1981.
12⅞	July 1, 1981 ..	Jan. 1, 1982.
12¾	Jan. 1, 1982 ..	Jan. 1, 1983.
10¼	Jan. 1, 1983 ..	July 1, 1983.
10⅜	July 1, 1983 ..	Jan. 1, 1984.
11½	Jan. 1, 1984 ..	July 1, 1984.
13⅜	July 1, 1984 ..	Jan. 1, 1985.
11⅝	Jan. 1, 1985 ..	July 1, 1985.
11⅛	July 1, 1985 ..	Jan. 1, 1986.
10¼	Jan. 1, 1986 ..	July 1, 1986.
8¼	July 1, 1986 ..	Jan. 1. 1987.
8	Jan. 1, 1987 ..	July 1, 1987.
9	July 1, 1987 ..	Jan. 1, 1988.
9⅛	Jan. 1, 1988 ..	July 1, 1988.
9⅜	July 1, 1988 ..	Jan. 1, 1989.
9¼	Jan. 1, 1989 ..	July 1, 1989.
9	July 1, 1989 ..	Jan. 1, 1990.
8⅛	Jan. 1, 1990 ..	July 1, 1990.
9	July 1, 1990 ..	Jan. 1, 1991.
8¾	Jan. 1, 1991 ..	July 1, 1991.
8½	July 1, 1991 ..	Jan. 1, 1992.
8	Jan. 1, 1992 ..	July 1, 1992.
8	July 1, 1992 ..	Jan. 1, 1993.
7¾	Jan. 1, 1993 ..	July 1, 1993.
7	July 1, 1993 ..	Jan. 1, 1994.
6⅝	Jan. 1, 1994 ..	July 1, 1994.
7¾	July 1, 1994 ..	Jan. 1, 1995.
8⅜	Jan. 1, 1995 ..	July 1, 1995.
7¼	July 1, 1995 ..	Jan. 1, 1996.
6½	Jan. 1, 1996 ..	July 1, 1996.
7¼	July 1, 1996 ..	Jan. 1, 1997.
6¾	Jan. 1, 1997 ..	July 1, 1997.
7⅛	July 1, 1997 ..	Jan. 1, 1998.
6⅜	Jan. 1, 1998 ..	July 1, 1998.
6⅛	July 1, 1998 ..	Jan. 1, 1999.
5½	Jan. 1, 1999 ..	July 1, 1999.
6⅛	July 1, 1999 ..	Jan. 1, 2000.
6½	Jan. 1, 2000 ..	July 1, 2000.
6½	July 1, 2000 ..	Jan. 1, 2001.
6	Jan. 1, 2001 ..	July 1, 2001.
5⅞	July 1, 2001 ..	Jan. 1, 2002.
5¼	Jan. 1, 2002 ..	July 1, 2002.
5¾	July 1, 2002 ..	Jan. 1, 2003.
5	Jan. 1, 2003 ..	July 1, 2003.
4½	July 1, 2003 ..	Jan. 1, 2004.
5⅛	Jan. 1, 2004 ..	July 1, 2004.
5½	July 1, 2004 ..	Jan. 1, 2005.
4⅞	Jan. 1, 2005 ..	July 1, 2005.
4½	July 1, 2005 ..	Jan. 1, 2006.
4⅞	Jan. 1, 2006 ..	July 1, 2006.
5⅜	July 1, 2006 ..	Jan. 1, 2007.
4¾	Jan. 1, 2007 ..	July 1, 2007.
5	July 1, 2007 ..	Jan. 1, 2008.
4½	Jan. 1, 2008 ..	July 1, 2008.
4⅝	July 1, 2008 ..	Jan. 1, 2009.
4⅛	Jan. 1, 2009 ..	July 1, 2009.
4⅛	July 1, 2009 ..	Jan. 1, 2010.
4¼	Jan. 1, 2010 ..	July 1, 2010.
4⅛	July 1, 2010 ..	Jan. 1, 2011.
3⅞	Jan. 1, 2011 ..	July 1, 2011.
4⅛	July 1, 2011 ..	Jan. 1, 2012.
2⅞	Jan. 1, 2012 ..	July 1, 2012.
2¾	July 1, 2012 ..	Jan. 1, 2013.
2½	Jan. 1, 2013 ..	July 1, 2013.
2⅞	July 1, 2013 ..	Jan. 1, 2014.
3⅝	Jan. 1, 2014 ..	July 1, 2014.
3¼	July 1, 2014 ..	Jan. 1, 2015.
3	Jan. 1, 2015 ..	July 1, 2015.
2⅞	July 1, 2015 ..	Jan. 1, 2016.
2⅞	Jan. 1, 2016 ..	July 1, 2016.
2½	July 1, 2016 ..	Jan. 1, 2017.
2¾	Jan. 1, 2017 ..	July 1, 2017.
2⅞	July 1, 2017 ..	Jan. 1, 2018.
2¾	Jan. 1, 2018 ..	July 1, 2018.
3⅛	July 1, 2018 ..	Jan. 1, 2019.
3⅜	Jan 1, 2019 ...	July 1, 2019.
2¾	July 1, 2019 ..	Jan 1, 2020.
2¼	Jan 1, 2020 ...	July 1, 2020.
1¼	July 1, 2020 ..	Jan. 1, 2021.
1⅜	Jan 1, 2021 ...	July 1, 2021.
2¼	July, 1 2021 ..	Jan 1, 2022.
1⅞	Jan 1, 2022 ...	July 1, 2022.
3¼	July 1, 2022 ..	Jan 1, 2023.

Section 215 of Division G, Title II of Public Law 108–199, enacted January 23, 2004 (HUD's 2004 Appropriations Act) amended Section 224 of the Act, to change the debenture interest rate for purposes of calculating certain insurance claim payments made in cash. Therefore, for all claims paid in cash on mortgages insured under Section 203 or 234 of the National Housing Act and endorsed for insurance after January 23, 2004, the debenture interest rate will be the monthly average yield, for the month in which the default on the mortgage occurred, on United States Treasury Securities adjusted to a constant maturity of 10 years, as found in Federal Reserve Statistical Release H–15. The Federal Housing Administration has codified this provision in HUD regulations at 24 CFR 203.405(b) and 24 CFR 203.479(b).

Similarly, Section 520(a) of the National Housing Act (12 U.S.C. 1735d) provides for the payment of an insurance claim in cash on a mortgage or loan insured under any section of the National Housing Act before or after the enactment of the Housing and Urban Development Act of 1965. The amount of such payment shall be equivalent to the face amount of the debentures that

would otherwise be issued, plus an amount equivalent to the interest which the debentures would have earned, computed to a date to be established pursuant to regulations issued by the Secretary. The implementing HUD regulations for multifamily insured mortgages at 24 CFR 207.259(e)(1) and (e)(6), when read together, provide that debenture interest on a multifamily insurance claim that is paid in cash is paid from the date of the loan default at the debenture rate in effect at the time of commitment or endorsement (or initial endorsement if there are two or more endorsements) of the loan, whichever is higher.

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the ''going Federal rate'' in effect at the time the debentures are issued. The term ''going Federal rate'' is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8- to 12-year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.255 and 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the 6-month period beginning July 1, 2022, is 2⅞ percent. The subject matter of this notice falls within the categorical exemption from HUD's environmental clearance procedures set forth in 24 CFR 50.19(c)(6). For that reason, no environmental finding has been prepared for this notice.

(Authority: Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715l, 1715o; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Julia R. Gordon,

Assistant Secretary for Housing, FHA Commissioner.

[FR Doc. 2022–17024 Filed 8–8–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[223A2100DD/AAKC001030/A0A501010.999900]

Indian Gaming; Approval of Tribal-State Class III Gaming Compact Amendment Between the Confederated Tribes of the Chehalis Reservation and the State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Sixth Amendment to the Tribal State Compact for Class III Gaming Between the Confederated Tribes of the Chehalis Reservation and the State of Washington (Amendment).

DATES: The Amendment takes effect on August 9, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, *paula.hart@bia.gov,* (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary.

The Amendment authorizes the Tribe to engage in sports wagering at the Tribe's class III gaming facilities, updates the Compact to reflect this change in various sections, and incorporates Appendix S, Sports Wagering. The Amendment also adopts Appendices previously adopted by other Washington Tribes, including Appendix B, governing off-track wagering; Appendix D, governing gaming machine transfers between tribes; Appendix E, governing limits, credit, facilities, problem gambling contribution; and Appendix W, governing wide area progressives. The Amendment is approved.

Authority: 25 CFR 293.15.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–17028 Filed 8–8–22; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1272]

Certain Integrated Circuits and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation Based on Settlement; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 24) of the presiding administrative law judge (''ALJ''), terminating the investigation based on settlement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 27, 2021, based on a complaint filed on behalf of MediaTek Inc. of Taiwan and MediaTek USA Inc. of San Jose, California (collectively, ''MediaTek''). 86 FR 40208–09 (Jul. 27, 2021). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain integrated circuits and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 8,772,928 (''the '928 patent''); 7,231,474 (''the '474 patent''); 10,616,017 (''the '017 patent''); 10,200,228 (''the '228 patent''); and 10,264,580. The Commission's notice of investigation named ten (10) respondents, including: NXP Semiconductors N.V. of Eindhoven,

Netherlands; NXP USA, Inc. of Austin, Texas; Avnet, Inc. of Phoenix, Arizona; Arrow Electronics, Inc. of Centennial, Colorado; Mouser Electronics, Inc. of Mansfield, Texas; Continental AG and Continental Automotive GmbH, both of Hanover, Germany; Continental Automotive Systems, Inc. of Auburn Hills, Michigan; Robert Bosch GmbH of Gerlingen-Schillerhöhe, Germany; and Robert Bosch LLC of Farmington Hills, Michigan (collectively, ''Respondents''). The Office of Unfair Import Investigations (''OUII'') is participating in the investigation.

The Commission previously terminated the investigation as to certain claims of the '928 patent, the '474 patent, the '017 patent, and the '228 patent. *See* Order No. 16 (Feb. 9, 2022), *unreviewed by* Notice (Mar. 2, 2022); Order No. 21, *unreviewed by* Notice (May 16, 2022).

On July 12, 2022, MediaTek and Respondents filed a joint motion to terminate the investigation in its entirety based on a settlement agreement (''Agreement''). On July 14, 2022, OUII filed a statement in support of termination but expressed concerns regarding the redactions to the public version of the Agreement. On July 21, 2022, MediaTek and Respondents filed a revised public version of the Agreement.

On July 25, 2022, the presiding ALJ issued the subject ID (Order No. 24), granting the joint motion to terminate the investigation based on settlement. The ID finds that the motion for termination satisfies Commission Rule 210.21(b) (19 CFR 210.21(b)) and that no extraordinary circumstances exist that would prevent the requested termination. No petitions for review were filed.

The Commission has determined not to review the subject ID. The investigation is terminated in its entirety.

The Commission vote for this determination took place on August 4, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: August 4, 2022.

Katherine M. Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–17068 Filed 8–8–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–592]

USMCA Automotive Rules of Origin: Economic Impact and Operations, 2023 Report

ACTION: Notice of investigation and scheduling of a public hearing.

SUMMARY: In accordance with the United States-Mexico-Canada Agreement Implementation Act (''USMCA Implementation Act'') the U.S. International Trade Commission (Commission) instituted Investigation No. 332–592, *USMCA Automotive Rules of Origin: Economic Impact and Operations, 2023 Report.*

DATES:

September 30, 2022: Deadline for filing requests to appear at the public hearing.

October 13, 2022: Deadline for filing prehearing briefs and statements.

October 27, 2022: Deadline for filing electronic copies of oral hearing statements.

November 3, 2022: Public hearing.

November 11, 2022: Deadline for filing post-hearing briefs and statements.

November 24, 2022: Deadline for filing all other written submissions.

June 30, 2023: Transmittal of Commission report to Congress and USTR.

ADDRESSES: All Commission offices are in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Due to the COVID 19 pandemic, the Commission's building is currently closed to the public. Once the building reopens, persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Project Leader Mitch Semanik (*mitchell.semanik@usitc.gov* or 202–205–2034), or Deputy Project Leader Sharon Ford (202–204–3084 or *sharon.ford@usitc.gov*) for information specific to these investigations. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Jennifer Andberg, Office of External Relations (202–205–3404 or *jennifer.andberg@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website (*https://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background: As required by the USMCA Implementation Act, the Commission in its report will focus on USMCA automotive rules of origin (ROO) and their effects on the U.S. economy, impacts to U.S. competitiveness, and relevancy considering recent technology changes. In particular, the USMCA Implementation Act requires that the Commission report on:

(1) the economic impact of USMCA automotive ROO on U.S. gross domestic product, trade, employment, and consumers, as well as economic impact on production, investment, capacity, revenues, wages, and employment in U.S. automotive industries;

(2) the operation of USMCA automotive ROO and their effects on the competitiveness of U.S. automotive production and trade;

(3) the relevancy of USMCA automotive ROO in light of recent technology changes in the United States; and

(4) other matters the Commission considers relevant to the economic impact of the USMCA automotive ROO.

The USMCA Implementation Act requires that the Commission transmit its report on July 1, 2023, one year following submission of a USMCA automotive ROO report by USTR, also required by the USMCA Implementation Act. Because July 1, 2023, is a Saturday, the Commission expects to submit the report on Friday, June 30, 2023. The Commission is directed to submit reports on USMCA automotive ROO every two years thereafter until 2031.

Public Hearing: A public hearing in connection with this investigation will be held beginning at 9:30 a.m. on November 3, 2022. More detailed information about the hearing, including how to participate, will be posted on the Commission's website at (*https://usitc.gov/research_and_analysis/what_we_are_working_on.htm*). Once on that web page, scroll down to Investigation No. 332–592, *USMCA Automotive Rules of Origin: Economic Impact and Operations 2023 Report,* and click on the link to

''Hearing Information.'' Interested parties should check the Commission's website periodically for updates.

Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m., September 30, 2022, in accordance with the requirements in the ''Written Submissions'' section below. All prehearing briefs and statements should be filed not later than 5:15 p.m., October 13, 2022. To facilitate the hearing, including the preparation of an accurate written transcript of the hearing, oral testimony to be presented at the hearing must be submitted to the Commission electronically no later than noon, October 27, 2022. All post-hearing briefs and statements should be filed no later than 5:15 p.m., November 11, 2022. Post-hearing briefs and statements should address matters raised at the hearing. For a description of the different types of written briefs and statements, see the ''Definitions'' section below.

In the event that, as of the close of business on September 30, 2022, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should check the Commission website in the preceding paragraph for information concerning whether the hearing will be held.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary and should be received not later than the dates provided for in this notice. All written submissions must conform to the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), as temporarily amended by 85 FR 15798 (March 19, 2020). Under that rule waiver, the Office of the Secretary will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802), or consult the Commission's Handbook on Filing Procedures.

Definitions of Types of Documents That May Be Filed; Requirements: In addition to requests to appear at the hearing, this notice provides for the possible filing of four types of documents: prehearing briefs, oral hearing statements, post-hearing briefs, and other written submissions.

(1) *Prehearing briefs* refers to written materials relevant to the investigation and submitted in advance of the hearing and includes written views on matters that are the subject of the investigation, supporting materials, and any other written materials that you consider will help the Commission in understanding your views. You should file a prehearing brief particularly if you plan to testify at the hearing on behalf of an industry group, company, or other organization, and wish to provide detailed views or information that will support or supplement your testimony.

(2) *Oral hearing statements (testimony)* refers to the actual oral statement that you intend to present at the public hearing. *Do not* include any confidential business information in that statement. If you plan to testify, you must file a copy of your oral statement by the date specified in this notice. This statement will allow Commissioners to understand your position in advance of the hearing and will also assist the court reporter in preparing an accurate transcript of the hearing (*e.g.,* names spelled correctly).

(3) *Post-hearing briefs* refers to submissions filed after the hearing by persons who appeared at the hearing. Such briefs: (a) should be limited to matters that arose during the hearing, (b) should respond to any Commissioner and staff questions addressed to you at the hearing, (c) should clarify, amplify, or correct any statements you made at the hearing, and (d) may, at your option, address or rebut statements made by other participants in the hearing.

(4) *Other written submissions* refer to any other written submissions that interested persons wish to make, regardless of whether they appeared at the hearing, and may include new information or updates of information previously provided.

There is no standard format that briefs or other written submissions must follow. However, each such document must identify on its cover (1) the type of document filed (*i.e.,* prehearing brief, oral statement of (name), post-hearing brief, or written submission), (2) the name of the person or organization filing it, and (3) whether it contains confidential business information (CBI). If it contains CBI, it must comply with the marking and other requirements set out below in this notice relating to CBI. Submitters of written documents (other than oral hearing statements) are encouraged to include a short summary of their position or interest at the beginning of the document, and a table of contents when the document addresses multiple issues.

Confidential Business Information: Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

As requested by the USTR, the Commission will not include any confidential business information in its report. However, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a way that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: Persons wishing to have a summary of their position included in the report that the Commission sends to the USTR should include a summary with their written submission and should mark the summary as having been provided for that purpose. The summary should be clearly marked as ''summary for inclusion in the report'' at the top of the page. The summary may not exceed 500 words, should be in MS Word format or a format that can be easily converted to MS Word, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: August 4, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–17064 Filed 8–8–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1060]

Bulk Manufacturer of Controlled Substances Application: Chemtos, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Chemtos, LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 11, 2022. Such persons may also file a written request for a hearing on the application on or before October 11, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on July 11, 2022, Chemtos, LLC, 16713 Picadilly Court, Round Rock, Texas 78664–8544, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC)	1238	I
Para-Methoxymethamphetamine (PMMA), 1-(4-methoxyphenyl)-N-methylpropan-2-amine	1245	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
4,4′-Dimethylaminorex (4,4′-DMAR; 4,5-dihydro-4methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine).	1595	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
FUB-144 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)	7014	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB-FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate)	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone	7024	I
5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluropentyl)-1H-indazole-3-carboximide)	7025	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide	7031	I
MAB-CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB; 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
5F-EDMB-PINACA (ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7036	I
5F-MDMB-PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7041	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7042	I
4F-MDMB-BINACA (4F-MDMB-BUTINACA or methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7043	I
MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate)	7044	I
FUB-AKB48, FUB-APINACA, AKB48 N-(4-FLUOROBENZYL) (N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboximide).	7047	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
5F-CUMYL-PINACA, 5GT-25 (1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide)	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I

Controlled substance	Drug code	Schedule
4-CN-CUML-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, SGT-78 (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide).	7089	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-MEAP (4-Methyl-alpha-ethylaminopentiophenone)	7245	I
N-Ethylhexedrone	7246	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one(methoxetamine)	7286	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7)	7348	I
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Parahexyl	7374	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C-T-2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4'-Chloro-alpha-pyrrolidinovalerophenone	7443	I
MPHP, 4'-Methyl-alpha-pyrrolidinohexiophenone	7446	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Ethyl-3-piperidyl benzilate	7482	I
N-Methyl-3-piperidyl benzilate	7484	I
N-Benzylpiperazine	7493	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP)	7498	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C-E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C-H)	7517	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C-I)	7518	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)	7521	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P)	7524	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C-T-4)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B-NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I

Controlled substance	Drug code	Schedule
Pentylone	7542	I
N-Ethypentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	I
α-PHP, alpha-Pyrrolidinohexanophenone	7544	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
alpha-pyrrolidinoheptaphenone (PV8)	7548	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Cyprenorphine	9054	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphinol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Myrophine	9308	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Pholcodine	9314	I
Thebacon	9315	I
Acetorphine	9319	I
Drotebanol	9335	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Benzethidine	9606	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Clonitazene	9612	I
Dextromoramide	9613	I
Diampromide	9615	I
Diethylthiambutene	9616	I
Dimenoxadol	9617	I
Dimepheptanol	9618	I
Dimethylthiambutene	9619	I
Dioxaphetyl butyrate	9621	I
Dipipanone	9622	I
Ethylmethylthiambutene	9623	I
Etonitazene	9624	I
Etoxeridine	9625	I
Furethidine	9626	I
Hydroxypethidine	9627	I
Ketobemidone	9628	I
Levomoramide	9629	I
Levophenacylmorphan	9631	I
Morpheridine	9632	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Norpipanone	9636	I
Phenadoxone	9637	I
Phenampromide	9638	I
Phenoperidine	9641	I
Piritramide	9642	I
Proheptazine	9643	I
Properidine	9644	I
Racemoramide	9645	I

Controlled substance	Drug code	Schedule
Trimeperidine	9646	I
Phenomorphan	9647	I
Propiram	9649	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I
Tilidine	9750	I
Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro1Hbenzimidazol-1-yl)-N,N-diethylethan-1-amine)	9751	I
orobenzyl)-5- nitro1H-benzimidazol-1-yl)ethan-1-amine)	9756	I
Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1-amine)	9757	I
N-pyrrolidino etonitazene; etonitazepyne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1Hbenzimidazole)	9758	I
Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine)	9759	I
Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)- 1H-benzimidazol-1-yl)ethan-1-amine)	9764	I
Etodesnitazene; etazene (2-(2-(4-ethoxybenzyl)-1Hbenzimidazol-1-yl)-N,N-diethylethan-1-amine)	9765	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Para-methoxybutyryl fentanyl	9838	I
Valeryl fentanyl	9840	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Cyclopropyl Fentanyl	9845	I
Cyclopentyl Fentanyl	9847	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II

Controlled substance	Drug code	Schedule
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Methadone	9250	II
Methadone intermediate	9254	II
Metopon	9260	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Dihydroetorphine	9334	II
Levo-alphacetylmethadol	9648	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Phenazocine	9715	II
Thiafentanil	9729	II
Piminodine	9730	II
Racemethorphan	9732	II
Racemorphan	9733	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Bezitramide	9800	II
Fentanyl	9801	II
Moramide-intermediate	9802	II

The company plans to bulk manufacture the listed controlled substances for distribution to its customers. In reference to dug codes 7360 (Marihuana), and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022-17003 Filed 8-8-22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1055]

Importer of Controlled Substances Application: Catalent Pharma Solutions, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Catalent Pharma Solutions, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 8, 2022. Such persons may also file a written request for a hearing on the application on or before September 8, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 1, 2022, Catalent Pharma Solutions, LLC, 3031 Red Lion Road, Philadelphia, Pennsylvania 19114, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Lysergic acid diethylamide	7315	I
5-Methoxy-N-N-dimethyltryptamine.	7431	I
Psilocybin	7437	I
Psilocyn	7438	I
Tapentadol	9780	II

The company plans to import the listed controlled substances as finished dosage unit products for clinical trials, research, and analytical activities. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–16998 Filed 8–8–22; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1007]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Botanical Sciences, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 11, 2022.

ADDRESSES: DEA requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.''

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may submit electronic comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (API) for product development and distribution to DEA registered researchers. If the application for registration is granted, the registrant would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on February 9, 2022, Botanical Sciences, LLC, 442 Cecil Anderson Road, Glennville, Georgia 30427, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–16985 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1062]

Bulk Manufacturer of Controlled Substances Application: Cerilliant Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cerilliant Corporation, has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 11, 2022. Such persons may also file a written request for a hearing on the application on or before October 11, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on June 30, 2022, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC)	1233	I
Cathinone	1235	I
Para-Methoxymethamphetamine (PMMA), 1-(4-1245 I N methoxyphenyl)-N-methylpropan-2-amine	1245	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4-FMC)	1238	I
Pentedrone (α-methylaminovalerophenone)	1246	I

Controlled substance	Drug code	Schedule
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4-MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
4,4′-Dimethylaminorex (4,4′-DMAR; 4,5-dihydro-4- 1595 I N methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5- (4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine).	1595	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)	7008	I
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
FUB-144 (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)	7014	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB-FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
FUB-AMB, MMB-FUBINACA, AMB-FUBINACA (2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3-methylbutanoate)	7021	I
AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I
5F-AB-PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluropentyl)-1H-indazole-3-carboximide)	7025	I
AB-CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I
MAB-CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F-AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F-ADB, 5F-MDMB-PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
5F-EDMB-PINACA (ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7036	I
5F-MDMB-PICA (methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7041	I
4F-MDMB-BINACA (4F-MDMB-BUTINACA or methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate).	7043	I
MDMB-CHMICA, MMB-CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate)	7042	I
MMB-CHMICA, AMB-CHMICA (methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate)	7044	I
FUB-AKB48, FUB-APINACA, AKB48 N-(4-FLUOROBENZYL) (N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboximide).	7047	I
APINACA and AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide)	7048	I
5F-APINACA, 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl)indole)	7081	I
5F-CUMYL-PINACA, 5GT-25 (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide)	7083	I
5F-CUMYL-P7AICA (1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide)	7085	I
4-CN-CUML-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, SGT-78 (1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide).	7089	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl]indole)	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole)	7203	I
NM2201, CBL2201 (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate	7221	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
4-MEAP (4-Methyl-alpha-ethylaminopentiophenone)	7245	I
N-Ethylhexedrone	7246	I
Alpha-ethyltryptamine	7249	I
2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine)	7286	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine	7348	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Parahexyl	7374	I
Mescaline	7381	I
2C-T-2 (2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I

Controlled substance	Drug code	Schedule
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
4′-Chloro-alpha-pyrrolidinovalerophenone	7443	I
MPHP, 4′-Methyl-alpha-pyrrolidinohexiophenone	7446	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
N-Benzylpiperazine	7493	I
4-MePPP (4-Methyl-alphapyrrolidinopropiophenone)	7498	I
2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine)	7508	I
2C-E (2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine)	7509	I
2C-H 2-(2,5-Dimethoxyphenyl)ethanamine)	7517	I
2C-I 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine)	7518	I
2C-C 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine)	7519	I
2C-N (2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine)	7521	I
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine)	7524	I
2C-T-4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl)ethanamine)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
25B-NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine)	7536	I
25C-NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine)	7537	I
25I-NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
N-Ethypentylone, ephylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	I
α-PHP, alpha-Pyrrolidinohexanophenone	7544	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
Ethylone	7547	I
PV8, alpha-Pyrrolidinoheptaphenone	7548	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I
Codeine methylbromide	9070	I
Brorphine	9098	I
Dihydromorphine	9145	I
Heroin	9200	I
Hydromorphinol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
Pholcodine	9314	I
U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I

Controlled substance	Drug code	Schedule
Isotonitazene	9614	I
Dipipanone	9622	I
Etonitazene	9624	I
Hydroxypethidine	9627	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Trimeperidine	9646	I
Phenomorphan	9647	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
Tilidine	9750	I
xybenzyl)-5-nitro1Hbenzimidazol-1-yl)-N,N-diethylethan-1-amine)	9751	I
-(2-(4-fluorobenzyl)-5-nitro1H-benzimidazol-1-yl)ethan-1-amine)	9756	I
Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1Hbenzimidazol-1-yl)ethan-1-amine)	9757	I
N-pyrrolidino etonitazene; etonitazepyne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1Hbenzimidazole)	9758	I
Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine)	9759	I
Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine)	9764	I
Etodesnitazene; etazene (2-(2-(4-ethoxybenzyl)- 1Hbenzimidazol-1-yl)-N,N-diethylethan-1-amine)	9765	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Para-Methylfentanyl	9817	I
4′-Methyl Acetyl Fentanyl	9819	I
Ortho-Methyl Methoxyacetyl Fentanyl	9820	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Thiofuranyl Fentanyl	9839	I
Valeryl fentanyl	9840	I
Phenyl Fentanyl	9841	I
Beta′-Phenyl Fentanyl	9842	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Crotonyl Fentanyl	9844	I
Cyclopropyl Fentanyl	9845	I
Ortho-Fluorobutyryl Fenanyl	9846	I
Cyclopentyl fentanyl	9847	I
Ortho-Methyl Acetylfentanyl	9848	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
Fentanyl Carbamate	9851	I
Ortho-Fluoroacryl Fentanyl	9852	I
Ortho-Fluoroisobutyryl Fentanyl	9853	I
Para-Fluoro Furanyl Fentanyl	9854	I
2′-Fluoro Ortho-Fluorofentanyl	9855	I
Beta-Methyl Fentanyl	9856	I
8Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
ANPP (4-Anilino-N-phenethyl-4-piperidine)	8333	II

Controlled substance	Drug code	Schedule
Norfentanyl	8366	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-A	9232	II
Meperidine intermediate-B	9233	II
Meperidine intermediate-C	9234	II
Metazocine	9240	II
Methadone	9250	II
Methadone intermediate	9254	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Levo-alphacetylmethadol	9648	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Thiafentanil	9729	II
Racemethorphan	9732	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to bulk manufacture the listed controlled substances for the internal use intermediates or for sale to its customers. In reference to dug codes 7360 (Marihuana), and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–17006 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1052]

Importer of Controlled Substances Application: Cerilliant Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cerilliant Corporation has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 8, 2022. Such persons may also file a written request for a hearing on the application on or before September 8, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on June 30, 2022, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3–FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4–FMC)	1238	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4–MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Methaqualone	2565	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR–18 (Also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
5-Fluoro-UR–144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB–FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
JWH–019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
AB–PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ–2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	7024	I
AB–CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7031	I
ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
APINACA and AKB48 (N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide)	7048	I
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
SR–19 (Also known as RCS–4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole)	7104	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH–073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
PB–22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F–PB–22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2C–T–7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine	7348	I
Marihuana	7360	I
Parahexyl	7374	I
Mescaline	7381	I
2C–T–2 (2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
N-Benzylpiperazine	7493	I
4-MePPP (4-Methyl-alphapyrrolidinopropiophenone)	7498	I
2C–D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine)	7508	I
2C–E (2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine)	7509	I
2C–H 2-(2,5-Dimethoxyphenyl) ethanamine)	7517	I
2C–I 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine)	7518	I
2C–C 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine)	7519	I

Controlled substance	Drug code	Schedule
2C–N (2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine)	7521	I
2C–P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine)	7524	I
2C–T–4 (2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
25B–NBOMe (2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7536	I
25C–NBOMe (2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7537	I
25I–NBOMe (2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
AM–694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Heroin	9200	I
Morphine-N-oxide	9307	I
Normorphine	9313	I
Pholcodine	9314	I
U–47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
AH–7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))	9551	I
Acetylmethadol	9601	I
Allylprodine	9602	I
Alphacetylmethadol except levo-alphacetylmethadol	9603	I
Alphameprodine	9604	I
Alphamethadol	9605	I
Betacetylmethadol	9607	I
Betameprodine	9608	I
Betamethadol	9609	I
Betaprodine	9611	I
Dextromoramide	9613	I
Dipipanone	9622	I
Hydroxypethidine	9627	I
Noracymethadol	9633	I
Norlevorphanol	9634	I
Normethadone	9635	I
Racemoramide	9645	I
Trimeperidine	9646	I
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I
Tilidine	9750	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Thiofentanyl	9835	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
Methamphetamine	1105	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Nabilone	7379	II
1-Phenylcyclohexylamine	7460	II
Phencyclidine	7471	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Alphaprodine	9010	II
Dihydrocodeine	9120	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Levomethorphan	9210	II
Levorphanol	9220	II
Meperidine	9230	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Levo-alphacetylmethadol	9648	II
Noroxymorphone	9668	II
Racemethorphan	9732	II

Controlled substance	Drug code	Schedule
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II

The company plans to import the listed controlled substances for the manufacturing of analytical reference standards and distribution to their research and forensic customers. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–16994 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1064]

Bulk Manufacturer of Controlled Substances Application: Experic LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Experic LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 11, 2022. Such persons may also file a written request for a hearing on the application on or before October 11, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on July 7, 2022, Experic LLC, 2 Clarke Drive, Cranbury, New Jersey 08512–3619, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Psilocybin	7437	I
Psilocyn	7438	I

The company plans to bulk manufacture the listed controlled substances for drug codes 7437 (Psilocybin) and 7438 (Psilocyn), planning on germinating mushrooms to be harvested and freeze dried in form of powder to be filled into capsules for use in clinical studies.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–17012 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1042]

Importer of Controlled Substances Application: Sharp Clinical Services, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Sharp Clinical Services, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 8, 2022. Such persons may also file a written request for a hearing on the application on or before September 8, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on May 23, 2022, Sharp Clinical Services, LLC, 2400 Baglyos Circle, Bethlehem, Pennsylvania 18020–8024, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
5-Methoxy-N-N-dimethyltryptamine.	7431	I

The company plans to import the listed control substances for clinical

trials. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–16991 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1053]

Importer of Controlled Substances Application: VHG Labs, DBA LGC Standards

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: VHG Labs, DBA LGC Standards has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 8, 2022. Such persons may also file a written request for a hearing on the application on or before September 8, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on June 24, 2022, VHG Labs, DBA LGC Standards, 3 Perimeter Road, Manchester, New Hampshire 03103–3341 applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Mephedrone (4-Methyl-N-methylcathinone).	1248	I
2,5-Dimethoxyamphetamine.	7396	I
Bufotenine	7433	I
Psilocybin	7437	I
Alphamethandol	9605	I
Amphetamine	1100	II

The company plans to import the listed controlled substances for distribution for analytical testing purposes. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2).

Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–16996 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–998]

Importer of Controlled Substances Application: Stepan Company

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Stepan Company has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 8, 2022. Such persons may also file a written request for a hearing on the application on or before September 8, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on February 3, 2022, Stepan Company, 100 West Hunter Avenue, Maywood, New Jersey 07607–1021, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Coca Leaves	9040	I

The company plans to import the listed controlled substance in bulk for the manufacture of controlled substances for distribution to its customers. No other activity for this drug code is authorized for this registration. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2).

Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–16984 Filed 8–8–22; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1037]

Bulk Manufacturer of Controlled Substances Application: Continuus Pharmaceutical

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Continuus Pharmaceutical has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 11, 2022. Such persons may also file a written request for a hearing on the application on or before October 11, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on April 8, 2022, Continuus Pharmaceutical, 25–R Olympia Avenue, Woburn, Massachusetts 01801, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Fentanyl	9801	II

The company plans to bulk manufacture the above listed controlled substance for research and development purposes only. No other activities for these drug codes are authorized for this registration.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–16989 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1056]

Bulk Manufacturer of Controlled Substances Application: Biopharmaceutical Research Company

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Biopharmaceutical Research Company has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 11, 2022. Such persons may also file a written request for a hearing on the application on or before October 11, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on June 8, 2022, Biopharmaceutical Research Company, 11045 Commercial Parkway, Castroville, California 95012–3209, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to bulk manufacture the listed controlled substances to provide Pharmaceutical-grade marihuana in order to facilitate research in a manner that complies with local, state and federal regulations. No other activities for these drug codes are authorized for this registration.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–16995 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1059]

Importer of Controlled Substances Application: Curium US LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Curium US LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 8, 2022. Such persons may also file a written request for a hearing on the application on or before September 8, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow

the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 8, 2022, Curium US LLC, 2703 Wagner Place, Maryland Heights, Missouri 63043–3421, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Ecgonine	9180	II

The company plans to import small quantities of a derivative form of the listed controlled substance to be used in diagnostic testing. No other activities for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–17008 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1058]

Importer of Controlled Substances Application: Bright Green Corporation

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Bright Green Corporation has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before September 8, 2022. Such persons may also file a written request for a hearing on the application on or before September 8, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 11, 2022, Bright Green Corporation, 1033 George Hanosh Boulevard, Grants, New Mexico 87020, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to import tissue culture that will be used to begin the propagation of their bulk cannabis manufacturing operation. No other activity for this drug code is authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–16999 Filed 8–8–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–1063]

Bulk Manufacturer of Controlled Substances Application: Chattem Chemicals

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Chattem Chemicals has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before October 11, 2022. Such persons may also file a written request for a hearing on the application on or before October 11, 2022.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *https://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on *https://www.regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this

is notice that on July 14, 2022, Chattem Chemicals, 3801 Saint Elmo Avenue, Chattanooga, Tennessee 37409–1237, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
4-Methoxyamphetamine	7411	I
Noroxymorphone	9145	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Ecgonine	9180	II
Hydrocodone	9193	II
Levorphanol	9220	II
Methadone	9250	II
Methadone intermediate	9254	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture the listed controlled substances in bulk for distribution and sale to its customers. In reference to drug codes 7360 (Marihuana) and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as a synthetic. No other activities for these drug codes are authorized for this registration.

Kristi O'Malley,

Assistant Administrator.

[FR Doc. 2022–17011 Filed 8–8–22; 8:45 am]

BILLING CODE P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA 2022–059]

Senior Executive Service (SES) Performance Review Board; Members

AGENCY: Office of Human Capital, National Archives and Records Administration.

ACTION: Notice of membership on the SES Performance Review Board.

SUMMARY: Notice is hereby given of the appointment of members of the National Archives and Records Administration (NARA) Performance Review Board (PRB). The members of the PRB for the National Archives and Records Administration are: William J. Bosanko, Chief Operating Officer; Micah M. Cheatham, Chief of Management and Administration; and Valorie F. Findlater, Chief Human Capital Officer. These appointments supersede all previous appointments.

DATES: *Applicable Date:* This appointment is effective on August 9, 2022.

FOR FURTHER INFORMATION CONTACT: Valorie Findlater, Office of Human Capital, by email at *valorie.findlater@nara.gov* or by telephone at (301) 837–3754.

SUPPLEMENTARY INFORMATION: The authority for this notice is 5 U.S.C. 4314(c), which also requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The Board shall review the initial appraisal of a senior executive's performance by the supervisor and recommend final action to the appointing authority regarding matters related to senior executive performance.

Debra Steidel Wall,

Acting Archivist of the United States.

[FR Doc. 2022–17039 Filed 8–8–22; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0148]

Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Monthly notice.

SUMMARY: Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person.

DATES: Comments must be filed by September 8, 2022. A request for a hearing or petitions for leave to

intervene must be filed by October 11, 2022. This monthly notice includes all amendments issued, or proposed to be issued, from June 24, 2022, to July 21, 2022. The last monthly notice was published on July 12, 2022.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

• *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0148. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

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

FOR FURTHER INFORMATION CONTACT: Kay Goldstein, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 391–415–1506, email: *Kay.Goldstein@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0148, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0148.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2022–0148, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

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

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of *the Code of Federal Regulations* (10 CFR), are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's public website at *https://www.nrc.gov/reading-rm/doc-collections/cfr.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be

permitted with particular reference to the following general requirements for standing: (1) the name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming

receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9:00 a.m. and 6:00 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT REQUEST(S)

Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Units 2 and 3; New London County, CT; Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, SC; Virginia Electric and Power Company, Dominion Nuclear Company; North Anna Power Station, Units 1 and 2; Louisa County, VA; Virginia Electric and Power Company; Surry Power Station, Unit Nos. 1 and 2; Surry County, VA	
Docket No(s)	50–280, 50–281, 50–336, 50–338, 50–339, 50–395, 50–423.
Application date	May 25, 2022.
ADAMS Accession No	ML22146A027.
Location in Application of NSHC	Enclosure, Page 3 of 4.
Brief Description of Amendment(s)	The proposed amendment, as described in the submittal, would revise technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–554, ''Revise Reactor Coolant Leakage Requirements,'' for the Millstone Power Station Units 2 and 3, Surry Power Station Units 1 and 2, North Anna Power Station Units 1 and 2, and V. C. Summer Nuclear Station Unit 1 Technical Specifications (TS). The proposed amendment would revise the TS definition of ''Leakage,'' clarify the requirements when pressure boundary leakage is detected, and add a Required Action when pressure boundary leakage is identified.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W. S. Blair, Senior Counsel, Dominion Resource Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.

Energy Northwest; Columbia Generating Station; Benton County, WA	
Docket No(s)	50–397.
Application date	May 25, 2022.
ADAMS Accession No	ML22145A465.
Location in Application of NSHC	Pages 2–4 of the Enclosure.

LICENSE AMENDMENT REQUEST(S)—Continued

Brief Description of Amendment(s)	The proposed amendment would revise technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF-580, ''Provide Exception from Entering Mode 4 With No Operable RHR [Residual Heat Removal] Shutdown Cooling,'' which is an approved change to the Improved Standard Technical Specifications into the Columbia Generating Station TSs. The proposed amendment would provide a TS exception to entering Mode 4 if both required RHR shutdown cooling subsystems are inoperable. TSTF–580 would make additional changes to the Actions of TS 3.4.9, ''Residual Heat Removal (RHR) Shutdown Cooling System—Hot Shutdown,'' that were revised by TSTF–566, ''Revise Actions for Inoperable RHR Shutdown Cooling Subsystems,'' which is consistent with the staff's approval of TSTF–580.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	William Riggins, Assistant General Counsel, Energy Northwest, MD 1020, P.O. Box 968, Richland, WA 99352.
NRC Project Manager, Telephone Number	Mahesh Chawla, 301–415–8371.

Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE

Docket No(s)	50–298.
Application date	June 16, 2022.
ADAMS Accession No	ML22171A009.
Location in Application of NSHC	Pages 3–4 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would adopt Technical Specifications Task Force (TSTF) Traveler TSTF- 554, Revision 1, ''Revise Reactor Coolant Leakage Requirements,'' which is an approved change to the Standard Technical Specifications, into the Cooper Nuclear Station Technical Specifications (TSs). The proposed amendment would revise the TS definition of ''Leakage,'' clarify the requirements when pressure boundary leakage is detected, and add a required action when pressure boundary leakage is identified. The model safety evaluation was approved by the NRC in a letter dated April 20, 2021 (ML21106A249), using the consolidated line item improvement process.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	John C. McClure, Nebraska Public Power District, P.O. Box 499, Columbus, NE 68602–0499.
NRC Project Manager, Telephone Number	Thomas Wengert, 301–415–4037.

NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2; Manitowoc County, WI

Docket No(s)	50–266, 50–301.
Application date	May 20, 2022, as supplemented by letter(s) dated July 11, 2022.
ADAMS Accession No	ML22140A131 (Package), ML22192A152.
Location in Application of NSHC	Pages 10 and 11 of Attachment 1 to Application.
Brief Description of Amendment(s)	The proposed license amendments would modify the Point Beach technical specifications to permit the use of risk-informed completion times in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 2, ''Provide Risk-Informed Extend Completion Times—RITSTF [Risk-Informed Technical Specification Task Force] Initiative 4b.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Steven Hamrick, Managing Attorney—Nuclear, Florida Power and Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.
NRC Project Manager, Telephone Number	Scott Wall, 301–415–2855.

NextEra Energy Seabrook, LLC; Seabrook Station, Unit No. 1; Rockingham County, NH

Docket No(s)	50–443.
Application date	June 9, 2022.
ADAMS Accession No	ML22160A581.
Location in Application of NSHC	Pages 3–4 of the Enclosure.
Brief Description of Amendment(s)	The proposed amendment would revise the technical specifications for Seabrook Station, Unit No. 1 to adopt the approved Technical Specifications Task Force (TSTF) Traveler TSTF-577, ''Revised Frequencies for Steam Generator Tube Inspections.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Steven Hamrick, Managing Attorney—Nuclear, Florida Power and Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.
NRC Project Manager, Telephone Number	Justin Poole, 301–415–2048.

LICENSE AMENDMENT REQUEST(S)—Continued

PSEG Nuclear LLC; Hope Creek Generating Station; Salem County, NJ; PSEG Nuclear LLC; Salem Nuclear Generating Station, Units 1 and 2; Salem County, NJ	
Docket No(s)	50–272, 50–311, 50–354.
Application date	June 22, 2022.
ADAMS Accession No	ML22174A294.
Location in Application of NSHC	Pages 4–5 of Enclosure.
Brief Description of Amendment(s)	The license amendment would relocate the Salem Nuclear Generating Station Units 1 and 2 Facility Staff Qualification and Hope Creek Generating Station Unit Staff Qualification Requirements to the PSEG Quality Assurance Topical Report.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jodi Varon, PSEG Services Corporation, 80 Park Plaza, T–5, Newark, NJ 07102.
NRC Project Manager, Telephone Number	James Kim, 301–415–4125.
Virginia Electric and Power Company; Surry Power Station, Units 1 and 2; Surry County, VA	
Docket No(s)	50–280, 50–281.
Application date	May 11, 2022.
ADAMS Accession No	ML22131A310.
Location in Application of NSHC	Attachment 1, Section 4.2.
Brief Description of Amendment(s)	The proposed license amendment would revise Technical Specification Section 3.12.E.2 to provide an alternative monitoring option for the condition where a maximum of one rod position indicator per bank is inoperable. The proposed revision is consistent with similar changes included in Technical Specifications Task Force Traveler 547, Revision 1, ''Clarification of Rod Position Requirements.''
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W.S. Blair, Senior Counsel, Dominion Resource Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	John Klos, 301–415–5136.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCE(S)

Dominion Energy Kewaunee, Inc.; Kewaunee Power Station; Montgomery County, WI	
Docket No(s)	50–305.
Amendment Date	June 28, 2022.
ADAMS Accession No	ML22160A516 (Package).
Amendment No(s)	221.
Brief Description of Amendment(s)	By order dated March 31, 2022, the NRC approved the indirect transfer of Renewed Facility Operating License No. DPR–43 for the Kewaunee Power Station (KPS) and the general license for the KPS independent spent fuel storage installation, held by Dominion Energy Kewaunee, Inc., to Kewaunee Solutions, Inc. This amendment reflects the indirect license transfer.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

LICENSE AMENDMENT ISSUANCE(S)—Continued

Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit Nos. 1, 2 and 3; New London County, CT; Virginia Electric and Power Company, Dominion Nuclear Company; North Anna Power Station, Unit Nos. 1 and 2; Louisa County, VA; Virginia Electric and Power Company; Surry Power Station, Unit Nos. 1 and 2; Surry County, VA	
Docket No(s)	50–245, 50–280, 50–281, 50–336, 50–338, 50–339, 50–423.
Amendment Date	July 11, 2022.
ADAMS Accession No	ML22095A107.
Amendment No(s)	120, 344, 284, 293, 276, 307, and 307.
Brief Description of Amendment(s)	The amendments modify Millstone 1 Technical Specification (TS) 5.3.1, Millstone 2 and 3 TS 6.3.1, North Anna TS 5.3.1, and Surry TS 6.1.3 to relocate requirements related to Facility Staff Qualifications and Unit Staff Qualifications to the Dominion Energy Nuclear Facility Quality Assurance Program.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Duke Energy Carolinas, LLC; Catawba Nuclear Station, Units 1 and 2; York County, SC; Duke Energy Carolinas, LLC; McGuire Nuclear Station, Units 1 and 2; Mecklenburg County, NC	
Docket No(s)	50–413, 50–414, 50–369, 50–370.
Amendment Date	July 19, 2022.
ADAMS Accession No	ML22164A036.
Amendment No(s)	313 (Catawba Unit 1), 309 (Catawba Unit 2), 323 (McGuire Unit 1), 302 (McGuire Unit 2).
Brief Description of Amendment(s)	The amendments revised the conditional exemption of the end-of-cycle moderator temperature coefficient measurement methodology required by technical specification surveillance requirement 3.1.3.2.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3; Oconee County, SC	
Docket No(s)	50–269, 50–270, 50–287.
Amendment Date	July 15, 2022.
ADAMS Accession No	ML22096A187.
Amendment No(s)	424 (Unit 1), 426 (Unit 2), and 425 (Unit 3).
Brief Description of Amendment(s)	The amendments revised Technical Specification (TS) 3.7.7, ''Low Pressure Service Water (LPSW) System,'' to extend the completion time for one required inoperable LPSW pump on a temporary basis for Oconee Nuclear Station, Units 1, 2, and 3. Specifically, the amendments added a Note modifying the completion time associated with TS 3.7.7, Condition A, Required Action A.1, to 288 hours during Unit 2, Refuel 31 (fall 2023) to allow for the tie in and testing of an alternate suction source to the shared Unit 1 and Unit 2 'A' and 'B' LPSW pumps.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Unit 2; Beaver County, PA	
Docket No(s)	50–412.
Amendment Date	June 28, 2022.
ADAMS Accession No	ML22140A209.
Amendment No(s)	207.
Brief Description of Amendment(s)	The amendment revised Technical Specification 3.1.7.2 to remove a required action that currently has a logic error and renumbered another required action.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Entergy Louisiana, LLC, and Entergy Operations, Inc.; River Bend Station, Unit 1; West Feliciana Parish, LA	
Docket No(s)	50–458.
Amendment Date	July 19, 2022.
ADAMS Accession No	ML22188A174.
Amendment No(s)	211.
Brief Description of Amendment(s)	The amendment authorized River Bend Station, Unit 1, for the receipt, possession, and use of byproduct and special nuclear materials from Arkansas Nuclear One, Units 1 and 2, Grand Gulf Nuclear Station, Unit 1, River Bend Station, Unit 1, and Waterford Steam Electric Station, Unit 3, that are contaminated with low levels of radioactive material for analysis, repair, calibration, and return shipment.
Public Comments Received as to Proposed NSHC (Yes/No)	No.
Entergy Operations, Inc.; Arkansas Nuclear One, Unit 2; Pope County, AR	
Docket No(s)	50–368.
Amendment Date	July 19, 2022.
ADAMS Accession No	ML22165A244.

LICENSE AMENDMENT ISSUANCE(S)—Continued

Amendment No(s)	331.
Brief Description of Amendment(s)	The amendment modified the Arkansas Nuclear One, Unit 2 licensing basis by adding a license condition to allow for the implementation of the provisions 10 CFR 50.69, ''Risk-informed categorization and treatment of structures, systems and components for nuclear power reactors.''
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket No(s)	50–382.
Amendment Date	July 8, 2022.
ADAMS Accession No	ML22153A445.
Amendment No(s)	267.
Brief Description of Amendment(s)	The amendment updated Waterford Steam Electric Station, Unit 3, figures in Technical Specification 3.4.8.1, which contain the reactor coolant system, pressure/temperature (P/T) limit curves for 32 effective full power years (EFPY), with curves that are applicable up to 55 EFPY. This amendment also revised the low temperature overpressure protection P/T region pressurizer pressure limit from 554.1 pounds per square inch absolute (psia) to 534 psia to account for three reactor coolant pump operation.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3; St. Charles Parish, LA

Docket No(s)	50–382.
Amendment Date	July 20, 2022.
ADAMS Accession No	ML22194A901.
Amendment No(s)	268.
Brief Description of Amendment(s)	The amendment adopted Technical Specifications Task Force (TSTF) Traveler TSTF–569, ''Revise Response Time Testing Definition,'' Revision 2, which is an approved change to the Improved Standard Technical Specifications (TSs), for incorporation into the Waterford Steam Electric Station, Unit 3 TSs. The amendment revised the TS definitions of engineered safety features response time and reactor trip system response time.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Nebraska Public Power District; Cooper Nuclear Station; Nemaha County, NE

Docket No(s)	50–298.
Amendment Date	July 18, 2022.
ADAMS Accession No	ML22152A123.
Amendment No(s)	271.
Brief Description of Amendment(s)	The amendment revised Cooper Nuclear Station Technical Specification 5.5.12, ''Primary Containment Leakage Rate Testing Program,'' to allow for an exception to a leak testing requirement of the program. Specifically, the amendment extended the allowance to not vent and drain pathways during the Type A test, which have been Type B or C tested within the previous 24 calendar months of the Type A test, from 24 calendar months to 30 calendar months.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

R. E. Ginna Nuclear Power Plant, LLC and Constellation Energy Generation, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, NY

Docket No(s)	50–244.
Amendment Date	June 21, 2022.
ADAMS Accession No	ML22119A094.
Amendment No(s)	150.
Brief Description of Amendment(s)	The amendment modifies Technical Specification (TS) requirements to allow the use of Risk-Informed Completion Times in accordance with Technical Specifications Task Force 505, Revision 2, ''Provide Risk-Informed Extended Completion Times—Risk Informed Technical Specification Task Force Initiative 4b,'' (ADAMS Accession No. ML18183A493). This changes the TS requirements related to Completion Times for Required Actions (Action allowed outage times) to provide the option to calculate a longer, risk-informed Completion Times.
Public Comments Received as to Proposed NSHC (Yes/No)	Yes.

R. E. Ginna Nuclear Power Plant, LLC and Constellation Energy Generation, LLC; R. E. Ginna Nuclear Power Plant; Wayne County, NY

Docket No(s)	50–244.
Amendment Date	June 22, 2022.

LICENSE AMENDMENT ISSUANCE(S)—Continued

ADAMS Accession No	ML22094A107.
Amendment No(s)	151.
Brief Description of Amendment(s)	The amendment modified the licensing basis, by the addition of a License Condition, to allow for the implementation of the provisions of 10 CFR 50.69, ''Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors.'' The provisions of 10 CFR 50.69 allow adjustment of the scope of equipment subject to special treatment controls (e.g., quality assurance, testing, inspection, condition monitoring, assessment, and evaluation).
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA

Docket No(s)	50–424, 50–425.
Amendment Date	July 5, 2022.
ADAMS Accession No	ML22116A084.
Amendment No(s)	215, 198.
Brief Description of Amendment(s)	The amendments revise Technical Specification 3.7.2, ''Main Steam Isolation Valves (MSIVs),'' Limiting Condition of Operation (LCO), to require four MSIVs and its associated actuators and associated bypass valves be Operable in MODE 1, and in MODES 2 and 3 with exceptions. The amendments to TS 3.7.2 also add to and modify the Conditions and Required Actions, update the existing Surveillance Requirement (SR), and add a new SR to reflect the change in the LCO requirements.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Limestone County, AL

Docket No(s)	50–259, 50–260, 50–296.
Amendment Date	June 24, 2022.
ADAMS Accession No	ML22138A325.
Amendment No(s)	321, 344, and 304.
Brief Description of Amendment(s)	The amendments expand the applicability of the spent fuel pool criticality safety analysis of record for the Browns Ferry Nuclear Plant, Units 1, 2, and 3, to include the ATRIUM 11™ fuel design.
Public Comments Received as to Proposed NSHC (Yes/No)	No.

Dated: July 29, 2022.

For the Nuclear Regulatory Commission.

Bo M. Pham,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2022–16655 Filed 8–8–22; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34661; File No. 812–15377]

iShares MSCI Russia ETF, a Series of iShares Inc., and BlackRock Fund Advisors; Notice of Application and Temporary Order

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application and a temporary order under section 22(e)(3) of the Investment Company Act of 1940 (the ''Act'').

Summary of Application: Applicants request a temporary order to permit iShares MSCI Russia ETF (the ''Fund''), a series of iShares Inc. (the ''Company''), to suspend the right of redemption of its outstanding redeemable securities and postpone the date of payment of redemption proceeds with respect to redemption orders received but not yet paid.

Applicants: The Company, on behalf of the Fund, and BlackRock Fund Advisors, the Fund's investment adviser (''Adviser'' and together with the Company, the ''Applicants'').

Filing Date: The application was filed on August 3, 2022.

Hearing or Notification of Hearing: Interested persons may request a hearing by emailing to the Commission's Secretary at *Secretarys-Office@sec.gov* and serving 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 August 29, 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 writing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Benjamin J. Haskin, Esq. and Anne C. Choe, Esq., Willkie Farr & Gallagher LLP, 1875 K Street NW, Washington, DC 20006–1238, with copies to Marisa Rolland, Esq., BlackRock Fund Advisors, 400 Howard Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Christopher D. Carlson, Senior Counsel, Trace W. Rakestraw, Branch Chief, or Daniele Marchesani, Assistant Chief Counsel, 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' application, dated August 3, 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 *https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html.* You may also call the SEC's Public Reference Room at (202) 551–8090.

Background

1. The Company is registered under the Act as an open-end series management investment company. Adviser is the investment adviser to the Fund, a series of the Company. Adviser is registered as an investment adviser under the Investment Advisers Act of 1940.

2. The Fund is a non-diversified exchange-traded fund (''ETF'') that operates pursuant to Rule 6c–11 under the Act, which provides that shares of an ETF can be purchased or redeemed directly from the ETF at net asset value solely by authorized participants (''APs'') and only in aggregations of a specified number of shares. Shares of the Fund are listed on NYSE Arca, Inc. (''NYSE Arca'').

3. Prior to the events described in the Application, the Fund was managed by Adviser according to an investment objective of seeking to track the investment results of an index composed of Russian equities. MSCI, Inc. discontinued the Fund's underlying index (the ''Underlying Index'') on June 1, 2022.

4. Applicants state that the request for relief arises from the effect of geopolitical affairs on transactions in the Russian equity markets and on the relevant markets for Russian equity securities generally, and on related clearance and payment systems. As a result of these geopolitical affairs, virtually all of the Fund's direct and indirect holdings of Russian equity securities have become illiquid and are fair valued at or near zero.

5. Effective March 1, 2022, the Fund temporarily suspended new creations of its shares until further notice due to concerns about newly imposed restrictions impacting the ability of U.S. investors to transact in securities in the Underlying Index, among other reasons.[1] Prior to market open on March 4, 2022, NYSE Arca halted trading of the Fund's shares in light of ongoing issues related to Russia's invasion of Ukraine.

6. Applicants anticipate that the Fund's shares will be delisted by NYSE Arca on a date 15 days after the requested relief is granted and coinciding with the payment of the initial liquidating distribution by the Fund (or an earlier date if NYSE Arca determines in its discretion to delist shares of the Fund, which may occur even if the requested relief is not granted). If shares of the Fund are delisted by NYSE Arca, the Fund will not be able to continue to operate as an ETF, pursuant to Rule 6c–11.

7. If the order requested in the Application is granted, pursuant to the Plan of Liquidation and Dissolution of Series (the ''Plan of Liquidation'') approved by the Board of Directors of the Company (the ''Board''), the Fund will distribute in liquidation all of its liquid assets to shareholders, less a reserve in an amount estimated to meet the costs of the liquidation that would be borne by the Fund. Following that distribution, the Fund will have no assets of realizable value (other than the amount so held in reserve), and the Fund's positions in Russian securities will not be transferable by the Fund. If some or all of those Russian securities were at some point before the Fund's final termination determined to have a greater value, it is possible that they would continue not to be transferable at that time. In addition, it is possible that even if Russian securities were able to be sold, local regulations may not permit the proceeds of any such sale(s) to be converted to U.S. dollars which are freely available to the Fund. The Fund's remaining portfolio assets—the Russian equity securities—will therefore remain in the Fund until they can be sold and converted into U.S. dollars (with the proceeds distributed to the Fund's shareholders) or are permanently written off, in each case as determined by the Adviser and approved by the Board of Directors of the Company (the ''Board'').

8. Applicants believe the requested relief will permit the Fund to liquidate its holdings in the manner described above without the risk that it might be required to meet redemption requests submitted potentially out of the reserve or otherwise when the Fund would have no or few assets to meet the redemption requests. In addition, applicants state that suspension of redemptions prior to the initial distribution in liquidation will ensure that shareholders submitting such redemption requests will participate in the liquidation and also will be entitled to share both in the August 2022 liquidating distribution and any subsequent liquidating distribution. Notwithstanding the present inability to dispose of Russian securities held by the Fund, Applicants have determined to seek the requested order at this time because Applicants believe that liquidation of the Fund is in the best interests of the Fund's shareholders. Without the requested relief, the Fund will be required to satisfy redemption requests from APs, while other investors would be unable to trade the Fund's shares. Although the Fund has received no redemption orders since the invasion began, it is possible that redemption orders could be received at any time.

9. In addition, as noted above, the NYSE Arca may determine in its discretion to delist shares of the Fund if the requested relief is not granted. The Fund will not be eligible to rely on Rule 6c–11 once the Fund's shares are delisted by NYSE Arca. As a consequence, to the extent that the Fund is obligated to satisfy any individual redemption requests received from non-AP shareholders of the Fund, the Fund would be unable to accept or process such redemption requests from an operational perspective because the Fund and its service providers do not have the operational infrastructure to enable the Fund to engage in non-AP primary market transactions. The Fund therefore would not, for its part, initiate delisting of the Fund's shares with NYSE Arca until after the requested relief is granted.[2]

Relief Requested

1. Applicants request an order pursuant to Section 22(e) of the Act to suspend the right of redemption with respect to shares of the Fund effective August 3, 2022, and postpone the date of payment of redemption proceeds with respect to redemption orders received on or after August 1, 2022 but not yet paid as of August 3, 2022, for more than seven days after the tender of securities to the Fund, until the Fund completes the liquidation of its portfolio and distributes all its assets to the shareholders, or until the Commission rescinds the order granted herein. Applicants believe that the relief requested is appropriate for the protection of shareholders of the Fund.

Applicants' Legal Analysis

1. Section 22(e)(1) of the Act provides that a registered investment company may not suspend the right of redemption or postpone the date of

[1] *See* Exchange-Traded Funds, Investment Company Act Release Number 33646 (Sept. 25, 2019) (''[A]n ETF generally may suspend the issuance of creation units only for a limited time and only due to extraordinary circumstances, such as when the markets on which the ETF's portfolio holdings are traded are closed for a limited period of time.'').

[2] It is not anticipated that NYSE Arca will delist the Fund's shares before the Fund's requested relief is granted by the SEC.

payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its designated agent except for any period during which the New York Stock Exchange (''NYSE'') is closed other than customary week-end and holiday closings, or during which trading on the NYSE is restricted.

2. Section 22(e)(3) of the Act provides that redemptions may be suspended by a registered investment company for such other periods as the Commission may by order permit for the protection of security holders of the registered investment company.

3. Applicants submit that granting the requested relief would be for the protection of the shareholders of the Fund, as provided in Section 22(e)(3) of the Act. Applicants assert that, in requesting an order by the Commission, the Applicants' goal is to ensure that all of the Fund's shareholders will be treated appropriately and fairly in view of the otherwise detrimental effect on the Fund of the illiquidity of the Fund's investments and the ongoing uncertainty surrounding the Russian equity markets. The requested relief is intended to permit an orderly liquidation of the Fund's portfolio and ensure that all of the Fund's shareholders are protected in the process.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

1. The Board, including a majority of the Independent Directors,[3] will adopt or has adopted the Plan of Liquidation for the orderly liquidation of Fund assets and distribution of appropriate payments to Fund shareholders.

2. Pending liquidating distributions, the Fund will invest proceeds of cash dispositions of portfolio securities solely in U.S. government securities, money market funds that are registered under the Act and comply with the requirements of Rule 2a–7 under that Act, cash equivalents, securities eligible for purchase by a registered money market fund meeting the requirements of Rule 2a–7 under the Act with legal maturities not in excess of 90 days and, if determined to be necessary to protect the value of a portfolio position in a rights offering or other dilutive transaction, additional securities of the affected issuer.

3. The Fund's assets will be distributed to the Fund's shareholders solely in accordance with the Plan of Liquidation.

4. The Fund and the Adviser will make and keep true, accurate and current all appropriate records, including but not limited to those surrounding the events leading to the requested relief, the Plan of Liquidation, the sale of Fund portfolio securities, the distribution of Fund assets, and communications with shareholders (including any complaints from shareholders and responses thereto).

5. The Fund and the Adviser will promptly make available to Commission staff all files, books, records and personnel, as requested, relating to the Fund.

6. The Fund and the Adviser will provide periodic reporting to Commission staff regarding their activities carried out pursuant to the Plan of Liquidation.

7. The Adviser, its affiliates, and its and their associated persons will not receive any fee for managing the Fund.

8. The Fund will be in liquidation and will not be engaged and does not propose to engage in any business activities other than those necessary for the protection of its assets, the protection of shareholders and the winding-up of its affairs, as contemplated by the Plan of Liquidation.

9. The Fund and the Adviser will appropriately convey accurate and timely information to shareholders of the Fund, before or promptly following the effective date of the liquidation, with regard to the status of the Fund and its liquidation (including posting such information on the Fund's website), and will thereafter from time to time do so to reflect material developments relating to the Fund or its status, including, without limitation, information concerning the dates and amounts of distributions, and press releases and periodic reports, and will maintain a toll-free number to respond to shareholder inquiries.

10. The Fund and the Adviser shall consult with Commission staff prior to making any material amendments to the Plan of Liquidation.

Commission Finding

Based on the representations and conditions in the application, the Commission permits the temporary suspension of the right of redemption for the protection of the Fund's shareholders. Under the circumstances described in the application, which require immediate action to protect the Fund's shareholders, the Commission concludes that it is not practicable to give notice or an opportunity to request a hearing before issuing the order.

Accordingly, in the matter of iShares MSCI Russia ETF, a series of iShares Inc., and BlackRock Fund Advisors (File No. 812–15377),

It is ordered, pursuant to Section 22(e)(3) of the Act, that the requested relief from Section 22(e) of the Act is granted with respect to the Fund until it has liquidated, or until the Commission rescinds the order granted herein. This order shall be in effect as of August 3, 2022, with suspension of redemption rights as requested by the Applicants to be effective as of August 3, 2022 and the postponement of payment of redemption proceeds to apply to redemption orders received on or after August 1, 2022 but not yet paid as of August 3, 2022.

By the Commission.

Dated: August 3, 2022.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–17001 Filed 8–8–22; 8:45 am]

BILLING CODE 8011–01–P

[3] ''Independent Directors'' means directors who are not ''interested persons'' of the Company, as such term is defined in Section 2(a)(19) of the Act.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95412; File No. SR–NYSEARCA–2022–47]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule

August 3, 2022.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 1, 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, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule (''Fee

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

Schedule'') to waive fees for manual executions by Professional Customers. The Exchange proposes to implement the fee change effective August 1, 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 purpose of this filing is to modify the Fee Schedule to provide for the waiver of fees for manually executed Professional Customer orders (''Professional Customer Manual Fees''). Specifically, the Exchange proposes to waive Professional Customer Manual Fees for the period of August 1, 2022 through December 31, 2022.

The Exchange also proposes to add clarifying language to the Fee Schedule's description of the Floor Broker Fixed Cost Prepayment Incentive Program (the ''FB Prepay Program''), to provide that manually executed Professional Customer orders will continue to be included in the calculation of ''billable volume'' for purposes of the FB Prepay Program while Professional Customer Manual Fees are waived.

The Exchange proposes to implement the rule change on August 1, 2022.

Background

In connection with the Exchange's migration to the new Pillar trading platform (the ''Pillar Migration''), the Exchange has introduced a new Electronic Order Capture System (''EOC'') device for order systemization and execution reporting for manual orders on the Trading Floor. The Exchange believes the improved workflow offered by the EOC device will enhance Floor Brokers' processing of manual orders, especially those submitted by Professional Customers, and allow Floor Brokers to provide improved service to Professional Customers. To attract more manually executed Professional Customer orders with enhanced order handling by Floor Brokers via the EOC device, the Exchange proposes to waive Professional Customer Manual Fees for the balance of the year (*i.e.,* until December 31, 2022).

The Exchange believes the proposed waiver would encourage additional Professional Customer volume executed by Floor Brokers on the Exchange, with the enhanced workflow offered by the EOC device as market participants continue to adapt to trading post-Pillar Migration, and that all market participants stand to benefit from such increase, which would promote market depth, facilitate tighter spreads and enhance price discovery, and may lead to a corresponding increase in order flow from other market participants as well.

The Exchange believes that the proposed change relating to the FB Prepay Program would obviate any confusion about the impact of the proposed waiver of Professional Customer Manual Fees on participating Floor Brokers' ability to qualify for incentives offered through the FB Prepay Program. The Exchange believes that the proposed change would make clear that volume from manually executed Professional Customer orders would continue to count towards billable volume relevant to the FB Prepay Program when Professional Customer Manual Fees are waived.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[5] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [6]

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[7] Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2022, the Exchange had less than 13% market share of executed volume of multiply-listed equity & ETF options trades.[8]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes that the proposed waiver of Professional Customer Manual Fees is reasonable because it is designed to incent Professional Customers to submit orders to Floor Brokers and increase familiarity with the improved workflow offered via the new EOC device on the Pillar platform, thereby encouraging increased manually executed Professional Customer orders on the Exchange. The Exchange notes that all market participants stand to benefit from any increase in Professional Customer volume executed by Floor Brokers, which promotes market depth, facilitates tighter spreads and enhances

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4) and (5).

[6] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[7] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[8] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *see id.,* the Exchange's market share in equity-based options increased from 9.07% for the month of June 2021 to 12.23% for the month of June 2022.

price discovery, and may lead to a corresponding increase in order flow from other market participants.

To the extent the proposed waiver attracts greater volume and liquidity, the Exchange believes the proposed change would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. In the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors. The proposed rule change is designed to incent Professional Customers to direct liquidity to the Exchange, thereby promoting market depth, price discovery and improvement and enhancing order execution opportunities for market participants.

The Exchange believes the proposed change relating to the FB Prepay Program is reasonable because it would provide clarity in the Fee Schedule relating to volume that is counted towards the billable volume relevant to the FB Prepay Program when Professional Customer Manual Fees are waived, as proposed.

The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. The proposal is based on the type of business transacted on the Exchange, and Professional Customers can opt to submit orders for trading electronically or for manual execution on the Trading Floor. The proposed waiver of Professional Customer Manual Fees is intended to encourage Professional Customers to submit orders to be manually executed by Floor Brokers and, in addition, in connection with the Pillar Migration, the Exchange believes that the improved order handling that Floor Brokers can provide through the use of the EOC device will demonstrate to Professional Customers the value of submitting orders for manual execution on the Trading Floor.

The proposed waiver is also designed to incent Professional Customers to direct orders to the Exchange as a primary execution venue. To the extent that the proposed change attracts more manual Professional Customer volume to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

With respect to the proposed change relating to the FB Prepay Program, the Exchange believes that the proposed clarification would support an equitable allocation of fees and credits because it would make clear that volume from Professional Customer manual executions would still count towards a Floor Broker's qualification for the incentives offered through the FB Prepay Program when Professional Customer Manual Fees are waived, as proposed, thereby promoting the continued equitable allocation of fees and credits set forth in the Fee Schedule.

The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed waiver is not unfairly discriminatory because the waiver would apply to manually executed Professional Customer orders on an equal and non-discriminatory basis. The proposed waiver is not unfairly discriminatory to other market participants because Professional Customers are an important source of order flow to the Exchange for execution via open outcry, which promotes price discovery, and the Exchange thus believes that it is appropriate to incentivize manually executed Professional Customer orders and encourage Professional Customers to experience the improved order handling offered via the new EOC device in connection with the Pillar Migration.

The proposed change is also designed to encourage Professional Customers to utilize the Exchange as a primary trading venue (if they have not done so previously) and to increase manually executed Professional Customer orders sent to the Exchange. To the extent that the proposed change attracts more order flow to the Exchange (and, in particular, to the Floor), this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange, thereby improving market-wide quality and price discovery. The resulting increased volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange also believes that the proposed change to clarify that volume from manually executed Professional Customer orders would continue to count towards billable volume for purposes of the FB Prepay Program is not unfairly discriminatory. The proposed change, which specifies that such volume will continue to be accounted for in determining participating Floor Brokers' eligibility for incentives available pursuant to the FB Prepay Program, would instead permit the program to continue to be administered in a non-discriminatory manner.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, 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. Instead, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [9]

Intramarket Competition. The proposed waiver is designed to attract additional manually executed Professional Customer orders to the Exchange (and, in particular, to the Floor, with the enhanced workflow offered by the EOC tool introduced in the Pillar Migration), which may increase the volume of contracts traded on the Exchange. To the extent that the proposed change imposes an additional competitive burden on other market participants, the Exchange believes that any such burden would be appropriate because, to the extent the proposed change encourages Professional

[9] *See* Reg NMS Adopting Release, *supra* note 6, at 37499.

Customers to submit additional orders to the Exchange to be executed via open outcry, such increase in manually executed Professional Customer orders would benefit all market participants by promoting opportunities for price discovery.

To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange.

The Exchange does not believe that the proposed change relating to the FB Prepay Program would impact intramarket competition, as it merely clarifies that the proposed waiver of Professional Customer Manual Fees would not affect the current operation of the FB Prepay Program.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[10] Therefore, no exchange currently possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2022, the Exchange had less than 13% market share of executed volume of multiply-listed equity & ETF options trades.[11]

The Exchange believes that the proposed change reflects this competitive environment because the proposed waiver of Professional Customer Manual Fees is intended to encourage Professional Customers to direct manual orders to the Exchange and experience the benefits of the enhanced technology provided by the Pillar Migration, which in turn would provide liquidity and attract order flow to the Exchange. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased trading opportunities.

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. The Exchange also believes that the proposed change could promote competition between the Exchange and other execution venues, by encouraging additional orders to be sent to the Exchange for execution, including to the Floor in particular, and encouraging the use of technology introduced in connection with the Pillar Migration.

The Exchange does not believe that the proposed change relating to the FB Prepay Program would have any effect on intermarket competition, as it merely clarifies that the proposed waiver of Professional Customer Manual Fees would not impact the current operation of the FB Prepay Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[12] of the Act and subparagraph (f)(2) of Rule 19b–4[13] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[14] 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–2022–47 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–2022–47. 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–2022–47, and should be submitted on or before August 30, 2022.

[10] *See supra* note 8.

[11] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of equity-based ETF options, *supra* note 7, the Exchange's market share in equity-based options increased from 9.07% for the month of June 2021 to 12.23% for the month of June 2022.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(2).

[14] 15 U.S.C. 78s(b)(2)(B).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–17009 Filed 8–8–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95416; File No. SR–PEARL–2022–23]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Withdrawal of Proposed Rule Change To Amend the MIAX PEARL Options Fee Schedule To Remove Certain Credits and Increase Trading Permit Fees

AUGUST 3, 2022. On May 17, 2022, MIAX PEARL, LLC (''MIAX Pearl'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 [1] and Rule 19b–4 thereunder,[2] a proposed rule change to remove certain credits and increase trading permit fees. The proposed rule change was published for comment in the **Federal Register** on June 2, 2022.[3]

On July 12, 2022, MIAX Pearl withdrew the proposed rule change (SR–PEARL–2022–23).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[4]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–17007 Filed 8–8–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95414; File No. SR–BOX–2022–23]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend IM–2040–5 To Add the Firm Element Component to the Continuing Education Requirement, and Make Other Conforming and Clerical Updates to IM–2040–4 and Delete IM 2020–1

AUGUST 3, 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 July 26, 2022, BOX Exchange LLC (''BOX'' 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 Exchange. The Exchange is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend BOX IM–2040–5 to add the Firm Element component to the Continuing Education requirement. The Exchange also proposes to make other conforming and clerical updates to IM–2040–4 and to delete IM–2020–1 (Temporary Extension for Representatives to Function as Principals). 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As set forth below, the Exchange proposes to amend IM–2040–5 to add the Firm Element to require broker-dealers to establish a formal training program to keep registered persons up to date on job- and product-related subjects. The Exchange also proposes to make other conforming and clerical updates to IM–2040–4 and to delete IM–2020–1 (Temporary Extension for Representatives to Function as Principals).

IM–2040–5

The Exchange recently filed SR–BOX–2022–16 in which the Exchange amended IM–2040–5 and established BOX Rule 2130 (Continuing Education Program for Persons Maintaining Their Qualification Following the Termination of a Registration Category) and IM–2130–1 to require that the Regulatory Element of Continuing Education be completed annually rather than every three years and provide a path through Continuing Education for individuals to maintain their qualification following the termination of a registration.[3] This was a conforming filing that was based on a filing submitted by the Financial Industry Regulatory Authority, Inc. (''FINRA''), and was intended to harmonize the Exchange's Continuing Education rules with those of FINRA so as to promote uniform standards across the securities industry.[4] The Exchange now proposes to make additional conforming changes to IM–2040–5 to further align with the FINRA Continuing Education Rule Change by adding the Firm Element component to IM–2040–5.

The Continuing Education requirements for BOX Participants are detailed in IM–2040–5. No Participant shall permit any Representative or Principal to continue to, and no Representative or Principal shall continue to, perform his or her respective duties on behalf of such Participant unless such person has complied with the requirements of this IM–2040–5. This filing adds the Firm Element as a part of the Exchange's Continuing Education program to require broker-dealers to establish a formal training program to keep registered persons up to date on job- and product-related subjects.

To adopt the Firm Element program the Exchange proposes to add paragraph (b)(2) under IM–2040–5 to require each Participant to implement and administer a required annual Firm Element training program for registered persons.[5] Proposed paragraph (b)(2) is

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 94993 (May 26, 2022), 87 FR 33518.

[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34–94794 (April 26, 2022), 87 FR 25683 (May 2, 2022) (SR–BOX–2022–16).

[4] *See* Securities Exchange Act Release No. 93097 (September 21, 2021), 86 FR 53358 (September 27, 2021) (SR–FINRA–2021–015) (''FINRA Continuing Education Rule Change''). The proposed changes are based on the changes to the Firm Element Program approved by the Commission in the approval order for SR–FINRA–2021–015. The Exchange is proposing to adopt such Firm Element changes substantially in the same form as proposed by FINRA, with the exception of differences necessary to update the Exchange's Continuing Education rules.

[5] *See* proposed IM–2040–5(b)(2)(a) Standards for the Firm Element. Each Participant must maintain

Continued

based on and substantially similar to FINRA Rule 1240(b), as amended. As proposed, each Participant shall conduct an annual needs analysis to determine the appropriate training.[6] At a minimum the Firm Element training must cover ethics and professional responsibility, as well as applicable regulatory requirements.[7]

The Exchange then proposes to specify that a Participant, consistent with its needs analysis, may determine to apply toward the Firm Element other required training. The Participant may consider training relating to its anti-money laundering (''AML'') compliance program toward satisfying an individual's annual Firm Element requirement.[8] To better align the Firm Element requirement with other required training, the Exchange proposes amending IM–2040–5 to expressly allow Participants to consider training relating to the AML compliance program and the annual compliance meeting toward satisfying an individual's annual Firm Element requirement.[9] The Exchange also proposes amending IM–2040–5 to extend the Firm Element requirement to all registered persons, including individuals who maintain solely a permissive registration consistent with BOX Rule 2020 (Participant Eligibility and Registration), thereby further aligning the Firm Element requirement with other broadly-based training requirements.[10] Consistent with FINRA's amendments, the Exchange shall extend Firm Element requirements to all registered persons, with such training to cover topics related to the role, activities, or responsibilities of the individual registered persons and to professional responsibility.[11]

IM–2040–4

The Exchange then proposes to make minor clerical and conforming changes to IM–2040–4. First the Exchange proposes to remove the term ''options'' from IM–2040–4 to reflect and make clear that the rule does not apply solely to those engaged in the ''options'' securities business but would also apply to a Boston Security Token Exchange (''BSTX'') Participant engaged in the equities securities business.[12]

The Exchange also proposes to amend IM–2040–4 to include the ''Firm Element'' as a part of its Continuing Education requirement for all persons engaged in the securities business. Proposed IM–2040–4 would reflect that the Continuing Education requirement is not options specific and that the proposed rule change applies for all persons engaged in the securities business of a Participant who are to function as Principals or Representatives of Members.[13]

The Exchange notes the proposed rule changes to IM–2040–4 and IM–2040–5 to include the Firm Element will have an implementation date of January 1, 2023.[14]

The Exchange's clerical updates to remove the term ''options'' from IM–2040–4 would be immediately effective to reflect and make clear that the rule does not apply solely to those engaged in the ''options'' securities business but would also apply to a BSTX Participant engaged in the equities securities business, accounting for the recent approval of the BSTX trading facility which would introduce the trading of equity securities on the Exchange when launched.

IM–2020–1

Finally, the Exchange proposes to delete IM–2020–1 as the temporary extension period detailed within the rule has expired. Neither FINRA nor the Exchange has elected to further extend the temporary relief granted in IM–2020–1 and therefore the Exchange proposes to delete the rule as it is no longer necessary.[15] The Exchange's proposed elimination of the obsolete IM–2020–1 would be immediately effective to reduce potential confusion and improve the clarity of the Exchange's rules, thereby ensuring that participants, regulators, and the public can more easily navigate and understand the Exchange's rulebook.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[16] in general, and Section 6(b)(5) of

a continuing and current education program for its registered persons to enhance their securities knowledge, skill, and professionalism. At a minimum, each Participant shall at least annually evaluate and prioritize its training needs and develop a written training plan. The plan must take into consideration the Participant's size, organizational structure, and scope of business activities, as well as regulatory developments and the performance of registered persons in the Regulatory Element. If a Participant's analysis establishes the need for supervisory training for persons with supervisory responsibilities, such training must be included in the Participant's training plan.

[6] *See* proposed IM–2040–5(b)(2)(b) Minimum Standards for Training Programs. Programs used to implement a Participant's training plan must be appropriate for the business of the Participant and, at a minimum must cover training topics related to the role, activities or responsibilities of the registered person and to professional responsibility.

[7] *See* proposed IM–2040–5(b)(2)(c) Administration of Continuing Education Program. A Participant must administer its Continuing Education programs under this paragraph (2) in accordance with its annual evaluation and written plan and must maintain records documenting the content of the programs and completion of the programs by registered persons.

[8] *See* proposed IM–2040–5(b)(2)(d) Participation in Other Required Training. A Participant may consider a registered person's participation in the Participant's anti-money laundering compliance training under Rule 10070 toward satisfying the registered person's Continuing Education requirement under this paragraph (2).

[9] *Id.*

[10] *See* proposed IM–2040–5(b)(2).

[11] *See* proposed IM–2040–5(b)(2)(e) Participation in the Firm Element. Registered persons of a Participant must take all appropriate and reasonable steps to participate in Continuing Education programs under this paragraph (2) as required by the Participant. *See also* proposed IM–2040–5(b)(2)(f) Specific Training Requirements. The Exchange may require a Participant, individually or as part of a larger group, to provide specific training to its registered persons in such areas as the Exchange deems appropriate. Such a requirement may stipulate the class of registered persons for which it is applicable, the time period in which the requirement must be satisfied and, where appropriate, the actual training content.

[12] *See* Securities Exchange Act Release No. 34–94092 (January 27, 2022), 87 FR 5881 (February 2, 2022) (SR–BOX–2021–06, Amendment Nos. 2 and 3). The rules for the BSTX trading facility were recently approved and would introduce the trading of equity securities on the Exchange when launched.

[13] The Exchange notes that none of the proposed changes to the current IM–2040–4 would materially alter the application of the rule, other than by extending IM–2040–4 to apply to BSTX Participants and including the Firm Element as a requirement of the Continuing Education requirement.

[14] *See* FINRA Regulatory Notice 21–41 at *https://www.finra.org/rules-guidance/notices/21-41.* In SR–BOX–2022–16 the Exchange made changes to IM–2040–5 and established Rule 2130 and IM–2130–1 to: (1) provide eligible individuals who terminate any of their representative or principal registration categories the option of maintaining their qualification for any terminated registration categories by completing annual Continuing Education (''CE'') through a new program, the Maintaining Qualifications Program (''MQP''); and (2) require registered persons to complete CE Regulatory Element annually for each representative or principal registration category that they hold. The adoption of Rule 2130 and IM–2130–1 to establish the MQP became effective April 13, 2022. All other changes to the Exchange's Continuing Education requirement, including the changes relating to the Regulatory Element and the two-year qualification period, will have an implementation date of January 1, 2023. The Exchange's proposed change to IM–2040–5 to include the Firm Element will also have an implementation date of January 1, 2023.

[15] *See* BOX IM–2020–1 (Temporary Extension for Representatives to Function as Principals). IM–2020–1 currently provides that any Representative who was designated to function as a Principal under paragraph (d) of this Rule prior to March 3, 2021, may continue to function as a Principal without having successfully passed an appropriate qualification examination until June 30, 2021. IM–2020–1 is based on a filing submitted by the FINRA in response to the COVID–19 global pandemic to address disruptions to the administration of FINRA qualification examinations caused by the pandemic that had significantly limited the ability of individuals to sit for examinations due to Prometric test center capacity issues. *See also* Exchange Act Release No. 34–91506 (April 8, 2021), 86 FR 19671 (April 14, 2021) (SR–FINRA–2021–005).

[16] 15 U.S.C. 78f(b).

the Act,[17] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

As noted above, the proposed rule change to add the Firm Element component to the Exchange's Continuing Education requirement seeks to align the Exchange Rules with recent changes submitted by FINRA to the Commission.[18] Recently the Exchange filed SR–BOX–2022–16,[19] in which the Exchange amended IM–2040–5 and established BOX Rule 2130 (Continuing Education Program for Persons Maintaining Their Qualification Following the Termination of a Registration Category) and IM–2130–1 to require that the Regulatory Element of Continuing Education be completed annually rather than every three years and provide a path through Continuing Education for individuals to maintain their qualification following the termination of a registration. The Exchange is now proposing to make additional conforming changes to align with the FINRA Continuing Education Rule Change by adding the Firm Element component under IM–2040–5. The Exchange's proposed additional conforming changes would allow the Exchange to harmonize the Exchange's Continuing Education rules with the FINRA Continuing Education Rule Change by adding the Firm Element under IM–2040–5.[20] The Exchange believes the proposed changes to the Firm Element will ensure registered individuals receive timely and relevant training, which will, in turn, enhance compliance and investor protection.[21]

The Exchange believes the proposed change to IM–2040–5 to include the Firm Element is consistent with the Act as the proposed change is a conforming change that is based on a filing submitted by FINRA and approved by the Commission and is intended to harmonize the Exchange's Continuing Education rules with those of FINRA so as to promote uniform standards across the securities industry.[22]

The Exchange believes the proposed rule change to IM–2040–4 is consistent with the Act as the Exchange is clarifying that the Continuing Education requirement is not limited to only Participants engaged in options securities but applies to a wider range of Participants trading in both equity and/or options securities.[23] The Exchange believes the removal of the term ''options'' from IM–2040–4 to reflect and make clear that the rule does not apply solely to those engaged in the ''options'' securities business but would also apply to a BSTX Participant engaged in the equities securities business is consistent with the Act.[24] Further, the Exchange believes that, by ensuring the rulebook accurately reflects the intention of the Exchange's rules, the proposed rule change reduces potential investor or market participant confusion. Additionally, the inclusion of the Firm Element as part of the Continuing Education requirement is consistent with the Act as the proposed change is a part of the Exchange's conforming change that is intended to harmonize the Exchange's Continuing Education rules with those of FINRA so as to promote uniform standards across the securities industry.[25]

The Exchange believes the proposed removal of IM–2020–1 is consistent with the just and equitable principles of trade. By deleting IM–2020–1 the Exchange would remove an outdated and potentially confusing rule. The temporary extension period expired on June 30, 2021, and both FINRA and the Exchange have declined to extend the temporary relief.[26] Thus, the Exchange believes that the elimination of the obsolete IM–2020–1 would reduce potential confusion and improve the clarity of the Exchange's rules, thereby ensuring that participants, regulators, and the public can more easily navigate and understand the Exchange's rulebook.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change, which harmonizes its rules with recent rule changes adopted by FINRA, will reduce the regulatory burden placed on market participants engaged in trading activities across different markets. The Exchange recently filed SR–BOX–2022–16 in which the Exchange amended IM–2040–5 and established BOX Rule 2130 and IM–2130–1 to require that the Regulatory Element of Continuing Education be completed annually rather than every three years and provide a path through Continuing Education for individuals to maintain their qualifications following the termination of a registration. The Exchange does not believe that the proposed rule changes to add the Firm Element component to its Continuing Education requirement will impose any burden on competition as the proposed rule change to include the Firm Element further harmonizes the Exchange's Continuing Education rules with those of FINRA.

The Exchange does not believe the proposed changes to IM–2040–4 will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Further, the Exchange believes that the proposed rule change does not alter the application of the rule, except as described herein. The Exchange believes that by removing the term ''options'' from IM–2040–4, it would reflect and make clear that the rule does not apply solely to those engaged in the ''options'' securities business, it would become clear that a person engaged, or to be engaged in the securities business of a Participant, such as a BSTX Participant engaged in the equities business, would be required to satisfy the Exchange's Continuing Education requirement.

The Exchange does not believe the proposed change to IM–2020–1 will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue, but rather it is designed to eliminate an obsolete rule and enhance the clarity of the Exchange's rules.

As such, the Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

[17] 15 U.S.C. 78f(b)(5).

[18] *See supra* note 3.

[19] *Id.*

[20] The proposed changes to IM–2040–5, including new paragraph (b)(2) and subsections (a) through (f) are based on and substantially similar to FINRA Rules 1240(b)(1)–(4).

[21] The Exchange previously filed SR–BOX–2022–16, in that filing the Exchange adopted the Regulatory Element component of the FINRA Continuing Education Rule Change. The Exchange is now proposing to complete the harmonization of its Continuing Education rules with FINRA by including the Firm Element components in its current filing.

[22] *See supra* note 3.

[23] *See supra* notes 12 and 13.

[24] *See supra* note 12.

[25] *See supra* note 4.

[26] *See supra* note 15.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action Effectiveness

Because the proposed rule change is one that that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [27] and Rule 19b–4(f)(6) thereunder.[28]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii), the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing.

Waiver of the 30-day operative delay would permit the Exchange to include both the Regulatory Element rules discussed in SR–BOX–2022–16, and the proposed Firm Element rules discussed herein as a part of its annual 17d–2 review.[29] As a part of the Exchange's 17d–2 agreement with FINRA, FINRA would have regulatory responsibility for the Exchange's Continuing Education requirement, including both the Regulatory Element and the proposed Firm Element components of the Exchange's Continuing Education requirement.[30] Waiver of the 30-day period would allow the Exchange to implement its plan for allocating regulatory responsibility to FINRA to include the Firm Element as part of the Exchange's ongoing Rule 17d–2 agreement. Additionally, waiver of the operative delay is appropriate here because the Exchange seeks to adopt changes already approved by the Commission for FINRA and would help avoid confusion for Participants of the Exchange that are also FINRA members. For these reasons, the Commission believes that waiver of the 30-day operative delay for this proposal is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[31]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2022–23 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–2022–23. 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–2022–23 and should be submitted on or before August 30, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–17004 Filed 8–8–22; 8:45 am]

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[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(6).

[29] The Exchange currently has a 17d–2 agreement in place with FINRA permitting the Exchange to allocate to FINRA certain regulatory responsibilities for common members to eliminate regulatory duplication. As part of the Exchange's agreement, FINRA would have regulatory responsibility for the Exchange's Continuing Education requirement, which as proposed, includes both the Regulatory Element and Firm Element components of the Exchange's Continuing Education requirement. Waiver of the 30-day period would allow the Exchange to implement its plan for allocating regulatory responsibility to FINRA to include the Firm Element as part of the Exchange's ongoing 17d–2 agreement.

[30] *Id.*

[31] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95417; File No. SR–MSRB–2022–06]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Certain Rates of Assessment for Rate Card Fees Under MSRB Rules A–11 and A–13, Institute an Annual Rate Card Process for Future Rate Amendments, and Provide for Certain Technical Amendments to MSRB Rules A–11, A–12, and A–13

August 3, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 29, 2022, the Municipal Securities Rulemaking Board (''MSRB'' or ''Board'') filed with the Securities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. 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 MSRB filed with the Commission a proposed rule change to amend:

(i) Rule A–11, on assessments for municipal advisor professionals, to modify the rate of assessment for the annual professional fee for each person associated with a municipal advisory firm who is qualified as a municipal advisor representative in accordance with Rule G–3, on professional qualification requirements, and for whom the municipal advisory firm has an active Form MA–I on file with the Commission as of January 31st of each year (each individual being a ''covered professional'' and such fee amount on each covered professional the ''Municipal Advisor Professional Fee''); [3]

(ii) Rule A–13, on underwriting and transaction assessments for brokers, dealers, and municipal securities dealers (collectively, ''dealers''), to modify the rate of assessments on dealers for certain underwriting, transaction, and trade count fees [4] (collectively, the ''Market Activity Fees'' and, such Market Activity Fees together with the Municipal Advisor Professional Fee, the ''Rate Card Fees''); [5] and

(iii) Rule A–11, Rule A–12, on registration, and Rule A–13 to provide greater regulatory clarity for the assessment of fees on municipal securities brokers, municipal securities dealers, and municipal advisors (collectively, ''MSRB regulated entities'') under these rules.

The proposed amendments to the rates of assessment of the Rate Card Fees are referred to as the ''Rate Card Amendments.'' The Rate Card Amendments would establish the Rate Card Fees in accordance with the following table.

	Basis	Proposed rate
Underwriting Fee	Per $1,000 Par Underwritten	$0.0297
Transaction Fee	Per $1,000 Par Transacted	0.0107
Trade Count Fee	Per Trade	1.10
Municipal Advisor Professional Fee	Per Covered Professional	1,060

The proposed technical amendments to Rule A–11, Rule A–12, and Rule A–13 are referred to as the ''Technical Amendments.'' The Rate Card Amendments and the Technical Amendments together are referred to as the ''proposed rule change.''

The MSRB has designated the proposed rule change for immediate effectiveness.[6] The Rate Card Amendments and the Technical Amendments are designated to have an operative date of October 1, 2022. The Board currently anticipates the amended Rate Card Fees proposed by the Rate Card Amendments to be operative for a period of fifteen months from October 1, 2022 to December 31, 2023. In addition, any further amendments to the Rate Card Fees would be established in accordance with the MSRB's annual rate process consistent with the Board's funding policy that will be effective October 1, 2022, currently available at *https://msrb.org/About-MSRB/Financial-and-Other-Information/Financial-Policies/Future-Funding-Policy* (hereinafter, the ''revised funding policy). In addition, any such amendments to the Rate Card Fees would be filed with the Commission pursuant to the provisions of Section 19(b)(1) of the Exchange Act.[7]

The text of the proposed rule change is available on the MSRB's website at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2022-Filings.aspx,* at the MSRB's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB 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 MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[3] ''Form MA–I: Information Regarding Natural Persons Who Engage in Municipal Advisory Activities,'' is an SEC form that must be completed and filed by a municipal advisory firm with respect to each natural person associated with the firm and engaged in municipal advisory activities on the firm's behalf, including employees of the firm. Independent contractors are included in the definition of ''employee'' for these purposes. A natural person doing business as a sole proprietor must complete and file Form MA–I in addition to Form MA. Form MA–I is also used to amend a previously submitted form, including in such cases where an individual is no longer an associated person of the municipal advisory firm or no longer engages in municipal advisory activities on the firm's behalf. *See* ''Instructions for the Form MA Series,'' available at *https://www.sec.gov/about/forms/formmadata.pdf.* For purposes of Rule A–11 and the calculation of the Municipal Advisor Professional Fee, if a firm has filed an amendment to indicate that an individual is no longer an associated person of the municipal advisory firm or no longer engages in municipal advisory activities on its behalf, then that individual's Form MA–I would not be deemed as active for purposes of the Municipal Advisor Professional Fee and would not be counted in the January 31st calculation regarding the assessment of the Municipal Advisor Professional Fee.

[4] As further described herein, the proposed rule change would provide a technical amendment to Rule A–13 to change the terminology for this fee from ''technology fee'' to ''trade count fee.'' To avoid confusion, the proposed rule change utilizes the amended name except as context requires for clarity, such as describing this specific technical amendment and providing certain historical revenue data in Exhibit 3(a). *See* discussion *infra* entitled ''Technical Amendments to Rule A–13 and Related Cross-References.''

[5] Underwriting assessments charged pursuant to Rule A–13(c)(ii) to certain dealers acting as underwriters of municipal fund securities are not included in the Market Activity Fees that would be amended by this proposed rule change.

[6] The MSRB has designated the Rate Card Amendments as establishing or changing a due, fee, or other change under Section 19(b)(3)(A)(ii) of the Act (15 U.S.C. 78s(b)(3)(A)(ii)) and Rule 19b–4(f)(2) (17 CFR 240.19b–4(f)(2)) thereunder. The MSRB has designated the Technical Amendments as being immediately effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Exchange Act (15 U.S.C. 78s(b)(3)(A)(iii)) and Rule 19b–(f)(6) (17 CFR 240.19b–4(f)(6)) thereunder.

[7] *See* discussion *infra* under ''Proposed Annual Rate Card Approach.'' As further described therein, the Board presently anticipates filing proposed rule changes with the Commission to amend the rates of assessment of the Rate Card Fees on an annual basis going forward, as applicable. Accordingly, to the extent warranted, the first set of such amendments would be filed with the Commission prior to or in the last quarter of calendar year 2023 to become operative on January 1, 2024.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the Rate Card Amendments is to amend the rate of assessment for the Board's Rate Card Fees effective on October 1, 2022. The description of the Rate Card Amendments provides transparency regarding the internal process for how the Board, if warranted, would amend such fees on an annual basis going forward. Specifically, the Board will conduct an annual review of the Rate Card Fees and, if the Board determines an adjustment is necessary or appropriate to defray the costs and expenses of operating and administering the Board, the Board will file a proposed rule change with the Commission in the last quarter of the calendar year to effectuate a new ''Annual Rate Card'' for the next calendar year.[8] The MSRB anticipates that any such proposed rule change would be filed to be effective as of January 1 of each calendar year and operative until December 31 for that year.[9] In addition to the proposed Rate Card Amendments, the proposed rule change also proposes the Technical Amendments to Rule A–11, Rule A–12, and Rule A–13 to provide greater regulatory clarity for the assessment of fees on MSRB regulated entities under these rules.

Purpose and Description of the Rate Card Amendments

As a self-regulatory organization, the Board discharges its statutory mandate under the Exchange Act by establishing rules for regulated entities, enhancing the transparency of the municipal securities market through technology systems, and publicly disseminating data about the municipal securities market. Consistent with the Exchange Act, the Board funds its activities primarily through the assessment of fees and charges on regulated entities as is necessary or appropriate to defray the costs and expenses of operating and administering the Board.[10] The Board, which, consistent with the Exchange Act, consists of a majority of public members as well as members who are associated with and representative of regulated entities, including municipal advisors and dealers,[11] directs and oversees the MSRB's budgeting process to ensure that fees that fund the budget are fair and equitable and independently manages and monitors its financial position on an ongoing basis to ensure that the organization has sufficient revenue and organizational reserves to maintain its operations in accordance with the Act,[12] without interruption, even in economic downturns and other unforeseen circumstances.

Current Fee Structure

The Board has previously established, and currently applies, the following fee assessments on regulated entities to ensure the MSRB's ongoing operations (the ''current fee structure''):[13]

(i) Municipal Advisor Professional Fee: A fee of $1,000 for each covered professional as of January 31 of each year;[14]

(ii) Initial Registration Fee: A $1,000 one-time registration fee to be paid by each dealer to register with the MSRB before engaging in municipal securities activities and by each municipal advisor to register with the MSRB before engaging in municipal advisory activities;[15]

(iii) Annual Registration Fee: A $1,000 annual fee to be paid by each dealer and municipal advisor registered with the MSRB;[16]

(iv) Late Fee: A $25 monthly late fee and a late fee on the overdue balance (computed according to the prime rate) until paid on balances not paid within 30 days of the invoice date by the dealer or municipal advisor;[17]

(v) Underwriting Fee: A fee amount of $.0275 per $1,000 of the par value paid by a dealer on all municipal securities purchased from an issuer by or through such dealer, whether acting as principal or agent as part of a primary offering (the ''Underwriting Fee'');[18]

(vi) Municipal Funds Underwriting Fee: A fee amount of $.005 per $1,000 of the total aggregate assets for the reporting period (*i.e.,* the 529 savings plan fee on underwriters), in the case of an underwriter (as defined in Rule G–45) of a primary offering of certain municipal fund securities;[19]

(vii) Transaction Fee: A fee amount of .001% ($.01 per $1,000) of the total par value to be paid by a dealer, except in

[8] *See* Section 15B(b)(2)(J) of the Act (15 U.S.C. 78*o*–4(b)(2)(J)).

[9] Unlike any future amendments, the Rate Card Amendments for Fiscal Year 2023 are expected to be effective for a 15-month period from October 1, 2022 to December 31, 2023.

[10] *See* Section 15B(b)(2)(J) of the Act (15 U.S.C. 78*o*–4(b)(2)(J)).

[11] *See* Section 15B(b)(1) of the Act; MSRB Rule A–3.

[12] *Id.*

[13] The Market Activity Fees listed do not indicate the current temporary fee reductions that expire on September 30, 2022. *See* Rule A–13(h) (specifying a temporary underwriting assessment of .00165% ($0.0165 per $1,000) of the par value; a temporary transaction assessment of .0006% ($0.006 per $1,000) of the par value; and a temporary technology assessment of $0.60 per transaction); *see also* Exchange Act Release No. 91247 (Mar. 3, 2021), 86 FR 13593 (Mar. 9, 2021) File No. SR–MSRB–2021–02 (hereinafter, ''2021 Temporary Fee Reduction''). Consistent with the language of the 2021 Temporary Fee Reduction, these reduced fee rates will expire on September 30, 2022; and the related rule text would be deleted effective as of October 1, 2022 by operation of the Technical Amendments proposed herein.

[14] Current Rule A–11(a)(i).

[15] Rule A–12(b). Initial registration assessments charged pursuant to Rule A–12(b) are not included in the Rate Card Fees that would be amended by this proposed rule change. Given that the amount of the initial registration fee historically has been set with the intention of defraying a significant portion of the administrative and operational costs associated with the processing of a regulated entity's initial registration, the Board determined that, at this time, it was not beneficial or necessary to incrementally adjust such fees each year through an annual rate setting process. *See* Exchange Act Release No. 75751 (Aug. 24, 2015), 80 FR 52352 (Aug. 28, 2015) File No. SR–MSRB–2015–08 (stating the initial registration fee is to help defray a significant portion of the administrative and operational costs associated with processing an initial registration). *See also* discussion *infra* under ''Board Review of the Current Fee Structure'' and ''Proposed Annual Rate Card Approach.''

[16] Rule A–12(c). Annual registration assessments charged pursuant to Rule A–12(c) are not included in the Rate Card Fees that would be amended by this proposed rule change. Given that the rate of assessment for the annual registration fee is intended to serve as a fixed, baseline contribution from all registered regulated entities, irrespective of a regulated entity's actual total market activities, the Board determined that, at this time, it was not beneficial or appropriate to incrementally adjust such fees each year through an annual rate setting process. *See also* discussion *infra* under ''Board Review of the Current Fee Structure'' and ''Proposed Annual Rate Card Approach.''

[17] Rule A–11(b) and Rule A–12(d). As discussed herein, the Technical Amendments would remove the current reference in Rule A–12(d) to late fees for payments due pursuant to Rule A–13 and incorporate this concept into Rule A–13. *See* Rule A–12(d) (''Any broker, dealer, municipal securities dealer or municipal advisor that fails to pay any fee assessed under this rule *or Rule A–13* within 30 days of the invoice date shall pay a monthly late fee of $25 and a late fee on the overdue balance, computed according to the Prime Rate, as provided for in the MSRB Registration Manual, until paid.'' (emphasis added)).

[18] Current Rule A–13(c)(i).

[19] Current Rule A–13(c)(ii). Assessments charged pursuant to Rule A–13(c)(ii) related to certain municipal fund securities are not included in the Rate Card Fees that would be amended by this proposed rule change. The basis upon which the municipal funds underwriting fee is assessed (*i.e.,* the total aggregate assets for the reporting period) is not subject to the same type of volatility as the Market Activity Fees, but instead is expected to generally continue to grow over time. For example, municipal funds underwriting fee revenue amounted to approximately $1,332,000 in Fiscal Year 2021, approximately $1,167,000 in Fiscal Year 2020, and approximately $991,000 in Fiscal Year 2019. *See* MSRB 2021 Annual Report, available at *https://www.msrb.org/-/media/Files/Resources/MSRB-2021-Annual-Report.ashx?.* As a result, the Board determined that, at this time, it was not beneficial or necessary to incrementally adjust the rate of assessment each year through an annual rate setting process. *See* discussion *infra* under ''Board Review of the Current Fee Structure'' and ''Proposed Annual Rate Card Approach.''

limited circumstances, for inter-dealer sales and customer sales reported to the MSRB pursuant to Rule G–14(b), on transaction reporting requirements (the ''Transaction Fee''); [20]

(viii) Technology Fee: [21] A fee of $1.00 paid per transaction by a dealer for each inter-dealer sale and for each sale to customers reported to the MSRB pursuant to Rule G–14(b) (the ''Trade Count Fee''); [22] and

(ix) Examination Fee: A $150 test development fee assessed per candidate for each MSRB examination.[23]

In addition to these fees assessed on regulated entities, the Board also receives revenues from certain other sources, such as investment income, regulatory fine sharing,[24] and MSRB data subscription fees.[25] These revenue sources contribute a much smaller portion to the overall MSRB funding.[26]

[20] Rule A–13(d)(i) (transaction fee on inter-dealer sales) and Rule A–13(d)(ii) (transaction fee on customer sales).

[21] As further described herein, the proposed rule change would provide a technical amendment to this provision of Rule A–13 to rename this fee to the ''trade count fee.''

[22] Rule A–13(d)(vi).

[23] Rule A–16. Assessments charged pursuant to Rule A–16 related to such examination fees are not included in the Rate Card Fees that would be amended by this proposed rule change. Given that the rate of assessment for the examination fee historically has been set with the intention of defraying a portion of the overall costs of the MSRB's professional qualification and testing program, the Board determined that, at this time, it was not beneficial or necessary to incrementally adjust the rate of assessment of such fee each year through an annual rate setting process. *See* Exchange Act Release No. 85135 (Feb. 14, 2019), 84 FR 5513 (Feb. 21, 2019) File No. SR–MSRB–2019–02 (stating the examination fee is intended to partially offset the overall program costs to the MSRB of its professional qualification and testing program). *See also* discussion *infra* under ''Board Review of the Current Fee Structure'' and ''Proposed Annual Rate Card Approach.''

[24] Fine revenue became a revenue source as first provided in 2010 under the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''). *See* 15 U.S.C. 78*o*–4(c)(9).

[25] The MSRB charges data subscription service fees for subscribers, including regulated entities and non-regulated entities, seeking direct electronic delivery of municipal trade data and disclosure documents associated with municipal bond issues. This information is also available without direct electronic delivery on the MSRB's Electronic Municipal Market Access (''EMMA'') website without charge.

[26] For example, fine-sharing revenue amounted to approximately 0.9% of the MSRB's overall revenue in Fiscal Year 2021 (or approximately $322,000), 3.3% in Fiscal Year 2020 (or approximately $1.5 million), and 0.4% (or approximately $151,000) in Fiscal Year 2019. *See* MSRB 2021 Annual Report, available at *https://www.msrb.org/-/media/Files/Resources/MSRB-2021-Annual-Report.ashx*?. Given that this revenue is collected by FINRA and the SEC for violations of MSRB rules and the fact that the Board does not set the rates of assessment for the collection of such fines, the Board does not believe that it is appropriate to separately consider fine-sharing revenue for potential rebates to regulated entities by operation of the proposed Annual Rate Cards and the annual rate setting process.

Board Review of the Current Fee Structure

Early in Fiscal Year 2021, the Board determined that it should review the current fee structure in relation to the MSRB's long term financial position and near-term anticipated funding needs (the ''Fee Review''). Through its Fee Review, the Board sought to identify potential improvements to the MSRB's current fee structure that would: (i) maintain a fair and equitable balance of reasonable fees and charges among regulated entities; [27] (ii) mitigate the impact of market volatility on the amount of fee revenue actually paid each year [28] and, correspondingly, facilitate the Board's ability to manage the amount held by the MSRB in organizational reserves year-to-year; [29] and (iii) prudently fund the MSRB's anticipated near-term operating expenses.[30]

Maintaining a Fair and Equitable Balance of Fees. As part of its Fee Review, the Board evaluated the MSRB's current fee structure to determine whether the fees and charges assessed upon regulated entities remain reasonable, fair, and equitable. Among other factors considered during the Fee Review, the Board: (i) analyzed publicly available data on the revenue models of dealers and municipal advisors across geographic areas; [31] (ii) examined MSRB expense allocations to inform its understanding of how much of the MSRB's expense budget relates to various activities; [32] (iii) evaluated historical budgeted revenue versus actual revenues generated for the existing fee categories; [33] (iv) gauged the MSRB's fee distribution across varying business models of dealer and municipal advisory firms; [34] and (v) deliberated upon feedback from stakeholder discussions and prior written comments on the topic of the MSRB's fees and expenses.[35]

[27] While engaging in the Fee Review, and consistent with the MSRB's funding policy, the Board considered how potential modifications to the current fee structure would impact the diversity of the MSRB's funding sources. *See* MSRB's funding policy, available at *https://www.msrb.org/About-MSRB/Financial-and-Other-Information/Financial-Policies/Funding-Policy* (hereinafter, the ''current funding policy''). Both the current funding policy and the revised funding policy, effective October 1, 2022, available at *https://msrb.org/About-MSRB/Financial-and-Other-Information/Financial-Policies/Future-Funding-Policy,* state that the ''MSRB strives to diversify funding sources among regulated entities and other entities that fund MSRB services in a manner that ensures long-term sustainability, seeking to achieve an equitable balance among regulated entities and a fair allocation of the costs of systems and services among other users and regulated entities to the extent allowed by law.''

[28] Market Activity Fees are driven by market dynamics and are inherently unpredictable. Because of this unpredictability, the amount of Market Activity Fees collected by the MSRB has often exceeded the amount budgeted in recent fiscal years. The MSRB's Financial Statements for recent fiscal years are available at *http://msrb.org/About-MSRB/Financial-and-Other-Information/Annual-Reports.aspx. See* Exhibit 3(a), ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.''

[29] The Board established a reserves target to ensure that the organization maintains a prudent level of financial resources to fund operations and ensure the long-term financial sustainability of the organization, taking into consideration a range of reasonably foreseeable market conditions for a dynamic market and expected expenditures over a three-year time horizon. The reserves target is determined after conducting a detailed and comprehensive analysis of the liquidity needs in four categories: (1) working capital, (2) risk reserves, (3) strategic investment reserves, and (4) regulatory reserves. *See* MSRB funding policies (link at note 27 *supra*) (these four categories are identified in the discussion under ''Reserve Considerations''). The Board reviews and adjusts the reserves target on an annual basis to ensure that it remains appropriately aligned with the organization's needs. *See* MSRB Fiscal Year 2022 Budget for a further discussion of the MSRB's budget and reserves, available at *https://www.msrb.org/-/media/Files/Resources/MSRB-FY-2022-Budget-Summary.ashx*?.

[30] *See, e.g.,* Exhibit 3(a), ''Chart 8—Historical Actual Expenses,'' ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

[31] The Board considered market data from various external and internal sources, such as the Texas Bond Review Board State and Local Annual Reports (*http://www.brb.state.tx.us/publications.aspx*), the California State Treasurer's Office—California Debt and Investment Advisory Commission (CDIAC) (*https://data.debtwatch.treasurer.ca.gov/Government/CDA-All-Data/yng6-vaxy*), primary market data included in official statements and other offering documents, and trading and other secondary market data. *See also, e.g.,* the MSRB's published Fact Books, which provide various historical data sets related to market activities, such as the distribution of municipal trades by dealers, available at *https://www.msrb.org/Market-Transparency/Market-Data-Publications/MSRB-Fact-Book.aspx.*

[32] *See, e.g.,* Exhibit 3(a), ''Chart 9—Historical Budgeted Expense by Function.''

[33] *See* Exhibit 3(a), ''Chart 1—Historical Revenue Variances: Budget vs. Actual'' and ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees.''

[34] As non-exhaustive examples, the Board considered fee distribution across the business models of: (i) small, medium, and large firms, (ii) dually registered firms versus firms registered only as dealers or municipal advisors, and (iii) firms that engage in underwriting activities versus secondary market activities. *See also* Exhibit 3(a), ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees).''

[35] *See, e.g.,* MSRB Notice 2020–19: ''MSRB Requests Input on Strategic Goals and Priorities'' (Dec. 7, 2020), available at *https://msrb.org/-/media/Files/Regulatory-Notices/RFCs/2020-19.ashx??n=1,* and related stakeholder comments (hereinafter, the ''Stakeholder Comments to the MSRB's Strategic Priorities''), available at *https://*

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Based on these factors considered, the Board found that the current fee structure—including the basis on which fees are assessed and the relative contribution of revenue from each of the current fees assessed on regulated entities—overall remains reasonable, fair, and equitable. As the MSRB has previously noted, it is impractical for a regulatory organization to specifically apportion the costs and benefits of rulemaking, systems development, operational and administrative activities between regulated entities with the constraint of determining whether such activities bear a close relationship to the level of funding obtained from dealers and municipal advisors at a particular point in time.[36] The Act does not impose such a requirement; rather, the Act requires that the Board's rules provide that each regulated entity ''shall pay to the Board such reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board.'' [37]

The MSRB must be adequately funded to undertake rulemaking, designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.[38] In addition, given that numerous operations and services are executed with the intent to protect investors, municipal issuers, and obligated persons and provide market transparency to facilitate a fair and efficient market, there is not an exact correlation between revenue streams and expenses.[39] The Board seeks to establish a reasonable fee structure that ensures long-term sustainability and continues to believe that its overall fee structure is reasonable, achieves general equity across its regulated entities, and correlates fees with those firm components that drive the MSRB's regulatory costs to the extent feasible. However, as further discussed below, the Board has determined that the current fee structure could be improved with certain process changes and is proposing rule amendments to address the challenges associated with (i) the revenue impact of market volatility and (ii) the MSRB's anticipated near-term funding needs.

Mitigating the Impact of Market Volatility. As part of the Fee Review, the Board analyzed the historical revenue generated under the MSRB's current fee structure as compared to the historical amounts budgeted over the same fiscal years.[40] While the various fees paid by regulated entities have, in some recent fiscal years, marginally exceeded or underperformed their budgeted amounts, the Board found that the amount of the three Market Activity Fees collected have often exceeded their annual budget targets by more than marginal amounts.[41] The Board also found that the recurring variances between budgeted amounts and actual amounts of the Market Activity Fees collected, resulting from the inherent imprecision associated with budgeting future market volumes related to underwriting and trading activity that exists within the overall dynamic of the municipal securities market, directly contributed to the periodic build-up of excess reserves and, consequently, precipitated the need for the MSRB to use rebates or temporary fee reductions as a mechanism to rightsize organizational reserve positions back to the Board's target.[42] Based on these causal links between fluctuations in market activity year-to-year, variances in the amount of Market Activity Fees actually collected versus budgeted amounts, and the need for rebates or temporary fee reductions to rightsize organizational reserves, the Board prioritized the identification of alternative fee approaches that would better mitigate the impact of the inevitable, year-to-year fluctuations in activity in the municipal securities market and, as a result, provide more certainty to regulated entities.

After considering alternatives, the Board first determined that the Municipal Advisor Professional Fee and the current set of Market Activity Fees—*i.e.,* Underwriting Fees, Transaction Fees, and Trade Count Fees—remain the most reasonable and practical mechanisms for assessing fees on regulated entities and so should not be replaced with alternative fee mechanisms. The Board came to this determination primarily because it continues to believe that the respective mechanisms for assessing the Municipal Advisor Professional Fee and the Market Activity Fees remain superior to potential alternatives—some of which may require establishing significantly more burdensome recordkeeping and reporting requirements to achieve comparatively greater precision in the alignment of the total amount of the fees assessed on a given firm with such firm's total regulated activities; [43] and, therefore, these fee mechanisms remain the best option among alternatives to ensure that the amount of the Municipal Advisor Professional Fees and Market Activity Fees paid by a given firm is both (i) appropriately balanced to the burdens and benefits of the MSRB's regulatory and transparency activities, and also (ii) generally proportional to the differing resources devoted to the regulation of firms with different business models and differing degrees of complexity.[44] These existing fee

msrb.org/Rules-and-Interpretations/Regulatory-Notices/2020/2020-19?c=1. See also, e.g., comments provided on Exchange Act Release No. 87075 (Sep. 24, 2019), 84 FR 51698 (Sep. 30, 2019) File No. SR–MSRB–2019–11, available at *https://www.sec.gov/comments/sr-msrb-2019-11/srmsrb201911.htm,* and comments provided on Exchange Act Release No. 81264 (July 31, 2017), 82 FR 36472 (Aug. 4, 2017) File No. SR–MSRB–2017–05, available at *https://www.sec.gov/comments/sr-msrb-2017-05/msrb201705.htm.*

[36] *See* Letter from Gail Marshall, Associate General Counsel—Enforcement Coordination, MSRB, to Secretary, SEC dated Sept. 30, 2015, available at, *https://www.sec.gov/comments/sr-msrb-2015-08/msrb201508-4.pdf.*

[37] Section 15B(b)(2)(J) of the Act.

[38] Section 15B(b)(2)(C) of the Act.

[39] For example, municipal trade data and issuers' disclosure documents associated with bond issuances are available on EMMA for free to all market participants, including investors and issuers, who do not contribute to the MSRB's revenue.

[40] *See, e.g.,* Exhibit 3(a), ''Chart 1—Historical Revenue Variances: Budget vs. Actual'' and ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees.''

[41] *See* Exhibit 3(a), ''Chart 1—Historical Revenue Variances: Budget vs. Actual,'' ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.'' Relatedly, the Board determined that such recurring variances could not be fully addressed with further refinements to the MSRB's budgeting process; rather, the variances were inherent to the imprecision associated with budgeting future market volumes related to underwriting and trading activity that exists within the overall dynamic of the municipal securities market.

[42] *Compare, e.g.,* Exhibit 3(a), ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' Chart 5—Historical Effective Fee Rate Changes'' and ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model.''

[43] *See also* related discussion *infra* under ''Self-Regulatory Organization's Statement on Burden on Competition—Baseline and Reasonable Alternative Approaches.''

[44] The Board considers the distribution of its fees among regulated entities of differing sizes, complexities, and business models and strives for proportionality in the distribution of fees as much as feasible within the broader set of considerations described in its funding policy. *See, e.g.,* related discussion *supra* under ''Board Review of the Current Fee Structure—Maintaining a Fair and Equitable Balance of Fees'' and Exhibit 3(a), ''Chart 14—Distribution of Registrants by Range of Total

methods also have the advantage of being established mechanisms for assessing fees on regulated entities; and, in this regard, the Board believes that maintaining this current set of fee methods is more advantageous than other alternatives because firms already understand and have embedded such assessments into their business operations.

While the Board determined that the mechanisms for assessing the Municipal Advisor Professional Fee and the Market Activity Fees should not be replaced, the Board also determined it would be beneficial to refine its approach to review and amend these fee rates for each calendar year on an annual basis going forward. Specifically, to avoid the MSRB accumulating excess reserves through the collection of fee revenue above budgeted amounts over multiple fiscal years and then utilizing short-term fee reductions to return the excess revenues to the regulated entities who paid the fees, the Board is proposing to review and incrementally refine the rates of assessment for each of these fees each year.

This revised approach would more closely align the rates of assessment for the Municipal Advisor Professional Fee and the Market Activity Fees to the MSRB's annual revenue requirements, including by factoring revenue surpluses and shortfalls against budgeted amounts for each of these fees from the prior year directly into the annual rate calculation process. As further described in the section below entitled ''Proposed Annual Rate Card Approach,'' the Board's proposed approach would (i) better mitigate the impact of market volatility on the MSRB's revenue structure (and, consequently, better mitigate the impact of market volatility on the MSRB's organizational reserves), and (ii) maintain rates within a reasonably predictable range that, while subject to more incremental changes each year, would provide regulated entities a comparably more stable fee structure over the long term than the MSRB's current fee structure.[45]

Funding the MSRB's Anticipated Near-Term Operating Expenses. In addition to analyzing the impact of variable market activity as part of its Fee Review, the Board also analyzed the MSRB's current budget projections for Fiscal Year 2023 and the anticipated funding needs in the near term beyond Fiscal Year 2023.[46] Specific to the projections for Fiscal Year 2023, the MSRB's pro forma estimate currently anticipates an operating deficit for the twelve-month period, based on preliminary projected expenses and projected revenue under the current fee structure (and without the proposed Rate Card Amendments). Beyond Fiscal Year 2023, the Board assumed at least modest expense growth in the near-term fiscal years in line with the MSRB's ten-year compound annual growth rate,[47] particularly in consideration of the current impacts of inflation and other key expenses associated with modernizing and operating the MSRB's technology systems. Based on these budgetary expectations, the Board analyzed options for how expense control and additional revenue generation could address both the projected operating deficit for Fiscal Year 2023 and the likelihood of expense growth in future near-term fiscal years.

In terms of expense control, the MSRB remains committed to responsibly managing expenses and aligning its resources to the fulfillment of the Board's statutory mandate.[48] Accordingly, the Board reviewed anticipated expenses against various factors, including (i) the MSRB's ''Strategic Plan—Fiscal Years 2022–2025;'' [49] (ii) actual historical expenses versus budgeted expenses for certain activities; [50] and (iii) stakeholder feedback and comments.[51] Based on these and other aspects of its Fee Review, the Board determined that the MSRB's Strategic Plan should serve as the main budgetary guidepost for how the MSRB allocates its limited resources and resolves competing fiscal priorities, particularly because various stakeholders provided significant written input regarding the Strategic Plan.[52] Consequently, the Board determined that the MSRB's expenditures in Fiscal Year 2023 and future near-term fiscal years generally should align with the expenses necessary to discharge its statutory mandate in accordance with the Strategic Plan.[53] As a result, at least modest expense growth, in line with the MSRB's ten-year compound annual growth rate,[54] is assumed given various considerations, including the current Strategic Plan's emphasis on the modernization of the MSRB's technology systems and the MSRB's ongoing efforts to advance the quality, accessibility, security, and value of the MSRB's market data for all participants in the municipal securities market. The Board will continue to actively monitor and manage its financial position to ensure prudent expense alignment to the MSRB's statutory mandate and the corresponding objectives of the MSRB's Strategic Plan.

In terms of revenue, the Board determined that the current fee structure should be amended to increase total revenue and, thereby, reduce the likelihood of a near-term operating deficit for Fiscal Year 2023.[55] The Board is proposing to raise this additional revenue in accordance with a new rate setting approach as described in the following section entitled ''Proposed Annual Rate Card Approach.'' The Board considered comments from regulated entities about the consequences associated with the MSRB collecting more fee revenue than needed

Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees).'' *See also* Release No. 34–87075 (Sep. 24, 2019), 84 FR 51698 (Sep. 30, 2019) File No. SR–MSRB–2019–11 (providing for increases to the Municipal Advisor Professional Fee and discussing the superiority of maintaining the Municipal Advisor Professional Fee in light of possible alternatives that would require creating a novel and, therefore, likely more burdensome reporting requirement).

[45] *See* related discussion *infra* under ''Proposed Annual Rate Card Approach—Limitations on Rate Changes to Promote Predictability and Stability'' (discussing various limitations on future increases of the Rate Card Fees). *See also* Exhibit 3(a), ''Chart 5—Historical Effective Fee Rate Changes.''

[46] Specific to the scope of the Board's near-term funding analysis, the Board considered various funding scenarios for Fiscal Year 2023 through Fiscal Year 2025. *See, e.g.,* Exhibit 3(a), ''Chart 8—Historical Actual Expenses'' (showing a ten-year historical compound annual growth rate of 4.2%), ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

[47] *See* Exhibit 3(a), ''Chart 8—Historical Actual Expenses.''

[48] *See, e.g.,* ''Controlling Expenses'' in MSRB Fiscal Year 2022 Budget at page 12 and related discussion, available at *https://msrb.org/-/media/Files/Resources/MSRB-FY-2022-Budget-Summary.ashx?. See also* Exhibit 3(a), ''Chart 6—Historical Expense Variances: Budget vs. Actual.''

[49] The MSRB's Strategic Plan—Fiscal Years 2022–25 is available at *https://msrb.org/-/media/Files/Resources/MSRB-Strategic-Plan-2022-2025.ashx?* (the ''Strategic Plan'').

[50] *See* Exhibit 3(a), ''Chart 6—Historical Expense Variances: Budget vs. Actual'' and ''Chart 9—Historical Budgeted Expense by Function.''

[51] *See, e.g.,* Stakeholder Comments to the MSRB's Strategic Priorities (link at note 34 *supra*).

[52] *Id.*

[53] The MSRB notes that its anticipated expenditures for the near-term fiscal years beyond Fiscal Year 2023 are subject to greater uncertainty caused by the higher potential for changing circumstances and, correspondingly, its budgetary assumptions for these years are also less certain.

[54] *See* Exhibit 3(a), ''Chart 8—Historical Actual Expenses.''

[55] *See* Exhibit 3(a), ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses'' and ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

and with the MSRB maintaining organizational reserves in excess of what is required.[56] In response to such concerns, the Board has undertaken significant efforts to determine the level of organizational reserves needed and, correspondingly, refined and reduced its organizational reserves target.[57] To bring the MSRB's excess organizational reserves in-line with this refined target, the Board has intentionally budgeted operating deficits in recent fiscal years, primarily by temporarily reducing certain fees on regulated entities and, thereby, collecting less revenue as a result of those fee reductions.[58] At the same time, the Board has designated funds from the MSRB's organizational reserves for necessary multiyear systems modernization initiatives, which has further aligned organizational reserves to target.[59] As a result of these efforts, the MSRB's organizational reserves presently are on track to be aligned with the Board's reserves target for Fiscal Year 2023, which is $37.7 million.[60] In this way, while the Board determined that additional funding is needed for Fiscal Year 2023, the Board also determined that such funding would be best obtained through an increase in fees as opposed to the further drawing down of organizational reserves below target.[61]

Proposed Annual Rate Card Approach

Consistent with the Board's analysis and conclusions discussed above, the Board proposes to amend the Municipal Advisor Professional Fee assessed pursuant to Rule A–11 and the Market Activity Fees assessed pursuant to Rule A–13 (*i.e.,* the Rate Card Fees). Underlying the proposed textual amendments to Rule A–11 and Rule A–13 is a revised fee approach to better mitigate the impact of market volatility on the MSRB's revenue structure and organizational reserves levels and maintain rates within a reasonably predictable range that, while subject to more incremental changes each year, would provide regulated entities a comparably more stable fee structure over the long term than the MSRB's current fee structure. The Board anticipates reviewing the Rate Card Fees each year and, as may be necessary, modifying them through the filing of a proposed rule change with the Commission. When necessary, these proposed rule changes will establish an Annual Rate Card with amended rates of assessment for each of the four fees on regulated entities that make up the Rate Card Fees (*i.e.,* Underwriting Fees, Transaction Fees, Trade Count Fees, and Municipal Advisor Professional Fees). Subsequent to the Annual Rate Card described in this proposed rule change,[62] the Board anticipates that any future proposed rule change enumerating the Annual Rate Cards to be effective as of January 1st of each calendar year beginning with January 1, 2024.[63]

The Annual Rate Card approach conducted by the Board is expected to ensure the MSRB's financial model remains sustainable, while (i) adequately funding future MSRB expenses and also (ii) providing a greater degree of flexibility than the MSRB's current fee structure to mitigate the impact of market volatility (and effectively manage organizational reserve levels). The Annual Rate Card approach differs from the MSRB's current approach by instituting a framework that can result in more frequent, but also more incremental adjustments, to the four fees that generate the vast majority of the MSRB's annual revenue. The increased frequency of the MSRB's amendments to the Rate Card Fees is meant to avoid the accumulation of excess reserves resulting from additional revenue collected due to market volatility as compared to budget expectations and, thereby, the need for rate amendments in the form of more significant, ad hoc temporary fee reductions or rebates.[64] To ensure that the Board's adjustments to the Annual Rate Card will remain incremental, the Board is proposing certain maximum caps on the amount of such year-to-year increases, as discussed below under the section entitled ''Limitations on Rate Changes to Promote Predictability and Stability.'' [65]

[56] *See, e.g.,* letter from Mike Nicholas, Chief Executive Officer, Bond Dealers of America (''BDA''), (Jan. 11, 2021) (hereinafter, the ''BDA Comment Letter'') (responding to the MSRB's Request for Input on Strategic Goals and Priorities and stating ''[w]e strongly urge the Board to take a comprehensive look at its finances with the goal of once and for all establishing a funding mechanism that fairly allocates the MSRB's expenses among regulated entities and does not assess the industry for more money than the MSRB needs''), available at *https://www.msrb.org/rfc/2020-19/Dbamerica.pdf.*

[57] *See* Exhibit 3(a), ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model'' and ''Chart 13—Total Reserves vs. Target: Historical and Projected with Rate Card Model.''

[58] See the 2021 Temporary Fee Reduction (citation and link at note 12 supra); Exchange Act Release No. 85400 (Mar. 22, 2019), 84 FR 11841 (Mar. 28, 2019) File No. SR–MSRB–2019–06 (providing for a temporary fee reduction); and Exchange Act Release No. 83713 (July 26, 2018), 83 FR 37538 (Aug. 1, 2018) File No. SR–MSRB–2018–06 (providing for a temporary fee reduction). *See also* Exhibit 3(a), ''Chart 1—Historical Revenue Variances: Budget vs. Actual,'' ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' ''Chart 5—Historical Effective Fee Rate Changes,'' and ''Chart 7—Historical Budgeted Revenue and Budgeted Expense.''

[59] *See* the MSRB's Fiscal Year 2022 Budget, at page 13 (discussing the MSRB's system modernizations investments), available at *https://msrb.org/-/media/Files/Resources/MSRB-FY-2022-Budget-Summary.ashx?. See also, e.g.,* the MSRB's 2021 Annual Report, at page 2 (link at note 25 *supra*); the MSRB's 2020 Annual Report, at page 35 (discussing certain modernization investment efforts), available at *https://msrb.org/-/media/Files/Resources/MSRB-2020-Annual-Report.ashx?*; and the MSRB's 2019 Annual Report, at page 11 (discussing the MSRB's cloud investments), available at *https://msrb.org/-/media/Files/Resources/MSRB-2019-Annual-Report.ashx?.*

[60] *See* Exhibit 3(a), ''Chart 13—Total Reserves vs. Target: Historical and Projected with Rate Card Model.''

[61] *See* Exhibit 3(a), ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses,'' and ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model,'' and ''Chart 13—Total Reserves vs. Target: Historical and Projected with Rate Card Model.''

[62] Because of the expiration of the 2021 Temporary Fee Reduction on September 30, 2022, the proposed rule change's Annual Rate Card for Fiscal Year 2023 and the first quarter of Fiscal Year 2024 will become effective on October 1, 2022, and, in this way, is intended to be operative for a fifteen-month period running from October 1, 2022, to December 31, 2023.

[63] As the proposed rule change is structured, a given Annual Rate Card would remain effective and operative until a subsequent proposed rule change amending such rates is filed, effective, and operative. As stated, the MSRB anticipates that subsequent Annual Rate Cards for future years will be filed with the Commission through a proposed rule change and the MSRB would seek to have such rates operative for twelve months running from January 1 to December 31 (*i.e.,* a calendar-year basis). In order to execute the Annual Rate Card Process, the MSRB determined to establish the Annual Rate Card on a calendar-year basis. This allows the MSRB to determine any prior fiscal year variances and return excess revenue or assess revenue shortfalls through the new Rate Card Fees. Nevertheless, as changing fiscal circumstances may warrant, the MSRB will retain the flexibility to amend the rates of assessment specified by a given Annual Rate Card under this modified approach in accordance with applicable statutory requirements governing any such proposed rule change.

[64] The proposed rule change would not amend the underlying activities that are the subject of such assessments. In other words, the respective volumes of underwriting and transaction activities of a dealer firm would continue to serve as the basis upon which Market Activity Fees are assessed under Rule A–13; and the number of covered professionals associated with a municipal advisory firm would continue to serve as the basis upon which the rate of the Municipal Advisor Professional Fee is assessed under Rule A–11. Other fees assessed on regulated entities—specifically, the initial registration fee, annual registration fee, late fee, municipal funds underwriting fee, and examination fees—will be unchanged.

[65] If the proposed rule change becomes operative on October 1, 2022, the MSRB's revised funding policy, which reflects this Annual Rate Card approach, will likewise become operative. There are maximum caps incorporated into the Annual Rate Card Process (as defined *infra*) and specifically provided for under Supplementary Material .01 of the proposed amendments to Rule A–11 and Rule A–13. See related discussion infra under ''Limitations on Rate Changes to Promote Predictability and Stability.''

Objectives of the Annual Rate Card. Adjustments to the Annual Rate Card will be used to revise the Rate Card Fees to annual levels that the MSRB anticipates will be sufficient to: (i) cover anticipated expenses for the related fiscal year;[66] (ii) maintain target contribution balances between fees on regulated entities in line with recent historical precedents;[67] (iii) address any prior-year variance between the amounts of each of the Rate Card Fees actually collected versus budget (*i.e.,* ''Rate Card Fee Variances'');[68] and (iv) address any variance between the amount of the Board's organizational reserves versus the Board's target (*i.e.,* ''Reserves Variances'').[69] Fee rates may increase year-to-year, subject to certain limitations discussed in additional detail below, or decrease from year-to-year, as needed to meet these objectives.

Process for Setting the Annual Rate Card. The Board will develop an Annual Rate Card for future fiscal years through a uniform process consistent with the objectives discussed above (the ''Annual Rate Card Process'').[70] The Annual Rate Card Process is intended to establish a fee structure that is more transparent and predictable for the MSRB's stakeholders while also retaining the Board's ability to flexibly react to changing circumstances when establishing reasonable fees on regulated entities. The Annual Rate Card Process will consist of the activities below.

Development of the Fiscal Year Operational Funding Level. Consistent with its existing budgeting process, the Board will approve the annual expense budget and, thereby, establish the baseline revenue that the organization will need to operate for that fiscal year (*i.e.,* the ''Operational Funding Level''). As previously discussed, the MSRB anticipates the Operational Funding Level in the near-term fiscal years to align with the discharge of the Board's statutory mandate and corresponding initiatives outlined in the MSRB's current Strategic Plan. Once the Board sets the Operational Funding Level, any Reserves Variances may further adjust the amount of the Operational Funding Level, as discussed below.

Reconciliation of Any Material Reserves Variances. If there are material Reserves Variances in future fiscal years, the amount of such Reserves Variances will be considered and may be added to or subtracted from the Operational Funding Level to develop a final ''Budgeted Revenue Target'' for a given fiscal year. For example, if there is a Negative Reserves Variance, the Board may determine, in accordance with the its revised funding policy, that some or all of the reserves shortfall may be incorporated into the total revenue that needs to be collected for that fiscal year.[71] Conversely, if there is a material Positive Reserves Variance, the Board may determine, in accordance with its revised funding policy, that some or all of the excess may offset an amount of the total revenue that needs to be collected for that fiscal year.[72]

Incorporation of Other Anticipated Revenue. Revenue from sources other than the Rate Card Fees (*e.g.,* annual and initial fees, data subscriptions, municipal fund underwriting fees and fine revenue), will be forecasted, and that estimate will be credited against the Budgeted Revenue Target. The amount remaining after these revenue estimates are incorporated will be the remaining revenue amount that will determine the total amount of funding needed to be generated from the Rate Card Fees (the ''Rate Card Funding Amount'').

Reconciliation of Any Rate Card Fee Variances from the Prior Fiscal Year. Each of the four Rate Card Fees will be responsible for a proportionate amount of the overall Rate Card Funding Amount (each a ''Proportional Contribution Amount''). The MSRB will maintain a fair and equitable balance of

[66] As noted, the MSRB anticipates that, subsequent to the Annual Rate Card proposed herein and currently anticipated to be operative for the fifteen months from October 1, 2022 to December 31, 2023, future Annual Rate Cards would become effective, after such submission to the Commission pursuant to the provisions of Section 19(b)(1) of the Exchange Act, on January 1, while the MSRB fiscal year would start on the prior October 1. *See also* Exhibit 3(a), ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

[67] That is, this factor is intended to maintain a proportionate percentage amount of the MSRB's anticipated expenses for the fiscal year among each of the Market Activity Fees and the Municipal Advisor Professional Fee. The Rate Card Fees proposed in this filing were established based on the following target contribution balances: Underwriting Fee 37%, Transaction Fee 39%, Trade Count Fee 16%, Municipal Advisor Professional Fee 8%. *See, e.g.,* Exhibit 3(a), ''Chart 3—Historical Actual Revenue for the Rate Card Fees as a Percentage of the Total Rate Card Fee Revenue'' and ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees)'' (reflecting that the distribution of registrants by range of total fees assessed under the current fee structure are currently anticipated to be relatively stable if the proposed Rate Card Amendments are implemented).

[68] A positive variance may occur, for example, when the actual revenue from Rate Card Fees collected for a fiscal year exceeds budgeted amounts (a ''Positive Rate Card Fee Variance''). *See, e.g.,* Exhibit 3(a), ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' at Fiscal Year 2020 (reflecting the actual revenue generated from the Underwriting Fee and Transaction Fee exceeding budget). A negative variance may occur, for example, when the actual revenue from Rate Card Fees collected for a fiscal year is below budgeted amounts (a ''Negative Rate Card Fee Variance''). *See, e.g.,* Exhibit 3(a), ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' at Fiscal Year 2020 (reflecting the actual revenue generated from the Technology Fee below budget).

[69] A positive variance above the reserves target may occur, for example, due to actual expense savings, actual revenue above budget from sources other than Rate Card Fees, or the Board's determination to decrease the reserves target in light of revised organizational needs (a ''Positive Reserves Variance''). *See, e.g.,* Exhibit 3(a), ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model,'' at Fiscal Year 2021 (reflecting actual reserves exceeding target). A negative variance below the reserves target may occur, for example, due to an increase in actual expenses, shortfall in revenue from sources other than Rate Card Fees, or the Board's determination to increase the reserves target in light of revised organizational needs (a ''Negative Reserves Variance''). *See, e.g.,* Exhibit 3(a), ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model,'' at Fiscal Year 2011 (reflecting actual reserves below target).

[70] The amended Annual Rate Cards resulting from the Annual Rate Card Process will be filed with the Commission as proposed rule changes consistent with the Act.

[71] Stated differently, the Board may decide that some or all of such a Negative Reserves Variance amount may be added to that fiscal year's Operational Funding Level when determining the cumulative Budgeted Revenue Target for that fiscal year. Notably, the Board would have the flexibility to close the Negative Reserves Variance (*i.e.,* increase reserves funding to reach the target) over a period of multiple fiscal years, rather than all in one fiscal year, and so could determine to only address some of the Negative Reserves Variance in a given fiscal year. For example, if the Operational Funding Level was determined to be $45 million and there was a Negative Reserves Variance of $1 million (*i.e.,* actual reserves were under target by $1 million), then the Board could seek to resolve that difference by increasing the target amount of revenue to be generated from the applicable Annual Rate Card by $1 million and set a final Budgeted Revenue Target of $46 million. Alternatively, the Board may determine to seek to resolve the $1 million difference over the course of two Annual Rate Cards and set the final Budgeted Revenue Target for the first of those two Annual Rate Cards at, for example, $45.5 million.

[72] Stated differently, the Board may decide that some or all of such a Positive Reserves Variance amount may be subtracted from that fiscal year's Operational Funding Level to determine the Budgeted Revenue Target for that fiscal year. As discussed in the immediately prior footnote, the Board would have the flexibility to close the Positive Reserves Variance (*i.e.,* decrease reserves funding to target) over a period of multiple fiscal years, rather than all in one fiscal year, and so could determine to only address some of the Positive Reserves Variance in a given fiscal year. For example, if the Operational Funding Level was determined to be $45 million and there was a Positive Reserves Variance of $1 million (*i.e.,* actual reserves were over target by $1 million), then the Board could seek to resolve that variance by decreasing the target amount of revenue to be generated from the applicable Annual Rate Card by $1 million and set a final Budgeted Revenue Target of $44 million. Alternatively, the Board may determine to seek to resolve the $1 million variance over the course of two Annual Rate Cards and set the final Budgeted Revenue Target for the first of those two Annual Rate Cards at, for example $44.5 million.

the Proportional Contribution Amounts in line with recent historical precedents.[73] Specifically, for the Rate Card Fees proposed in this filing intended to be operative beginning on October 1, 2023, the Rate Card Funding Amount was allocated as follows to determine the Proportional Contribution Amount for each of the Rate Card Fees: Underwriting Fee 37%, Transaction Fee 39%, Trade Count Fee 16%, Municipal Advisor Professional Fee 8%.[74] Beginning with the Annual Rate Card for Fiscal Year 2024, any Rate Card Fee Variances between the budget and actual results of the Rate Card Fees for the prior fiscal year will be added to (or subtracted from) the Proportional Contribution Amount (''Final Contribution Amount'').[75] For example, if new issuance underwriting volume were to exceed the budgeted amount in Fiscal Year 2023, resulting in a Positive Rate Card Fee Variance for that fee, the Proportional Contribution Amount for the Underwriting Fee would be adjusted downward sufficient to offset the excess Underwriting Fee revenue collected (and *vice versa*). In this way, Rate Card Fee Variances related to a specific Rate Card Fee will only impact the Proportional Contribution Amount for that specific fee.

Forecast of Expected Activity and Setting the Annual Rate Card. The MSRB will use the best available information to set expected volume of activity for the coming fiscal year. Based on the anticipated volume of activity, the MSRB will calculate rates of assessment for each of the Rate Card Fees to generate their respective Final Contribution Amounts.

Limitations on Rate Changes to Promote Predictability and Stability. To alleviate the potential for greater uncertainty among regulated entities regarding the variability of the Rate Card Fees under this revised approach, the Board has also established certain limitations on fee increases from year-to-year to promote greater predictability and stability.[76]

10% Maximum Cap on Targeted Revenue. The first limitation is a 10% cap on the maximum increase in the targeted revenue for a Rate Card Fee based on the highest amount of such targeted revenue in the previous two annual rate cards.[77] This cap is intended to limit large increases in the rate of assessment for the Rate Card Fees to ensure that fee increases remain incremental and, accordingly, regulated entities have the time to operationalize such increases into their business models.

25% Maximum Cap on Assessment Rate Increases. The second limitation is a 25% cap on the maximum increase in the assessment rate for a Rate Card Fee based on the highest assessment rate in the previous two annual rate cards.[78] This secondary cap is intended to limit large increases in rates of assessment for the Rate Card Fees in instances where expected volume decreases significantly from the prior year.[79]

If the proposed rule change becomes operative on October 1, 2022, the new funding policy, available at *https://msrb.org/About-MSRB/Financial-and-Other-Information/Financial-Policies/Future-Funding-Policy,* which reflects the Annual Rate Card Process, including the Maximum Cap on Targeted Revenue and the Maximum Cap on Assessment Rate Increases, will likewise become operative.

If the Annual Rate Card Process becomes operative, any future proposed amendment to the rates of assessment for the Rate Card Fees that would exceed the Maximum Cap on Targeted Revenue or the Maximum Cap on Assessment Rate Increases would be addressed in the corresponding proposed rule change that would be filed with the Commission pursuant to the provisions of Section 19(b)(1) of the Exchange Act.

Proposed Rate Card Amendments

The proposed Rate Card Amendments are designed to promote the collection of reasonable fees and charges from MSRB regulated entities as are necessary or appropriate to defray the

[73] The Board will consider whether contribution targets should be revisited when setting rates each year. However, to maintain fairness and equity in fees, the Board intends contribution targets to be relatively stable over time, unless there is a durable, material shift in market structure or circumstances that would indicate that the expectations for the relative contributions from one or more fees are no longer reasonable or appropriate. *See* Exhibit 3(a), ''Chart 3—Historical Actual Revenue for the Rate Card Fees as a Percentage of the Total Rate Card Fee Revenue'' and also ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model.''

[74] These contribution targets were determined based on the distribution of revenue assessed over the past two fiscal years (Fiscal Year 2020 and Fiscal Year 2021), calculated to adjust for the impact of the temporary fee reduction on Market Activity Fees in place for the second half of Fiscal Year 2021 and calculated as if the current Municipal Advisor Professional Fee rate of $1,000 per covered professional had been in place in Fiscal Year 2020 (rather than the interim rate of $750 in place for that fiscal year), rounded to the nearest whole percent.

[75] More specifically, a Negative Rate Card Fee Variance will increase the rate of assessment for a Rate Card Fee by increasing its Final Contribution Amount. A Positive Rate Card Fee Variance will reduce the rate of assessment for a Rate Card Fee by reducing its Final Contribution Amount. *See* note 63 *supra* and related discussion regarding Rate Card Fee Variances.

[76] If the full amount of a Negative Rate Card Fee Variance cannot be recaptured in a single year due to these limitations, the remaining amount of such variance will carry over into the calculation of the Rate Card Funding Amount for the following fiscal year(s) and, all else being equal, increase the rate of assessment for such Rate Card Fee as described above. Conversely, there are no limits on potential decreases to the rates of assessment for the Rate Card Fees that may result from Positive Rate Card Fee Variances and, if warranted, Positive Reserves Variances.

[77] Note that the 10% revenue cap is based on targeted revenue dollars. The underlying market activity volume will likely vary based on projected market conditions for the respective fiscal year. For illustrative purposes only, if the target revenue for one of the Rate Card Fees in Year 1 is $13,000,000, the maximum target revenue in Year 2 would be $14,300,000. In addition, if target revenue decreased in Year 2 to $12,000,000—such as to return excess revenue collected in Year 1—then the cap for Year 3 would be calculated based on the higher revenue target in the year prior to the decrease (*i.e.,* the higher prior revenue level in Year 1, which is $13,000,000 in this example).

[78] For illustrative purposes only, if the Trade Count Fee is set at $1.10 in Year 1, the maximum rate in Year 2 would be $1.38 under the 25% maximum cap on assessment rate increases. In addition, if the assessment rate decreased in Year 2 to $1.05—such as to return excess revenue collected in Year 1—then the cap for Year 3 would be calculated based on the higher assessment rate in the year prior to the decrease (*i.e.,* the higher prior assessment rate in Year 1, which is $1.10 in this example).

[79] Because the rates of assessment for Rate Card Fees are based on both the targeted revenue for the Rate Card Fee and the underlying volume or activity level on which the fee is assessed, the rates themselves are subject to a potentially higher level of variability than the underlying targeted revenue intended to be generated by each fee. As the Annual Rate Card Process returns any Positive Rate Card Fee Variances in the subsequent year, outperforming volume in one year cannot be used to buffer under-performing volume in another year. The 10% maximum cap on targeted revenue is intended to be the primary limitation on revenue increases. The 25% maximum cap on assessment rate increases is intended to be a supplemental limitation that balances the potential impact of rate changes driven by underlying volume changes while retaining the MSRB's ability to assess and collect sufficient revenue to fund the organization's expenses. As an example, if the targeted revenue for the Municipal Advisor Professional Fee was $3,000,000 in Year 1 and the estimated number of covered professionals was 3,000, the Municipal Advisor Professional Fee in Year 1 would be $1,000 per covered professional. In Year 2, the targeted revenue for the Municipal Advisor Professional Fee would be no more than $3,300,000, a 10% increase. If the estimated number of covered professionals in Year 2 remained at 3,000, then the Municipal Advisor Professional Fee for Year 2 would be no more than $1,100 per covered professional, also a 10% increase. If instead, the estimated number of covered professionals in Year 2 dropped to 2,500, the Municipal Advisor Professional Fee for Year 2 would be limited to $1,250, a 25% increase. In this scenario, to the extent that the 25% maximum cap on the assessment rate increase results in less revenue collected from the Municipal Advisor Professional Fee in Year 2 than targeted, the amount of the Negative Rate Card Fee Variance for the Municipal Advisor Professional Fee would be incorporated into the Annual Rate Card Process in Year 3, again subject to the maximum caps on target revenue and assessment rate increase.

costs and expenses of operating and administering the Board.[80] The Board believes that the Annual Rate Card Process enables it to consider the necessary factors and to sufficiently deliberate on those factors in order to arrive at reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board. Accordingly, among the other reasons discussed herein, the Board believes that the proposed rule change achieves reasonable fees and charges consistent with the Act because the Rate Card Amendments adhered to the Annual Rate Card Process. Specifically, the Board (i) developed the Operational Funding Level for Fiscal Year 2023 based on existing pro forma estimates, (ii) incorporated other anticipated revenue into its funding analysis, and (iii) forecasted expected volume activity to appropriately set the rates of assessment for each of the Rate Card Fees, all as further described above.

Proposed Annual Rate Card. The Rate Card Amendments would establish the Municipal Advisor Professional Fee specified in Rule A–11 and the Market Activity Fees specified in Rule A–13 in accordance with the chart below.

	Basis	Current rate[81]	Proposed rate
Underwriting Fee	Per $1,000 Par Underwritten	$0.0275	$0.0297
Transaction Fee	Per $1,000 Par Transacted	0.0100	0.0107
Trade Count Fee	Per Trade	1.00	1.10
Municipal Advisor Professional Fee	Per Covered Professional	1,000	1,060

These revised rates would become effective on October 1, 2022 and are expected to apply to activities occurring through December 31, 2023. The Board anticipates amending the rates of assessment specified in this proposed Annual Rate Card with a subsequent rule filing with the Commission that would become effective as of January 1, 2024.[82]

Purpose and Description of the Technical Amendments

Consistent with the Board's Fee Review, the MSRB identified instances across Rule A–11, Rule A–12, and Rule A–13 where amendments would improve the clarity of application of these MSRB rules. Specifically, the MSRB determined that Rule A–11, Rule A–12, and Rule A–13 could benefit from: (i) the creation of defined terms for existing concepts that would help streamline the rule text and improve readability; (ii) the clarification of existing terms and concepts through the consolidation of previously published regulatory guidance into the proposed rule change and the direct incorporation of cross-referenced definitions from other MSRB rules into the proposed rule change; and (iii) the deletion of obsolete rule language to streamline the rule text and avoid the potential for regulatory confusion as to why such obsolete language continues to be incorporated into MSRB rules. Accordingly, the proposed rule change would also amend Rule A–11, Rule A–12, and Rule A–13 with certain technical, non-substantive amendments.

Technical Amendments to Rule A–11

The proposed Technical Amendments would amend Rule A–11 to (i) create a separately defined term for the concept of a ''covered professional;'' (ii) reformat the applicable subsections of Rule A–11 with the appropriate subsection designations and update the applicable cross-references in the rule text; and (iii) directly incorporate the definition for ''Prime Rate'' into the text of the rule. Importantly, the proposed definition for the new term ''covered professional'' is intended to be non-substantive and to match the existing rule text and understanding of the descriptive phrase in Rule A–11 regarding a ''person associated with the municipal advisor who is qualified as a municipal advisor representative in accordance with Rule G–3 and for whom the municipal advisor has on file with the Commission a Form MA–I as of January 31 of each year.'' The proposed amendment would also incorporate the concept of an ''active'' Form MA–I to make expressly clear the existing application of Rule A–11 that, if a firm has filed an amendment to indicate that an individual is no longer an associated person of the municipal advisory firm or no longer engages in municipal advisory activities on its behalf, then that individual's Form MA–I would not be deemed as active for purposes of the Municipal Advisor Professional Fee and would not be counted in the January 31st calculation regarding the assessment of the Municipal Advisor Professional Fee. In this way, the proposed amendments are intended to define the same category of associated persons as the existing text of the rule and, all else being equal, would not capture any greater or fewer individuals in its scope. Consequently, the proposed defined term for a covered professional would not change the MSRB's current method for calculating and applying the amount of the Municipal Advisor Professional Fee under Rule A–11. The proposed amendment is merely intended to provide greater regulatory clarity for the application of Rule A–11. Therefore, the MSRB believes it is a technical, clarifying amendment to the rule text that would improve its readability and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations.

Consistent with separately defining the term ''covered professional,'' the proposed rule change would also reformat the applicable subsections of Rule A–11 with the appropriate subsection designations and update the applicable cross-references in the rule text. These related amendments are merely intended to provide internal consistency to Rule A–11 in light of the other amendments and, therefore, the MSRB believes they are technical, non-substantive amendments.

Lastly, the proposed Technical Amendments to Rule A–11 would strike the current reference to the MSRB Registration Manual from current subsection (b) and directly incorporate the definition for ''Prime Rate'' in Supplementary Material .02. The new definition provided in Supplementary Material .02 would match the existing definition provided in the MSRB Registration Manual, stating that ''. . . the Prime Rate is the annual rate of the commercial prime rate of interest as last published in The Wall Street Journal

[80] *See* Section 15B(b)(2)(J) of the Act (15 U.S.C. 78*o*–4(b)(2)(J)).

[81] The Rate Card Fees listed do not indicate the current temporary fee reductions for the Market Activity Fees that expire on September 30, 2022. *See* Rule A–13(h) and the 2021 Temporary Fee Reduction (citation and description at note 12 *supra*).

[82] The Rate Card Amendments are intended to revise the rates of assessment for the Market Activity Fees prior to the expiration of the 2021 Temporary Fee Reduction on October 1, 2022.

prior to the date such charge is computed.'' Given that this proposed definition is the same as the one currently provided in the MSRB Registration Manual, the MSRB believes this amendment is a technical, clarifying amendment to the rule text that would improve regulatory understanding of Rule A–11 and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations. Moreover, the MSRB believes that moving this language directly into Rule A–11 consolidates the operative regulatory text and, thereby, is likely to lead to less regulatory confusion for regulated entities, who would no longer have to separately reference Rule A–11 and the MSRB Registration Manual.

Technical Amendments to Rule A–12

The proposed Technical Amendments would amend Rule A–12 to (i) eliminate its existing reference to Rule A–13 regarding the imposition of late fees under Rule A–13; (ii) delete the now obsolete language in Supplementary Material .01 regarding the temporary suspension of late fees from March 1, 2020 to July 1, 2020; and (iii) directly incorporate the definition for ''Prime Rate'' into the text of the rule. In terms of deleting the reference to the imposition of late fees owed pursuant to Rule A–13, the MSRB believes that regulatory clarity would be improved if this fee concept was deleted from Rule A–12 and incorporated directly into Rule A–13. The proposed amendment to Rule A–13 that would incorporate this concept in an amendment to that rule text and, thereby, retain this fee concept in the MSRB's fee structure is discussed in the following section. Notably, the deletion of this fee concept in Rule A–12 and its incorporation in Rule A–13 would not change the MSRB's current method for calculating and applying the amount of such late fees; and, therefore, the MSRB believes it is a technical, clarifying amendment to the rule text that improves its readability and does not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations.

In terms of deleting the language in Supplementary Material .01 of Rule A–12, the language is no longer operative at this time and, therefore, the MSRB believes that deleting it from the rule text would improve the clarity of the application of Rule A–12. Specifically, the deletion of the text of Supplementary Material .01 from Rule A–12 would help streamline the rule text and reduce the potential for regulatory confusion as to why it continues to be included in the text of the rule.

In addition, the proposed Technical Amendments to Rule A–12 would strike the reference to the MSRB Registration Manual from subsection (d) and directly incorporate the definition for ''Prime Rate'' in Supplementary Material .01. The new definition provided in Supplementary Material .01 would match the existing definition provided for in the MSRB Registration Manual, stating that ''. . . the Prime Rate is the annual rate of the commercial prime rate of interest as last published in The Wall Street Journal prior to the date such charge is computed.'' Given that this proposed definition is the same as the one currently provided in the MSRB Registration Manual, the MSRB believes this amendment is a technical, clarifying amendment to the rule text that would improve regulatory understanding of Rule A–12 and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations. Moreover, the MSRB believes that moving this language directly into Rule A–12 consolidates the operative regulatory text and, thereby, is likely to lead to less regulatory confusion for regulated entities, who would no longer have to separately reference Rule A–12 and the MSRB Registration Manual.

Technical Amendments to Rule A–13

The proposed Technical Amendments would amend Rule A–13 to: (i) reformat and clarify the definition of ''primary offering'' consistent with the historical understanding and current application of Rule A–13; (ii) further clarify that certain transactions in municipal securities must meet the definition of a ''variable rate demand obligation'' or ''VRDO'' under Rule G–34, on CUSIP numbers, new issue, and market information requirements, in order to be exempt from Transaction Fees pursuant to Rule A–13(d)(iii)(c)'s subsection identifying ''Transactions Not Subject to Transaction Fee;'' [83] (iii) uniformly revise Rule A–13's references to the term ''technology fee'' to ''trade count fee;'' (iv) incorporate the existing concept regarding the imposition of late fees into the rule text (which concept currently exists in Rule A–12, but is being deleted from Rule A–12 as part of the proposed amendments, as discussed above); (v) delete the language that would become obsolete on September 30, 2022 regarding the temporary fee reduction of the Market Activity Fees for activities occurring between April 1, 2021 through September 30, 2022; (vi) delete the now obsolete language in Supplementary .01 regarding the waiving of certain assessments for transactions with the Municipal Liquidity Facility established by the Federal Reserve Board of Governors; (vii) directly incorporate the definition for ''Prime Rate'' into the text of the rule; and (viii) correct an inaccurate cross-reference in the definition of ''commercial paper''.

The proposed Technical Amendments regarding the definition of primary offering for purposes of Rule A–13 would reformat the existing definition to the first subsection of the rule, as well as incorporate clarifying revisions expressly codifying the existing application of Rule A–13 to private placements.[84] Specifically, the proposed amendment would incorporate text expressly stating that, consistent with the definition for the same term found in Rule 15c2–12(f)(7) under the Act,[85] certain circumstances where a dealer acts as an agent for an issuer to arrange the placement of a new issue of municipal securities would be included in the definitional scope of a ''primary offering'' under Rule A–13. Accordingly, the MSRB believes that these amendments are technical, clarifying modifications to the rule text that (i) would improve the readability of Rule A–13 and facilitate greater regulatory clarity regarding the current application of the Underwriting Fee and (ii) would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations.

In addition, the proposed Technical Amendments to Rule A–13 would clarify that only transactions in municipal securities that meet the definition of a ''variable rate demand

[83] This language is currently found in subsection (d)(iii)(c) of Rule A–13 and the proposed rule change would not amend its location.

[84] Since the inception of the Underwriting Fee, the application of Rule A–13 has encompassed those primary offerings where a municipal securities dealer acts agent for the issuer arranging the direct placement of new issue municipal securities with institutional customers or individuals. *See* ''Underwriting assessment: application to private placements'' (Feb. 22, 1982), available at *https://msrb.org/Rules-and-Interpretations/MSRB-Rules/Administrative/Rule-A-13?tab=2*. Given this amendment to Rule A–13, the February 22, 1982 guidance will be removed from the MSRB rule book as of the operative date of the Technical Amendments and will be archived by relocating it to a dedicated MSRB Archived Interpretive Guidance page at: *www.msrb.org/Rules-andInterpretations/Archived-Guidance-Rule-Book-Review.aspx*. The guidance will be clearly labeled with its date of archival and can be accessed for its historical value.

[85] 17 CFR 240.15c2–12(f)(7) (stating that the term ''primary offering'' means ''an offering of municipal securities directly or indirectly by or on behalf of an issuer of such securities'').

obligation'' under Rule G–34 are exempt from Transaction Fees pursuant to Rule A–13's language regarding ''Transactions Not Subject to Transaction Fee.'' Specifically, the current definitional language in that subsection of Rule A–13 does not precisely match the corresponding definition in Rule G–34.[86] Yet, the MSRB's internal billing process currently relies on reports made pursuant to Rule G–34's Short-term Obligation Rate Transparency System and, thereby, Rule G–34's variable rate demand obligation definition, to identify such transactions that should not be billed under Rule A–13. To avoid the possibility of any potential unintended consequences resulting from the differences between the definition currently stated in Rule A–13 versus the variable rate demand obligation definition in Rule G–34 that is currently utilized for purposes of the MSRB's internal billing logic, the proposed rule change would amend Rule A–13 to expressly cross-reference Rule G–34(e)(viii) and expressly restate the variable rate demand obligation definition directly in the text of Rule A–13. The MSRB believes that the proposed amendments to expressly incorporate Rule G–34's variable rate demand obligation definition into Rule A–13 will improve regulatory clarity for regulated entities regarding the MSRB's billing process and which transactions are exempt from certain fees. In this way, the proposed definition is intended to define the same category of activity and instruments as the existing text of the rule and, all else being equal, would not capture any greater or fewer transactions than the current application of the Rule A–13.

As previously mentioned above, the proposed Technical Amendments would uniformly revise Rule A–13's references to the term ''technology fee'' to the term ''trade count fee.'' The MSRB believes that this non-substantive change is warranted because the use of the phrase ''technology fee'' is outdated. The MSRB believes ''trade count'' fee is a better descriptor because the revenue generated from this fee is not strictly used for technology expenses but is aggregated with the other fee revenue the MSRB collects and utilized for the most appropriate organizational uses.[87] Accordingly, the MSRB believes that the term ''trade count fee'' is a more accurate descriptor and, thereby, less likely to lead to regulatory confusion about this fee.

Consistent with Technical Amendments to Rule A–11 and Rule A–12, the proposed Technical Amendments to Rule A–13 would also copy language into new Rule A–13(g) incorporating the existing concept currently articulated in current Rule A–12(d) regarding the imposition of late fees on the fees assessed pursuant to Rule A–13. As noted above, currently, the operative rule text for this late fee concept is provided for in Rule A–12(d), and the proposed rule change would delete this language from Rule A–12(d) specific to Rule A–13's fees. Importantly, the incorporation of this language directly into new Rule A–13(g) would not change the MSRB's current method for calculating and applying the amount of such late fees; and, therefore, the MSRB believes it is a technical, clarifying amendment to the rule text that improves the readability of both Rule A–12 and also Rule A–13 and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations. The MSRB believes that moving this language into Rule A–13 consolidates the operative regulatory text and, thereby, is likely to lead to less regulatory confusion for regulated entities, who would no longer have to separately reference Rule A–12 to identify that such late fees were applicable to the fees assessed pursuant to Rule A–13.

Relatedly, and similar to the proposed amendments to Rule A–11 and Rule A–12 on the same topic of late fees, the proposed Technical Amendments to Rule A–13 would also directly incorporate the definition for ''Prime Rate'' in new Supplementary Material .02. This definition provided in Supplementary Material .02 would match the current definition provided in the MSRB Registration Manual, stating that ''. . . the Prime Rate is the annual rate of the commercial prime rate of interest as last published in The Wall Street Journal prior to the date such charge is computed.'' Given that this proposed definition is the same as the one currently provided for in the MSRB Registration Manual, the MSRB believes this amendment is a technical, clarifying amendment to the rule text that would improve regulatory understanding of Rule A–13 and would not modify any existing regulatory burdens or obligations, nor create any new regulatory burdens or obligations.

In addition, the proposed Technical Amendments to Rule A–13 would delete the language that would become obsolete on September 30, 2022, regarding the temporary fee reduction of the Market Activity Fees for those activities occurring between April 1, 2021 through September 30, 2022. Given the MSRB's proposed effective date for this proposed rule change, the MSRB believes that this deletion would improve regulatory clarity for regulated entities because this language would no longer be operative as of October 1, 2022, and, therefore, its continued inclusion in the rule text may cause regulatory confusion. Similarly, the proposed Technical Amendments would delete the now obsolete language in Supplementary .01 of Rule A–13 regarding the waiving of certain assessments for transactions with the Municipal Liquidity Facility (the ''MLF'') established by the Federal Reserve Board of Governors. Given that the MLF and the language used to reference it here is no longer operative, the MSRB believes that this deletion would improve regulatory clarity for regulated entities.

Lastly, consistent with all the other proposed Technical Amendments to Rule A–13, the proposed rule change would also reformat the applicable subsections of Rule A–13 with the appropriate subsection designation and update the applicable cross-references in the rule text, including correcting the inaccurate cross reference in the definition of ''commercial paper'' from G–32(d) to G–32(c). These related amendments are merely intended to provide internal consistency to Rule A–13 in light of the other amendments and, therefore, the MSRB believes they are technical, non-substantive amendments.

2. *Statutory Basis*

Statutory Basis for the Rate Card Amendments

The MSRB believes that the proposed Rate Card Amendments are consistent with Section 15B(b)(2)(J) of the Act,[88] which states that the MSRB's rules shall provide that each municipal securities broker, municipal securities dealer, and municipal advisor shall pay to the Board such reasonable fees and charges

[86] *See* Rule G–34(e)(viii) (''The term 'variable rate demand obligation' shall mean securities in which the interest rate resets on a periodic basis with a frequency of up to and including every nine months, where an investor has the option to put the issue back to the trustee, tender agent or other agent of the issuer or obligated person at any time, typically within a notification period, and a broker, dealer or municipal securities dealer acts as a remarketing agent responsible for reselling to new investors securities that have been tendered for purchase by a holder.'')

[87] *See* Exchange Act Release No. 75751 (Aug. 24, 2015), 80 FR 52352 (Aug. 28, 2015) File No. SR–MSRB–2015–08, at 52355 (discussing the fact that the revenue from the technology fee will no longer be designated exclusively for capitalized hardware and software expense).

[88] 15 U.S.C. 78*o*–4(b)(2)(J).

as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board.[89] Such rules must specify the amount of such fees and charges, which may include charges for failure to submit to the Board, or to any information system operated by the Board, within the prescribed timeframes, any items of information or documents required to be submitted under any rule issued by the Board.[90]

The MSRB believes that the Rate Card Amendments provide for reasonable fees and charges to be paid by regulated entities. Moreover, the MSRB believes that the Rate Card Amendments are necessary and appropriate to fund the operation and administration of the Board and, thereby, satisfy the requirements of Section 15B(b)(2)(J)[91] through the achievement of a reasonable fee structure that ensures (i) an equitable balance of necessary and appropriate fees among regulated entities and (ii) a fair allocation of the burden of defraying the costs and expenses of the MSRB.[92] Specifically, the Board believes that the Rate Card Amendments will achieve reasonable fees on regulated entities[93] that (i) are necessary and appropriate to sustain the operation and administration of the Board by defraying the MSRB's anticipated Fiscal Year 2023 operating and administrative expenses;[94] (ii) reasonably and appropriately allocate fees among firms by equitably distributing fees in accordance with each individual firm's overall market activities;[95] and (iii) reasonably and appropriately adjust for the annual fluctuations in the volume of market activity as compared to budget expectation by incorporating the actual amounts of Market Activity Fees collected as compared to budget into this and future rate-setting processes.[96] As a result, the MSRB believes that the proposed rule change satisfies the applicable requirements of Section 15B(b)(2)(J) of the Act,[97] and the Board has developed a reasonable and appropriate fee mechanism that will sufficiently fund future expenses and better manage reserves at appropriate levels.[98]

Statutory Basis for the Technical Amendments

The MSRB believes that the proposed Technical Amendments are consistent with Section 15B(b)(2)(C) of the Act,[99] which states that the MSRB's rules shall be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.[100]

The MSRB believes that the Technical Amendments would promote just and equitable principles of trade by ensuring that existing rule provisions are accurate and understandable by: (i) creating newly defined terms for existing concepts that will help streamline the rule text and improve its readability; (ii) clarifying the application of existing terms and concepts through the consolidation of previously published regulatory guidance into the proposed rule change and the direct incorporation of cross-referenced definitions from other MSRB rules into the proposed rule change; and (iii) deleting obsolete rule language to streamline the rule text and avoid the potential for regulatory confusion as to why such language continues to be incorporated into MSRB rules. While the Technical Amendments would affect rules applicable to MSRB regulated entities, the amendments are meant to clarify Rule A–11, Rule A–12, and Rule A–13, respectively, and would not (i) modify any existing regulatory burdens or obligations, (ii) create any new regulatory burdens or obligations, or (iii) affect the registration status of any persons under MSRB rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Exchange Act requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[101] The MSRB has considered the economic impact of the proposed rule change, including a comparison to reasonable alternative regulatory approaches.[102]

The Annual Rate Card Process proposed by the Rate Card Amendments is intended to introduce a new fee structure that would (i) better mitigate the impact of market volatility on the MSRB's revenue structure (and, consequently, also better mitigate the impact of market volatility on the MSRB's organizational reserves), and (ii) maintain rates within a reasonably predictable range that, while subject to more incremental changes each year, would be comparably more stable over the long term than the MSRB's current fee structure.[103] Furthermore, the Annual Rate Card process applies equally to all those MSRB regulated entities who may pay dealer Market Activity Fees and/or the Municipal Advisor Professional Fees. Accordingly, the MSRB believes that the proposed Annual Rate Card Process would not have an impact on competition and,

[89] *Id.*

[90] *Id.*

[91] *Id.*

[92] *See, e.g.,* Exhibit 3(a), ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees).''

[93] In addition to the following citations within this sentence in support of the reasonability of the Rate Card Amendments, *see also* related discussion *supra* under ''Board Review of the Current Fee Structure—Maintaining a Fair and Equitable Balance of Fees,—Mitigating the Impact of Market Volatility, and—Funding the MSRB's Anticipated Near-Term Operating Expenses'' and ''Proposed Rate Card Amendments.'' *See also* related discussion *infra* under ''Self-Regulatory Organization's Statement on Burden on Competition.''

[94] *See* Exhibit 3(a), ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses'' and ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses.''

[95] *See* related discussion *supra* under section entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility.'' *See also* Exhibit 3(a), ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees)'' (reflecting that the distribution of registrants by range of total fees assessed under the current fee structure are currently anticipated to be relatively stable if the proposed Rate Card Amendments are implemented).

[96] *See* related discussion *supra* under section entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility.'' *See also* Exhibit 3(a), ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.''

[97] 15 U.S.C. 78*o*–4(b)(2)(J).

[98] *See also* related discussion *supra* under ''Board Review of the Current Fee Structure—Maintaining a Fair and Equitable Balance of Fees,—Mitigating the Impact of Market Volatility, and—Funding the MSRB's Anticipated Near-Term Operating Expenses'' and ''Proposed Rate Card Amendments.'' *See also* related discussion *infra* under ''Self-Regulatory Organization's Statement on Burden on Competition.''

[99] 15 U.S.C. 78*o*–4(b)(2)(C).

[100] *Id.*

[101] *Id.*

[102] *Id.*

[103] *See* related discussion *supra* under ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility'' and ''Proposed Annual Rate Card Approach—Limitations on Rate Changes to Promote Predictability and Stability'' (discussing various limitations on future increases of the Rate Card Fees). *See also* Exhibit 3(a), ''Chart 5—Historical Effective Fee Rate Changes.''

consequently, would not impose any burden on competition, relieve a burden on competition, nor promote competition. The MSRB therefore believes the Annual Rate Card Process would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The increase in the rates of assessment for the Rate Card Fees proposed by the Rate Card Amendments (*i.e.,* the Underwriting Fee, Transaction Fee, Trade Count Fee, and Municipal Advisor Professional Fee) are necessary and appropriate to cover the currently anticipated operating deficit for Fiscal Year 2023, which would have occurred even with the current fee structure, to ensure prudent funding for the operation and administration of the Board. Moreover, the Board's Rate Card Amendments apply equally to each MSRB regulated entity who may pay the Rate Card Fees and, thereby, equitably and non-discriminatorily distribute the fee burden across all MSRB regulated entities who participate in the municipal securities market. In this way, no firm would be unduly burdened as compared to another firm. In particular, smaller municipal advisory firms would continue to pay less Municipal Advisor Professional Fees than larger municipal advisory firms, and, therefore, the Rate Card Fees proposed by the Rate Card Amendments are not unduly burdensome, comparatively, between small municipal advisory firms and large municipal advisory firms. Because the Rate Card Fees proposed by the Rate Card Amendments would equitably and non-discriminately distribute the fee burden across all MSRB regulated entities, the MSRB believes that the Rate Card Fees proposed by the Rate Card Amendments would not have an impact on competition and, consequently, would not impose any burden on competition, relieve a burden on competition, nor promote competition. Accordingly, the MSRB believes the Rate Card Fees proposed by the Rate Card Amendments would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

The Board determined it was necessary and appropriate to conduct a comprehensive review of the MSRB's overall fee structure to devise a methodology that reasonably and appropriately defrays the costs and expenses associated with operating and administering the Board, with a goal of arriving at a longer-term solution for MSRB's revenue generation process that continues to ensure a sustainable financial position. The current fee structure has a semipermanent fixed rate of assessment for each of the above categories. Under the proposed Annual Rate Card Process, categories of fees assessed for regulated entities would remain the same. However, the Board proposes using an annual rate-setting method to recalculate fee rates every year for each category based on factors described herein.[104]

With the proposed Annual Rate Card Process, the Board is adopting a programmatic methodology for assessing the fees in each category. While the current categories of fees divided amongst regulated entities would not change (*i.e.,* the Underwriting Fee, Transaction Fee, Trade Count Fee, and Municipal Advisor Professional Fee) in the proposed Annual Rate Card Process, the proportional share of each category would vary less over the long term than under the current fee structure and would be consistent with the average shares paid by each category of fees in recent fiscal years.[105] The proposed Annual Rate Card Process allows the Board to review a change in budgeted expenses compared to the prior year and compare it to the projected market activities for each category of fees in the upcoming year. Any over/under assessment in the prior year within each class of fee payer would be factored into any change in the fee rate for the subsequent year. Fee rates would be established prior to or in the fourth quarter of each calendar year to be effective on the following January 1 and would last until December 31. However, for Fiscal Year 2023, the first year of adoption, the effective date would start from October 1, 2022 and end on December 31, 2023 for a fifteen-month period. Following the inaugural fifteen-month Annual Rate Card proposed by the Rate Card Amendments, in subsequent years, the fee rates for each category would be adjusted on a calendar year basis starting in January to compensate for any over/under assessment in the prior fiscal year, in addition to accommodating any change in other considerations (*e.g.,* change in annual expenses, change in projected market volume, prior year revenue variances as compared to budget, change in reserve target and certain limitations on fee increases).

For Fiscal Year 2023, the Board is also projecting a revenue/expense imbalance (*i.e.,* an operating deficit) without a change in the current fee structure.[106] In the past, excess organizational reserves buffered budget deficits (though the budgeted deficits were typically not realized due to excess revenue collected versus budget or expense savings, unless intended deficits due to rebates or temporary fee reductions); however, now that the excess reserves are being eliminated because of the Fiscal Year 2021 Temporary Fee Reduction, any deficit would require a fee increase in Fiscal Year 2023 to cover the gap and maintain a balance between revenues and expenses, regardless of the fee structure used. Therefore, the proposed rule change also includes a rate increase for the Underwriting Fee, Transaction Fee, Trade Count Fee, and Municipal Advisor Professional Fee for the Annual Rate Card proposed by the Rate Card Amendments. It should be noted that the Board last raised the rate for the Transaction Fee and technology fee in Fiscal Year 2011 when the technology fee was first imposed, and last raised the rate for the Underwriting Fee more than 20 years ago.[107]

Necessity of the Rate Card Amendments

The Board believes Rate Card Amendments are necessary and appropriate to:

(i) maintain a fair and equitable balance of reasonable fees and charges among regulated entities; [108]

(ii) better mitigate fee assessment volatility based on Market Activity

[104] The SEC and FINRA use this approach for some fees. *See* SEC Section 31 rate fees: *https://www.sec.gov/divisions/marketreg/sec31feesbasicinfo.htm; see also* FINRA Trading Activity Fee (TAF) *https://www.finra.org/rules-guidance/guidance/trading-activity-fee.*

[105] *See* Exhibit 3(a), ''Chart 3—Historical Actual Revenue for the Rate Card Fees as a Percentage of the Total Rate Card Fee Revenue,'' ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual,'' ''Chart 5—Historical Effective Fee Rate Changes,'' and ''Chart 14—Distribution of Registrants by Range of Total Fees Assessed Under Current Fee Structure Compared to Projected Distribution Under the Rate Card Model (Exclusive of Late Fees and Examination Fees)'' (reflecting that the distribution of registrants by range of total fees assessed under the current fee structure are currently anticipated to be relatively stable if the proposed Rate Card Amendments are implemented). As to how the proportion was devised, in addition to the costs of regulatory activities, the cost of servicing each category of fees is also a consideration, as it costs the MSRB significantly more to collect and disseminate trading data for transparency purposes than municipal advisory firm professional data. It should be noted that all regulated entities benefit from this publicly available transparency information.

[106] *See* Exhibit 3(a), ''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses.''

[107] The Municipal advisory firm professional fee was raised three times since inception in Fiscal Year 2014 (Fiscal Year 2018, Fiscal Year 2020, and Fiscal Year 2021).

[108] *See* discussion *supra* under ''Statutory Basis for the Rate Card Amendments'' near notes 87 and 88.

Fees,[109] which has contributed to the growth of the MSRB's excess reserves; [110] and

(iii) ensure a prudent long-term approach to organizational funding that addresses projected structural operating deficits under the current fee structure in near-term fiscal years.[111]

Because market events, when combined with the current fee structure, partially contributed to the excess reserves in recent years, the Board believes it is reasonable and appropriate to adopt a new approach to reduce the variability over time in fee assessments and mitigate the impact of market volatility over time by adjusting for budget surpluses or shortfalls annually, therefore providing a better mechanism for effectively managing fee rates and reserve levels.[112] In the recent past, higher-than-expected new issue and secondary market volumes caused fees assessed from dealers to exceed budgets and, combined with lower-than-expected expenses, led to increases in reserves that necessitated rebates or temporary fee reductions to manage reserve levels. To reduce excess reserves, the Board instituted ad hoc rebates in Fiscal Year 2014 and Fiscal Year 2016 and temporary fee reductions via filings with the Commission for Fiscal Year 2019 and for Fiscal Year 2021 and Fiscal Year 2022 to reduce the excess reserves.[113] As a result, there has been volatility in fee collections (since these are market-based fees) and MSRB's reserve levels in recent years.[114] The same dynamics could also exist if actual new issue and secondary market activities fail to meet projected volumes, resulting in a revenue shortfall, which would prompt new filings to increase rate assessments to close the gap.

Without devising a new fee approach, it is likely the MSRB would again be forced to deal with large reserve excesses or shortfalls on an ad hoc basis in the future, which would not be a sustainable path going forward.[115] Specifically, the proposed Annual Rate Card Process would (i) better mitigate the impact of market volatility on the MSRB's revenue structure (and, consequently, also better mitigate the impact of market volatility on the MSRB's organizational reserves), and (ii) maintain rates within a reasonably predictable range that, while subject to more incremental changes each year, would be comparably more stable over the long term than the MSRB's current fee structure.[116] In this way, the Annual Rate Process is intended to establish a fee framework that is more transparent and predictable for the MSRB's stakeholders that would mitigate market volatility over time, while also retaining the Board's ability to flexibly react to changing circumstances year-to-year when establishing reasonable fees on regulated entities.[117]

Baseline and Reasonable Alternative Approaches

The current fee assessment structure is used as a baseline to evaluate the benefits, the costs, and the burden on competition of the proposed Annual Rate Card Process. Furthermore, the proposed rate increase for Market Activity Fees and Municipal Advisor Professional Fee for the Fiscal Year 2023 Annual Rate Card would have occurred regardless of which fee structure is adopted since excess reserves are being eliminated through the 2021 Temporary Fee Reduction and the need to cure the Fiscal Year 2023 structural budget deficit; therefore, the Board's assessment in this section focuses on the comparison of the two fee structures setting aside the increases to the rates of assessment for the Rate Card Fees proposed by the Rate Card Amendments for Fiscal Year 2023 extending to December 2023.

In addition to the proposed new fee rate setting approach, the MSRB also considered a few other fee assessment options but ultimately decided that the proposed Rate Card Fee structure is the best approach to ensure a stable revenue stream for the MSRB while reducing the volatility from Market Activity Fees assessed and the need for ad hoc fee filings with the Commission, without instituting a fundamental change in how the MSRB assesses fees that may disrupt regulated entities' financial expectations and operations.

For example, one alternative the MSRB reviewed was to include other sources of revenue in the Annual Rate Card Process. The MSRB evaluated whether to include in the variable rate card pool approach the municipal funds underwriting fees, annual fees, and initial fees. However, the MSRB ultimately decided not to include those fees for a variety of reasons, including the fact that each of those fees constitutes a much smaller proportion than the four categories in the proposed Annual Rate Card Process.[118]

Additionally, the Board also considered a different way to apportion fees within each class of fee payer but decided that the proposed Annual Rate Card Process is the best way to achieve proportionate revenue based on the MSRB's available information, *i.e.,* underwriters pay based on their volume underwritten, trading firms pay based on their trading activities (in par value and trade count), and municipal advisory firms pay based on the headcount of a firm.

A fee assessment method based on a percentage of each municipal advisory firm's revenue, for example, would not be feasible at this time as it could require establishing a significantly more burdensome recordkeeping and reporting requirement. The MSRB does

[109] *See* related discussions *supra* under sections entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility'' and ''Proposed Annual Rate Card Approach—Limitations on Rate Changes to Promote Predictability and Stability.'' *See also* Exhibit 3(a), ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual,'' and ''Chart 5—Historical Effective Fee Rate Changes.''

[110] *Id.*

[111] *See,* Exhibit 3(a), ''Chart 8—Historical Actual Expenses'' (showing a ten-year historical compound annual growth rate of 4.2%),''Chart 10—Historical and Projected Revenue without Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 11—Historical and Projected Revenue with Rate Card Model Compared to Historical and Pro Forma Expenses,'' ''Chart 12—Total Reserves vs. Target: Historical and Projected without Rate Card Model,'' and ''Chart 13—Total Reserves vs. Target: Historical and Projected with Rate Card Model.''

[112] *See* related discussion *supra* under section entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility.'' *See* also Exhibit 3(a), ''Chart 1—Historical Revenue Variances: Budget vs. Actual,'' ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.''

[113] The 2021 Temporary Fee Reduction is the MSRB's largest temporary fee reduction, which was initiated during Fiscal Year 2021 and is expected to last until September 30, 2022. Link to the 2021 Temporary Fee Reduction and related citations *supra* at note 12. The MSRB also filed for a separate temporary fee reduction during Fiscal Year 2019. *See* Exchange Act Release No. 85400 (Mar. 22, 2019), 84 FR 11841 (Mar. 28, 2019) File No. SR–MSRB–2019–06.

[114] *See* Stakeholder Comments to the MSRB's Strategic Priorities (link at note 34 *supra*). Specifically, one commenter asked the MSRB to better address the volatility in revenues and the corresponding excess in MSRB organizational reserves. *See, e.g.,* BDA Comment Letter, at p. 3–4 (link and citation at note 51).

[115] *See* related discussion *supra* under section entitled ''Board Review of the Current Fee Structure—Mitigating the Impact of Market Volatility.'' *See* also Exhibit 3(a), ''Chart 1—Historical Revenue Variances: Budget vs. Actual,'' ''Chart 2—Historical Budget vs. Actual Revenue for the Rate Card Fees,'' and ''Chart 4—Rate Card Fees: Historical Activity Volume Variance Budget to Actual.''

[116] *See* related discussion *supra* under ''Proposed Annual Rate Card Approach—Limitations on Rate Changes to Promote Predictability and Stability'' (discussing various limitations on future increases of the Rate Card Fees). *See also* Exhibit 3(a), ''Chart 5—Historical Effective Fee Rate Changes.''

[117] *See* related discussion *supra* under ''Proposed Annual Rate Card Approach.''

[118] *See* notes 14, 15, 18, and 22 *supra* and related discussion for explanations of why the Board to determined not to include certain fees in the Rate Card Fees and the Annual Rate Card Process.

not currently require municipal advisory firms to report such information under existing rules; and, more importantly, many municipal advisory firms would likely have business activities not solely related to municipal advisory services. In addition, it would increase the burden on municipal advisory firms as municipal advisory firms would have the responsibility to collect the relevant information to be used for MSRB's fee assessment and also would then be required to report it. The MSRB believes at this time that the costs and burdens associated with collecting and reporting such information are not justified, and the Municipal Advisor Annual Professional Fee for each person associated with the firm who is qualified is a reasonable proxy for the size of relevant business activities conducted by each municipal advisory firm.

Benefits, Costs, and Burden on Competition

The proposed amendments to MSRB rules would result in a new fee approach intended to align revenues and expenses more closely and to reduce the year-to-year volatility in the amount of fees assessed (and, as a result, reduce the likelihood of accumulating excess reserves) by targeting each fee category to a pre-determined proportion of the total revenue based on respective projected volumes.[119] The proposed Annual Rate Card Process would result in more frequent (annual), but smaller downward and upward, adjustments to keep revenues more closely aligned with budgeted expenses.

The proposed Annual Rate Card Process addresses the following goals and issues the Board identified before initiating the Fee Review and would therefore achieve the intended benefits:

- Continue to maintain a fair and equitable balance of fees among all regulated entities, as the MSRB's new fee approach proposal does not change the division of fees amongst regulated entities;
- Design a durable fee structure for MSRB's long-term needs;
- Ensure that excess reserves would not likely be built up at a high level again by reviewing the actual reserves compared to the targeted reserves annually and incorporating any needed adjustments directly into the Annual Rate Card Process;
- Mitigate the need for an ad hoc ''rebate'' process, as any excess revenue would be used to reduce future years' fees; and
- Lower year-to-year variability in fee assessments, which would smooth out regulated entities' budget outlays.

For the Annual Rate Card proposed by the Rate Card Amendments, the proposed rate increases for Market Activity Fees,[120] which would be applicable to all dealers who conduct municipal market business, and for Municipal Advisor Professional Fee, which would be applicable to all municipal advisory firms, are intended to pay for the expenses of operating and administering the Board, including execution of the MSRB's Strategic Plan for ongoing technology and data investments, and would occur regardless of which fee structure the MSRB would adopt. Aside from the proposed rate increases for this Annual Rate Card, the Board does not believe the proposed Annual Rate Card Process would create any additional costs for regulated entities when compared to the current fee structure, as the aggregate fees assessed using the proposed Annual Rate Card Process over the course of multiple years would be equivalent to the aggregate fees assessed using the current fee structure, except with less year-to-year fluctuation since over or under revenue assessments related to market volatility would be operationalized through the Rate Card Process.

The proposed Annual Rate Card Process would introduce a new fee structure to reduce year-to-year fluctuation in the amount of market-based fees paid by each regulated entity over time. The MSRB believes that the proposed Annual Rate Card Process would not have an impact on competition and, consequently, would not impose any burden on competition, relieve a burden on competition, nor promote competition. The MSRB believes the proposed rate increase for the Fiscal Year 2023 Annual Rate Card (extending to December 2023) is necessary and appropriate to ensure prudent funding for the Board and that such fee increases are reasonably and fairly designed to be proportionately distributed across regulated entities in such a way that would not harm competition among regulated entities, nor otherwise harm the functioning of the municipal securities market. As a result, the Board does not believe that the proposed rate increase would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as it would be applicable to all regulated entities. The Board also believes that no firm would be unduly burdened as compared to another firm in terms of the proposed rate increase. Dealers with different levels of underwriting and trading activities as well as municipal advisory firms with a range of headcounts would all be impacted proportionately by the proposed Annual Rate Card Process, including the proposed increases for the rates of assessment for the Fiscal Year 2023 Annual Rate Card.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Board did not solicit comment on the proposed rule change. Therefore, there are no comments on the proposed rule change received from members, participants, or others.[121]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change related to the Rate Card Amendments has become effective pursuant to Section 19(b)(3)(A) of the Act [122] and paragraph (f) of Rule 19b–4 [123] thereunder. Because the foregoing proposed rule change related to the Technical Amendments does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [124] and Rule 19b–4(f)(6) [125] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

[119] *See, e.g.,* related discussion *supra* under ''Proposed Annual Rate Card Approach—Objectives of the Annual Rate Card'' and ''Proposed Annual Rate Card Approach—Process for Setting the Annual Rate Card.''

[120] These increases would be the first rate increases to any of the three Market Activity Fees since Fiscal Year 2011. As mentioned above, the Transaction Fee was last raised in Fiscal Year 2011 and the Trade Count Fee was initiated in Fiscal Year 2011 as the technology fee. The Underwriting Fee was not changed in Fiscal Year 2011 but was last changed in Fiscal Year 2016, when it was reduced. In addition, the annual and initial fees paid by both dealers and municipal advisory firms were last raised in Fiscal Year 2016.

[121] The Commission received five comment letters in response to the proposed rule change that the MSRB filed on June 2, 2022, which was subsequently withdrawn on July 21, 2022. This proposed rule change, while fundamentally consistent with the withdrawn filing, seeks to provide further clarification on the MSRB's annual rate card process in response to those comments. *See* Exhibit 3(b), ''Comparison of Withdrawn Fee Filing to Current Fee Filing.''

[122] 15 U.S.C. 78s(b)(3)(A).

[123] 17 CFR 240.19b–4(f).

[124] 15 U.S.C. 78s(b)(3)(A).

[125] 17 CFR 240.19b–4(f)(6).

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.

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–MSRB–2022–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2022–06. 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 MSRB. 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–MSRB–2022–06 and should be submitted on or before August 30, 2022.

For the Commission, by the Office of Municipal Securities, pursuant to delegated authority.[126]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–17002 Filed 8–8–22; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17487 and #17488; NEW MEXICO Disaster Number NM–00081]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of New Mexico

AGENCY: Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of New Mexico (FEMA–4652–DR), dated 06/08/2022.

Incident: Wildfires, Straight-line Winds, Flooding, Mudflows, and Debris Flows directly related to the Wildfires.

Incident Period: 04/05/2022 through 07/23/2022.

DATES: Issued on 08/03/2022.

Physical Loan Application Deadline Date: 08/08/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 03/08/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of New Mexico, dated 06/08/2022, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Los Alamos, Sandoval.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–17042 Filed 8–8–22; 8:45 am]

BILLING CODE 8026–09–P

[126] 17 CFR 200.30–3a(a)(2).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17548 and #17549; South Dakota Disaster Number SD–00132]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of South Dakota

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Dakota (FEMA–4664–DR), dated 08/02/2022.

Incident: Severe Storm, Straight-line Winds, Tornadoes, and Flooding.

Incident Period: 06/11/2022 through 06/14/2022.

DATES: Issued on 08/02/2022.

Physical Loan Application Deadline Date: 10/03/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/02/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/02/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Butte, Haakon, Jackson, Jones, McPherson, Spink.

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 17548 B and for economic injury is 17549 0.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–17044 Filed 8–8–22; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17546 and #17547; KENTUCKY Disaster Number KY–00093]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Kentucky

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–4663–DR), dated 07/30/2022.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 07/26/2022 and continuing.

DATES: Issued on 08/02/2022.

Physical Loan Application Deadline Date: 09/28/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 05/01/2023.

ADDRESSES: Submit completed loan applications to:

U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Commonwealth of Kentucky, dated 07/30/2022, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Floyd, Pike.

Contiguous Counties (Economic Injury Loans Only):

Kentucky: Johnson, Martin.

Virginia: Buchanan, Dickenson.

West Virginia: Mingo.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Joshua Barnes,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–17041 Filed 8–8–22; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2022–0043]

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes a revision of an OMB-approved information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA

Comments: https://www.reginfo.gov/public/do/PRAMain. Submit your comments online referencing Docket ID Number [SSA–2022–0043].

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830. Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAMain,* referencing Docket ID Number [SSA–2022–0043].

SSA submitted the information collection below to OMB for clearance. Your comments regarding this information collection would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than September 8, 2022. Individuals can obtain copies of the OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov.*

Electronic Protective Filing Tool—20 CFR 404.630, and 20 CFR 416.340–416.345—0960–0826. The COVID–19 pandemic limited the public's access to SSA Field Offices (FOs), requiring SSA to rapidly expand online services available to the public. During the time when SSA stopped accepting walk-in visitors, the agency noticed a sharp decrease in SSI claims from underserved populations who have historically relied on in-office appointments and service. SSA uses the term ''People facing barriers'' to refer to these vulnerable populations, which include low-income individuals (especially those over age 65), the homeless, people with limited English proficiency, and disabled children.

Background

Historically, individuals contact SSA by phone, in person, or by mail to express interest in filing for benefits. Because same-day service to file an application is not always possible, and because some individuals prefer to make an appointment, SSA technicians use eLAS (OMB No. 0960–0822) to set up appointments and record the protective filing date for potential claimants. This process ensures that potential claimants do not miss out on possible benefits due to the lack of same-day service.

Protective filing is the precursor to filing an application for benefits. Protective filing refers to the date by which SSA receives an individual's intent to file for SSI payments, which SSA then uses as the application date provided the individual files an application within a specific amount of time after that date. Therefore, it is as if the application was filed on the day the individual contacted SSA to express interest in filing, which may result in additional payments to that individual.

SSA developed an online tool to allow internet users to request an appointment to file an application for benefits and to establish a protective filing date with SSA. The electronic protective filing tool allows individuals to submit information for the appointment request using a computing device, such as a personal computer or handheld (mobile) device instead of calling SSA by phone or visiting an FO. The tool is available on SSA's website to potential claimants, as well as those individuals assisting them.

Information the Electronic Protective Filing Tool Collects

After entering the ePFT from SSA's website, individuals begin on a welcome screen that displays a link to the Terms of Service. Next, a user sees

the Privacy Act statement page. The user then provides a response about whether they are answering these questions about themselves or about another person. To do so, the system presents several options for individual to select from the categories of individuals who, under current regulations, can establish a protective filing date. The next screens ask for basic information about the individual who will be claiming benefits or requesting SSI payments. Additionally, the tool collects the name, phone number, and email address (optional) of the person submitting the information, if that person is different than the person who will be filing for SSI.

Once the ePFT collects the data, it gives the individual the opportunity to review the information provided and electronically sign and submit the form. The ePFT then transmits the information into eLAS, documenting it as an ePFT submission, and establishes a protective filing date. If the individual provided an email address(es), the tool generates an email confirmation and sends it to the individual who will be filing for benefits, and, if applicable, to the individual submitting the appointment request on the claimant's behalf.

Subsequently, eLAS notifies SSA of the pending request, and an SSA technician uses the information submitted to schedule an appointment and send a notification of the date, time, and type of appointment to the individual who will be filing for benefits.

Members of the public who prefer not to use the online version of this IC, or who do not have access to the internet, may continue to visit an FO, call SSA's 800 Number (or an FO), or write to SSA to establish a protective filing date for an application for benefits.

The respondents are individuals with an intent to file for SSI (or third parties helping these individuals) and who want to request an appointment to do so.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
Respondent Type 1 (ex: Potential Applicants)	17,000	1	6	1,700	* $28.01	** $47,617
Respondent Type 2 (ex: Professional Assistors)	2,125	10	7	2,479	* 25.94	** 64,305
Respondent Type 3 (ex: Attorney Representatives)	2,125	2	7	496	* 72.18	** 35,801
Totals	21,250			4,675		** 147,723

* We based these figures on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*), on average wages for Community and Social Service Organizations as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes210000.htm*), and on average lawyer's hourly salary as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes231011.htm*).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this online tool; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the tool. *There is no actual charge to respondents to complete the online tool.*

Dated: August 4, 2022.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2022–17023 Filed 8–8–22; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2022–0040]

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Comments: *https://www.reginfo.gov/public/do/PRAMain.* Submit your comments online referencing Docket ID Number [SSA–2022–0040].

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.*

Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAMain,* referencing Docket ID Number [SSA–2022–0040].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than October 11, 2022. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Plan to Achieve Self-Support (PASS)—20 CFR 416.110(e), 416.1180–416.1182, 416.1225–416.1227—0960–0559. The Supplemental Security Income (SSI) program encourages recipients to return to work. One of the program objectives is to provide incentives and opportunities that help recipients do so. The Plan to Achieve Self-Support (PASS) provision allows individuals to develop a plan to enter (or re-enter) the workforce and become self-supporting. In turn, SSA does not count the income or resources (such as business equipment, education, or specialized training) recipients use to fund a PASS when determining an individual's SSI eligibility or payment amount. An SSI recipient who wants to take advantage of the PASS provision completes Form SSA–545. SSA uses the

information from the SSA–545 to evaluate the recipient's PASS, and to determine eligibility under the provisions of the SSI program. The respondents are SSI recipients who want to develop a return-to-work plan.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average field office wait time (minutes) **	Total annual opportunity cost (dollars) ***
SSA–545	7,000	1	120	14,000	* $11.70	** 24	*** $196,560

* We based this figure on the average DI payments based on SSA's current FY 2022 data (*https://www.ssa.gov/legislation/2022factsheet.pdf*).
** We based this figure on the average FY 2022 wait times for field offices, based on SSA's current management information data.
*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. Request for Accommodation in Communication Method—0960–0777. SSA allows disabled or impaired Social Security applicants, beneficiaries, recipients, and representative payees to choose one of seven alternative methods of communication they want SSA to use when we send them benefit notices and other related communications. The seven alternative methods we offer are: (1) standard print notice by first-class mail; (2) standard print mail with a follow-up telephone call; (3) certified mail; (4) Braille; (5) Microsoft Word file on data CD; (6) large print (18-point font); or (7) audio CD. Respondents who want to receive notices from SSA through a communication method other than the seven methods listed above must explain their request to us. Those respondents use our iAccomodate Intranet or mySNO internet screens, or the paper Form SSA–9000–F6 to: (1) describe the type of accommodation they want from SSA; (2) disclose their condition necessitating the need for a different type of accommodation; and (3) explain why none of the seven methods described above are sufficient for their needs. SSA uses our internet and Intranet screens or Form SSA–9000–F6 to determine, based on applicable law and regulation, whether to grant the respondents' requests for an accommodation based on their impairment or disability. SSA collects this information electronically through either an in-person telephone interview during which the SSA employee keys in the information on our iAccommodate Intranet screens, or through the mySNO internet screens which respondents may complete for themselves using the application available through their mySSA accounts. The respondents are disabled or impaired Social Security or SSI applicants, beneficiaries, recipients, and representative payees who ask SSA to send notices and other communications in an alternative method besides the seven modalities we currently offer.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average teleservice center wait time (minutes) **	Total annual opportunity cost (dollars) ***
SSA–9000/iAccommodate	5,000	1	20	1,667	* $11.70	** 19	*** $38,025
mySNO	8,414	1	20	2,805	* 11.70		*** 32,819
Totals	13,414			4,472			*** 70,844

* We based this figure on the average DI payments based on SSA's current FY 2022 data (*https://www.ssa.gov/legislation/2022factsheet.pdf*).
** We based this figure on the average FY 2022 wait times for teleservice centers, based on SSA's current management information data.
*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: August 3, 2022.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2022–16986 Filed 8–8–22; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 11804]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Matisse in the 1930s'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Matisse in the 1930s'' at the Philadelphia Museum of Art, Philadelphia, Pennsylvania, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–17027 Filed 8–8–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11803]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Sargent and Spain'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Sargent and Spain'' at the National Gallery of Art, Washington, District of Columbia, the Fine Arts Museums of San Francisco, Legion of Honor, San Francisco, California, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–17029 Filed 8–8–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2022 Competitive Funding Opportunity: Mobility, Access, & Transportation Insecurity: Creating Links to Opportunity Demonstration Research: Program Lead

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of funding opportunity.

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for $6,000,000 of fiscal year (FY) 2021 funds under the Public Transportation Innovation Program to serve as the Program Lead for the Mobility, Access, & Transportation Insecurity: Creating Links to Opportunity Demonstration Research Program (''Program''). The Program Lead is responsible for the planning, deployment and evaluation of research demonstrations that provide the transportation resources necessary to implement targeted strategies that mitigate transportation insecurity for a defined population and determine the value of that mitigation to individuals and communities. FTA seeks to enter into a cooperative agreement with an experienced program management or research organization to coordinate all aspects of the Program. The FTA may award additional funds, if they are made available to the Program prior to the announcement of project selection.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* ''APPLY'' function by 11:59 p.m. Eastern time on October 11, 2022.

Prospective applicants should initiate the process by registering on the *GRANTS.GOV* website promptly to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's website at *http://www.transit.dot.gov/howtoapply* and in the ''FIND'' module of *GRANTS.GOV*. The *GRANTS.GOV* funding opportunity ID is FTA–2022–012–TRI. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Hendrik Opstelten, FTA Office of Research, Demonstration, and Innovation, 202–366–8094, or *MATI@dot.gov.*

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A. Program Description

1. Program Authority and Research Question

FTA's Public Transportation Innovation Program (49 U.S.C. 5312) supports research and demonstrations to develop and deploy ideas, practices and approaches that advance the interests of public transportation. This Notice of Funding Opportunity (NOFO) (Federal Assistance Listing: 20.530) will establish a research demonstration program to explore interventions that promote mobility access and reduce transportation insecurity and evaluate outcomes and impacts upon individuals and communities.

Transportation insecurity is the condition in which people are unable to regularly and reliably satisfy the travel necessary to meet the needs of daily life. Nationally, there are well-established policies and programs that aim to address food insecurity and housing insecurity, but not transportation insecurity. A growing body of research indicates that transportation insecurity is a significant factor in persistent poverty. This Program will develop and implement demonstrations that augment public transportation to mitigate transportation insecurity, and subsequently evaluate outcomes and effectiveness. This Program will also document the impacts and potential strategies to address transportation insecurity.

2. Program Components and Deliverables

The Program is comprised of several discrete components: (1) overall program management and coordination, (2) demonstration recruitment and selection through a two-stage competitive process, (3) human-centered demonstration design, (4) implementation of demonstrations, (5) demonstration cohort management and collaboration, and (6) structured quantitative and qualitative evaluation at the individual and aggregated levels culminating with a peer-reviewed report of findings.

The Program Lead is encouraged to assemble and lead appropriate partnerships to deliver all components of the Program.

Applicants must submit, attached to a SF–424, a narrative proposal describing their ability to satisfy all required

program components and deliverables as detailed in this Notice.

i. Program Management and Coordination

The Program Lead will be responsible for overall program management, coordination, and adherence to project timelines. This includes all aspects of resource management, compliance, and reporting, including oversight for all subrecipients.

ii. Demonstration Recruitment and Selection

The Program Lead will execute a two-stage competition to recruit, select, design, and support the implementation of comparable demonstrations of locally appropriate interventions to address transportation insecurity in various urban areas across the country. The demonstration recruitment process is expected to pay explicit attention to engaging non-traditional partners and communities.

The Program Lead, or a designated team partner, will design and execute a competitive application process to solicit and select proposals from community coalitions, in close collaboration and with input from FTA's research office. Tasks include solicitation and outreach, evaluation of applications, and recommendation of applications for selection. The first stage of competition will focus on innovative and committed demonstration partnerships. Partnerships must include, at a minimum, representation from: public transportation providers, local government authorities, and community-based organizations representing the target population. The second stage of competition will select a subset of Stage 1 partnerships to implement their designed demonstrations, supporting their collection of data for not less than two years, and the evaluation of impacts in line with the demonstrations' design.

iii. Human-Centered Demonstration Design

Stage 1 of the competitive demonstration selection process will identify up to ten community coalitions selected to engage in a human-centered design process resulting in fully formed, funding-ready plans for the implementation of a transportation insecurity mitigation demonstration. The human-centered design process implemented in Stage 1 will plan for the demonstration of locally appropriate and viable interventions for transportation insecurity for a specifically identified local target population. The identification of a target population will consider, among other factors, the ability to support a statistically valid test group for a period of two years. The demonstration design process must engage representative persons from the local target population as valued subject-matter experts and participants.

Demonstration design must include a stakeholder engagement plan for recruitment of study participants and other essential partners such as government entities, philanthropies, local employers, transportation providers, community organizations, academic institutions, and the general public.

The demonstration design process must produce a financial plan for demonstration, including identification and pursuit of non-federal support for the two-year demonstration period. Demonstration plans submitted into Stage 2 should identify additional committed demonstration partners and resources.

To be eligible for consideration in Stage 2, demonstration designs must include a research program ''off ramp'' to either sustain or responsibly transition the demonstration at the conclusion of the two-year demonstration and research period funded under the Program. Eligible demonstration plans will also have a deployment timeline and critical milestones with associated roles and responsibilities for demonstration partners.

iv. Demonstration Deployments

Up to five designated demonstration designs may be selected to advance to Stage 2 of the Program, for implementation. The Program Lead will design a selection process that will take into consideration key priorities of the Administration, including those reflected in the President's January 20, 2021, Executive Order 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis as well as Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Throughout the Federal Government. The Program Lead will execute and manage subrecipient agreements with the designated demonstration leads and aid in successful implementation of selected demonstrations as designed, in accordance with all applicable regulations and guidance. Demonstrations are anticipated to have a duration of two years.

v. Cohort Management and Collaboration

The Program Lead will manage the demonstration cohort and facilitate their interaction, bringing demonstration partners together periodically to gather qualitative research and provide feedback on their respective findings regarding the demonstration implementation and impact. The applicant should lay out plans for ongoing interaction using a variety of means and a system for the measurement of meaningful impacts from cohort management activities on the successful completion of the Demonstration efforts.

The Program Lead will maintain regular contact with the selected communities to monitor the collection and analysis of data to ensure the validity and consistency of findings in accordance with the goals of this Notice and with input of the Research Advisory Committee, as described in Section A.2.vi. Structured Demonstration and National Research, below.

Cohort management will include the collection of shared experiences across demonstration locations and unique ''storytelling'' of individual participants in the various demonstrations. Cohort management is intended to ensure that the customized strategies and targeted investments are having a discernable impact.

vi. Structured Demonstration and National Research

The Program Lead will develop a structured research framework for both individual local demonstrations and nationally aggregated research. The Program Lead will establish and regularly meet with a Research Advisory Committee that will review the research framework and methodology, data collection plan, and preliminary and final findings, and offer feedback to ensure the Demonstration answers the most appropriate research questions in the most valid and impactful ways. The Program Lead or partners will assist all selected demonstration leads in identifying and securing a local research partner from an accredited research institution and assist in any necessary Institutional Review Board (IRB) processes. The Program Lead will aid designated demonstration leads in establishing and maintaining randomized control and treatment groups and ensuring the collection of baseline/pre-test surveys and subsequent data collection methodologies and tools, striving for consistency across demonstrations. The Program Lead will also compile and

assess data from across all demonstrations and complete an overall research findings synthesis report.

3. Program Alignment With Priorities

The purpose of this research is to assess and measure person-based interventions, leveraging public transportation, to mitigate transportation insecurity in underserved communities. As such, this research conforms with Executive Order 13985—Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and Executive Order 14008—Tackling the Climate Crisis at Home and Abroad.

Research conducted under this NOFO will advance the strategic goals of the U.S. Department of Transportation to ''make our transportation system safer for all people (Safety); reduce inequities across our transportation systems and the communities they affect (Equity); build more resilient and sustainable transportation systems to benefit and protect communities (Climate and Sustainability); grow an inclusive and sustainable economy (Economic Strength); and invest in purpose-driven research and innovation (Transformation).'' Furthermore, this NOFO advances the Department's Innovation Principles to: ''Serve our policy priorities, Help America win the 21st century, Support workers, Allow for experimentation and learn from failure, Provide opportunities to collaborate, and Be flexible and adapt as technology changes.''

B. Federal Award Information

This Notice makes available $6 million to award one competitively selected Program Lead. Funding is available under FTA's Public Transportation Innovation Program (49 U.S.C. 5312). FTA may, at its discretion, provide additional funding for the selection made under this Notice from FTA's Public Transportation Innovation Program (49 U.S.C. 5312).

An applicant whose proposal is selected for funding will receive a cooperative agreement with FTA. FTA will have substantial involvement in the administration of the cooperative agreement. FTA's role includes the right to participate in decisions to redirect and reprioritize project activities, goals, and deliverables. Applicants are encouraged to assemble and secure partnerships necessary to conduct the Program in accordance with the requirements outlined in this Notice.

Only proposals from eligible recipients for eligible activities will be considered for funding.

Pre-award authority is subject to FTA approval and is only available for costs incurred after the announcement of the project selection on FTA's website.

Projects under this Notice are for research efforts and, as such, FTA Circular 6100.1E, ''Research, Technical Assistance and Training Program Guidance'' (available at *https://www.fta.dot.gov/regulations-and-guidance/fta-circulars/research-technical-assistance-and-training-program*), will apply in administering the program.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants under this Notice include the following:

- Departments, agencies, and instrumentalities of the Government, including Federal laboratories
- Institutions of higher education including research universities, particularly those with Minority Serving Institution status
- Non-profit organizations
- For-profit organizations
- Technical and community colleges

Applicants must demonstrate experience conducting comprehensive research demonstrations, including those focused on civic research, and data- and technology-oriented research and innovation in the areas of social services, mobility options, urban spaces, public health, public safety, and related areas.

Applicants or proposed partners must demonstrate technical capabilities to:

- Effectively manage a national research program.
- Design a credible research study that includes human subjects and Institutional Review Board (IRB) processes.
- Implement data-driven and community-centered decision-making in the iteration of program management.
- Manage Federal funding and eligible expenses.
- Conduct human-centered design.
- Engage with public agencies, authorities, research institutions, community-based organizations, and systemically disadvantaged populations to ensure their meaningful input in the design of systems change-focused research and activities.
- Design and support effective, targeted, adaptive, and creative human-centered policies and services responsive to a local area's socioeconomic and political distinctions.
- Leverage best practices in shared transportation mobility and payment systems.
- Apply insights from the Centers for Disease Control Social Determinants of Health.

Eligible applicants are encouraged to identify in their proposal one or more project partners with a substantial interest and involvement in the project activities or objectives. If an application that involves such a partnership is selected for funding, the competitive selection process will be deemed to satisfy the requirement for a competitive procurement under 49 U.S.C. 5325(a) for the named entities. Applicants are advised that any changes to the proposed partnership after the award will require FTA's written approval and must be consistent with the scope of the approved project.

To be considered eligible, an applicant must be able to demonstrate the requisite legal, financial, and technical capabilities to receive and administer Federal funds under this program.

2. Cost Sharing or Matching

Per 49 U.S.C. 5312(g), the eligible Federal share may be up to 100 percent for the Mobility, Access, & Transportation Insecurity: Creating Links to Opportunity Demonstration Research Program. Applicants may apply without a cost share. Applicants may also apply with a cost share and must provide the local share of the net project in cash, or in-kind, and must document in its application the source of the local match. Eligible sources of local match are detailed in FTA C 6100.1E.

3. Eligible Projects

This Notice solicits applications to select a Program Lead to establish a research demonstration program that will explore interventions to address transportation insecurity and evaluate outcomes and impacts. Eligible activities include data collection, transportation feasibility study and analysis, economic analysis, stakeholder engagement and outreach, obtaining any necessary equipment and services, acquiring or developing software and hardware interfaces to implement the project, and performance measurement and evaluation.

Eligible demonstrations must target low-income people and communities that routinely experience transportation insecurity. All demonstrations should share similar characteristics of target population, urban context, and availability of public transportation resources. Eligible research demonstration activities include planning, engineering, or development of technical or financing plans; public

engagement and participant recruitment; capital or operating expenses serving the treatment group; technology applications, or similar necessary components to design and select demonstrations.

4. Data Management Plan

FTA seeks to improve public transportation for America's communities by sharing digital data or source code collected or developed through its research with the public. This allows research organizations, transit agencies, and other stakeholders to learn from and expand upon the insights developed from FTA-funded research.

An award made pursuant to this NOFO will be subject to the latest version of FTA's Master Agreement (available at *https://www.transit.dot.gov/funding/granteeresources/sample-fta-agreements/fta-grant-agreements*), including Section 17 Patent Rights and Section 18 Rights in Data and Copyrights. All work conducted under this award must follow the Department data policies outlined in the DOT Public Access Plan at: *https://ntl.bts.gov/public-access/how-comply*. Recipients are required to include these obligations in any sub-awards or other related funding agreements.

Public Data Access requirements include developing a Data Management Plan (DMP) and submitting the DMP for FTA review. A DMP is a document that describes how recipients plan to handle digital datasets, software, or code generated over the course of a research project pursuant to federal and Departmental requirements. A DMP must be provided as a condition of receiving FTA funds under the Section 5312 Research Program and should adequately identify: (1) The data to be collected, (2) how the data will further the goals of this effort, (3) how the data will be made accessible, and (4) how the data will be stored. DMPs can be updated over time if the scope of the project or the type of data that will be collected changes. FTA staff is available to assist recipients with complying with public data access requirements.

FTA expects recipients to remove confidential business information (CBI) and Personally Identifiable Information (PII) before providing public access to project data. Recipients must ensure the appropriate data are accessible to FTA or the public for a minimum of five years after the award's period of performance expires.

Recipients must make available to the Department copies of all work developed in performance of a project funded under this Notice, including but not limited to software and data. Data rights shall be in accordance with 2 CFR 200.315, Intangible Property.

D. Application and Submission Information

1. Address To Request Application

Applications must be made using the Standard Form 424 (SF–424), which can be downloaded from *GRANTS.GOV*.

2. Content and Form of Application Submission

a. Proposal Submission

General information for submitting applications along with specific instructions for the forms and attachments required for submission can be found at *GRANTS.GOV*. A complete proposal submission will consist of at least two files: (1) The SF–424 ''Application for Federal Assistance'' and (2) a narrative proposal document in Microsoft Word, Adobe Acrobat, or a compatible file format that addresses the required elements contained in this Notice. The narrative proposal should be in the format outlined in the ''Proposal Preparation and Content'' section. A narrative proposal submission may contain additional supporting documentation as attachments. Once completed, the narrative proposal and any supporting documents must be placed in the ''Attachments'' section of the SF–424. Applicants must attach the narrative proposal file to their submission in *GRANTS.GOV* to successfully complete the application process. The applicant must respond to all sections of the SF–424 Application for Federal Assistance and the requirements of this Notice. The information in the narrative proposal will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in this Notice. Applicants should carefully review the criteria noted in Section E and ensure their proposal addresses the factors listed.

Failure to submit the information as requested can delay review or disqualify the application.

b. Proposal Preparation and Content

Applicants must submit one electronic file for Proposals in a Microsoft Word, Adobe Acrobat, or compatible file format, double-spaced using Times New Roman, 12-point font. The proposal must contain the following components and adhere to the specified maximum lengths:

1. *Cover Sheet* (not to exceed 1 page): The cover sheet must include the entity submitting the proposal, principal's name, title, and contact information (*e.g.,* address, office and mobile phone, fax, and email). The cover sheet must also include name and contact information for the entity's point of contact for all cooperative agreement administrative activities (if different from principal).

2. *Abstract* (not to exceed 1 page): The Abstract must include background, purpose, methodology, intended outputs, outcomes, impacts, and plan for accomplishing the goals and objectives of this program.

3. *Table of Contents* (not to exceed 1 page): The Table of Contents shall list each section of the proposal (including Appendices) by title and page number.

4. *Project Budget* (not to exceed 5 pages): The proposed project budget must account for multiple years and outline the total cost of all services and products including salaries and fringe benefits, supplies, travel, equipment, and proposed contractual arrangements (*e.g.,* subcontracts, consultant services) and how these estimated costs are connected to the project scope.

5. *Project Work Plan* (not to exceed fifteen pages total): The proposed project work plan must include the following information:

a. Methodology—Provide a methodology for addressing the goals and objectives described above under Section A of this Notice; include the methodology for executing a multistage competitive solicitation process and engaging, coordinating, and assisting with identified local target populations as directed by FTA that address the needs of transportation insecurity.

b. Statement of Work—Provide all proposed work tasks for the project and how the proposed work tasks will be accomplished. Include the tasks for proposed activities, resources, milestones, and a timeline with outcomes for implementing a two-stage competition.

i. Staffing Plan—Describe the approach for managing the project team, including the distribution of responsibilities among project partners, and what activities each project team member will perform.

ii. Coordination with FTA—Identify the plan for coordinating the project team's activities and deliverables with the FTA Research office and other USDOT offices, as needed.

iii. Research and Data Collection—Identify activities and the plan for electronic collection, maintenance, storage, and dissemination of demographic, financial, and economic development data for the use by the

project team, stakeholders, FTA, and other customers.

iv. Communication Plan—Provide a proposed plan for communications at the local level, including with local target population and stakeholders. The plan should identify innovative communication strategies including, but not limited to the following: social media (*e.g.,* Facebook, Twitter, YouTube), text alerts, email, website publication, and toll-free telephone numbers.

v. Performance Measures—Identify multiple performance measures that FTA should use to assess the Program's effectiveness on a local target population's well-being and quality of life.

vi. Deliverables—Provide a proposed list of proposed deliverables (*e.g.,* community plans, reports, services, etc.). Include quarterly reports and the synthesis report to be submitted to FTA.

6. *Staff Qualifications* (not to exceed 10 pages total):

a. Organizational Capacity—Provide a narrative that briefly describes the structure of the proposer including its history and experience in performing complex research activities. Include a narrative of the proposer's understanding of the activities in this solicitation and its responsibility for delivery of a two-stage competition to address transportation insecurity. Include the proposer's organization chart.

b. Project Team Structure—Provide a narrative that briefly describes the structure and makeup of the project team. Include the names of all partner organizations, and the legal relationship, if any, between the applicant and each proposed partner. Include the names and functional titles of each project team member. Proposers must also provide documentation of the project team, such as a memorandum of agreement or letter of intent signed by all parties that describes the parties' roles, responsibilities, commitment in the proposed project, and how the applicant will ensure they will have enough time to devote to the project. Include an organization chart for the entire project team.

c. Technical Capacity of Project Team—Provide a detailed description of the technical capacity of the project team members and what activities each team member will perform. Include project staff qualifications, education, knowledge, and results of prior experience in public transportation, economic development, human-centered design and development, stakeholder coordination and engagement, including engaging diverse community stakeholders in a targeted manner with proven and impactful methods. Additionally, applicants should discuss successful completion of similar or relevant projects—case studies, journal articles, or references.

d. Biographical Sketches—In addition to the Staff Qualifications narrative (10 page maximum), include a one-page biographical sketch for each staff member proposed to take a principal role or perform significant work on the project.

7. Proposals shall adhere to the specified maximum page lengths. Supplemental materials such as letters of support can be included with the proposal in an appendices section that is beyond the page limit above (all supplemental materials not to exceed 18 pages). Supplemental materials will not be evaluated independently.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to always maintain an active SAM registration with current information during which the applicant has an active Federal award or an application or plan under consideration by FTA. FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. These requirements do not apply if the applicant has an exception approved by FTA or the U.S. Office of Management and Budget under 2 CFR 25.110(c) or (d).

SAM registration takes approximately 3–5 business days, but FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit *www.sam.gov.*

4. Submission Dates and Times

Project proposals must be submitted electronically through *GRANTS.GOV* by 11:59 p.m. Eastern time on October 11, 2022. Proposals submitted after the deadline will only be considered under extraordinary circumstances not under the applicant's control. Mail, fax, and email submissions will not be accepted.

FTA urges applicants to submit applications at least 72 hours prior to the due date to allow time to correct any problems that may have caused either *GRANTS.GOV* or FTA systems to reject the submission. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. Proposals submitted after the deadline will be considered only if lateness was due to extraordinary circumstances not under the applicant's control. *GRANTS.GOV* scheduled maintenance and outage times are announced in advance on the *GRANTS.GOV* website. Deadlines will not be extended due to scheduled website maintenance.

Within 48 hours after submitting an electronic application, the applicant should receive an email message from *GRANTS.GOV* with confirmation of successful transmission to *GRANTS.GOV*. If a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Applicants are encouraged to begin the process of registration on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) registration in SAM is renewed annually, and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submissions.

5. Funding Restrictions

Refer to Section C.3., Eligible Projects, for information on activities that are allowable. Allowable direct and indirect expenses must be consistent with the Governmentwide Uniform Administrative Requirements and Cost Principles (2 CFR part 200) and FTA Circular 5010.1E.

Funds available under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA issuing pre-award authority for selected projects.

E. Application Review Information

1. Criteria

Projects will be evaluated solely on the materials provided in the Proposal document. FTA will evaluate proposals based on the following criteria:

a. Organizational Capacity and Key Personnel Experience

Applicants should note the structure of the lead organization including its history and experience in performing complex research activities. Applicants should include a narrative of the applicant's understanding of the activities called for in this funding opportunity and its responsibility for coordinating with local community organizations for demonstration activities. Applicants should describe the structure and makeup of the project team to clearly demonstrate the applicant's ability to secure and promote coordination of human services and targeted/coordinated investments to mitigate transportation insecurity via partnerships and other effective collaborative approaches. These collaborations should encourage participation from local municipalities, philanthropies, local employers, community services (education, health, public safety), economic development organizations, metropolitan planning organizations, etc. Applicants should note key project team personnel who will be involved in the project and how the applicant will ensure they will have enough time to devote to the project. Additionally, applicants should discuss successful completion of similar or relevant projects—case studies, journal articles, or references.

b. Proposer and Proposal Team Technical Expertise

Applicants should clearly detail the technical capacity of the lead organization and what activities each team member will perform. In addition to their qualifications in conducting nationally significant research, applicants should demonstrate project team knowledge in public transportation, economic development, human-centered design and development, and stakeholder coordination and engagement, including engaging diverse community stakeholders in a targeted manner with proven and impactful methods.

c. Academic, Applied Research and Other Related Experience

Applicants should provide evidence of academic, applied research experience and other related experience (*e.g.,* past program management utilizing federal funding, collaboration with research institutions, or program design and implementation) including research focused on economically distressed communities and vulnerable populations and their barriers or challenges to accessing adequate and reliable transportation. The proposal should detail the applicant's ability to identify and address transportation issues, such as identifying transportation proximity to desired goods, services, activities, and destinations, to support the program's measurement goals.

d. Proposed Partnerships

Applicants should provide a narrative that discusses a creative and durable collaboration model to successfully implement a project that addresses transportation insecurity. The narrative must include a strong framework that fosters partnerships that safeguard equity and cultural diversity in local communities. The partnership model must demonstrate an ability to reach and engage underserved communities for demonstration development and selection and to support and empower these communities throughout implementation with an emphasis toward long-term sustainability for well performing models. Emphasis should be placed on the proposing entity's ability to engage trusted community-based organizations, local municipalities, philanthropies, local employers, community services (education, public health, public safety), metropolitan planning organizations, and research institutions. The approach or framework must have the agility to pivot and embrace evolving change.

e. Project Approach and Work Plan

Applicants will be evaluated on the proposed methodology and overall project approach pursuant to the inclusion of a multi-year work plan that demonstrates the Program Lead's understanding of all activities, responsibilities, and costs required to establish and implement the prescribed work. In assessing whether the proposed implementation plans are reasonable and complete, FTA will review the proposed project work plan, including all necessary project milestones and the overall project timeline, as well as ensuring the viability of the project team in subsequent years.

f. Technical, Legal, and Financial Capacity

Applicants must demonstrate the financial and organizational capacity and managerial experience to successfully oversee and implement this project. FTA may review relevant assessments and public records to determine whether there are any outstanding legal, technical, or financial issues with the applicant that would affect the outcome of the proposed project.

For applications that include named project partners, FTA will also consider the technical, legal, and financial capacity of the proposed partners.

2. Review and Selection Process

An FTA technical evaluation committee will evaluate proposals based on the published evaluation criteria. Members of the technical evaluation committee may request additional information from applicants, if necessary. Based on the review of the technical evaluation committee, the FTA Administrator will determine the final selection for program funding.

When selecting the Program Lead, FTA will consider the applicants' ability and its proposed plan to recruit and select demonstration sites to address key priorities of the Administration, including making selections that advance the President's January 20, 2021, Executive Order 13990, the selecting official will consider applications that may provide other air quality benefits as part of the application review. When selecting demonstration areas, applicants should identify any nonattainment or maintenance areas under the Clean Air Act in the proposed service area. Nonattainment or maintenance areas should be limited to the following applicable National Ambient Air Quality Standards criteria pollutants: carbon monoxide, ozone, and particulate matter 2.5 and 10. The U.S. Environmental Protection Agency's Green Book (available at *https://www.epa.gov/green-book*) is a publicly available resource for nonattainment and maintenance area data. This consideration will further the goals of the Executive Order, including the goal to prioritize environmental justice (EJ), and historically disadvantaged communities.

In further support of Executive Order 14008, FTA will give priority consideration to applications that create significant community benefits relating to the environment, including those projects that address greenhouse gas emissions and climate change impacts. FTA encourages applicants to demonstrate whether they have considered climate change and environmental justice in terms of the transportation planning process or anticipated design components with outcomes that address climate change

(*e.g.,* resilience or adaptation measures). The application should describe what specific climate change or environmental justice activities can be incorporated, including whether a project supports a Climate Action Plan, whether an equitable development plan can be prepared, and whether tools such as EPA's EJSCREEN (*https://www.epa.gov/ejscreen*) can be applied in project planning. The application should also describe specific and direct ways the program will mitigate or reduce climate change impacts including any components that reduce emissions, promote energy efficiency, incorporate electrification or low emission or zero emission vehicle infrastructure, increase resiliency, or recycle or redevelop existing infrastructure.

In addition, FTA will consider benefits to EJ communities when reviewing applications received under this program. Applicants should identify any EJ populations to be served within potential service areas and describe anticipated benefits to that population(s) should the applicant receive a grant under this program. A formal EJ analysis that is typically included in transportation planning or environmental reviews is not requested. Among the factors, in determining the allocation of program funds FTA may consider geographic diversity, diversity in the size of the grantees receiving funding, or the applicant's receipt of other competitive awards. Respectively, FTA will evaluate demonstration proposals to determine the extent that the proposed project will address affordable housing needs, provide equitable housing choices for environmental justice populations, and avoid displacement of low-income households.

In support of Executive Order 14008, and consistent with the Office of Management & Budget's (OMB's) Interim Implementation Guidance for the Justice40 Initiative (*https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf*), Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. The USDOT has provided a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community located at: *https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a*. Use of this map tool is optional; in both Stage 1 and Stage 2, demonstration applicants may provide an image of the map tool outputs, or alternatively, consistent with OMB's Interim Guidance, demonstration applicants can supply quantitative, demographic data of their participants demonstrating the percentage of their participants that meets the criteria described in Executive Order 14008 for disadvantaged populations. Examples of Disadvantaged Communities that an applicant could address using geographic or demographic information include low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic residential segregation, linguistic isolation, or high housing cost burden and substandard housing. Additionally, in support of the Justice40 Initiative, the applicant also should provide evidence of strategies that the applicant has used in the planning process to seek out and consider the needs of those traditionally disadvantaged and underserved by existing transportation systems. For technical assistance using the mapping tool, please contact *GMO@dot.gov.*

3. Integrity and Performance Review

Prior to making an award, FTA is required to review and consider any information about the applicant that is in FAPIIS, the designated integrity and performance system accessible through SAM. An applicant may review and comment on any information about itself that a Federal awarding agency previously entered. FTA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's and proposed partners' integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in the Office of Management and Budget's Uniform Requirements for Federal Awards (2 CFR 200.206).

F. Federal Award Administration Information

1. Federal Award Notices

FTA will notify the successful applicant and may announce the selection on its website, *https://www.transit.dot.gov.* Following notification, the successful applicant will be required to submit its application through the FTA Transit Award Management System (TrAMS).

2. Administrative and National Policy Requirements

a. Pre-Award Authority

At the time the project selection is announced, FTA may extend pre-award authority for the successful applicant. There is no blanket pre-award authority for the project before announcement. FTA will issue specific guidance to the selected recipient regarding pre-award authority at the time of selection. FTA does not provide pre-award authority for competitive funds until projects are selected, and even then, there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see the most recent Apportionments, Allocations and Program Information Notice at: *https://www.transit.dot.gov/regulations/federal-register-documents/2022-09143.*

b. Cooperative Agreement Requirements

The successful applicant will apply for a cooperative agreement through TrAMS and adhere to the customary FTA grant requirements of 49 U.S.C. 5312, Public Transportation Innovation, including those of FTA C 6100.1E, where applicable. FTA will award and manage a cooperative agreement through TrAMS. Discretionary grants and cooperative agreements greater than $500,000 will go through the Congressional notification and release process. Assistance regarding these requirements is available from FTA.

c. Made in America

All capital procurements must meet FTA's Buy America requirements (49 U.S.C. 5323(j) and 49 CFR part 661) and the Build America, Buy America Act's domestic preference requirements for infrastructure projects (§§ 70901–70927 of the Infrastructure Investment and Jobs Act, Pub. L. 117–58), which together require that all iron, steel, manufactured goods and construction materials be produced in the United States, and set minimum domestic content and final assembly requirements for rolling stock.

d. Disadvantaged Business Enterprises

Recipients receiving planning, capital, or operating assistance that will award prime contracts exceeding $250,000 in FTA funds in a Federal fiscal year must comply with Department of Transportation Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26). Applicants should expect to include any funds awarded, excluding those to be used for vehicle procurements, in setting their overall DBE goal.

e. Standard Assurances

If an applicant receives an award, the applicant must assure that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars, and other

Federal administrative requirements in carrying out any project supported by the FTA award. The applicant acknowledges that it will be under a continuing obligation to comply with the terms and conditions of the agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The most recent Federal requirements will apply to the project unless FTA issues a written determination otherwise. The applicant must submit the most recent FTA Certifications and Assurances before receiving an award if it does not have current certifications on file.

f. External Communications

The successful applicant must communicate with their FTA project manager prior to engaging in any external communications regarding the Program. This includes any work developing news or magazine stories with media organizations, including print, video, online, or otherwise. Additionally, the FTA project manager must be notified if project information, including results and metrics, will be shared during a webinar or other presentation open to the public produced either by the recipient itself or another organization. The successful applicant must consult with their FTA project manager at the beginning of their agreement to discuss and plan any external communications about their project.

g. Software Provisions

Any standards, guidance, tools or software developed as a part of this solicitation will be subject to provisions of FTA's Master Agreement and evaluated for the potential to be shared for FTA purposes.

3. Reporting

Post-award reporting requirements include the electronic submission of Federal Financial Reports and Milestone Progress Reports in TrAMS on a quarterly basis. Documentation is required for payment. Additional reporting may be required specific to the Transportation Insecurity Mitigation Demonstration Research Program and the recipient may be expected to participate in events or peer networks related to the goals and objectives of the program. The Federal Financial Accountability and Transparency Act (FFATA) requires data entry at the FFATA Sub Award Reporting System (*http://www.FSRS.gov*) for all sub-awards and sub-contracts issued for $30,000 or more, as well as addressing executive compensation for both award recipients and sub-award organizations.

The successful applicant should include any goals, targets, and indicators referenced in their application in the Executive Summary of the TrAMS application.

As part of completing the annual certifications and assurances required of FTA grant recipients, a successful applicant must report on the suspension or debarment status of itself and its principals.

If the award recipient's active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of an award made pursuant to this Notice, the recipient must comply with the Recipient Integrity and Performance Matters reporting requirements described in Appendix XII to 2 CFR part 200.

G. Federal Awarding Agency Contacts

For further information concerning this Notice, please contact the Transportation Insecurity Mitigation Team, FTA Office of Research, Demonstration, and Innovation, by phone at 202–366–8094, or by email at *MATI@dot.gov.* A TDD is available for individuals who are deaf or hard of hearing at 800–877–8339. In addition, FTA will post answers to questions and requests for clarifications on FTA's website at: *https://www.transit.dot.gov/research-innovation/mobility-access-and-transportation-insecurity-creating-links-opportunity.*

To ensure applicants receive accurate information about eligibility, applicants are encouraged to contact FTA directly, rather than through intermediaries or third parties, with questions. FTA staff may also conduct briefings on the FY 2022 competitive grants selection and award process upon request.

For issues with *GRANTS.GOV*, please contact *GRANTS.GOV* by phone at 1–800–518–4726 or by email at *support@grants.gov.*

H. Other Information

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Nuria I. Fernandez,

Administrator.

[FR Doc. 2022–17015 Filed 8–8–22; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–OST–2022–0047]

Construction Materials Used in Federal Financial Assistance Projects for Transportation Infrastructure in the United States Under the Build America, Buy America Act; Request for Information

Correction

In notice document 2022–16151, appearing on pages 45396–45399, in the Issue of Thursday, July 28, 2022, make the following correction.

On page 45396, in the **DATES:** section, the date ''August 12, 2022'' should read ''August 18, 2022''.

[FR Doc. C1–2022–16151 Filed 8–5–22; 4:15 pm]

BILLING CODE 0099–10–D

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. OST–2022–0021]

Agency Information Collection Activities: Notice of Request for Comments for New Information Collection

AGENCY: Office of the Secretary of Transportation (OST), USDOT.

ACTION: Notice and request for comments.

SUMMARY: The OST has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on June 2, 2022. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by September 8, 2022.

ADDRESSES: You may submit comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the OST's performance; (2) the accuracy of the estimated burden; (3) ways for the OST to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic

technology, without reducing the quality of the collected information. All comments should include the Docket number OST–2022–0021.

FOR FURTHER INFORMATION CONTACT: Tara Lanigan (*tara.lanigan@dot.gov*), Department of Transportation, Office of the Secretary of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7:30 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program.

Background: The Bipartisan Infrastructure Law (BIL, also known as the Infrastructure Investment and Jobs Act), enacted on November 15, 2021 provides for significant investments in America's transportation infrastructure. A key program of the legislation is the Strengthening and Revolutionizing Transportation (SMART) Grant Program ($100 million per year for a period of five years), under which ''the Secretary shall provide grants to eligible entities to conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety'' (BIL § 25005; 23 U.S.C. 502(b)). More specifically, SMART Grants may be used to carry out a project that demonstrates at least one of the following:

- Coordinated Automation
- Connected Vehicles
- Systems Integration
- Commerce Delivery and Logistics
- Leveraging Use of Innovative Aviation Technology
- Smart Grid
- Smart Technology Traffic Signals

This competitive grant program is comprised of two separate stages. For Stage 1, the Office of the Secretary (OST) will issue a Notice of Funding Opportunity (NOFO) that describes the requirements of the SMART Grant program, including the criteria that will be used to evaluate applications. The NOFO will provide a description of the application requirements. All eligible entities must submit a completed application in order to be considered for a Stage 1 grant award. More specifically, the applicants who are selected for a Stage 1 grant (*i.e.,* the recipients) will develop a plan or prototype of their project. Only Stage 1 grantees will be eligible to apply for a Stage 2 grant that will provide funding to more broadly demonstrate their project. Separate agreements for Stage 1 and Stage 2 will outline the schedule, budget and all activities and deliverables. Additional reporting requirements associated with their SMART grant are outlined below.

- Annual Implementation Reports. These annual reports document project progress in meeting its goals. The Reports must demonstrate how the deployment and operational costs of the project compare to the benefits and savings; the means by which each project is meeting its original expectation, including data findings on the impacts of the project (*e.g.,* safety, mobility, access, system efficiency, etc.) and lessons learned. A Final Implementation Report will include final findings related to project benefits, costs and impacts.
- Evaluation Plan. The evaluation plan describes how the project will be evaluated, including the anticipated impacts of the project (*e.g.,* goals), the methods that will be used to measure those impacts, and the performance measures.
- Data Management Plan. The data management plan provides more detailed information on the types of data being collected by the grantee and how that data will be managed and stored (*e.g.,* how privacy is protected, the entities that have access to the data, etc.).
- Quarterly Progress Reports. The Quarterly progress reports provide status updates, including activities accomplished during the quarter, financial and schedule reporting, and anticipated activities for the next quarter (among other updates, such as any project challenges).

Respondents: Eligible entities for SMART grants include (A) a State; (B) a political subdivision of a State; (C) a Tribal government; (D) a public transit agency or authority; (E) a public toll authority; (F) a metropolitan planning organization; and (G) a group of 2 or more eligible entities described in (A) through (F) applying through a single lead applicant.

The anticipated annual number of applicants is 120, and the anticipated annual number of recipients is 40 (on average).

Estimated Average Burden per Response: The estimated average reporting burden will vary by stage, as follows (Please note that a new ''cohort'' is anticipated each year of the Information Collection (IC), and the calculations below are for a single cohort):

- Application Stage 1: On average, 100 hours per applicant per cohort
- Grant Stage (one-time per cohort): 149 hours per recipient per cohort
- Grant Stage (ongoing across the IC): 50 hours per recipient per year per cohort

Estimated Total Annual Burden: The estimated total annual burden per cohort is calculated as:

- Stage 1 applicants: 12,000 hours per cohort (120 applicants × 100 hours/application).
- Grant Stage (one-time burden): 5,960 hours per cohort (40 recipients × 149 hours)
- Grant Stage (ongoing burden during IC): 2,000 hours per cohort (40 recipients × 50 hours)

Electronic Access: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: August 3, 2022.

Daniel Morgan,

Assistant Chief Information Officer for Data Services and Chief Data Officer.

[FR Doc. 2022–17037 Filed 8–8–22; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Employee Plans Compliance Resolution System

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning the employee plans compliance resolution system.

DATES: Written comments should be received on or before October 11, 2022 to be assured of consideration

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov*. Include OMB control number 1545–1673 or Employee Plans Compliance Resolution System, in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis at (202) 317–5751, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Kerry.L.Dennis@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Employee Plans Compliance Resolution System (EPCRS).

OMB Number: 1545–1673.

Regulation Project Number: RP 2021–30.

Form Number: Forms 8950, 8951, 14568, 14568–A thru I.

Abstract: The information requested in Revenue Procedure 2021–30 is required to enable the Internal Revenue Service to make determinations on the issuance of various types of closing agreements and compliance statements. The issuance of the agreements and statements allow individual plans to maintain their tax-qualified status. As a result, the favorable tax treatment of the benefits of the eligible employees is retained. Applicants under the Voluntary Correction Program (VCP) must file Forms 8950 and 8951, and the appropriate scheduled(s) to the applicable part of the model compliance statement, in order to request written approval from the IRS for a correction of a qualified plan that has failed to comply with the requirements of the Internal Revenue Code.

Current Actions: There is no change to the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and business or other for-profit organizations, not-for profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 15,375.

Estimated Time per Respondent: 12 hours, 25 minutes.

Estimated Total Annual Burden Hours: 190,941 hours.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 3, 2022.

Kerry L. Dennis,

Tax Analyst.

[FR Doc. 2022–17080 Filed 8–8–22; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL REGISTER

Vol. 87 Tuesday,

No. 152 August 9, 2022

Part II

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 205

National Organic Program (NOP); Organic Livestock and Poultry Standards; Proposed Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Doc. No. AMS–NOP–21–0073]

RIN 0581–AE06

National Organic Program (NOP); Organic Livestock and Poultry Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The United States Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) proposes to amend the organic livestock and poultry production requirements by adding new provisions for livestock handling and transport for slaughter and avian living conditions; and expanding and clarifying existing requirements covering livestock care and production practices and mammalian living conditions.

DATES: Comments must be received by October 11, 2022.

AMS will host a virtual listening session on August 19, 2022, from 12:00 p.m. to approximately 2:00 p.m. Eastern Time (ET) to hear comments regarding this proposed rule. The deadline to register for oral comment is 11:59 p.m. ET, August 15, 2022. Access information will be published on the AMS website prior to the listening session at *https://www.ams.usda.gov/event/listening-session-organic-livestock-and-poultry-standards.*

ADDRESSES: Interested persons may comment on this proposed rule using one of the following methods:

Oral Comments: Each commenter wishing to address AMS must pre-register by 11:59 p.m. ET on August 15, 2022. Each commenter will be allotted a speaking slot during the virtual listening session. Instructions for registering for the listening session can be found at *https://www.ams.usda.gov/event/listening-session-organic-livestock-and-poultry-standards.*

Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting written comments. The deadline to submit written comments is 11:59 p.m. ET, October 11, 2022.

Mail: AMS strongly prefers comments be submitted electronically. However, written comments may be submitted (*i.e.,* postmarked) via mail to Erin Healy, MPH., Director Standards Division, National Organic Program, USDA–AMS–NOP, Room 2646-So., Ag Stop 0268, 1400 Independence Ave. SW, Washington, DC 20250–0268. Mailed comments must be postmarked by October 11, 2022.

Transcript: The listening session will be recorded, and a transcript will be posted on the AMS website and on *https://www.regulations.gov* (search for docket ''AMS–NOP–21–0073'') following the session.

Meeting Accommodations: The listening session will be held virtually. If you are a person requiring a reasonable accommodation, please make requests by the registration deadline (which is 11:59 p.m. ET on August 15, 2022) for sign language interpretation or other reasonable accommodation to the person listed under **FOR FURTHER INFORMATION CONTACT**. Determinations for a reasonable accommodation will be made on a case-by-case basis.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''What Should I Consider as I Prepare My Comments for AMS?'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket, including background documents and comments received, go to *https://www.regulations.gov* (search for docket ''AMS–NOP–21–0073''). Comments submitted in response to this proposed rule will also be available for viewing in person at USDA–AMS, National Organic Program, Room 2646-South Building, 1400 Independence Ave. SW, Washington, DC, from 9 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South Building to view comments received in response to this proposed rule are requested to make an appointment in advance by calling (202) 720–3252.

FOR FURTHER INFORMATION CONTACT: Erin Healy, MPH, Director of Standards Division, Telephone: (202) 720–3252; Email: *erin.healy@usda.gov.*

Executive Summary

A. Purpose of the Proposed Rule

AMS is writing this proposed rule to clarify and ensure consistent application of the USDA organic standards and therefore mitigate information asymmetries and associated costs amongst certifying agents, producers, and consumers. This action will augment the USDA organic livestock production regulations with clear provisions to fulfill the purposes of the Organic Foods Production Act (OFPA) (7 U.S.C. 6501–6524): to assure consumers that organically produced products meet a consistent, uniform standard and to further facilitate interstate commerce of organic products. OFPA mandates that detailed livestock regulations be developed through notice and comment rulemaking (7 U.S.C. 6509(g)) and USDA did so when it published the final rule on the National Organic Program (65 FR 80547; December 21, 2000). In 2010, AMS published a final rule (75 FR 7154; February 17, 2010) clarifying the pasture and grazing requirements for organic ruminant livestock. This proposed rule would provide clarity for the production of organic livestock and poultry, consistent with recommendations provided by USDA's Office of Inspector General and nine separate recommendations from the National Organic Standards Board (NOSB).

B. Summary of Provisions

This proposed rule would update the USDA organic regulations for livestock production. The proposed changes would address a range of topics related to the care of organic livestock, including:

Livestock health care practices—the proposed rule would specify which physical alteration procedures are prohibited or restricted for use on organic livestock. The proposed livestock health care practice standards include requirements for euthanasia to reduce suffering of any sick or disabled livestock;

Living conditions—this proposed rule would set separate standards for mammalian and avian livestock living conditions to better reflect the needs and behaviors of the different species, as well as related consumer expectations. The proposed mammalian livestock standards would cover both ruminants and swine. The proposed avian livestock living standards would set maximum indoor and outdoor stocking densities to ensure the birds have sufficient space to engage in natural behaviors;

Transport of animals—this proposed rule would add new requirements on the transport of organic livestock to sale or slaughter;

Slaughter—this proposed rule would add a new section to clarify how organic slaughter facility practices and USDA Food Safety and Inspection Service

(FSIS) regulations work together to support animal welfare.

C. Costs and Benefits

Much of the proposed rule focuses on clarifying and codifying existing practices, and AMS assumes no costs or benefits are accumulated for those changes. We do expect costs and benefits to occur in broiler production through increased indoor space for broilers and in egg production through increased outdoor access for layers. In summary, AMS estimates that the rule would increase discounted net benefits between $99 million and $119 million annually. This range spans three producer response scenarios, two implementation periods for the outdoor space requirements, and a no-rule scenario (see Table 1, Table 2, and Table 3).

TABLE 1—EXECUTIVE SUMMARY: COSTS AND BENEFITS FOR EGGS AND BROILERS

	Proposed rule (5-year compliance—No Growth)	Proposed rule (5-year compliance—Growth)	Proposed rule (15-year compliance)	Proposed rule
	Eggs (per dozen)	Eggs (per dozen)	Eggs (per dozen)	Broilers (per pound)
Benefits (Consumer Willingness to Pay)	0.21	0.21	0.21	0.34
Benefits with 80% Breaker Egg Adjustment	0.16	0.16	0.16	.....
Cost (Change in Average Total Cost of Production)	0.05	0.05	0.05	0.02
Net Benefit per Unit	0.11	0.11	0.11	0.32
20-Year Annualized Net Benefits (3%) ($1,000)	10,429	18,757	10,278	101,011
20-Year Annualized Net Benefits (7%) ($1,000)	9,236	16,132	8,027	91,418
Average Discounted Domestic Information Collection Cost	.....	.....	$194,777	

AMS estimates that the discounted costs for layer operations would range between $3.6 million and $8.4 million annually. To monetize the benefits of this rule, AMS used research that measured consumers' willingness-to-pay for outdoor access at a premium of between $0.16 and $0.25 per dozen eggs, controlling for other factors, including the organic label. Based on this, AMS estimates the annually discounted benefits falling between $11.6 million to $27.1 million.[1]

TABLE 2—EXECUTIVE SUMMARY OF ANNUALIZED DISCOUNTED NET BENEFITS FOR EGGS

[Thousands of $]

Discount rate	No rule		Growth prevented and exit in year 6 (5-year co-proposal)		Growth and exit in year 6 (5-year co-proposal)		Growth and exit in year 16 (15-year co-proposal)	
	3%	7%	3%	7%	3%	7%	3%	7%
Annualized Benefits	$0.00	$0.00	$15,651	$13,860	$27,110	$23,315	$14,858	$11,605
Annualized Costs	0.00	0.00	5,222	4,625	8,352	7,183	4,580	3,578
Annualized Net Benefits	0.00	0.00	10,429	9,236	18,757	16,132	10,278	8,027

AMS estimates that the total annual discounted costs for broiler compliance would be between $5.7 million and $6.3 million. The benefits for broilers are calculated using a willingness-to-pay at a premium of $0.34/lb. With this willingness-to-pay, the annual discounted benefits range between $97 million and $107 million.[2]

TABLE 3—EXECUTIVE SUMMARY OF ANNUALIZED DISCOUNTED NET BENEFITS FOR BROILERS

[Thousands of $]

Discount rate	Broiler			
	No rule		With rule	
	3%	7%	3%	7%
Annualized Discounted Values:				
Benefits	$0.00	$0.00	$107,295	$97,105
Costs	0.00	0.00	6,284	5,687
Net Benefits	0.00	0.00	101,011	91,418

[1] These ranges capture the discounted high and low estimates across all three layer scenarios, which vary in use of growth and implementation time. All three of the layer models account for approximately 50% of initial production leaving due to difficulty for some pit-litter and aviary houses to comply with the proposed requirements, if finalized.

[2] The broiler model assumes that all broiler production is able to comply with the rule because of the prevalence of single story housing and existing land near production houses. Therefore, exiting is not considered in the broiler model and a standard 3-year compliance is used with growth continuing at the historic average.

SUPPLEMENTARY INFORMATION:

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I. General Information

A. Does this proposed action apply to me?

You may be affected by the proposed action if you are engaged in the meat, egg, poultry, dairy, or animal fiber industries. Potentially affected entities may include, but are not limited to:

- Individuals or business entities that are considering organic certification for a new or existing livestock farm or slaughter facility;
- Existing livestock farms and slaughter facilities that are currently certified organic under the USDA organic regulations; and
- Certifying agents accredited by USDA to certify organic livestock operations and organic livestock handling operations.

This listing is not intended to be exhaustive, but identifies key entities likely to be affected by this action. Other types of entities could also be affected. To determine whether you or your business may be affected by this action, you should carefully examine the proposed regulatory text. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

Specifically, AMS seeks comment on the following topics:

1. Do the proposed amendments provide enough clarity to farmers, handlers, and certifying agents to be able to comply with the proposed requirements?

2. Do the assumptions and estimates outlined in the Regulatory Impact Analysis and Regulatory Flexibility Analysis accurately reflect the current practices and production rates among organic poultry and egg producers? Specifically, to what degree do the proposed requirements align with third-party animal welfare certification programs and current industry practices? Are assumptions about welfare surplus valid? Is the period of analysis and the estimates about the useful life of a poultry house appropriate? Are AMS's benefit estimates for broilers appropriate? Are AMS's cost estimates for small producers accurate? Are AMS's estimates for the paperwork burden accurate?

3. Do the proposed amendments to § 205.239 related to mammalian livestock reflect current practices among organic mammalian livestock producers or impose new requirements on these operations?

4. What is an appropriate and feasible implementation timeframe for the proposed changes? Specifically, AMS seeks comment on the following implementation approach and timeframes:

(a) One year for all proposed changes, except for the indoor space requirements for broiler operations and the outdoor space requirements for layer operations;

(b) Three years for the indoor space requirements for broilers; and

(c) Outdoor space requirements for layers (three options):

Option 1: Layer operations certified at the time of the rule's effective date (typically 60 days after publication) or within three years of the effective date will have five years to comply with the rule's outdoor space requirements concerning stocking density, exit doors, soil, and vegetation. Those operations certified more than three years after the rule's effective date will need to comply with all of the rule's outdoor access requirements immediately; or

Option 2: Layer operations certified at the time of the rule's effective date will have 15 years to comply with the rule's outdoor space requirements concerning stocking density, exit doors, soil, and vegetation. Fifteen years was selected in order to allow previously built facilities to fully depreciate under the Internal Revenue Service (IRS) depreciation schedule. New entrants certified within three years of the rule being effective must comply with the outdoor space requirements within five years of the effective date. Those operations certified more than three years after the rule's effective date will need to comply with all of the rule's outdoor access requirements immediately.

Option 3: AMS seeks comments on alterative timeframes to those presented above for the outdoor space requirements for layer operations, including justification for alternatives and data on the costs and benefits.

These options and their costs and benefits are discussed below in Section V (''Executive Orders 12866 and 13563—Executive Summary''). Detailed information can be found in the Regulatory Impact Analysis for this proposed rule.

II. Background

This proposed rule addresses health care, transport, slaughter, and living conditions for organic livestock. Furthermore, the provisions for outdoor access for poultry have a long history of agency and NOSB actions and are a focal issue in this proposed rule. Outdoor access practices, particularly for organic layers, vary among certified operations: some operations provide large, open-air outdoor areas, while other operations provide minimal outdoor space or use screened, covered enclosures commonly called ''porches'' to provide outdoor space. An audit conducted by the USDA Office of the Inspector General (OIG) identified inconsistencies in certification practices regarding the use of porches as outdoor space.[3] To address this finding, AMS issued draft guidance [4] but determined that rulemaking was preferable to resolve the divergent outdoor access practices for organic poultry. To assist with the rulemaking, the NOSB developed a series of recommendations to clarify organic livestock health care, transport, slaughter, and living conditions, including outdoor access for poultry. The NOSB deliberation process revealed broad support within the organic community and consumer expectations for specific guidelines for meaningful outdoor access for organically-produced poultry.

A. Current Organic Livestock Standards

The purpose of the OFPA, 7 U.S.C. 6501 *et seq.,* is to ''to establish national

[3] USDA, Office of the Inspector General. March 2010. Audit Report 01601–03-Hy, Oversight of the National Organic Program. Copies may be available at *https://www.usda.gov/oig/reports/audit-reports* or by contacting the Office at *https://www.usda.gov/oig/foia.* A copy of the report is also available in the docket for this proposed rule and can be found be searching for the docket number ''AMS–NOP–21–0073'' at *https://www.regulations.gov/.*

[4] On October 13, 2010, AMS published a Notice of Availability of Draft Guidance and Request for Comments in the **Federal Register** (75 FR 62693).

standards governing the marketing of certain agricultural products as organically produced products''; ''assure consumers that organically produced products meet a consistent standard''; and ''facilitate interstate commerce in fresh and processed food that is organically produced.'' 7 U.S.C. 6501. To that end, Congress broadly authorized the Secretary of Agriculture to promulgate and implement regulations related to the national organic program. 7 U.S.C. 6506(a)(11).

AMS administers the National Organic Program (NOP), which oversees the development and implementation of the national standards for the production, handling, and marketing of organically produced agricultural products. OFPA at 7 U.S.C. 6509, among other sections, authorizes the USDA to develop and implement regulations regarding standards for organic livestock products. 7 U.S.C. 6509(g). Furthermore, OFPA authorizes the creation of the NOSB to advise USDA about the implementation of standards and practices for organic production. 7 U.S.C. 6518.

The NOSB is a 15-member Federal Advisory Board appointed by the Secretary of Agriculture that meets in public twice annually. OFPA specifies the composition of the NOSB and reserves four NOSB seats for producers/growers and two seats for handlers/processors. The NOSB solicits public comment on topics related to the USDA organic regulations to inform its public deliberations and decision making at public meetings. If AMS agrees with an NOSB recommendation, a recommendation to amend the USDA organic regulations must be implemented through the notice-and-comment rulemaking process. A summary of the NOSB recommendations on livestock production practices follows in the NOSB RECOMMENDATIONS section.

Consistent with the Secretary's authority to promulgate regulations for organic livestock products, 7 U.S.C. 6509, USDA organic regulations include broad and general requirements for ensuring the living conditions associated with certified organic livestock. For example, the USDA organic regulations currently require organic producers to provide year-round access to the outdoors, shade, shelter, exercise areas, fresh air, clean drinking water, and direct sunlight (7 CFR 205.239(a)(1)). For all livestock, the regulations also require: (1) An environment that allows animals to express natural behaviors; (2) preventive health care to reduce the likelihood of illness; and (3) protection from conditions that jeopardize an animal's well-being, such as predators and adverse weather.

USDA-accredited certifying agents inspect organic operations and decide whether the operation's practices comply with the USDA organic regulations. Certifying agents must consider site-specific conditions, including prevalent pests and diseases, weather, and natural resources of the operation when determining the acceptability of a particular management practice. Certifying agents must also determine if organic operations provide ''access to the outdoors'' in a manner that meets the current requirements. 7 CFR 205.239(a)(1). This flexibility results in significant variation in the manner by which producers meet the requirements. For example, in organic poultry production, producers meet the requirement for outdoor access by providing animals with extensive pasture and also by providing a small roofed enclosure (including porches with no access to soil or vegetation). To complicate the assessment of access to the outdoors, a certifying agent generally only inspects an organic operation during limited and discrete periods of time.

The disparities in amount and quality of outdoor access have economic implications for producers. This disparity also increases consumer search costs and has been identified by USDA as a possible consumer welfare loss.[5] Consumer welfare loss could result in reduced confidence in and demand for organic eggs, as the organic label may inconsistently signal its attributes and provide less-consistent value. This may create additional search costs as consumers seek to understand and choose the marketing claim or label that most closely matches their preferences. In addition, a growing body of research shows that outdoor and pasture access encourages foraging and supports the natural behaviors of livestock and poultry. These behaviors may be positively associated with improved health and well-being, may be better for the environment, and may result in healthier livestock products for human consumption and poultry.[6] [7]

To resolve the divergence in practices under the organic label, the NOSB, organic trade groups, and consumer groups have asked AMS through multiple public meetings and public comment periods to revise the organic regulations.

The organic regulations also include more specific requirements for livestock production. These have existed since publication of the USDA organic regulations in December 2000 (65 FR 80547) and have been revised intermittently. Additional specificity was added by a 2010 final rule (75 FR 7153; 76 FR 26927) to require that ruminants, specifically, graze at least 120 days per year and receive 30 percent of dry matter intake from grazing (7 CFR 205.239) and to describe situations that warrant denying ruminants access to pasture or the outdoors (*e.g.,* for newborn dairy cattle up to six months) (7 CFR 205.239(c)(2)). This proposed rule seeks to similarly elaborate on the current regulations, especially for avian species and mammalian, non-ruminant livestock. For example, the proposed rule elaborates on the current requirements for year-round access to the outdoors, fresh air, and direct sunlight by including requirements for outdoor space (per bird), establishing thresholds for ammonia gas, and requiring doors in poultry houses to ensure all birds may access the outdoors. The proposed rule also elaborates on current standards (7 CFR 205.239) related to situations that may warrant temporary confinement of animals.

B. Prior NOSB Recommendations

Between 1994 and 2011, the NOSB made nine recommendations regarding livestock health care and welfare in organic production. Between 1997 and 2000, AMS issued two proposed rules and a final rule regarding national standards for the production and handling of organic products, including livestock and their products. The NOSB, as well as members of the public, commented on these rules with regard to the health care and welfare of livestock. The key actions from that period that have led to the development of the existing standards on organic livestock are summarized below.

(1) In June 1994, the NOSB recommended a series of provisions to address the care and handling of livestock on organic farms. Within this recommendation, the NOSB developed

[5] Mojduszka, Eliza M. (2018) ''An Analysis of the Specialty Egg Market: Hedonic Price with Fixed Brand Effects vs. Random Coefficient Discrete Choice Model.'' *https://www.usda.gov/sites/default/files/documents/Mojduszka%202018%20An%20Analysis%20of%20the%20Specialty%20Egg%20Market.pdf.*

[6] Is Grassfed Meat and Dairy Better for Human and Environmental Health? Frederick D. Provenza, Scott L. Kronberg, and Pablo Gregorini, Front Nutr. 2019; 6: 26. *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6434678/.*

[7] Phillips HN, Heins BJ. Effects of Outdoor Stocking Density on Growth, Feather Damage and Behavior of Slow-Growing Free-Range Broilers. *Animals (Basel).* 2021;11(3):688. *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7998225/.*

much of the framework for organic health care and welfare of livestock, including health care standards, living conditions, and transportation of livestock practices.

(2) In April and October 1995, the NOSB made a series of recommendations as addendums to the June 1994 recommendations. These recommendations further addressed various health care practices, a requirement for outside access, and the use of vaccines.

(3) On December 16, 1997, AMS responded to the 1994 and 1995 NOSB recommendations in a proposed rule to establish the NOP (62 FR 65850). Consistent with the NOSB's recommendation, the proposed language would have required that organic livestock producers develop a preventive health care plan and use synthetic drugs only if preventive measures failed. The 1997 proposed rule also included standards for livestock living conditions, including when livestock would be permitted to be confined. This proposed rule was not finalized.

(4) In March 1998, the NOSB reaffirmed its earlier recommendations on livestock health care and living conditions. The 1998 NOSB recommendation also stressed the importance of treating sick livestock by recommending that any organic producer who did not take specified actions to provide care for a diseased animal would lose certification. This recommendation also included provisions to clarify when livestock could be confined indoors and defined ''outdoors'' as having direct access to sunshine.

(5) On March 13, 2000, AMS published a second proposed rule to establish the National Organic Program (65 FR 13512). AMS responded to the NOSB's March 1998 recommendation on livestock health care and living conditions in this proposed rule. AMS proposed that organic producers must use disease prevention practices first, then approved synthetic medications only if preventive measures failed. However, a producer would need to use all appropriate measures to save the animal even if the animal lost organic status. In addition, AMS proposed that the living conditions for organic livestock must maintain the health of the animals and allow for natural behaviors, including access to the outdoors.

(6) On December 21, 2000, AMS published a final rule establishing the USDA organic regulations (65 FR 80548) (''NOP Rule''). Through this action, AMS finalized the standards for health care practices and livestock living conditions. This rule addressed a range of matters related to organic livestock production, including organic feed; use of hormones and supplements; measures to avoid disease and illness; veterinary biologics, medications, synthetic parasiticides, and other drugs; and general principles governing housing, pasture conditions, sanitation practices, and physical alterations. The Rule also generally required producers to provide organic livestock with ''access to the outdoors, shade, shelter, exercise areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate, and the environment,'' but allowed producers to satisfy those baseline criteria in different ways. That rule became effective on February 20, 2001, and was fully implemented on October 21, 2002.

(7) In May 2002, the NOSB again addressed outdoor access, stating this should include open air and direct access to sunshine.[8] In addition, the May 2002 recommendation stated that bare surfaces other than soil do not meet the NOP Rule's intent of outdoor access for poultry. This recommendation also included clarifications as to when livestock could be temporarily confined.

(8) In March 2005, the NOSB recommended that the temporary confinement provision for ''stage of production'' be changed to ''stage of life.'' [9] The NOSB reasoned that confinement for a ''stage of life'' would limit producers from confining animals for long periods, such as confinement during the entire period that a dairy animal is lactating. ''Stage of life'' was reasoned to be more specific than ''stage of production.''

(9) On October 24, 2008, AMS published a proposed rule on access to pasture for ruminant livestock (73 FR 63584). AMS published the final rule, Access to Pasture (Livestock) on February 17, 2010 (75 FR 7154). This rule was based on several NOSB recommendations regarding ruminant livestock feed and living conditions. This rule set a requirement that ruminants obtain a minimum of 30 percent dry matter intake from grazing during the grazing season (7 CFR 205.237(c)).

(10) Between 2009 and 2011, the NOSB issued a series of recommendations on livestock welfare. These were intended to incorporate prior NOSB recommendations that AMS had not addressed. The November 2009 recommendation suggested revisions and additions to the livestock health care practice standards and living conditions standards.[10] The NOSB recommended banning or restricting certain physical alterations and requiring organic producers to keep records on livestock that were lame and/or sick and how they were treated. This recommendation proposed to separate mammalian living conditions from avian living conditions sections of the USDA organic regulations so that the provisions could be more directly tailored to various livestock species. In the mammalian section, the NOSB proposed mandatory group housing of swine and a requirement for rooting materials for swine. In the avian section, the NOSB proposed a variety of provisions, including maximum ammonia levels, perch space requirements and outdoor access clarifications.

(11) In October 2010, the NOSB passed a recommendation on the use of drugs for pain relief.[11] The NOSB recommended changing the health care practice standards to allow the administration of drugs in the absence of illness to prevent disease or alleviate pain. The NOSB stated that such a change would improve the welfare of organic livestock.

(12) In December 2011, the NOSB passed an additional livestock welfare recommendation.[12] The 2011 recommendation added definitions for terms related to livestock production and provisions for health care standard and living conditions. The NOSB also revised its prior recommendation on physical alterations to provide a more inclusive list of prohibited procedures. In the mammalian living conditions section, the NOSB recommended that outdoor access for swine include a minimum of 25 percent vegetative cover at all times. For avian species, the NOSB recommended specific indoor and outdoor space requirements, *e.g.,* stocking densities, among other provisions for living conditions specific to poultry. For layers, the NOSB

[8] NOSB, 2002. Recommendation Access to Outdoors for Poultry. Available at: *http://www.ams.usda.gov/rules-regulations/organic/nosb/recommendations.*

[9] NOSB, 2005. Formal Recommendation by the NOSB to NOP. NOSB recommendation for Rule change—''Stage of Production'' to ''Stage of Life.'' Available at: *http://www.ams.usda.gov/rules-regulations/organic/nosb/recommendations.*

[10] NOSB, 2009. Formal Recommendation by the NOSB to the NOP, Animal Welfare. Available at: *http://www.ams.usda.gov/rules-regulations/organic/nosb/recommendations.*

[11] NOSB, 2010. Formal Recommendation by the NOSB to the NOP, Clarification of 205.238(c)(2). Available at: *http://www.ams.usda.gov/rules-regulations/organic/nosb/recommendations.*

[12] NOSB, 2011. Formal Recommendation by the NOSB to the NOP, Animal Welfare and Stocking Rates. Available at: *http://www.ams.usda.gov/rules-regulations/organic/nosb/recommendations.*

recommended a minimum of 2.0 ft^2 per bird indoors and outdoors.

(13) In December 2011, the NOSB passed a separate recommendation to add standards for transportation of livestock to slaughter facilities and the slaughter process.[13] The NOSB's recommendation for transport included provisions for veal calves and the trailers/trucks used to transport animals to ensure continuous organic management. The NOSB recommended that slaughter facilities must meet certain performance-based standards assessed via observations of animal handling and any slips, falls or vocalizations before and during slaughter.

C. AMS Policy, Regulatory History, and Withdrawal of OLPP

(1) AMS Policy Regarding Animal Welfare

On October 29, 2002, AMS issued a memorandum to clarify outdoor access and temporary confinement requirements for livestock under the USDA organic regulations.[14] The memorandum stated that producers are required to balance accommodations for an animal's health and natural behavior with measures to ensure an animal's safety and well-being. The memorandum further explained that the USDA organic regulations do not specify an outdoor space allowance or stocking rate, nor do they require that all animals in the herd or flock have access to the outdoors at the same time. This memorandum explained how producers could provide evidence of compliance to support temporary confinement. This memorandum was incorporated into the NOP Handbook (as ''PM 11–5'') on January 31, 2011, and is retained as current policy.

On February 17, 2010, AMS published a final rule on Access to Pasture (Livestock). The final rule was in response to the 2005 NOSB recommendation and extensive public input requesting clear outdoor access requirements for ruminant livestock. The Access to Pasture Rule adopted new provisions relating to organic livestock production, addressing such matters as animal feed; dry matter intake; access to and management of pasture as an organic crop; organic bedding; and use and management of feeding yards, feeding pads, and feedlots. The Access to Pasture Rule also clarified that the requirements for outdoor access and species-appropriate access to shade, shelter, exercise, fresh air, and direct sunlight required by the NOP Rule must be provided for all organic livestock, including poultry, on a year-round basis. The final rule established that ruminant livestock obtain at least 30 percent dry matter intake from grazing during the grazing season (7 CFR 205.237(c)). The rule provided clarity to correct inconsistent application and enforcement of the outdoor access provisions for ruminant livestock. While AMS was able to rely on stakeholder feedback about consistent application of regulations to inform this proposed rule, AMS was unable to look at regulatory impacts from the rule like production levels because USDA's Economic Research Service stopped releasing that data in 2011, and available data sources would not be sufficient to estimate any causality or impact.

In March 2010, the USDA Office of the Inspector General (OIG) issued a report concerning, in part, AMS guidance on outdoor access for organic livestock.[15] The OIG found inconsistent certification practices regarding outdoor access for poultry. The OIG recommended that AMS issue guidance on outdoor access for livestock.

On October 13, 2010, AMS published draft guidance, Outdoor Access for Organic Poultry, for public comment.[16] The draft guidance advised certifying agents to use the 2002 and 2009 NOSB recommendations as the basis for certification decisions regarding outdoor access for poultry.[17] The draft guidance informed certifying agents and producers that maintaining poultry on soil or outdoor runs would demonstrate compliance with the outdoor access requirement in 7 CFR 205.239. Comments received by AMS on the draft guidance are summarized below. Given the comments and the request that USDA address this issue through the rulemaking process, AMS determined to pursue rulemaking to clarify outdoor access for poultry and did not finalize the draft guidance.

AMS received 69 comments on the draft guidance. Comments varied widely. Some supported more specific and stringent stocking densities and soil-based outdoor access, citing animal health and environmental benefits. Other comments favored maintaining an allowance for porches as acceptable outdoor access, citing biosecurity and animal health concerns.

Furthermore, commenters stated that the draft guidance was unenforceable and would not ensure year-round outside access for poultry. These commenters suggested a minimum stocking rate of 1.75 square feet per bird in henhouses that also provide access to perches, with an additional 5 square feet per bird available in vegetated outdoor runs, which should be accessible to all birds at the same time. Some comments from poultry producers supported outdoor access on pasture or other vegetation and described health benefits and protection of the environment that a pasture or other vegetated outdoor access area would afford. A number of commenters, including organic poultry producers, requested a change to the draft guidance language to say that poultry, when outdoors, should be maintained on soil.

One trade association, some organic egg producers, and consultants described the use of production systems that limit outdoor access via the use of enclosed porches, so that poultry are not in contact with soil or pasture. These commenters described the benefits of these systems: protection from predation, pathogens that cause food safety problems, exposure to parasites, and contact with wild birds that could carry diseases. The commenters asserted that these systems are consistent with the 2002 NOSB recommendation. They noted that organic egg producers have made substantial investments in facilities with porches. Some also expressed concerns that placing birds on soil would affect their ability to comply with the Food and Drug Administration's *Salmonella* prevention food safety regulations (21 CFR part 118). Several producers expressed concern with the 2009 NOSB recommendation that pullets be given outdoor access at 6 weeks of age, because layers are not fully immunized (including for protection against *Salmonella*) until 16 weeks of age and should not be exposed to uncontrolled environments until that time.

(2) Regulatory History of the OLPP Rule

A proposed rule that incorporated NOSB recommendations was then published in April 2016. The proposed rule included provisions related to health care practices, such as physical alteration procedures, euthanasia, and

[13] NOSB, 2011. Formal Recommendation by the NOSB to the NOP, Animal Handling and Transport to Slaughter. Available at: *http://www.ams.usda.gov/rules-regulations/organic/nosb/recommendations.*

[14] National Organic Program, 2002. Access to the Outdoors for Livestock. Retained as Policy Memo 11–5. Available in the NOP Handbook: *https://www.ams.usda.gov/sites/default/files/media/Program%20Handbk_TOC.pdf.*

[15] USDA, Office of the Inspector General. March 2010. Audit Report 01601–03–Hy, Oversight of the National Organic Program. Available at: *http://www.usda.gov/oig/rptsauditsams.htm.*

[16] On October 13, 2010, AMS also published a Notice of Availability of Draft Guidance and Request for Comments in the **Federal Register** (75 FR 62693).

[17] The 2002 and 2009 NOSB recommendations included daily outdoor access from an early age and access to direct sunlight, open air and soil.

treatment of sick animals. It also addressed living conditions for mammalian and avian livestock, including minimum indoor and outdoor space requirements for avian livestock. Finally, the rule addressed requirements for transport and for slaughter practices. It received 6,675 written comments during the 90-day comment period. There were nearly 1,500 individual comments on the proposed rule, excluding form letters and signatures on petitions (numbering in the tens of thousands). Comments were received from producers, producer associations, handlers, certifying agents, consumers and consumer groups, animal welfare organizations, veterinarians, state government agencies, foreign government agencies, and trade associations or organizations. Comments provided insight on the public's questions about regulatory authority, import impact, trade agreements, and educational avenues. Additionally, comments about the clarity of the rule generally found it beneficial for the industry and its impact on the label but acknowledged some challenges with universal standards.

AMS made a number of changes to this proposed rule based on comments in order to mitigate impacts and improve the clarity of the requirements. AMS published the Organic Livestock and Poultry Practices final rule (OLPP Rule) on January 19, 2017 (82 FR 7042). Prior to the OLPP Rule becoming effective, USDA decided to delay that date to allow the new Administration to review the Rule.

(3) Withdrawal of OLPP Final Rule

After delaying the effective date of the final rule,[18] AMS proposed withdrawing the OLPP rule because of its emergent view that the agency lacked the legal authority for the rulemaking, substantive errors in the economic analysis for the rule, and a lack of market failure (82 FR 59988, December 18, 2017). On March 13, 2018, AMS published a final rule (Withdraw Rule) withdrawing the OLPP Rule for those reasons (83 FR 10775). After discovering additional errors in the economic analysis for the OLPP Rule and the Withdraw Rule, AMS published the Organic Livestock and Poultry Practice Economic Analysis Report on April 23, 2020, to describe all the errors and sought comment on the Report (85 FR 22664). After considering the comments, AMS published the Final Decision on Organic Livestock and Poultry Practices Rule and Summary of Comments on the Economic Analysis Report on September 17, 2020 (85 FR 57937). In the Final Decision, AMS concluded that ''[t]o the extent the Withdrawal Rule formed an assessment of the likely costs and benefits of the OLPP Rule based on that flawed analysis, AMS hereby modifies that assessment and concludes simply that the Final RIA does not support promulgation of the OLPP Rule in light of its significant flaws.'' AMS further concluded that ''[i]mplementing the OLPP Rule based on such a flawed economic analysis is not in the public interest[]'' and decided not to take any further regulatory action with respect to the OLPP Rule (85 FR 57944).

In June 2021, Secretary Vilsack announced that USDA would ''reconsider the prior Administration's interpretation that [OFPA] does not authorize USDA to regulate the practices that were the subject of the [OLPP Rule].'' He further directed NOP ''to begin a rulemaking to address this statutory interpretation and to include a proposal to disallow the use of porches as outdoor space in organic production over time and on other topics that were the subject of the OLPP final rule.''

(a) Economic Analysis

In the Economic Analysis Report, AMS described the three errors that had been identified in the economic analysis of the Withdraw Rule: (1) the incorrect application of the discounting formula; (2) the use of an incorrect willingness to pay value for eggs produced under the new open access requirements; and (3) the incorrect application of a depreciation treatment to the benefit calculations. The Report explained that although the economic analysis of the Withdraw Rule correctly identified these errors and properly addressed the first two errors (incorrect discounting methodology and willingness-to-pay values), it had not fully removed the incorrect depreciation treatment from the cost and benefit calculations, which erroneously reduced the calculation of both costs and benefits.

The Report went on to identify and discuss four categories of additional errors in the economic analysis of the OLPP Rule that were previously undetected and therefore inadvertently carried forward to the economic analysis of the Withdraw Rule. These were: (1) inconsistent or incorrect documentation of key calculation variables; (2) an error in the volume specification affecting benefits calculations in two of three scenarios considered; (3) the incorrect use of production values in the benefits calculations that do not account for projected increased mortality loss; and (4) aspects of the cost calculations that resulted in certain costs being ignored, underreported, or inconsistently applied. In addition, the Report described certain minor errors that did not have a material impact on the cost and benefit calculations (85 FR 57938).

In this proposed rule, AMS worked to ensure that the RIA for the proposed rule addressed these concerns. Some of the mathematical or descriptive concerns were addressed with rewriting the proposed rule. AMS specifically addressed issues with discounting and depreciation in the analysis and fixed various errors found by the report. Additionally, AMS adjusted the willingness to pay for outdoor access in eggs to the more precise measure suggested by the economic analysis report. While AMS maintains the use of enterprise budgets in the original rule to model costs, we updated costs to the extent possible based on data availability and believe these models are appropriate, as they provide the most detailed estimates for the organic industry and USDA ERS has shown that both feed and land costs have remained approximately steady since their development.[19] [20]

(b) Market Failure

The Withdraw Rule said that the OLPP Rule failed to meet the requirements of Executive Order 12866, that the agency ''propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs'' and that there was no clear market failure for the need for the rule as referenced in Executive Order 13563. Although it is not necessary for rulemaking, AMS is reconsidering this rationale in the Withdraw Rule.

In reviewing the available information, AMS does believe a market failure exists in the organic label. Specifically, consumers have varying understanding of the degree to which the organic label requires indoor/outdoor space, health, and welfare provisions for animals used in organic production. Specifically, space and outdoor access are required in 7 CFR 205.239(a)(1), but this requirement has been interpreted by producers and certifying agents in different ways, allowing producers to provide indoor space and outdoor access through

[18] *See* 82 FR 9967 (February 9, 2017); 82 FR 21677 (May 19, 2017); and 82 FR 52643 (November 14, 2017).

[19] USDA ERS. Farmland Value. *https://www.ers.usda.gov/topics/farm-economy/land-use-land-value-tenure/farmland-value/.*

[20] USDA NASS. Paid Indexes by Farm Origin and Month, Feed and Livestock & Poultry. *https://www.nass.usda.gov/Charts_and_Maps/Agricultural_Prices/prod3.php.*

several different metrics and methods. While different practices are not inherently a market failure—and in many markets a sign of healthy market innovation—in a marketing label, varying practices can create inefficient outcomes if they allow for producers to benefit from information failures.

Consumers are increasingly interested in the treatment of animals raised for food, as evidenced by the proliferation of animal welfare certification labeling claims. These animal welfare certification programs have varying requirements, even within individual programs, creating a range of standards in the marketplace.[21] For example, these programs may include standards for pastured, cage-free and free-range production. High participation rates among organic livestock and poultry producers in these third-party animal welfare certification programs indicates that the organic label does not provide the level of information consumers need to assess whether a specific brand meets their expectations for animal welfare practices. Consumers who purchase these doubly certified products would likely not be satisfied with private animal welfare certification alone because organic certification addresses other unique attributes they seek, *e.g.,* animals receive only organic feed. While the proliferation of ecolabels may not dilute the value of the organic label, literature shows consumer confusion may be associated with ecolabel proliferation.[22]

The various production practices used to meet requirements like outdoor access have allowed producers that use lower-cost and less-stringent practices to benefit from the same organic labeling and premium as producers than use more costly or robust practices. Through public comment and literature reviews outlined in the RIA, AMS has observed that consumers need to expend additional effort and seek out additional label information if they wish to purchase animal products with outdoor access to soil and flora. AMS seeks comment on this analysis that market failure exists.

(c) Statutory Authority

In 2018, AMS withdrew the OLPP Rule, in part, based on its view that the OFPA did not provide authority for the OLPP Rule. AMS stated that the statutory authority for the OLPP Rule was insufficient because the ''reference in 7 U.S.C. 6509(d)(2) to additional regulatory standards 'for the care' of organically produced livestock does not encompass stand-alone concerns about animal welfare, but rather is limited to practices that are similar to those specified by Congress in the statute''—*e.g.,* restrictions on the use of antibiotics, synthetic internal parasiticides, administration of medication, and certain feed substances and practices—''and necessary to meet congressional objectives outlined in'' section 6501. *Id.* at 10,776. AMS further stated that ''standards promulgated pursuant to section 6509(d)(2) and section 6509(g) must be relevant to ensuring that livestock is 'organically produced.' '' *Id.* USDA reasoned that dictionary definitions of the word ''organic'' generally relate to the use of ''artificial chemicals in the growing of plan[t]s and animals for food and other products,'' and that ''[t]he surrounding provisions in section 6509 demonstrate that Congress had a similar understanding of the term 'organic.' '' *Id.* Based on this analysis, AMS concluded that ''the authority granted in section 6509(d)(2) and section 6509(g) for the Secretary to issue additional [livestock care] regulations fairly extends only to those [regulations] that . . . relate to the ingestion or administration of non-organic substances, thus tracking the purposes of the OFPA[.]'' *Id.* at 10776–77. AMS determined that ''stand-alone concerns about animal welfare'' did not meet this standard. *Id.* at 10,776. In so concluding, USDA explained that it would not ''regulate outside the boundaries of legislative text,'' *id.* at 10,776, such that even if the OFPA were ''silent or ambiguous with respect to the authority issue,'' it believed that its interpretation was a ''permissible'' one. *Id.* at 10,777; *see also id.* at 10,778 (referring to agency's ''interpretation of the scope of its statutory authority'' as ''permissible'').

This aspect of the Withdraw Rule was in tension with the USDA's view of its authority in issuing the OLPP Rule, as well as the regulatory authority USDA has traditionally exercised in this area. With this rulemaking action, AMS is reconsidering the determination in the Withdraw Rule. Based on the analysis below, the agency is proposing to adopt the position that OFPA does provide the requisite authority for regulations regarding livestock and poultry health care practices and living conditions, including regulations regarding animal welfare.

OFPA at 7 U.S.C. 6509 addresses practices and materials that may be used in organic livestock production. Subsection (c) of that provision, entitled ''Practices,'' requires producers to use organic feed, prohibits certain types of feed, such as plastic pellets and manure refeeding, and prohibits the use of growth promoters and hormones. Subsection (d), entitled ''Health care,'' restricts the use of subtherapeutic doses of antibiotics, the routine use of synthetic internal parasiticides, and the administration of medication absent illness. *Id.* § 6509(d)(1). In addition, subsection (d)(2) requires the NOSB to ''recommend to the Secretary standards in addition to those [specified in subsection (d)(1)] for the care of livestock to ensure that such livestock is organically produced.'' 7 U.S.C. 6509(d)(2).

While 7 U.S.C. 6509 addresses specific animal production practices for the organic program, OFPA does not prohibit the Secretary from adopting additional requirements about practices used in raising organic livestock. For example, much of Section 6509 dictates what organic producers ''shall not'' do and contains prohibitions of specific livestock production practices while not limiting the Secretary's authority to promulgate regulations about how organic livestock shall be ''raised.'' *See, e.g.,* 7 U.S.C. 6509(a) (''Any livestock that is to be slaughtered and sold or labeled as organically produced shall be raised in accordance with this chapter.''). Indeed, Section 6509(d)(2) recognizes that the NOSB will recommend standards ''in addition'' to the practices specified in subsection (d) ''for the care of livestock.''

In addition to the specific authority regarding livestock in section 6509, Congress also provided the Secretary with broad rulemaking authority to ''require such other terms and conditions'' for the organic program that he may deem necessary. 7 U.S.C. 6506(a)(11). This section, along with section 6509(g)'s charge to the Secretary to ''develop detailed regulations . . . to guide the implementation of the standards for livestock products provided under this section,'' would provide ample authority for the detailed requirements in this proposed rule.

In any event, even if the statutory text were ambiguous, USDA's interpretation is reasonable because the proposed rule would be consistent with the purposes of the OFPA. Commenters noted in the OLPP Rule that it would be reasonable

[21] The Humane Farm Animal Care program has compiled a table comparing the requirements of selected third-party animal welfare certification programs for laying hens. This includes stocking density and outdoor standards. The comparison table is available at: *http://certifiedhumane.org/how-we-work/fact-sheet/.*

[22] Magali A. Delmas, Olivier Gergaud, Sustainable practices and product quality: Is there value in eco-label certification? The case of wine, Ecological Economics, Volume 183, 2021, *https://doi.org/10.1016/j.ecolecon.2021.106953.*

for AMS to adopt regulations that address animal welfare as part of OFPA's overall design.[23] Consistent with this design, AMS has promulgated regulations addressing livestock production and living conditions that affect the health and welfare of livestock, including measures to avoid disease and illness; provisions about feed; principles governing housing, pasture conditions, and sanitations practices; and requirements for access to the outdoors and an the natural environment.

Over the years since OFPA was enacted, animal welfare has become an integral part of organic production as evidenced by the hundreds of thousands of public comments that USDA has received on this topic over the years as well as an emerging body of research on the motivations that drive consumers to buy organic livestock products. Several studies point to animal welfare concerns as significant or even primary drivers for organic consumers,[24] and likewise that non-organic consumers perceive organic livestock to be raised according to higher animal welfare standards than non-organic livestock.[25] Literature also suggest state sponsored ecolabels provide the highest levels of consumer confidence.[26]

Notably, many in the contemporary organic industry do not view animal welfare as distinct from the concerns expressly reflected in the statutory text of OFPA. For example, by promoting animal natural behaviors and practices that maximize the health and welfare of organic livestock, producers reduce the need for antibiotics and other medications that section 6509(d) expressly limits.[27] The Senate report that accompanied the OFPA legislation set the expectation for greater specificity in the future for organic livestock standards as the industry matured: ''More detailed standards are enumerated for crop production than for livestock production. This reflects the extent of knowledge and consensus on appropriate organic crop production methods and materials. With additional research and as more producers enter into organic livestock production, the Committee expects that USDA, with the assistance of the National Organic Standards Board will elaborate on livestock criteria.'' [28]

In addition, a growing body of research is showing that livestock and poultry with access to pasture and the outdoors forage and engage in natural behaviors, which may be positively associated with their improved health and well-being, be better for the environment, and result in healthier livestock and poultry [29] products for human consumption.[30] AMS believes that promoting animal welfare through the practices addressed in the OLPS Rule, and particularly with respect to outdoor access, would contribute to cycling of resources and ecological balance values reflected in the regulation.

Additionally, as the USDA Office of the Inspector General noted, certifiers have been inconsistent in their application of livestock access to outdoor space, a requirement stemming from the 2010 Access to Pasture Rule. This proposed rule would address the inconsistent application of the requirement by specifying a minimum size for outdoor access areas, clarifying circumstances when animals do not require outdoor access, and specifying records that operations must keep to disclose their activities, including records of temporary confinement from the outdoors.

In sum, USDA believes that, as a policy matter, regulation is warranted. USDA is also proposing to determine, for the reasons identified above, that it may exercise this authority under the OFPA. USDA is requesting comment on the identified disagreement over whether OFPA authorizes regulations on animal welfare and livestock production practices that are part of this proposed rule.

D. Related Issues

If finalized, this rule would supersede the appeal decision described below and impose the requirements set out in a final rule with respect to avian living conditions.

On July 15, 2002, an operation applied for organic certification of its egg laying operation with a USDA-accredited certifying agent. As part of the application, the operation's Organic System Plan (OSP) stated that outdoor access would be provided through covered and screened ''porches.'' Porches are elevated areas (with solid or slatted floors) that have access to/from the poultry house and do not typically provide any means for birds to descend to ground level. The certifying agent denied certification for failure to provide hens with access to the outdoors. The certifying agent stated that a porch did not provide outdoor access as required by the USDA organic regulations. The operation appealed the Denial of Certification to the AMS Administrator on October 22, 2002. The Administrator sustained the appeal on October 25, 2002, and directed the certifying agent to grant organic certification to the operation retroactively to October 21, 2002.

The certifying agent objected to the Administrator's decision and appealed to the USDA Office of the Administrative Law Judge (ALJ). On November 4, 2003, the USDA ALJ dismissed the appeal. On December 11, 2003, the certifying agent appealed to the USDA Judicial Officer. On April 21, 2004, the USDA Judicial Officer dismissed the appeal. On September 27, 2005, the certifying agent filed an appeal with the U.S. District Court, District of Massachusetts. On March 30, 2007, the U.S. District Court granted USDA's motion to dismiss the case (*Massachusetts Independent Certification, Inc.* v. *Johanns,* 486 F.Supp.2d 105).

As a result of these adjudications, use of porches to meet the requirement in the USDA organic regulations for outdoor access expanded, and certain producers have settled on production practices that rely on porches, leading to inconsistencies with producers that offer animals access to outdoor spaces with soil, vegetation, direct sunlight, and considerable space per animal.

III. Overview of Proposed Amendments

Below AMS provides a summary and discussion of all proposed changes in

[23] Comments for all OLPP rulemaking can be found at *https://www.regulations.gov/docket/AMS-NOP-15-0012/document.*

[24] Alonso, Marta E.; González-Montaña, José R.; and Lomillos, Juan M. (2020) ''Consumers' Concerns and Perceptions of Farm Animal Welfare,'' *Animals,* Vol. 10, pp. 385–397. McEachern, M.G.; Willock, J. (2004) ''Producers and consumers of organic meat: A focus on attitudes and motivations.'' *British Food Journal,* Vol. 106, pp.534–552.

[25] Harper, Gemma C; Makatouni, Aikaterini (2002) ''Consumer perception of organic food production and farm animal welfare.'' *British Food Journal;* Vol. 104, Iss. 3–5, pp. 287–299.

[26] Kim Mannemar SÃnderskov, and Carsten Daugbjerg. ''The State and Consumer Confidence In Eco-labeling: Organic Labeling In Denmark, Sweden, The United Kingdom and The United States.'' Agriculture and human values, v. 28, .4 pp. 507–517. doi: 10.1007/s10460–010–9295–5

[27] Wemette, M., Safi, A. G., Wolverton, A. K., Beauvais, W., Shapiro, M., Moroni, P., . . . & Ivanek, R. (2021). Public perceptions of antibiotic use on dairy farms in the United States. Journal of Dairy Science, 104(3), 2807–2821 *https://pubmed.ncbi.nlm.nih.gov/33455793/*

[28] Senate Committee on Agriculture, Forestry and Nutrition, *Report of the Committee on Agriculture, Forestry and Nutrition to Accompany S. 2830 Together with Additional and Minority Views, 101st Congress,* S. REP. NO. 101–357, at 289 (1990).

[29] Is Grassfed Meat and Dairy Better for Human and Environmental Health? Frederick D. Provenza, Scott L. Kronberg, and Pablo Gregorini, Front Nutr. 2019; 6: 26. *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6434678/*

[30] Palupi, Eny; Jayanegara, Anuraga; Ploegera, Angelika and Kahla, Johannes (2012) ''Comparison of nutritional quality between conventional and organic dairy products: a meta-analysis,'' *Journal of the Science of Food and Agriculture,* Vol. 92, pp. 2774–2781. *https://pubmed.ncbi.nlm.nih.gov/22430502/*

the proposed rule. The proposed regulatory text, in its entirety, can be found at the end of this document. The proposed changes in this rule are similar to requirements included in the OLPP Rule, except AMS removed a provision related to natural light in poultry houses that required an inspector to be able to read and write with lights turned off on a sunny day (see additional discussion below in the section on avian living conditions at § 205.241), as well as made edits for clarity. Below we summarize areas of the proposed rule.

A. Definitions (§ 205.2)

This proposed rule would add seventeen new terms to 7 CFR 205.2: beak trimming, caponization, cattle wattling, de-beaking, de-snooding, dubbing, indoors or indoor space, mulesing, non-ambulatory, outdoors or outdoor space, perch, pullet, ritual slaughter, soil, stocking density, toe clipping, and vegetation. The proposed definitions are discussed below.

1. Eight New Terms To Define Prohibited Physical Alterations

Current organic regulations permit ''physical alterations'' of animals ''as needed to promote the animal's welfare and in a manner that minimizes pain and stress'' (7 CFR 205.238(a)). The proposed rule would elaborate on this requirement and prohibit some specific types of physical alterations. These physical alterations would be defined in the regulations to support common understanding of the meaning of the terms, as some terms could otherwise be interpreted in various ways (*e.g.,* ''caponization'' may be referred to as ''castrating'' in some regions). These alterations are not understood to promote animal welfare or may be overly painful or stressful without a corresponding benefit to animal welfare. The prohibition of specific physical alterations was recommended by the NOSB in 2009.

The following terms are defined in this proposed rule: ''beak trimming,'' ''caponization,'' ''cattle wattling,'' ''de-beaking,'' ''de-snooding,'' ''dubbing,'' ''mulesing,'' and ''toe clipping.''

2. Indoors or Indoor Space

The proposed rule would define ''indoors or indoor space'' as the space inside of an enclosed building or housing structure that is available to livestock. The proposed definition includes four examples of structures that are commonly used in poultry production. These indoor housing types would be defined, in part, because the proposed space requirements are based on the housing type. AMS also includes an indoor space requirement at § 205.241(b)(8)(v) for housing that does not fit within one of the specific types defined in § 205.2. While all organic livestock would need to be provided with species-appropriate shelter, structures providing indoor space would not be required. For example, beef cattle raised on pasture or range in mild climates may not be provided with indoor space.

The proposal relies on the term ''enclosed'' to establish if a space should be considered indoors or outdoors. Under the proposed definition, the space within the building or structure that can be enclosed would be considered the indoor space. The proposed rule defines ''outdoors or outdoor space'' separately (see discussion below). AMS welcomes public comment on whether the proposed definitions clearly and adequately distinguish the two types of spaces.

Specifically, AMS seeks comments on whether the proposed definitions sufficiently address spaces that may be enclosed by fences and/or overhead netting. The definition of ''indoors or indoor space'' is not intended, as proposed, to include fenced areas outside of a building or structure or to include fenced outdoor areas that may also have overhead netting. AMS recognizes that, in most cases, animals are also ''enclosed'' within outdoor spaces by fencing and/or overhead netting, and AMS seeks comments on whether the proposed definitions would allow for consistent implementation of the indoor and outdoor space requirements.

One of the key considerations for distinguishing indoor space from outdoor space would be how the livestock are managed in that space, which may determine whether the space could be defined as indoors, outdoors, or neither indoors nor outdoors. As an example, a screened-in and roofed porch to which the (enclosed) birds always have access, including during temporary confinement events, would be considered indoor space. That same porch would be considered neither indoors nor outdoors if the birds do not have continuous access to the space during temporary confinement events. If the screens were removed from that porch so that the birds could freely access other outdoor space, then the porch would be considered outdoor space (see ''Outdoors or outdoor space ''in section III.A.3). These distinctions would provide flexibility for producers to work with their certifying agents when developing their organic system plans (OSPs), yet still aligns with the position that enclosed porches are not considered to be outdoor space.

The proposed rule would also define the term ''perch'' as a rod- or branch-type structure above the floor of the house that accommodates roosting, allowing birds to utilize vertical space in the house.

3. Outdoors or Outdoor Space

The proposed rule would define ''outdoors or outdoor space'' to clarify the meaning of outdoor areas for mammalian and avian species. ''Outdoors or outdoor space'' would be defined as any area outside of an enclosed building or enclosed housing structure, but including roofed areas that are not enclosed. For example, a screened poultry ''porch,'' enclosed by wire on the sides, would not be considered outdoors. In this definition, ''outdoors or outdoor space'' would include all of the non-enclosed space encompassing soil-based areas such as pastures, pens, or sacrifice lots; hardened surface areas such as feedlots, walkways, or loafing sheds; and areas providing outdoor shelter such as windbreaks and shade structures. For avian species, the proposed definition includes pasture pens, which are floorless pens that are moved regularly and provide direct access to soil and vegetation. These pens (also referred to as ''chicken tractors'') may consist of solid roofing over all or part of the pen to provide shelter for the birds.

The outdoor space would have species-specific requirements. For example, this proposed rule sets the requirement that 50 percent of the outdoor space for avian species must be soil-based and that the soil be maximally covered with vegetation appropriate to the specific local conditions. Depending on the outdoor space and local conditions, a producer could rotate poultry around outdoor areas to allow vegetation to recover, or a producer might need to periodically reseed an outdoor area. Vegetative cover would need to be maintained in a manner that would not provide harborage for rodents and other pests. For additional description of the proposed requirements, see section below ''Avian Living Conditions.''

The proposed rule would define ''soil'' as the outermost layer of the earth comprised of minerals, water, air, organic matter, fungi, and bacteria in which plants may grow roots. Soil would be defined to distinguish these areas from impervious areas such as concrete or pavement. Soil may consist of bare ground but is generally covered with vegetation. As described in the

mammalian and avian living condition sections, maximum vegetative cover should be maintained on the soil as appropriate for the species, season, geography, and climate. Designated sacrifice areas or dry lots would be permitted. Outdoor areas would need to be maintained in a manner that maintains or improves natural resources, including soil and water quality (7 CFR 205.200). Temporary confinement may be provided to protect soil and water quality.

To assist with the mitigation of biosecurity and predation risks, fencing, netting, or other materials would be permitted over all or part of the outdoor areas to prevent predators and other wild birds from entering the outdoor area. Many producers also use portable or permanent shade structures throughout their pastures. Structures for shade would also be permitted in the outdoor space. For example, the area within a stand-alone, roofed shade structure could be included as outdoor space area. Areas under the eaves or the awning of a building, with a roof attached to the outer wall of the indoor space structure, can also be considered outdoors. While these areas may have solid roofs overhead, they can offer the same quality of outdoor space as uncovered outdoor areas, including natural ventilation/open air, direct sunlight, soil, vegetation, and open access to uncovered areas beyond.

4. Non-ambulatory

The proposed rule would add the term ''non-ambulatory'' and references the definition in 9 CFR 309.2(b). FSIS defines non-ambulatory as ''livestock that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.'' Any non-ambulatory livestock on organic farms would need to be medically treated, even if the treatment causes the livestock to lose organic status or be humanely euthanized.

5. Pullets

AMS modified the definition of pullets, which is used by the AMS Livestock, Poultry, and Seed Program, to include species other than chickens. This proposed rule would define ''pullets'' as female chickens or other avian species being raised for egg production that have not yet started to lay eggs. Once avian females begin laying eggs, AMS refers to them as layers. The term ''pullets'' would not describe young broilers used for meat production.

6. Stocking Density

The proposed rule would define ''stocking density'' as the weight of animals on a given area or unit of land. This term is used to describe the indoor and outdoor space requirements for organic livestock. For example, the proposed rule would establish maximum stocking densities for avian species, and the producer would need to ensure that the area provided is large enough to not exceed the established maximum stocking density when all birds in the flock are on the given area (*i.e.,* indoors) or unit of land.

7. Ritual Slaughter

The proposed rule would add the term ''ritual slaughter'' and references the definition in the Humane Methods of Slaughter Act (7 U.S.C. 1902(b)). This Act defines ritual slaughter as ''slaughtering in accordance with the ritual requirements of any religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.''

Organic livestock and handling operations may use ritual slaughter to convert their livestock to meat or poultry without loss of organic status.

8. Vegetation

The proposed rule would add the term ''vegetation'' and defines it as living plant matter that is anchored in the soil by roots and provides ground cover. This term applies to the requirement for vegetation in outdoor areas, which is central to protecting soil and water quality as well as providing for livestock to exhibit their natural behaviors. The roots of vegetation provide stability and structure to soil. Vegetation helps water soak into the soil rather than running off, which can cause erosion. Livestock also have natural behaviors of grazing, rooting, nesting, etc., which require vegetation.

B. Livestock Care and Production Practices Standard (§ 205.238)

AMS proposes to amend current provisions and add new provisions to the organic livestock care and production practice standards. The proposed amendment to § 205.238(a)(2) specifies that the sufficiency of the feed ration be demonstrated by appropriate body condition of the livestock. Livestock producers would be required to monitor their animals to ensure body condition is being maintained. In addition, certifying agents would need to verify the nutritional adequacy of the animals' diet by assessing the body condition of organic livestock during inspection. Suitable body condition varies between species, between breeds, and between production types. For example, a suitable condition for dairy cattle may be considered too thin in beef cattle.

AMS proposes to revise § 205.238(a)(5) to clarify the conditions under which physical alterations may be performed on livestock. Physical alterations may only be performed for an animal's welfare, identification, or safety. Alterations must be done at a reasonably young age with minimal pain or stress to the animal and may only be performed by an individual who can competently perform the procedure. Competency in performing physical alterations may be demonstrated by appropriate training or experience of the individual.

A 2009 NOSB recommendation allowed teeth clipping and tail docking in piglets, but this revision was retracted in the 2011 NOSB recommendation.[31] This proposed rule would add § 205.238(a)(5)(i), which would restrict needle teeth clipping and tail docking in pigs. These two types of physical alterations may not be performed on a routine basis but may be performed as needed to improve livestock welfare, as listed below.

Needle teeth clipping and tail docking in pigs may only be performed in response to documented animal welfare reasons after alternative steps to prevent harm fail. Teeth clipping, if performed, is limited to the top third of each needle tooth. For example, an organic swine producer who clipped needle teeth or performed tail docking would need to document excessive needle teeth scarring on the underline of a sow or piglets, or document tail biting on piglets in the litter. Swine producers would also need to document that alternative methods to prevent scarring had failed. Such alternative methods may include, but are not limited to, cross-fostering prior to teat fidelity across litters to minimize weight variation, providing sufficient enrichment materials, and providing vegetation for rooting.

AMS proposes to add a new § 205.238(a)(5)(ii) to list the physical alterations that would be prohibited in an organic operation. Based on the 2011 NOSB recommendations, the following

[31] Available at *https://www.ams.usda.gov/rules-regulations/organic/nosb/recommendations.*

physical alterations to avian species would be prohibited: de-beaking, de-snooding, caponization, dubbing, toe clipping of chickens, toe clipping of turkeys unless with infra-red at hatchery, and beak clipping after 10 days of age. In addition, the following physical alterations to mammalian species would be prohibited: tail docking of cattle, wattling of cattle, face branding of cattle, tail docking of sheep shorter than the distal end of the caudal fold, and mulesing of sheep.

AMS proposes to add new requirements at § 205.238(a)(7) to specify that surgical procedures on livestock to treat an illness must be done in a manner that minimizes pain, stress, and suffering. The NOSB recommended that all surgical procedures for livestock be done with the use of anesthetics, analgesics, and sedatives. USDA organic regulations require that all surgical procedures for treatment of disease be undertaken in a manner that employs best management practices in order to minimize pain, stress, and suffering, and only with the use of anesthetics, analgesics, and sedatives as listed in § 205.603(a) and (b).

AMS is proposing a new § 205.238(a)(8) that would require organic producers to actively monitor and document lameness within the herd or flock. Lameness can be an issue in various livestock species, including broilers, sheep, and dairy cattle. This proposed requirement for producers to create a plan for monitoring and recording instances of lameness in the organic system plan would enable organic livestock producers to identify and address potential problems among animals before they become widespread. In addition, documentation of lameness would provide an auditable trail for certifying agents to verify that livestock producers are monitoring these potential causes of animal suffering.

AMS proposes to add § 205.238(b) to state that synthetic medications allowed under § 205.603 may be administered to alleviate pain or suffering. In addition, synthetic medications allowed under § 205.603 may be administered when preventive practices and veterinary biologics are inadequate to prevent sickness.

AMS proposes to amend § 205.238(c)(1) to clarify that milk from an animal treated with an allowed substance in § 205.603, which has a withholding time, may not be sold, labeled, or represented as organic during that withholding time. However, organic animals or breeder stock may continue to provide milk for organic calves on the same operation during the withholding time. This is consistent with the 2010 NOSB recommendation that a calf nursing a cow treated topically with lidocaine or other approved synthetic with a withdrawal time would not lose organic status. For example, if an organic beef cow was nursing her organic calf and the cow became injured, her calf could continue to nurse the cow even during the seven-day withholding period if lidocaine was used to minimize pain and stress during her treatment. In this scenario, the calf would not lose organic status.

AMS proposes to revise § 205.238(c)(2) to clarify that other veterinary biologics, in addition to vaccines, would be exempt from the prohibition on administering animal drugs in the absence of illness. This change would be consistent with the definition for biologics in § 205.2 and supports § 205.238(a)(6), which identifies the use of vaccines and other veterinary biologics as a required practice to improve animal health.

AMS proposes to revise § 205.238(c)(3) to clarify that organic livestock producers would be prohibited from administering synthetic or non-synthetic hormones to promote growth, or for production or reproductive purposes. Hormones listed in § 205.603 could be used as medical treatments (*e.g.,* oxytocin). Stakeholders have noted that the USDA organic regulations fail to address use of hormones to stimulate production or for reproductive purposes. AMS is not aware of any hormones used by organic producers for these purposes (and none are included on the National List for these uses). The proposed changes would maintain the status quo; however, the proposed changes affirm and support the current prohibition on hormones in organic production. This addition would clarify that all hormones—unless used as medical treatments—are prohibited in organic production.

AMS proposes to add a new § 205.238(c)(8) that would prohibit organic livestock producers from withholding treatment designed to minimize pain and suffering for injured, diseased, or sick animals. Injured, diseased, or sick animals may be treated with any allowed natural substance or synthetic medication that appears on the National List. However, if no appropriate medication is allowed for organic production, organic livestock producers would be required to administer treatment even if the animals subsequently lose their organic status. Furthermore, as recommended by the American Veterinary Medical Association, some forms of euthanasia may be an acceptable practice for minimizing pain and suffering.

AMS proposes to add a new § 205.238(c)(9) that would require livestock producers to identify and record treatment of sick and injured animals in animal health records. Early identification can lead to more effective prevention or treatment, which would enhance the overall health of the livestock on that operation.

AMS proposes to add a new § 205.238(c)(10) that would prohibit the practice of forced molting in poultry. Section 205.238(a)(2) of this proposed rule requires a nutritionally sufficient feed ration for livestock. Forced molting, a practice in which feed is severely restricted for a period of time in order to rejuvenate egg production, runs counter to this proposed addition. The proposed new § 205.238(c)(10) would be consistent with the fall 2009 NOSB recommendation.[32]

AMS proposes to add a new § 205.238(d) that would require organic livestock operations to have a plan to minimize internal parasite problems in livestock. The plan to minimize internal parasites must include preventive measures such as pasture management, fecal monitoring, and emergency measures in the event of a parasite outbreak. Livestock producers would also be required to work with their certifying agents to approve a parasite control plan.

In certain cases, livestock may suffer from an illness or injury where recovery is unlikely. AMS proposes to add a new § 205.238(e) to address euthanasia based on the 2011 NOSB recommendations. Proposed § 205.238(e)(1) would require livestock producers to maintain written plans for euthanizing sick or injured livestock. Proposed § 205.238(e)(2) would prohibit the following methods of euthanasia: suffocation, manual blows to the head by blunt instrument or manual blunt force trauma, and use of equipment that crushes the neck (*e.g.,* killing pliers or Burdizzo clamps). In the event of an emergency situation where a local, State, or Federal government agency requires the use of a non-organic method of euthanasia, organic livestock operations would not lose organic certification or face other penalties for the use of non-organic methods of euthanasia. The NOSB recommended listing the allowable methods of euthanasia, however, given that new humane euthanasia methods may emerge, AMS does not intend to discourage producers from using these techniques. AMS proposes to direct

[32] Available at *https://www.ams.usda.gov/rules-regulations/organic/nosb/recommendations.*

organic livestock producers to use methods of euthanasia consistent with the most recent editions of the American Veterinary Medical Association (AVMA) Guidelines for the Euthanasia of Animals.[33] The list of specifically prohibited methods could be amended to include other techniques, if needed, through future rulemaking. AMS also proposes to add a new § 205.238(e)(3), which would require organic producers to examine livestock to ensure they are dead following a euthanasia procedure.

C. Mammalian Livestock Living Conditions (§ 205.239)

AMS is proposing to separate the mammalian living conditions section from avian living conditions section due to the different physiology and husbandry practices for birds and mammals. As a result, AMS proposes revising the title of § 205.239 from ''Livestock Living Conditions'' to ''Mammalian Livestock Living Conditions.'' By creating clear living condition requirements for mammalian livestock and avian livestock, organic operations and certifying agents are better equipped to implement the USDA organic regulations in a consistent manner. Information regarding avian living conditions is addressed in new § 205.241.

AMS proposes to revise § 205.239(a)(1) to remove the requirement that all ruminant livestock must be able to feed simultaneously. One method of feeding livestock, including ruminants, is the use of a self-feeder or a creep-feeder. With creep-feeding and self-feeding, feed is accessible to all livestock at all times though they may not feed at the exact same time. Allowing self-feeding and creep-feeding systems would provide organic ruminant producers with more flexibility and options to manage their farm and livestock in farm-specific methods.

AMS proposes to maintain the current § 205.239(a)(3), which requires the use of appropriate, clean, dry bedding. If roughages are used as bedding, they must be organically produced and handled by certified operations, with the exception of transitioning dairy producers that may provide crops and forage from land included in the organic system plan of the dairy farm that is in the third year of organic management during the 12-month period immediately prior to the sale of organic milk and milk products (7 CFR 205.236(a)(2)(i)).

AMS proposes to revise § 205.239(a)(4)(i) to specify that shelter must be designed to accommodate natural behaviors over every 24-hour period. Shelter must have sufficient space for the animals to lie down, stand up, and fully stretch their limbs and allow livestock to express their normal patterns of behavior over a 24-hour period. AMS recognizes that there are times when animals will be constrained for livestock handling or management purposes. An animal may be limited in its freedom of movement during parts of the day for a variety of reasons, including milking, feeding, or other handling purposes. Livestock may be constrained for limited amounts of time to ensure hygiene and wellbeing of the animals. Stalls for organic dairy cattle are often designed to limit the animals from turning to the sides. This stall design directs manure and urine into a collection system to prevent mastitis and maintain low somatic cell counts in the milk. Mammalian livestock may be housed for part of the day in stalls as described in the organic system plan as long as they have complete freedom of movement during significant parts of the day for grazing, loafing, and exhibiting natural social behavior. This allowance does not permit the use of gestation crates or other confinement systems in which swine would be housed individually in stalls for months at a time. However, if livestock are temporarily confined indoors as permitted in § 205.239(b), livestock must be able to move around, turn around, and stretch their limbs indoors for part of the day. Operations would need to fully describe the use of any stalls, methods used in stall management, and how livestock are able to express their normal patterns of behavior.

AMS proposes to add § 205.239(a)(4)(iv) to set requirements for an indoor space for bedding and resting that is sufficiently large and comfortable to keep livestock clean, dry, and free of lesions, with the exception of animals raised on pasture or range. AMS recognizes that while livestock do need to be provided with shelter (defined in § 205.2), livestock on pasture or range may not have access to traditional barns or bedded areas and therefore may not be provided with indoor space. These types of operations may use windbreaks or other methods to provide shelter for the livestock. Additionally, not all manufactured shelters are designed to hold bedding; for example, a shelter designed to provide shade may be portable and thus incompatible with holding bedding. Operations need to describe in their OSP how they will provide shelter to their livestock in a manner suitable for the species, stage of production, and environment.

AMS proposes to add new requirements in § 205.239(a)(7) concerning the individual housing of dairy young stock. Section 205.239(a)(7) would allow for the individual housing of animals until the weaning process is complete but no longer than six months, as long as the animals have sufficient room to turn around, lie down, stretch out while lying down, get up, rest, and groom themselves. In addition, the individual housing of young stock would need to be designed so that animals can see, smell, and hear other animals.

AMS proposes to add three new provisions in § 205.239(a)(8) to require the group housing of swine, with three listed exceptions: (1) § 205.239(a)(8)(i) would allow for sows to be individually housed at farrowing and during the suckling period; (2) § 205.239(a)(8)(ii) would allow for boars to be individually housed to reduce the likelihood of fights and injuries; and (3) § 205.239(a)(8)(iii) would allow for swine to be individually housed after multiple documented instances of aggression or to allow an individual pig to recover from a documented illness.

AMS proposes to add two new provisions in § 205.239(a)(9) and (10) concerning swine housing. Section 205.239(a)(9) would prohibit the use of flat decks or piglet cages. This provision would prohibit the stacking of piglets in flat decks in multiple layers. AMS is not aware of any organic producers currently using these methods for organic production. AMS is proposing specific language to prohibit the practices and affirm that these systems do not and cannot meet the living conditions requirements of the organic regulations. In addition, § 205.239(a)(10) would require both indoor and outdoor areas for swine to include space for the livestock to root. Rooting is a natural behavior that must be accommodated by organic swine producers and could be done in soil, deep packed straw, or other materials. Organic swine producers would also be required to update their OSP to address how swine will be allowed to root during temporary confinement periods.

AMS proposes to add a new provision in § 205.239(a)(11) to further clarify the use of barns or other structures with stalls. If indoor shelter is provided by a structure with stalls, this structure must have a sufficient number of stalls to allow for the natural behaviors of the animals. A cage would not be

[33] *https://www.avma.org/resources-tools/avma-policies/avma-guidelines-euthanasia-animals.*

considered a stall. AMS is aware that some operations use systems that robotically feed animals that take turns entering an individual feeding stall. AMS does not intend to prohibit such systems since they could enhance the wellbeing of organic livestock. Therefore, the proposed § 205.239(a)(11) would provide an exception for this type of system: more animals than feeding stalls may be allowed for group-housed swine as long as all animals are fed routinely every day. AMS also proposes to add specific allowances for a variety of cattle barns, including tie stall barns, stanchion barns, and free stall barns. However, while these barns can all be suitable for organic certification systems, the specific procedures used by producers with these barns may be incompatible with organic production. For example, it would not be permitted for a producer to leave an animal tied up for 24 hours per day in a tie stall barn.

AMS proposes to add a new requirement for outdoor access in § 205.239(a)(12). Organic livestock would be required to have unencumbered access to the outdoors year-round, unless temporary confinement is justified under a specific reason described in the USDA organic regulations (*e.g.,* nighttime confinement for protection from predators). When the outdoor space includes soil, then maximal vegetative cover must be maintained as appropriate for the season, climate, geography, species of livestock, and stage of production. Ruminants must have access to graze during the growing season. Swine are not required to have access to the soil or vegetation; however, if a swine producer chooses to allow swine to have access to the soil as a rooting material, then the producer must maintain as much vegetative cover as possible given the natural behavior of swine to root, the season, and local environmental conditions.

AMS proposes to revise § 205.239(b)(7) to clarify the exemption for temporary confinement for the purpose of breeding livestock. Livestock may only be confined for the time required for natural or artificial breeding. A group of livestock may be confined before the procedures and while the various individuals are bred; afterward, the group shall be returned to living spaces that allow outdoor access. This provision would prohibit livestock from being confined indoors to observe estrus, or until they are determined to be pregnant. Proposed § 205.239(c)(1) further describes the time when ruminants may be denied access to pasture, but not access to the outdoors, before and after a breeding attempt.

AMS proposes to revise § 205.239(b)(8) to clarify the temporary confinement exception for youth livestock projects. Because many youth livestock projects include the sale of market animals, organic animals that were under continuous organic management may be sold as organic animals at youth fairs, even if the sales facility is not certified organic. Thus, the proposed revision includes an exemption to the proposed § 205.239(b)(6) requirement that a livestock sales facility be certified as an organic operation. As an example, if a youth exhibition and sale is held at a livestock sales facility that is not certified organic, the livestock may be temporarily confined indoors during the event. In this case, the youth could still sell the organic animal as an organic animal, provided all other requirements for the organic management of livestock are met. Otherwise, non-certified sales facilities, such as auction barns or fairgrounds, may not sell or represent livestock as organic. AMS proposes to include this exception to encourage the next generation of organic farmers.

AMS proposes to revise § 205.239(d) to reflect the similar proposed changes in § 205.239(a)(1). Use of self-feeding and creep-feeding would be allowed to provide ruminants with access to feed continuously over a 24-hour period.

D. Avian Living Conditions (§ 205.241)

AMS is proposing to add a new section to the organic regulations, § 205.241, entitled ''Avian living conditions,'' which includes requirements for all organic avian (''bird'' or ''poultry'') species, including but not limited to, chickens, turkeys, geese, quail, pheasant, and any other species that are raised for organic eggs, organic meat, or other organic agricultural products.

Section 205.241(a) proposes to establish general requirements for organic poultry production. These general principles are further clarified in § 205.241(b), (c), and (d). Section 205.241(a) would require organic poultry operations to establish and maintain living conditions that accommodate the wellbeing and natural behaviors of the birds. These living conditions include: year-round access to the outdoors, soil, shade, shelter, exercise areas, fresh air, direct sunlight, clean water for drinking, materials for dust bathing, and adequate space to escape aggressive behaviors. The living conditions provided should be appropriate to the species, its stage of life, the climate, and the environment. These proposed requirements are based upon a 2009 NOSB recommendation [34] and are largely identical to previously established livestock requirements at § 205.239(a)(1), although AMS proposes to add additional requirements, including materials for dust bathing and adequate outdoor space to escape aggressive behaviors. These additional requirements are necessary to provide for the basic needs of poultry.

Section 205.241(b) proposes to specify the indoor space requirements for avian species. This proposed provision would require operations to provide shelter to birds, and if an operation provides indoor space to birds, this space would need to meet the proposed indoor space requirements. Proposed § 205.241(b)(1) would require that indoor space be sufficiently spacious to allow all birds to move freely, stretch their wings, stand normally, and engage in natural behaviors. Cages or environments that limit free movement within the indoor space would be prohibited. In addition, the indoor space must allow birds to engage in natural behaviors such as dust bathing, scratching, and perching. These proposed requirements are adopted from a 2009 NOSB recommendation and modify previously established requirements for organic livestock at § 205.239(a)(4)(i) that required, ''shelter designed to allow for. . .natural maintenance, comfort behaviors, and opportunity to exercise.''

AMS proposes to add a new § 205.241(b)(2) to require producers to monitor ammonia levels at least monthly and implement practices to maintain ammonia levels below 10 ppm. Should ammonia levels exceed 10 ppm, producers would be required to implement additional practices and additional monitoring to reduce ammonia levels below 10 ppm. Ammonia levels above 25 ppm would not comply with the requirements. Ammonia is a natural breakdown product of manure from livestock and is harmful to birds when inhaled, especially at concentrations above 25 ppm.[35] Inhalation of high levels of ammonia has a negative impact on welfare in poultry, causing irritation and inflammation, as well as contributing to negative production outcomes like reduced growth. In most

[34] 2009 NOSB Sunset Recommendation: *https://www.ams.usda.gov/sites/default/files/media/NOP%20Final%20Sunset%20Rec%20Animal%20Welfare.pdf.*

[35] ''Ammonia production in the poultry houses and its harmful effects'' IU Sheikh, SS Nissa, Bushra Zaffer, KH Bulbul, AH Akand, HA Ahmed, Dilruba Hasin, Isfaqul Hussain and SA Hussain, International Journal of Veterinary Sciences and Animal Husbandry, 3(4): 30–33, 2018.

cases, high levels of ammonia indicate that litter is damp, or litter management practices require modification.

Proposed § 205.241(b)(3) would clarify the lighting requirements for organic layers and fully feathered birds. Organic producers could use artificial light for up to 16 hours per day (24-hour period). The 16-hour period would need to be calculated as a single continuous time period. Artificial light would need to be lowered gradually to encourage hens to move to perches or otherwise settle for the night. AMS is not including a requirement from the 2017 OLPP final rule (subsequently withdrawn in 2018) that required, ''Natural light must be sufficient indoors on sunny days so that an inspector can read and write when all lights are turned off.'' AMS determined that it would not be feasible for inspectors to verify a producer's compliance with this requirement, so the requirement was removed from this proposed rule.

Proposed § 205.241(b)(4) would require exit areas, or doors, on shelters to be designed in such a way that the birds could easily access both indoor and outdoor areas. Access and utilization of outdoor areas is a core principle of organic production systems. Organic avian systems must be designed so birds have ready access to outdoor areas and so birds are able to return indoors to roost in the evening. Producers must provide exit doors and door sizes to enable all birds to access outdoor and indoor areas. Door size and appropriate placement must provide meaningful outdoor access to the birds. This section also notes that shell egg producers may be subject to FDA requirements in 21 CFR part 118 intended to prevent Salmonella Enteritidis (SE). Specifically, these FDA regulations require producers to maintain biosecurity measures that prevent stray poultry, wild birds, cats, and other animals from entering poultry houses. AMS invites comments on how organic producers provide exit doors for meaningful outdoor access while simultaneously preventing animals (that could introduce or transfer SE) from entering poultry houses.

Proposed § 205.241(b)(5) would require perches for chicken layers at a rate of six inches per bird for all housing, with the exception of aviary housing. Perch space could include the alighting rail in front of nest boxes. Perches would not be required for broilers, meat birds, or layers of non-*Gallus gallus* species. Aviary housing would need to provide 6 inches of perch space for only 55 percent of the flock (*i.e.,* 3.3 inches of perch for each bird in flock) because birds in aviary housing are also able to escape aggressive behavior by moving between tiers in the house. These proposed requirements are adopted from 2009 and 2011 NOSB recommendations.

Proposed § 205.241(b)(6) would specify indoor requirements to allow for certain natural behaviors. Indoor space would be required to include areas that allow for scratching and dust bathing. Litter (*i.e.,* bedding), such as wood shavings or straw, must also be provided indoors. Manure excreted by birds in a poultry house alone, without additional litter, would not be sufficient to meet this requirement. The proposed provisions would also require that litter be maintained in a dry manner, since wet litter can lead to a variety of problems for birds, including excess ammonia, lameness, and pest problems.[36] High moisture content in poultry litter can cause negative health and welfare outcomes, including foot pad dermatitis [37] and increased populations of house fly leading to disease in the birds.[38] Wet litter also promotes bacterial growth, which can further lead to disease and negative health outcomes in birds.[39] Litter may be topped off when needed to maintain sufficient dryness. The proposed requirements described in § 205.241(b)(6) are adopted from 2009 and 2011 NOSB recommendations.

Proposed § 205.241(b)(7) would add specific flooring requirements for indoor avian housing with slatted/mesh floors. These houses must provide at least 30 percent solid flooring to allow birds indoors to engage in natural behaviors, including scratching and dust bathing, without crowding. This proposed requirement is adopted from a 2009 NOSB recommendation.

Sections 205.241(b)(8), 205.241(b)(9), and 205.241(b)(10) propose minimum indoor space requirements for different types of housing. These are minimum standards, and organic producers may choose to provide more indoor space than required. The indoor space requirements would apply to chickens (*Gallus gallus*), with layer requirements at § 205.241(b)(8), pullet requirements at § 205.241(b)(9), and broiler requirements at § 205.241(b)(10). The proposed indoor space requirements for layers vary by the type of housing provided. The types of housing are further defined in § 205.2 and include: mobile housing, aviary housing, slatted/mesh floor housing, and floor litter housing. For housing that does not fit into any of these defined types, the proposed indoor space requirement is no more than 2.25 pounds of hen per square foot. Pasture pens that are moved regularly and provide direct access to soil and vegetation would not be considered indoors (see definition of ''outdoors'' in § 205.2). These proposed requirements are adapted from 2009 and 2011 NOSB recommendations, and made in consideration of third-party animal welfare standards.

AMS proposes to establish indoor space requirements for common types of poultry housing. Less indoor space will be required per bird in houses that provide more access to vertical space in the house, as birds have more room to move around (*e.g.,* aviary and slatted/mesh floor housing). Housing where birds have more limited access to vertical space (*e.g.,* floor litter housing) must provide more indoor space per bird. AMS proposes to allow higher stocking densities in mobile housing, as birds managed in these systems spend more time outdoors, and mobile housing must be relatively small and light, as it is moved frequently.

AMS is using the unit of measurement as ''pounds per square foot'' to establish space requirements. In other words, the minimum space that must be provided depends on the average weight of birds at that time. All weight references proposed in § 205.241(b) and (c) refer to the weight of live birds and not the weight of processed birds, for example. By stating the requirement in pounds per square foot, the application of the space requirement is more consistent between breeds, where the average weight per bird can vary significantly. This unit of measurement (pounds per square foot) was recommended by the NOSB in 2011 for pullets and broilers, and AMS proposes to extend this same unit of measurement to layers. This use of measurement allows birds to receive similar spacing densities physically no matter the breed's size. Under this proposed rule, larger breeds (*i.e.,* heavier on a per-bird basis) must be provided with more indoor space than smaller birds, on a per bird basis. For example, Rhode Island Red birds are heavier than White Leghorns or ISA

[36] ''Broiler Litter: Odor and Moisture Concerns'', Tom Tabler, Yi Liang, Jonathan Moon, and Jessica Wells. Mississippi State University Extension, Publication: P3515, 2020.

[37] ''Wet litter not only induces footpad dermatitis but also reduces overall welfare, technical performance, and carcass yield in broiler chickens'', Ingrid C. de Jong, H.Gunnink and J.van Harn, Journal of Applied Poultry Research, 23(1): 51–58, 2014.

[38] ''Pests in Poultry, Poultry Product-Borne Infection and Future Precautions'', Hongshun Yang, Shuvra K. Dey, Robert Buchanan, and Debabrata, Biswas Practical Food Safety: Contemporary Issues and Future Directions, 1, 2014.

[39] ''Broiler Litter: Odor and Moisture Concerns'', Tom Tabler, Yi Liang, Jonathan Moon, and Jessica Wells, Mississippi State University Extension, Publication: P352020.

Browns, and thus cannot be stocked as densely, in terms of number of birds per unit area.

An example of how space requirements can be calculated is as follows: a layer in a floor litter housing system that is 32 weeks of age and weighs 4.3 pounds must be provided with 1.43 square feet per bird (equivalent to 3.0 pounds of bird for each one square foot); however, at 80 weeks of age and a weight of 4.5 pounds, each bird must be provided with 1.5 square feet per bird (3.0 pounds of bird for each one square foot). In other words, for each 10,000 square feet, a producer could stock 6,993 birds at 32 weeks of age (bird weight of 4.3 pounds) but only 6,667 birds at 80 weeks of age (bird weight of 4.5 pounds). Although older and heavier birds require more space, natural mortalities over time may result in compliance with the space requirements over a production cycle.

To calculate the weight of birds, an average weight may be established for the flock by taking weights of a representative sample of the flock. The requirement is not specific to each individual bird in a flock. AMS understands that many producers already monitor and track bird weight closely during the production cycle to monitor bird development and health and calculate feed requirements. However, if weight is not monitored by a producer, the producer will need to establish the weight of birds based on objective criteria to determine the space required indoors and outdoors. Certifiers may also weigh birds at inspections to verify compliance with the requirements.

Proposed § 205.241(b)(11) specifies how the area of the indoor space is calculated. Indoor space must be calculated to ensure that birds are provided with adequate indoor space to meet the proposed space requirements at § 205.241(b)(8) through (10). The total size of the indoor space is calculated by including all flat areas in a house, excluding nest boxes. Elevated round perches, for example, are not flat areas and could not be included as indoor space. Nest boxes are excluded from the calculation, as they are distinct from useable floor areas of the house where birds can move around freely. This aligns with the 2009 and 2011 NOSB recommendations.

Proposed § 205.241(b)(12) clarifies that indoor space may include enclosed porches and lean-to type structures (*e.g.,* screened in, roofed) provided that the birds always have access to the space, including during temporary confinement events. The same porch must not be counted as indoor space if the birds do not have continued access to the space during temporary confinement events. This would ensure that enclosed porches that are not fully accessible to birds are not counted in indoor space calculations.

Proposed § 205.241(c) establishes the requirements for outdoor areas for organic avian species, including the amount of outdoor space that must be provided to organic avian species. The requirements of proposed § 205.241(c) are adapted from previously established requirements at § 205.239, 2009 and 2011 NOSB recommendations, and third-party animal welfare organization standards. Proposed § 205.241(c)(1) requires that the outdoor space be designed to promote and encourage outdoor access for all birds. Producers are required to provide access to the outdoors at an early age. This section requires door spacing to be designed to promote and encourage outdoor access and requires outdoor access to be provided on a daily basis (further described at proposed § 205.241(b)(4)). Outdoor access may only be temporarily restricted in accordance with proposed § 205.241(d).

Proposed § 205.241(c)(2) would require outdoor areas for poultry to have a minimum of 50 percent soil and that the soil portion of the outdoor area include maximal vegetative cover. Vegetative cover must be maintained in a manner that does not provide harborage for rodents and other pests. For example, a producer may mow vegetation to ensure that tall vegetation does not provide harborage for pests. A maximum of 50 percent of the outdoor area may be gravel, concrete, or surfaces other than soil or soil with vegetative cover. Maximal vegetation would be required, as vegetation protects soil and water quality and allows birds to engage in natural behaviors, including foraging, pecking, and scratching. The amount of vegetation present would depend on the season, climate, geography, species, and the stage of production.

Proposed § 205.241(c)(3) clarifies how producers may provide shade to meet the general requirements of proposed § 205.241(a). Shade may be provided in outdoor areas by trees, shade structures, or other appropriate objects. This section is specific to shade in outdoor areas; it would not permit structures that do not meet the definition of ''outdoors'' (§ 205.2) to be included in calculations of outdoor space.

This proposed rule would require organic layer producers to provide at least one square foot of outdoor space for every 2.25 pounds of bird in the flock. For example, if birds average 4.5 pounds, a producer must provide 2.0 square feet of outdoor space for each bird in the flock. Organic pullet producers must provide at least one square foot of outdoor space for every 3.0 pounds of bird in the flock. Organic broiler producers must provide at least one square foot of outdoor space for every 5.0 pounds of bird in the flock. The total outdoor space that must be provided per flock is to be calculated by multiplying the total number of birds in the flock by the space required per bird (*i.e.,* not by multiplying the number of birds actually in the outdoor area at a given moment by the space requirement per bird). All weight references in proposed § 205.241(b) and (c) refer to the weight of live birds and not the weight of processed birds.

Proposed § 205.241(c)(7) would clarify that porches and lean-to type structures that are not enclosed (*e.g.,* with a roof, but with screens removed) and allow birds to freely access other outdoor areas can be counted as outdoor space. This would ensure that enclosed porches are not counted as outdoor space, while providing flexibility for producers to use modified porches as outdoor space when they are open to larger outdoor areas that the birds can access.

Proposed § 205.241(d) describes the conditions under which organic avian livestock producers may temporarily confine birds indoors (''temporary'' and ''temporarily'' further defined at § 205.2). Producers must record confinement, and should do so in a manner that will demonstrate compliance with the USDA organic regulations (also see § 205.103). Records could include the reason for the confinement, the duration of the confinement, and the flocks that were confined. Records should be sufficient for a certifier to determine if birds were confined in compliance with this section. The requirements of proposed § 205.241(d) are adapted from previously established requirements for organic livestock at § 205.239(b), 2009 and 2011 NOSB recommendations, and third-party animal welfare organization standards.

Proposed § 205.241(d)(1) would provide an allowance for temporary confinement in response to inclement weather, which is defined at § 205.2. In addition, this provision would allow birds to be confined indoors when the temperature does not exceed 40° F. It would also allow birds to be denied outdoor access or be brought inside when the daytime temperature exceeds 90° F. In this case, producers have to provide outdoor access during parts of the day when temperatures are between 40–90°F, unless other forms of

inclement weather occur. Weather may still qualify as inclement weather (§ 205.2) within the 40–90° F temperature range. For example, excessive precipitation and very violent weather can occur when temperatures are within 40° F and 90° F. Likewise, weather may meet the definition of inclement weather within the range of 40° F and 90° F if the relative humidity is very high and the air temperature is nearing 90° F, or under extremely windy conditions. As inclement weather is defined, in part, as weather that can cause physical harm to a species, a producer would still be in compliance with proposed § 205.241(d)(1) if birds were confined at temperatures that did not exceed 90° F, if the weather could cause physical harm.

Proposed § 205.241(d)(2) would provide an allowance for temporary confinement indoors due to a bird's stage of life. In this section, AMS proposes specific requirements for confining chicken broilers and chicken pullets due to their stage of life (''stage of life'' previously defined at § 205.2). Additionally, the section includes a general provision for confining other avian species until fully feathered. Chicken broilers may be confined through 4 weeks of age and chicken pullets may be temporarily confined indoors through 16 weeks of age. The NOSB recommended 16 weeks of age as the age after which outdoor access is required to provide adequate time for pullets to complete their vaccination program before exposure to pathogens outdoors. Any confinement beyond the time when birds are fully feathered would be in accordance with proposed § 205.241(d).

Proposed § 205.241(d)(3) would provide an allowance for temporary indoor confinement under conditions in which the health, safety, or well-being of the birds could be jeopardized. Temporary confinement would be required to be recorded, and to confine birds under this proposed provision, a producer must have sufficient justification to demonstrate that an animal's health, safety, or well-being could be jeopardized by access to the outdoors. Certifying agents would verify compliance with this requirement. Producers and certifying agents should consult with animal health officials, as appropriate, to determine when confinement of birds is warranted to protect the health, safety, or well-being of the birds. Animal health officials are also encouraged to reach out to certifying agents and to AMS to discuss specific health concerns. AMS would continue to engage animal health officials, including State Departments of Agriculture and State Veterinarians, about risks to bird health and provide appropriate guidance to certifying agents or producers, as necessary.

Proposed § 205.241(d)(4) would provide an allowance for indoor confinement to prevent risk to soil or water quality. This provision would allow for confinement of birds when the outdoor area is being managed to reestablish vegetation. As outdoor areas must be maximally vegetated, producers may need to occasionally confine birds to meet the vegetation requirement at § 205.241(c)(2).

Proposed § 205.241(d)(5) would provide an allowance for indoor confinement for preventive health care procedures and for the treatment of illness or injury. Neither life stages nor egg laying are considered an illness for confinement purposes. For example, this provision would allow producers to briefly confine a flock to administer a vaccine or confine an individual animal that requires medical treatment.

Proposed § 205.241(d)(6) would provide an allowance for indoor confinement for sorting, shipping, and poultry sales. Birds would be required to be managed organically during the entire time of confinement. For example, any feed provided during confinement must be organic. Confinement must be no longer than necessary to sort the birds or to catch the birds, place them in shipping containers, and conduct the sale.

Proposed § 205.241(d)(7) would provide an allowance for indoor confinement to train pullets to lay eggs in nest boxes, with a maximum period of five weeks allowed for confinement (over the life of the bird). The training period would be required to not be any longer than required to establish the proper behavior. As soon as the behavior is established, birds must be provided with access to the outdoors, except when confined in accordance with other provisions under proposed § 205.241(d).

Proposed § 205.241(d)(8) would provide an allowance for indoor confinement for youth exhibitions, such as with 4–H or the National FFA Organization. This provision would also include an exemption to the requirement that a livestock sales facility be certified as an organic operation. As an example, if a youth exhibition and sale is held at a livestock sales facility that is not certified organic, a youth may sell birds there as organic, provided all other requirements for organic management are met. During the youth event, the livestock may be temporarily confined indoors. Otherwise, non-certified sales facilities, such as auction barns, may not sell or represent livestock as organic. AMS is adding these provisions at proposed § 205.241(d)(8) to encourage the next generation of organic producers.

Proposed § 205.241(e) would require organic poultry producers to manage manure in a manner that does not contribute to contamination of crops, soil, or water quality by plant nutrients, heavy metals, or pathogenic organisms. Organic poultry producers would be required to manage the outdoor space in a manner that does not put soil or water quality at risk. In addition, organic poultry producers would be required to comply with all other governmental agency requirements for environmental quality. The proposed requirements of this section are adapted from previously established requirements for organic livestock at § 205.239(e).

E. Transport and Slaughter

AMS is proposing to add a new section to the organic regulations at § 205.242 titled ''Transport and Slaughter,'' to address the care of organic animals during transport and up to the time of slaughter. Proposed § 205.242 is divided into three subsections on transportation, mammalian slaughter, and avian slaughter.

The proposed changes are made in response to a December 2011 NOSB recommendation [40] and under AMS's authority to promulgate standards ''for the care of livestock'' (7 U.S.C. 6509(d)(2)). AMS understands that ''care of livestock'' is relevant up to the time of slaughter and that some practices during transport and/or slaughter should affect an animal's organic certification. Once killed, existing organic regulations for handling operations become relevant for the processing, packaging, and sale of organic animal products. The proposed requirements would apply to the care of live animals.

The December 2011 NOSB recommendation noted that additional regulations for the transport and slaughter of organic animals were appropriate to assure consumers that animal products sold as organic are produced with a high level of animal welfare and, ''to avoid animal mistreatment on the farm, during transport to, or at the slaughter plant.'' The NOSB noted that their recommended regulatory language reflect third-party animal welfare

[40] *https://www.ams.usda.gov/sites/default/files/media/NOP%20Livestock%20Final%20Rec%20Animal%20Handling%20and%20Transport%20to%20Slaughter.pdf*

certification standards and common practices within the industry. The NOSB also specifically recommended that AMS adopt the ''necessary'' requirements from the recommendation to avoid increasing paperwork burden or certification costs, and to avoid discouraging small slaughter plants from seeking or maintaining organic certification. AMS agrees that additional requirements are appropriate to cover the time period(s) during which organic livestock are transported and slaughtered. As noted above, products sold as organic must be managed and processed in accordance with detailed organic regulations. AMS believes that it is appropriate to clarify the requirements for transport and slaughter in the organic regulations. This proposal seeks to minimize paperwork burden and increases in certification costs, when possible, by referring to existing regulations and laws that apply to transport and slaughter. Specific requirements are also included, as recommended by the NOSB.

Proposed § 205.242(a)(1) would require that animals are clearly identified during transport. AMS's approach requires that livestock are clearly identified but provides flexibility on how the identity is maintained during transport. Proposed § 205.242(a)(2) would set minimum fitness requirements for livestock to be transported. Proposed § 205.242(a)(2)(i) would require that calves have a dry navel cord and the ability to stand and walk without assistance if they are to be transported. This provision would apply to transport to buyers, auction facilities, or slaughter facilities. Beef cattle and dairy cattle producers may transport calves on the farm before the navel is dried and the calves can walk. Proposed § 205.242(a)(2)(ii) would prohibit transport of non-ambulatory animals to buyers, auction facilities, or slaughter facilities. These animals may either be given medical treatments and cared for until their health conditions improve, so that they are able to walk, or they may be euthanized.

Proposed § 205.242(a)(3) and (4) would set minimum standards for the trailer, truck, or shipping container used for transporting organic livestock. The mode of transportation would be required to provide seasonally appropriate ventilation to protect livestock against cold or heat stress. This provision would require that air flow be adjusted depending on the season and temperature. In addition, bedding would be required to be provided on trailer floors as needed to keep livestock clean, dry, and comfortable. If roughage is used as bedding, the bedding would need to be organically produced and handled. Bedding would not be required for poultry crates.

Proposed § 205.242(a)(5) would require that all livestock be provided with organic feed and clean water if transport time exceeds 12 hours. The 12-hour time period includes all times during which the livestock are on the trailer, truck, or shipping container, even if these modes of transportation are not moving. In cases such as poultry slaughter in which requirements do not allow feed 24 hours before slaughter, producers and slaughter facilities would need to ensure that transport time does not exceed 12 hours. After 12 hours of transport, the birds would need to be fed, which may prolong the time to slaughter. The certified operation would need to present records—which verify that transport times meet the 12-hour requirement—to the certifying agent during inspections or upon request.

Proposed § 205.242(a)(6) would require that operations that transport livestock to sales or slaughter have emergency plans in place that adequately address problems reasonably possible during transport. Such emergency plans could include how to provide feed and water if transport time exceeds 12 hours, what to do if livestock escape during transport, or how to euthanize an animal injured during transport. Shipping and/or receiving operations would also be required to include these plans in their OSPs.

F. Slaughter Requirements (§ 205.242(b) and (c))

1. Slaughter and the Handling of Livestock in Connection With Slaughter

The requirements regarding slaughter and the handling of livestock in connection with slaughter are governed by separate authority applicable to both certified organic and non-organic livestock products. The proposed rule reiterates that compliance with these regulations, as determined by FSIS, is required for certified organic livestock operations. The proposed requirements defers, in large part, to existing regulations and law while also aiming to ensure that USDA-accredited certifying agents have access to relevant records. The proposal seeks to avoid undue burden on certified organic slaughter facilities which could have the effect of reducing the availability of certified organic slaughter facilities. Proposed § 205.242(b) regarding mammalian slaughter would clarify the authority of AMS, certifying agents, and State organic programs to review records related to humane handling and slaughter issued by the controlling national, federal, or state authority, and records of any required corrective actions if certified operations are found to have violated FSIS regulations governing the humane handling of mammalian livestock in connection with slaughter (note that AMS has separated mammalian from avian slaughter requirements due to the differences in how mammalian and avian livestock are handled and slaughtered). This new subsection (proposed § 205.242(b)), titled ''Mammalian Slaughter,'' would govern mammals defined as ''livestock'' or ''exotic animals'' under the FSIS regulations. Under the FSIS regulations, ''livestock'' are cattle, sheep, swine, goat, horse, mule, or other equines. ''Exotic animals'' include antelope, bison, buffalo, cattalo, deer, elk, reindeer, and water buffalo. These regulations govern the handling and slaughter of most mammalian animals used for food in the United States and apply to all operations that slaughter these animals.

Proposed § 205.242(b)(1) would require certified organic slaughter facilities to be in full compliance with the Humane Methods of Slaughter Act (HMSA) of 1978 (7 U.S.C. 1901 *et seq.*) and its implementing FSIS regulations, as determined by FSIS. The HMSA requires that humane methods be used for handling and slaughtering livestock and defines humane methods of slaughter. In the HMSA, Congress found ''that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce.'' The HMSA is referenced in the Federal Meat Inspection Act (FMIA) at 21 U.S.C. 603 and is implemented by FSIS humane handling and slaughter regulations found at 9 CFR parts 309 and 313. The FMIA provides that, for the purposes of preventing inhumane slaughter of livestock, the Secretary of Agriculture will assign inspectors to examine and inspect the methods by which livestock are slaughtered and handled in connection with slaughter in slaughtering establishments subject to inspection (21 U.S.C. 603(b)).

All establishments that slaughter livestock, which include any certified organic operations that slaughter livestock, must meet the humane

handling and slaughter requirements the entire time they hold livestock in connection with slaughter. FSIS provides for continuous inspection in livestock slaughter establishments, and inspection program personnel verify compliance with the humane handling regulations during each shift that animals are slaughtered, or when animals are on site, even during a processing-only shift. The regulations at 9 CFR part 313 govern the maintenance of pens, driveways, and ramps; the handling of livestock, focusing on their movement from pens to slaughter; and the use of different stunning and slaughter methods. Notably, FSIS inspection program personnel verify compliance with the regulations at 9 CFR part 313 through the monitoring of many of the same parameters proposed by the NOSB in 2011, including prod use, slips and falls, stunning effectiveness, and incidents of egregious inhumane handling.[41] The regulations at 9 CFR part 309 govern ante-mortem inspection and ensure that only healthy ambulatory animals are slaughtered, and that non-ambulatory are euthanized and disposed of promptly. FSIS has a range of enforcement actions available regarding violations of the humane slaughter requirements for livestock, including noncompliance records, regulatory control actions, and suspensions of inspection.

Further, FSIS encourages livestock slaughter establishments to use a systematic approach to humane handling and slaughter to best ensure that they meet the requirements of the HMSA, FMIA, and implementing regulations.[42] With a systematic approach, establishments focus on treating livestock in such a manner as to minimize excitement, discomfort, and accidental injury the entire time they hold livestock in connection with slaughter. Establishments may develop written animal handling plans and share them with FSIS inspection program personnel.

AMS proposes to add a new § 205.242(b)(2) for those certified organic facilities that slaughter exotic animals and voluntarily request FSIS inspection. FSIS also provides, upon request, voluntary inspection of certain exotic animal species on a fee-for-service basis under the authority of the Agricultural Marketing Act of 1946. FSIS regulates the humane handling of the slaughter of exotic animals under the regulations at 9 CFR part 352.10, which require that exotic animals be slaughtered and handled in connection with slaughter in accordance with the requirements for livestock at 9 CFR part 309 and 9 CFR part 313. Violation of these regulations can result in a denial of service by FSIS.

Proposed § 205.242(b)(3) would require that all certified organic slaughter facilities provide any FSIS noncompliance records or corrective action records relating to humane handling and slaughter to certifying agents during inspections or upon request. Not all violations of FSIS regulations result in a suspension of FSIS inspection services. In some cases, FSIS will issue a noncompliance record and the slaughter facility must perform corrective actions to bring the slaughter facility back into compliance. These records would be required to be provided to certifying agents during inspection or upon request to verify that the slaughter facility is in full compliance and has taken all corrective actions. If records revealed that an organic operation had not taken corrective actions required by FSIS within the time period allowed by FSIS, the certifying agent could initiate actions to suspend the facility's organic certification. While this action would be separate from any FSIS actions, it would impact the facility's capacity to handle organic animals.

In addition, AMS recognizes that in the United States, some slaughter facilities are regulated by the State for intra-state meat sales. In foreign countries, foreign governments may be the appropriate regulatory authority for humane slaughter inspections. In all cases, the relevant humane slaughter noncompliance records and corrective action records would be required to be provided to certifying agents during the inspections or upon request.

2. Slaughter and the Handling of Poultry in Connection With Slaughter

AMS proposes to add § 205.242(c) regarding avian slaughter facilities. Proposed § 205.242(c)(1) would clarify the authority of AMS, certifying agents, and State organic programs to review noncompliance records related to the use of good manufacturing practices in connection with slaughter issued by the controlling national, federal, or state authority, and records of subsequent corrective action if certified operations are found to have violated the Poultry Products Inspection Act (PPIA) requirements regarding poultry slaughter, violated the FSIS regulations regarding the slaughter of poultry, or failed to use good commercial practices in the slaughter of poultry, as determined by FSIS. Under the PPIA and the FSIS regulations, poultry are defined as chickens, turkeys, ducks, geese, guineas, ratites, and squabs. These species constitute most avian species slaughtered for human food in the United States. However, the proposed organic standards for avian slaughter would apply to all species biologically considered avian or birds. The NOSB did not directly address avian slaughter requirements. However, AMS is proposing to add avian slaughter requirements for consistency with the new mammalian slaughter requirements and to provide consistent slaughter requirements for certified organic operations.

While the HMSA does not apply to poultry, under the PPIA at 21 U.S.C. 453(g)(5), a poultry product is considered adulterated if it is in whole, or in part, the product of any poultry that has died by other means than slaughter. FSIS regulations, in turn, require that poultry be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the poultry carcass and will ensure that breathing has stopped before scalding (9 CFR 381.65 (b)). Compliance with FSIS Directives 6100.3 and 6910.1, as determined by FSIS, would be required under the proposed rule.

In a 2005 **Federal Register** Notice, FSIS reminded all poultry slaughter establishments that live poultry:

> . . . must be handled in a manner that is consistent with good commercial practices, which means they should be treated humanely. Although there is no specific federal humane handling and slaughter statute for poultry, under the PPIA, poultry products are more likely to be adulterated if, among other circumstances, they are produced from birds that have not been treated humanely, because such birds are more likely to be bruised or to die other than by slaughter.[43]

FSIS also suggested in this Notice that poultry slaughter establishments consider a systematic approach to handling poultry in connection with slaughter. FSIS defined a systematic approach as one in which establishments focus on treating poultry in such a manner as to minimize excitement, discomfort, and accidental injury the entire time that live poultry is held in connection with slaughter. Although the adoption of such an approach is voluntary, it would likely

[41] FSIS Directive 6900.2, Revision 2, *Humane Handling and the Slaughter of Livestock,* August 15, 2011.

[42] *Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements,* FSIS, 69 FR 54625, September 9, 2004.

[43] *Treatment of Live Poultry before Slaughter,* FSIS, 70 FR 56624, September 28, 2005.

better ensure that poultry carcasses are unadulterated.

FSIS inspection program personnel verify that poultry slaughter is conducted in accordance with good commercial practices in the pre-scald area of slaughter establishments, where they observe whether establishment employees are mistreating birds or handling them in a way that will cause death or injury, prevent thorough bleeding, or result in excessive bruising. Examples of noncompliant mistreatment could include breaking the legs of birds to hold the birds in the shackle, birds suffering or dying from heat exhaustion, and breathing birds entering the scalder.[44] Also, in 2015, FSIS issued specific instructions to inspection program personnel for recording noncompliance with the requirement for the use of good commercial practices in poultry slaughter.[45]

Proposed § 205.242(c)(2) would require that all certified organic slaughter facilities provide, during the annual organic inspection, any FSIS noncompliance records and corrective action records related to the use of good manufacturing practices in the handling and slaughter of poultry in order to determine that slaughter facilities have addressed any outstanding FSIS noncompliances and are in good standing with FSIS. Not all violations of FSIS regulations result in a suspension of inspection services. In some cases, FSIS will issue a noncompliance record and the slaughter facility must perform corrective actions to bring the slaughter facility back into compliance. These records must be provided to the certifying agent at inspection or upon request to verify that the slaughter facility is operating in compliance with FSIS regulations and is addressing/has addressed all corrective actions. If records revealed that an organic operation had not taken corrective actions required by FSIS within the time period allowed by FSIS, the certifying agent could initiate actions to suspend the facility's organic certification. While this action would be separate from any FSIS actions, it would impact the facility's capacity to handle organic animals. In addition, AMS recognizes that some poultry slaughter facilities in the United States are regulated by the State for intra-state poultry sales. In foreign countries, foreign governments may be the appropriate regulatory authority for poultry slaughter inspections. In all cases, the relevant noncompliance records and corrective action records would be required to be provided to the certifying agent during inspections or upon request.

Unlike the proposed requirements for livestock slaughter inspection, exemptions from poultry slaughter inspection exist for some poultry that is going to be sold to the public. The PPIA exempts from continuous inspection some establishments that slaughter poultry based on various factors, such as volume of slaughter and the nature of operations and sales. This includes persons custom slaughtering and distributing from their own premises directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in compliance with religious dietary laws (21 U.S.C. Chapter 10).

AMS is proposing to add handling and slaughter standards for such poultry that is either exempt from or not covered by the inspection requirement of the PPIA. These proposed requirements would serve to establish a consistent and basic standard for the humane handling of organic poultry, regardless of an operation's size or method of sales, for example. Specifically, proposed § 205.242(c)(3)(i) would prohibit hanging, carrying, or shackling any lame birds by their legs. Birds with broken legs or injured feet may suffer needlessly if carried or hung by their legs. Such birds would be required to either be euthanized or made insensible before being shackled. AMS also is proposing (§ 205.242(c)(3)(ii)) to include a requirement that all birds that were hung or shackled on a chain or automated slaughter system be stunned prior to exsanguination (bleeding). This proposed requirement would not apply to small-scale producers who do not shackle the birds or use an automated system but who instead place the birds in killing cones before exsanguinating them without stunning. This proposed requirement would not apply to ritual slaughter establishments (*e.g.,* Kosher or Halal slaughter facilities), who are required to meet all the humane handling regulatory requirements except stunning prior to shackling, hoisting, throwing, cutting, or casting. Finally, proposed § 205.242(c)(3)(iii) would require that all birds be irreversibly insensible prior to being placed in the scalding tank.

IV. Related Documents

Documents related to this proposed rule include the Organic Foods Production Act of 1990, as amended, (7 U.S.C. 6501–6524) and its implementing regulations (7 CFR part 205). The NOSB deliberated and made the recommendations described in this proposal at public meetings announced in the following **Federal Register** notices: 67 FR 19375 (April 19, 2002); 74 FR 46411 (September 9, 2009); 75 FR 57194 (September 20, 2010); and 76 FR 62336 (October 7, 2011). NOSB meetings are open to the public and allow for public participation.

AMS published a series of past proposed rules that addressed, in part, the organic livestock requirements at: 62 FR 65850 (December 16, 1997); 65 FR 13512 (March 13, 2000); 71 FR 24820 (April 27, 2006); 73 FR 63584 (October 24, 2008), and 81 FR 21956 (April 13, 2016). Past final rules relevant to this topic were published at: 65 FR 80548 (December 21, 2000); 71 FR 32803 (June 7, 2006); and 75 FR 7154 (February 17, 2010). AMS activities and documents that followed publication of the January 19, 2017 OLPP final rule (82 FR 7042) are detailed above in the AMS POLICY section.

V. Executive Orders 12866 and 13563—Executive Summary

The Regulatory Impact Analysis and Regulatory Flexibility Analysis are available at *https://www.regulations.gov* in the ''docket'' for this proposed rule. The docket can be found by searching for ''AMS–NOP–21–0073'' at *https://www.regulations.gov.* Below is an executive summary of the analyses.

AMS is writing this proposed rule to clarify and ensure consistent application of the USDA organic standards and therefore mitigate information asymmetries and associated costs amongst certifying agents, producers, and consumers. This action will augment the USDA organic livestock production regulations with clear provisions to fulfill the purposes of the Organic Foods Production Act (OFPA) (7 U.S.C. 6501–6524): to assure consumers that organically produced products meet a consistent, uniform standard and to further facilitate interstate commerce of organic products. OFPA mandates that detailed livestock regulations be developed through notice and comment rulemaking (7 U.S.C. 6509(g)) and USDA did so when it published the final rule on the National Organic Program (65 FR 80547; December 21, 2000). In 2010, AMS published a final rule (75 FR 7154; February 17, 2010) clarifying the pasture and grazing requirements for organic ruminant livestock. This proposed rule would provide clarity for the production of organic livestock and poultry, consistent

[44] FSIS Directive 6100.3, Revision 1, *Ante-Mortem and Post-Mortem Poultry Inspection,* April 30, 2009.

[45] FSIS Notice 07–15, *Instructions for Writing Poultry Good Commercial Practices Noncompliance Records and Memorandum of Interview Letters for Poultry Mistreatment,* January 21, 2015.

with recommendations provided by USDA's Office of Inspector General and nine separate recommendations from the NOSB.

This proposed rule would add requirements for the production, transport, and slaughter of organic livestock and poultry. The proposed provisions for outdoor access and space for organic poultry production are the focal areas of this rule. Currently, organic poultry are already required to have outdoor access, but this varies widely in practice.[46] Some organic poultry operations provide large, open-air outdoor areas, while other operations provide minimal outdoor space or use screened and covered enclosures commonly called ''porches'' to meet outdoor access requirements. This variability leads to additional costs for some producers and consumers, and may also create consumer confusion about the meaning of the USDA organic label.

The proposed changes would better define standards of outdoor access for poultry, taking into account stakeholder input, as mandated by OFPA. Specifically, the changes address the wide disparities in production practices within the organic poultry sector. These provisions support an open, fair, and equitable market for producers who choose to pursue organic certification by providing standards that would apply to all organic livestock operations. Similarly, these provisions would reduce consumer search costs and welfare loss by standardizing the attributes of organic livestock and poultry products. In the long run, these provisions may help minimize the risk to consumer confidence brought on by these costs.

This economic impact analysis describes the cost impacts and benefits of the proposed rule, with a focus on organic egg and broiler producers, because these types of operations may face additional production costs as a result of this proposed rule. AMS is evaluating this proposed rule's potential benefits against the costs of:

- Additional indoor space for broilers
- Additional outdoor space for layers

To project costs, AMS assessed current (baseline) conditions and considered how producers might respond to the proposed requirements. Based on NOSB deliberations, surveys of organic poultry producers, and public comments on previous proposed rules, we determined that the outdoor access/stocking density requirements for layers and indoor stocking density requirements for broilers would drive the costs of this proposed rule. For organic layers, the key factor affecting compliance is the availability of land to accommodate all birds at the required stocking density. In our assessment of projected costs and benefits of the proposed rule and policy alternatives, we consider four scenarios that represent a combination of policy options and market responses to policy implementation:

Scenario 1: No Rule. There are no costs and no benefits because the status quo is maintained.

Scenario 2: Growth Prevented and Exit in Year 6 (5-year Co-Proposal). Existing producers and those certified within three years of the rule's effective date have five years from the effective date (*e.g.,* 60 days after publication of final rule) to comply with the outdoor space requirements for layers. Those certified more than three years after the rule's effective date must comply immediately. Producers that account for approximately half of existing organic egg production are assumed to comply with the outdoor space requirement on the fifth anniversary of the rule's effective date while maintaining current production levels; the other half move from organic to the cage-free, non-organic market at that time. There is assumed to be no growth in impacted organic egg production once the final rule is effective.

Scenario 3: Growth and Exit in Year 6 (*5-year Co-Proposal*). The policy is the same as in Scenario 2, it is assumed that producers accounting for approximately half of existing organic egg production leave organic production to join the cage-free, non-organic market five years after the rule's effective date (lesser amounts of cage-free production are new in the meantime). The other half of production is assumed to come into compliance with the rule at that time. Organic egg production grows at a slower rate than in Scenario 1 (*i.e.,* if there was no rule) in the five years after the rule's effective date as there is assumed to be only growth among those producers that plan to come into compliance with the rule, not among those planning to leave for the cage-free market. In Scenario 3 there is a significantly higher level of organic egg production than in Scenario 2 at the end of five years because there is growth in organic egg production after the rule's effective date. Costs and benefits include, among others, effects calculated starting in year four for new entrants certified more than three years after the rule's effective date, and starting in year six for existing producers and new entrants starting within three years of the rule's effective date.

Scenario 4: Growth and Exit in Year 16 (*15-year Co-Proposal*). The rule is implemented with a 15-year grace period for implementation of the layer outdoor space requirement for existing operations and those certified within three years of the rule's effective date. Organic egg production among operations that will not be compliant in year 16 is frozen at year 1 levels. The proportion of existing production that will become compliant in year 16 grows at historical rates for the industry. Costs and benefits include, among others, effects calculated starting in year four for new entrants certified more than three years after the rule's effective date.

Regarding the organic broiler industry, AMS assumed that organic broiler producers would build enough new facilities to comply with the new indoor stocking density requirement and maintain their current production level while remaining in the organic market.[47]

Costs incurred by new entrants after the rule's publication are counted for all new production starting in year two. Costs for all other operators do not accrue until this rule is fully implemented (*i.e.,* three years after the effective date for broiler producers and five years after the effective date for layer producers).

In summary, AMS estimates that the rule will increase total production costs for broiler and layer operations between $9.3 million and $14.6 million annually. This range spans three producer response scenarios, two implementation periods for the outdoor space requirements, and a no-rule scenario (see Table 2).

We estimate the annual costs for organic egg production are $4.6 million to $8.3 million (discounted annualized value) if 50% of organic egg production in 2022 transitions to the cage-free egg market by the 5-year implementation date. Under this scenario the shift would also result in approximately $113.6 million to $172.6 million

[46] The 2013 NAHMS poultry survey reports that 36% of organic hens covered in the survey have at least 2 sq. ft. per bird (equivalent to 2.25 lbs./sq. ft.) of outdoor space and 35% of hens have outdoor access via a porch system or covered area. Other studies have found between 15.5–59% of organic egg production has at least 2 sq. ft. of outdoor space. *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/monitoring-and-surveillance/nahms/NAHMS_Poultry_Studies.*

[47] Additional land needed to meet indoor space requirements in broiler production is on average much smaller than the land needed for those adjusting to the requirements for outdoor access. Additionally, past public comment and stakeholder feedback have indicated that broiler producers would seek to maintain current levels of production.

(discounted annualized value) in production that moves from organic to cage-free egg production. We estimate the annual costs for organic egg production are $3.6 million to $4.6 million (discounted annualized value) with the co-proposed 15-year implementation date; under this scenario, the shift would also result in approximately $62.2 million to $77.8 million (discounted annualized value) in production that moves from organic to cage-free egg production.

We estimate that the annual costs for organic broiler production account for $5.7 million to $6.3 million of the above totals. This reflects costs to build additional housing for more space per bird to meet the indoor stocking density requirement. This rule will have broad, important benefits for the organic sector as a whole that are difficult to quantify. Standards that more closely align to consumer expectations will sustain demand and support the growth of the $62 billion U.S. organic market.[48] Furthermore, clear parameters for production practices ensure fair competition among producers by facilitating equitable certification and enforcement decisions.

To quantify the benefits of this proposed rule, AMS used research that estimated consumers' willingness-to-pay for outdoor access to be between $0.16 and $0.25 per dozen eggs. Based on this, AMS estimates that the benefits for layer operations would range between $11.6 to 14.9 million (under Scenario 4) and $23.3 to 27.1 million annually (under Scenario 3).

The benefits for broilers are calculated using a willingness-to-pay of $0.34/lb. Based on this, AMS estimates that the annual discounted benefits for broiler operations would range between $97 million and $107 million. AMS estimates that the total annualized discounted benefits would be between $109 million and $134 million for eggs and broilers.

In the Regulatory Flexibility Analysis, AMS reports that large poultry operations would have higher compliance costs than small operations on average. Many larger organic layer operations will need more land to comply with the outdoor access requirements, and some operations will not be able to modify their houses to meet the proposed outdoor access requirements due to how they are arranged on the farm.

Table 1 presents estimated net benefits for the models AMS calculated. These models use the 5-year and 15-year implementation periods (with growth) for the layer outdoor access/stocking density requirements and the 3-year implementation period for the broiler compliance horizon. Total annual discounted net benefits range between $99 million and $119 million.

TABLE 1—EXECUTIVE SUMMARY: COSTS AND BENEFITS FOR EGGS AND BROILERS

	Proposed rule (5-year compliance—No Growth)	Proposed rule (5-year compliance—Growth)	Proposed rule (15-year compliance)	Proposed rule
	Eggs (per dozen)	Eggs (per dozen)	Eggs (per dozen)	Broilers (per pound)
Benefits (Consumer Willingness to Pay)	$0.21	$0.21	$0.21	$0.34
Benefits with 80% Breaker Egg Adjustment	0.16	0.16	0.16	
Cost (Change in Average Total Cost of Production)	0.05	0.05	0.05	0.02
Net Benefit per Unit	0.11	0.11	0.11	0.32
20-Year Annualized Discounted Net Benefits (3%) ($1,000)	10,429	18,757	10,278	101,011
20-Year Annualized Discounted Net Benefits (7%) ($1,000)	9,236	16,132	8,027	91,418
Average Annual Domestic Information Collection Cost				$194,777

TABLE 2—FOUR SCENARIOS: MARKET RESPONSES TO OUTDOOR ACCESS POLICIES FOR LAYERS

Assumed conditions	Affected population	Costs	Benefits	Eggs newly labeled cage-free
		Millions of Dollars		
Scenario 1: No Rule/No Change	No producers or consumers	$0.0	$0.0	$0.0
Scenario 2: 50% of organic layer production in year 6, moves to the cage-free market. Growth prevented.	Organic layer production at full implementation of rule (after year 5).	$4.6–$5.2	$13.9–$15.7	$146.4–$172.6
Scenario 3: 50% of organic layer production in year 6, moves to the cage-free market.. Growth considered	Organic layer production at full implementation of rule (after year 5). Compliance from growth starting in year 4.	$7.2–$8.3	$23.3–$27.1	$113.6–$131.6
Scenario 4: Organic layer populations continue historical growth rates after rule and existing firms are grandfathered until the end of year 15.	Organic layer and production at full implementation of rule (after year 15). Compliance from growth starting in year 4.	$3.6–$4.6	$11.6–$14.9	$62.2–$77.8
All broiler production in year 4 complies with the proposed rule.	Current broiler operations at full implementation of the rule (after year 3).	$5.7–$6.3	$97.1–$107.3	N/A

[48] OTA, 2021 Industry Survey.

VI. Executive Order 12988

Executive Order 12988 instructs each executive agency to adhere to certain requirements in the development of new and revised regulations in order to avoid unduly burdening the court system. This proposed rule cannot be applied retroactively.

States and local jurisdictions are preempted under the OFPA from creating programs of accreditation for private persons or State officials who want to become certifying agents of organic farms or handling operations. A governing State official would have to apply to USDA to be accredited as a certifying agent, as described in OFPA at 7 U.S.C. 6514. States are also preempted under OFPA at 7 U.S.C. 6503 and 6507 from creating certification programs to certify organic farms or handling operations unless the State programs have been submitted to, and approved by, the USDA Secretary as meeting the requirements of the OFPA.

Pursuant to 7 U.S.C. 6507(b)(2), a State organic certification program may contain additional requirements for the production and handling of organically produced agricultural products that are produced in the State and for the certification of organic farm and handling operations located within the State under certain circumstances. Such additional requirements must: (a) Further the purposes of the OFPA, (b) not be inconsistent with the OFPA, (c) not be discriminatory toward agricultural commodities organically produced in other States; and (d) not be effective until approved by the Secretary.

Pursuant to 7 U.S.C. 6519, this proposed rule would not alter the authority of the Secretary under the Federal Meat Inspection Act (21 U.S.C. 601–624), the Poultry Products Inspection Act (21 U.S.C. 451–471), or the Egg Products Inspection Act (21 U.S.C. 1031–1056), concerning meat, poultry, and egg products, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301–399i), nor the authority of the Administrator of the EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136–136(y)).

Furthermore, 7 U.S.C. 6520 provides for the Secretary to establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this title that adversely affects such person or is inconsistent with the organic certification program established under this title. The OFPA also provides that the U.S. District Court for the district in which a person is located has jurisdiction to review the Secretary's decision.

VII. Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments, or proposed legislation. Additionally, other policy statements or actions that have substantial direct effects on one or more Indian Tribes, the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes also require consultation. This regulation discloses that there are tribal implications. AMS hosted a virtual tribal consultation meeting on September 9, 2021, where this proposed rule was discussed with tribal leaders. No questions or concerns were brought to AMS's attention about this rule by any tribal leaders at the meeting. If a tribe requests consultation in the future, AMS will work with the Office of Tribal Relations to ensure meaningful consultation is provided.

VIII. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA), AMS is requesting OMB approval for a new information collection totaling 102,088 hours for the reporting and recordkeeping requirements contained in this proposed rule. AMS is using the previously assigned OMB control number 0581–0293 even though this is new burden due to a proposed rule. OMB previously approved information collection requirements associated with the NOP and assigned OMB control number 0581–0191. AMS intends to merge this new information collection, upon OMB approval, into the approved 0581–0191 information collection. Below, AMS has described and estimated the new information collection and recordkeeping burden, *i.e.,* the amount of time and cost of labor, for entities to prepare and maintain information to participate in this voluntary labeling program. The OFPA, as amended, provides authority for this action.

Title: National Organic Program: Organic Livestock and Poultry Standards.

OMB Control Number: 0581–0293.

Expiration Date of Approval: 3 years from OMB date of approval.

Type of Request: New collection.

Abstract: Information collection and recordkeeping is necessary to implement reporting and recordkeeping necessitated by amendments to §§ 205.238 and 205.239 and the addition of §§ 205.241 and 205.242 for additional animal welfare standards for organic livestock and poultry production under the USDA organic regulations. The Organic Foods Production Act (OFPA) authorizes the further development of livestock production standards (7 U.S.C. 6509). This proposed action is necessary to address multiple recommendations provided to USDA by the NOSB to add specificity about livestock and poultry production practices with the purpose of ensuring consumers that conditions and practices for livestock and poultry products labeled as organic encourage and accommodate natural behaviors and utilize preventive health care and humane slaughter practices.

All certified organic operations must develop and maintain an organic system plan (OSP) to comply with the USDA organic regulations (§ 205.201). The OSP must include a description of practices and procedures to be performed and maintained, including the frequency with which they will be performed. Under this proposed rule, organic livestock and poultry operations would be subject to additional reporting requirements. The proposed requirements in §§ 205.238, 205.239, 205.241, and 205.242 would require livestock and poultry operations to provide specific documentation as a part of the OSP that describes livestock and poultry living conditions (including minimum space requirements, outdoor access, preventive health care practices [*e.g.,* physical alterations, euthanasia], and humane transportation and slaughter practices). This documentation would enable certifying agents to make consistent certification decisions and facilitate fairness and transparency for the organic producers and consumers that participate in this market. This proposed action and its associated information collection would promulgate changes to the USDA organic regulations consistent with the OFPA.

The PRA also requires AMS to measure the recordkeeping burden. Under the USDA organic regulations, each producer is required to maintain and make available upon request, for five years, such records as are necessary to verify compliance (§ 205.103). Certifying agents are required to maintain records for 5 to 10 years, depending on the type of record (§ 205.510(b)), and make these records

available for inspection upon request (§ 205.501(a)(9)).

The new information that livestock and poultry operations would be required to provide for certification would assist certifying agents and inspectors in the efficient and comprehensive evaluation of these operations and would impose an additional recordkeeping burden for livestock and poultry operations. Certifying agents currently involved in livestock certification are required to observe the same recordkeeping requirements to maintain accreditation. AMS expects that this proposed rule would increase the recordkeeping burden on certified operations and certifying agents during the first year of implementation and would then become routine to maintain. In addition, livestock and poultry operations that claim organic status in direct-to-consumer sales (but are exempt from organic certification because they sell $5,000 or less of organically managed animal products) must maintain records to support their claim in the event of a complaint. State organic programs enforce the OFPA in its state under the authority of AMS, and they are also impacted by these requirements. AMS expects that this proposed rule would not significantly increase the recordkeeping burden on exempt operations or state organic programs.

Reporting and recordkeeping are essential to the integrity of the organic certification system. A clear paper trail is a critical tool for verifying that practices meet the mandate of OFPA and the USDA organic regulations. The information collected supports the AMS mission, program objectives, and management needs by enabling AMS to assess the efficiency and effectiveness of the NOP. The information also affects decisions because it is the basis for evaluating compliance with the OFPA and USDA organic regulations, administering the NOP, establishing the cost of the program, and facilitating management decisions and planning. It also supports administrative and regulatory actions to address noncompliance with the OFPA and USDA organic regulations.

This information collection is only used by the certifying agent and authorized representatives of USDA, including AMS and NOP staff. Certifying agents, including any affiliated organic inspectors, and USDA are the primary users of the information.

Respondents

AMS identified four types of entities (respondents)—organic livestock and poultry operations, accredited certifying agents, inspectors, and state organic programs—that will need to submit and maintain information in order to participate in organic livestock and poultry certification. To more precisely understand the paperwork costs of this proposed rule, AMS calculates the potential impacts utilizing domestic and foreign labor rates per hour plus benefits.

For each type of respondent, we describe the general paperwork submission and recordkeeping activities and estimate: (i) the number of respondents; (ii) the hours they spend, annually, completing the paperwork requirements of this labeling program; and (iii) the costs of those activities based on prevailing domestic [49] and foreign [50] wages and benefits.[51] [52]

Total (Domestic and Foreign) Information Collection Cost (Reporting and Recordkeeping) of Proposed Rule: $4,138,397

For the 7,559 reporting and recordkeeping respondents, the total information collection for both reporting and recordkeeping is 102,088 hours with 40,673 total responses, 5.38 responses per respondent, and 2.51 hours per response at a total burden cost of $4,138,397 for both reporting (Table 1) and recordkeeping (Table 2). These are estimates of costs for respondents to develop procedures, receive training, and perform tasks for the first time. AMS estimates that as livestock and poultry producers adapt to the proposed requirements in §§ 205.238, 205.239, 205.241, and 205.242, the labor hours for the new requirements are one-time costs and will become routine to maintain. These costs will be merged into the overall information collection burden for the program. All costs are rounded.

[49] The source of the specific hourly wage rates identified below is the National Compensation Survey: Occupational Employment and Wages, May 2021, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, *https://www.bls.gov/oes/current/oes_nat.htm.*

[50] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which are 70.3% of U.S. labor rates. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[51] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, June 18, 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[52] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

1. Operations. In order to obtain and maintain certification, domestic and foreign organic operations will need to develop and maintain an OSP. Livestock and poultry producers and handlers will need to submit the following information to certifying agents: an application for certification, detailed descriptions of specific practices, and annual updates to continue certification and to report changes in their practices. The OSP is a requirement for all organic operations and the USDA organic regulations describe what information must be included (§ 205.201). This proposed rule describes the additional information in §§ 205.238, 205.239, 205.241, and 205.242 that would need to be included in a livestock and poultry operation's organic system plan in order to assess compliance with these proposed new requirements. Certified operations are also required to keep records about their organic production and/or handling for at least five years (§ 205.103(b)(3)).

AMS estimated the number of livestock and poultry operations that would be affected by this proposed action. AMS estimates that 6,174 currently certified organic domestic and foreign livestock and poultry operations will be subject to the amendments in §§ 205.238, 205.239, 205.241, and 205.242. Based on average growth of 5.9% in livestock and poultry operations under current rules,[53] AMS expects to add 364 operations to the 6,174 operations currently certified for livestock or poultry production. In addition, AMS estimates that there are 713 livestock and poultry operations that claim organic status in direct-to-consumer sales (but are exempt from organic certification because they sell $5,000 or less of organically managed animal products) that will be impacted by the new recordkeeping requirements.[54]

AMS estimates the average collection and recordkeeping costs per organic livestock and producer poultry to be $314.47. This estimate is based on an average of 7.3 labor hours (53,018 total hours per 7,252 certified and exempt organic livestock and poultry operations) at $48.49 per labor hour,[55]

[53] Organic Integrity Database: *https://organic.ams.usda.gov/integrity/.*

[54] USDA National Ag Statistics Service, Census of Agriculture, 2019 Organic Survey: *https://www.nass.usda.gov/Publications/AgCensus/2017/Online_Resources/Organics/.*

[55] National Compensation Survey: Occupational Employment and Wage Estimates, May 2020, published by the Bureau of Labor Statistics. 11–9013 Farmers, Ranchers, and Other Agricultural Managers. *https://www.bls.gov/oes/current/oes_nat.htm.*

including 31.3% benefits,[56] and $34.95 per labor hour,[57] including 34.63% benefits,[58] for an organic domestic and foreign livestock or poultry producer, respectively. This estimate includes operations that make organic claims about their product but are exempt from certification because they only sell $5,000 or less organic animal and poultry products.

2. Certifying agents. Certifying agents are State, private, or foreign entities accredited by USDA to certify domestic and foreign livestock producers and handlers as organic in accordance with the OFPA and USDA organic regulations. Certifying agents determine if an operation meets organic requirements, using detailed information from the operation about its specific practices and on-site inspection reports from organic inspectors. Currently, there are 75 certifying agents accredited under NOP that are based in the U.S. and in foreign countries. AMS accredits 57 certifying agents for the scope of livestock to certify organic livestock and poultry operations. AMS assumes that all certifying agents accredited for the scope of livestock will evaluate livestock and poultry operations for compliance with the USDA organic regulations and will therefore be subject to the proposed requirements in §§ 205.238, 205.239, 205.241, and 205.242.

Each entity seeking to continue USDA accreditation for the scope of livestock will need to submit information documenting its business practices including certification, enforcement and recordkeeping procedures, personnel qualifications, and the provision of training for certification review personnel and inspectors (§ 205.504). AMS will review that information during their next scheduled on-site assessments, which occur at least twice every five years to determine whether to continue accreditation for the scope of livestock. Certifying agents will need to update their information, provide the results of personnel performance evaluations and the internal review of its certification activities, and document the training provided to certification review personnel and inspectors (§ 205.510) to comply with the proposed requirements.

AMS projects that the additional components of organic system plans for livestock and poultry producers may entail longer review times of documents and longer inspection times to evaluate operations under these proposed new requirements for the first time. AMS estimates the average collection and recordkeeping costs per certifying agent will be $25,759. This estimate of the average cost for each of the 57 certifying agents is based on an average of 609 labor hours (34,740 total hours across 57 certifiers) to prepare procedures to certify operations under these new requirements, certify an average of 115 livestock or poultry operations (6,539 total certified operations across 57 certifiers), provide training to their certification review personnel and inspectors, and store the records at $47.73 per labor hour,[59] including 31.7% benefits,[60] and $34.40 per labor hour,[61] including 34.63% benefits [62] for a domestic and foreign certifying agent, respectively. These are one-time costs that will become routine to maintain.

3. Inspectors. Inspectors conduct on-site inspections of organic operations and operations applying for certification and report their findings to the certifying agent. Inspectors may be the certifying agents themselves, employees of the certifying agents, or individual contractors. The USDA organic regulations call for certified operations to be inspected annually; however, a certifying agent may call for additional inspections on an as-needed basis (§ 205.403(a)).

Any individual who applies to conduct inspections of organic livestock and poultry operations will need to submit information documenting their qualifications to the certifying agent (§ 205.504(a)(3)). Inspectors will need to provide an inspection report to the certifying agent for each operation inspected (§ 205.403(e)). AMS projects that inspectors will attend at least one 5-hour training to learn about inspecting operations under the new requirements.

AMS estimates that inspectors will spend two hours longer on average to inspect an organic livestock or poultry operation and prepare an inspection report for the first time under these proposed new requirements. Inspectors do not have recordkeeping obligations; certifying agents maintain the records of inspection reports. AMS estimates the average collection cost per inspector to be $1,558. This estimate is based on an average of 57 additional labor hours at $30.70 per labor hour,[63] including 31.7% benefits,[64] and at $22.13 per labor hour,[65] including 34.63% benefits,[66] for domestic and foreign inspectors, respectively, to receive training, and to inspect and prepare inspection reports under the new requirements. These are one-time costs that will become routine to maintain.

4. State organic programs. The state organic program enforces the OFPA in its state under the authority of USDA. The California state organic program is the only state organic program at this

[56] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, June 18, 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[57] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents, which were 70.3% of U.S. labor rates in 2020. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[58] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[59] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021. [59] The labor rate for certification review staff is based on Occupational Employment Statistics group 13–1041, *Compliance Officers.* Compliance officers examine, evaluate, and investigate eligibility for or conformity with laws and regulations governing contract compliance of licenses and permits, and perform other compliance and enforcement inspection and analysis activities not classified elsewhere. *https://www.bls.gov/oes/current/oes_nat.htm.*

[60] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[61] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents, which are 70.3% of U.S. labor rates. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[62] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[63] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021. The labor rate for inspectors is based on Occupational Employment Statistics group 45–2011, *Agricultural Inspectors.* Agricultural inspectors inspect agricultural commodities, processing equipment, facilities, and fish and logging operations to ensure compliance with regulations and laws governing health, quality, and safety. *https://www.bls.gov/oes/current/oes_nat.htm.*

[64] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[65] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents, which are 70.3% of U.S. labor rates. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[66] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

time. AMS estimates the collection cost $148 at $47.73 per labor hour,[67] including 31.7% benefits.[68] This estimate includes two hours to prepare the relevant procedures and one hour to store the records related to this procedure. These are one-time costs that will become routine to maintain.

Please find the total information collection burden broken out as reporting and recordkeeping costs that are discussed in narrative and presented in Tables 1 and 2 below.

Total All Reporting Burden Cost: $3,537,460.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.64 hours per response.

Respondents: Certified organic and applicant livestock and poultry operations, certifying agents, inspectors, and state organic programs.

Estimated Number of Reporting Respondents: 6,846.

Estimated Number of Reporting Responses: 33,363.

Estimated Total Reporting Burden on Respondents: 88,183 hours.

Estimated Total Reporting Responses per Reporting Respondents: 5 reporting responses per reporting respondents.

AMS estimates that the public reporting burden for this information collection is estimated to be 88,183 hours at a total cost of $3,537,460 with a total number of 6,846 respondents. Respondents are comprised of currently certified operations, operations that will seek certification over the next 12 months, USDA accredited certifying agents, inspectors, and state organic programs. The reporting burden of each of the respondent categories are explained below and can be viewed in Table 1: Summary of Reporting Burden.

1. Organic Operations. There are 6,539 operations worldwide that are either currently certified to the USDA organic standards for livestock or poultry production or will be seeking certification for livestock or poultry production over the next 12 months. Based on average growth of 5.9% in livestock and poultry operations under current rules,[69] AMS expects to add 364 operations to the 6,174 operations currently certified for livestock or poultry production. AMS estimates that the average reporting burden for all domestic and foreign organic livestock and poultry producers, including new applicants is 39,229 hours at a total estimated cost of $1,684,480.

AMS estimates that 3,858 operations based in the United States, and 2,681 operations based in foreign countries, including applicants for certification under the current rules, will be impacted. Average initial reporting burden hours for both a domestic and a foreign organic operation or applicant for organic certification is 6 hours with costs averaging $291 for a domestic operation at $48.49 per labor hour,[70] including 31.7% benefits,[71] and $210 for a foreign operation at $34.95 per labor hour,[72] including 34.63% benefits.[73] Total reporting hours for 3,858 domestic operations is 23,145 hours at $48.49 per labor hour,[74] including 31.7% benefits,[75] and 16,084 hours for 2,681 foreign operations at $34.95 per labor hour,[76] including 34.63% benefits.[77]

2. Accredited Certifying Agents. There are 57 certifying agents worldwide that are USDA accredited under the livestock scope to certify livestock or poultry producers as organic. AMS estimates that the average reporting burden for all domestic and foreign certifying agents accredited for the scope of livestock is 34,625 hours at a total estimated cost of $1,463,427. Average initial reporting burden hours for a domestic certifying agent is 601 hours with costs averaging $28,679 at $47.73 per labor hour,[78] including 31.7% benefits.[79] Average initial reporting burden hours for a foreign certifying agent is 617 hours with costs averaging $21, 232 at $34.40 per labor hour,[80] including 34.63% benefits.[81]

AMS estimates that the total reporting burden of the 34 certifying agents based in the United States is $1,122,302 which is based on 20,429 hours at $47.73 per labor hour,[82] including 31.7%

[67] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021. [67] The labor rate for certification review staff is based on Occupational Employment Statistics group 13–1041, *Compliance Officers.* Compliance officers examine, evaluate, and investigate eligibility for or conformity with laws and regulations governing contract compliance of licenses and permits, and perform other compliance and enforcement inspection and analysis activities not classified elsewhere. *https://www.bls.gov/oes/current/oes_nat.htm.*

[68] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation. Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[69] Organic Integrity Database: *https://organic.ams.usda.gov/integrity/.*

[70] National Compensation Survey: Occupational Employment and Wage Estimates, May 2020, published by the Bureau of Labor Statistics. 11–9013 Farmers, Ranchers, and Other Agricultural Managers. *https://www.bls.gov/oes/current/oes_nat.htm.*

[71] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, June 18, 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[72] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which were 70.3% of U.S. labor rates in 2020. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[73] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[74] National Compensation Survey: Occupational Employment and Wage Estimates, May 2020, published by the Bureau of Labor Statistics. 11–9013 Farmers, Ranchers, and Other Agricultural Managers. *https://www.bls.gov/oes/current/oes_nat.htm.*

[75] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, June 18, 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[76] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which were 70.3% of U.S. labor rates in 2020. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[77] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[78] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021, [78] The labor rate for certification review staff is based on Occupational Employment Statistics group 13–1041, *Compliance Officers.* Compliance officers examine, evaluate, and investigate eligibility for or conformity with laws and regulations governing contract compliance of licenses and permits, and perform other compliance and enforcement inspection and analysis activities not classified elsewhere. *https://www.bls.gov/oes/current/oes_nat.htm.*

[79] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[80] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which are 70.3% of U.S. labor rates. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[81] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[82] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021, [82] The labor rate for certification review staff is based on Occupational Employment

Continued

benefits.[83] The reporting burden of the 23 certifying agents based in foreign countries is $488,404 based on 14,196 at $34.40 per labor hour,[84] including 34.63% benefits.[85]

3. Inspectors. AMS estimates that the reporting burden for the 250 domestic and foreign inspectors inspecting livestock and poultry operations worldwide is 14,327 hours at a total estimated cost of $389,456. Average initial reporting burden hours for a domestic inspectors is 57 hours at $30.70 per labor hour,[86] including 31.7% benefits [87] and average reporting burden for foreign inspectors calculates at 58 hours at $22.13 per labor hour,[88] including 34.63% benefits.[89] AMS estimates the reporting burden of the 148 US based inspectors is $259,479 which is based on 8,453 hours at $30.70 per labor hour,[90] including 31.7% benefits.[91] The reporting burden of the 103 inspectors based in foreign countries is estimated at $129,977 based on 5,874 at $22.13 per labor hour,[92] including 34.63% benefits.[93]

TABLE 1—SUMMARY OF REPORTING BURDEN

USDA certified operations reporting burden	Number of respondents	Total reporting hours	Average hours/ respondent	Wage + benefits	Average respondent costs	Total reporting costs
USDA Certified Operations Reporting Burden						
USDA Certified Producers & Handlers—New & Existing Domestic	3,858	23,145	6	$48.49	$291	$1,122,30
USDA Certified Producers & Handlers—New & Existing Foreign	2,681	16,084	6	34.95	210	562,18
USDA Certified Operations—All	*6,539*	*39,229*				*1,684,48*
USDA Accredited Certifiers Reporting Burden						
US Accredited US-Based Certifiers	34	20,429	601	47.73	28,679	975,02
US Accredited Foreign-Based Certifiers	23	14,196	617	34.40	21,232	488,40
US Certifiers—All	*57*	*34,625*				*1,463,427*
Inspectors Reporting Burden						
US Based Inspectors	148	8,453	57	30.70	1,753	259,48
Foreign Based Inspectors	102	5,874	58	22.13	1,274	129,98
Inspectors—All	*250*	*14,327*				*389,456*
State Organic Programs Reporting Burden						
State Organic Programs	1	2	2	47.73	95.46	95
SOP—All	*1*	*2*				*95*
Total Reporting Burden—All Respondents	6,846	88,183				3,537,460

Statistics group 13–1041, *Compliance Officers.* Compliance officers examine, evaluate, and investigate eligibility for or conformity with laws and regulations governing contract compliance of licenses and permits, and perform other compliance and enforcement inspection and analysis activities not classified elsewhere. *https://www.bls.gov/oes/current/oes_nat.htm.*

[83] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[84] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which are 70.3% of U.S. labor rates. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[85] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[86] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021, The labor rate for inspectors is based on Occupational Employment Statistics group 45–2011, *Agricultural Inspectors.* Agricultural inspectors inspect agricultural commodities, processing equipment, facilities, and fish and logging operations to ensure compliance with regulations and laws governing health, quality, and safety. *https://www.bls.gov/oes/current/oes_nat.htm.*

[87] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[88] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which are 70.3% of U.S. labor rates. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[89] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[90] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021, The labor rate for inspectors is based on Occupational Employment Statistics group 45–2011, *Agricultural Inspectors.* Agricultural inspectors inspect agricultural commodities, processing equipment, facilities, and fish and logging operations to ensure compliance with regulations and laws governing health, quality, and safety. *https://www.bls.gov/oes/current/oes_nat.htm.*

[91] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[92] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which are 70.3% of U.S. labor rates. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[93] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

4. State Organic Programs. AMS estimates 2 reporting hours for the California State Organic Program at $43.73 per labor hour,[94] including 31.7% benefits [95] costing $95 annually.

Total All Recordkeeping Burden Cost: $600,937.

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 1.9 hours per response.

Respondents: Certified operations, exempt operations, certifying agents, and state organic programs.

Estimated Number of Recordkeeping Respondents: 7,309.

Estimated Total Recordkeeping Burden on Respondents: 13,905 hours.

Estimated Total Recordkeeping Responses per Recordkeeping Respondents: 1.

AMS estimates that the public recordkeeping burden for this information collection is estimated to be 13,905 hours per year at a cost of $600,937 with a total number of 7,309 respondents. Respondents are comprised of currently certified livestock and poultry operations, operations that will seek certification over the next 12 months, exempt livestock and poultry operations, USDA accredited certifying agents, and state organic programs. The recordkeeping burden of each of the respondent categories are explained below and can be viewed in Table 2: Summary of Recordkeeping Burden.

1. Organic Operations. AMS estimates there are 7,252 operations worldwide that are impacted by the new requirements for recordkeeping for organic livestock and poultry. There are 6,539 domestic and foreign operations that are either currently certified to the USDA organic standards for livestock or poultry production or will be seeking certification for livestock or poultry production over the next 12 months that are subject to these requirements. In addition, 713 livestock and poultry operations that claim organic status in direct to consumer sales but are exempt from organic certification because they sell $5,000 or less of organically managed animal products must maintain records to support their claim in the event of a complaint.[96]

AMS estimates that the total recordkeeping burden for all 7,252 domestic and foreign organic livestock and poultry producers, including new applicants and exempt operations is 13,076 hours at a total estimated cost of $596,071. Average recordkeeping burden hours for either a domestic or a foreign certified organic operation, or an applicant for organic certification is 2 hours with costs averaging $97 for a domestic operation at $48.49 per labor hour,[97] including 31.7% benefits,[98] and $70 for a foreign operation at $34.95 per labor hour,[99] including 34.63% benefits.[100] The cost of the average recordkeeping burden of the 713 domestic livestock and poultry operations that are exempt from certification [101] is $48 for one hour at $48.49 per labor hour,[102] including 31.7% benefits.[103] Total recordkeeping burden for all 4,571 domestic livestock and poultry operations is 8,428 hours at a total estimated cost of $408,678 at $48.49 per labor hour,[104] including 31.7% benefits,[105] and 5,361 hours at a total estimated costs of $187,393 for 2,681 foreign operations at $34.95 per labor hour,[106] including 34.63% benefits.[107]

2. Accredited Certifying Agents. There are 57 certifying agents worldwide that are USDA accredited under the livestock scope to certify livestock or poultry producers as organic. AMS estimates that the average annual recordkeeping burden for all domestic and foreign certifying agents accredited for the scope of livestock is 115 hours at a total estimated cost of $4,818. AMS estimates the recordkeeping burden of the 34 certifying agents based in the United States as $3,210 which is based on 68 hours at $47.73 per labor hour,[108] including 31.7% benefits.[109] The recordkeeping burden of the 23 certifying agents based in foreign countries is $1,680 based on 47 hours at $34.40 per labor hour,[110] including 34.63% benefits.[111] Average initial

[94] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021. [94] The labor rate for certification review staff is based on Occupational Employment Statistics group 13–1041, *Compliance Officers.* Compliance officers examine, evaluate, and investigate eligibility for or conformity with laws and regulations governing contract compliance of licenses and permits, and perform other compliance and enforcement inspection and analysis activities not classified elsewhere. *https://www.bls.gov/oes/current/oes__nat.htm.*

[95] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[96] USDA National Ag Statistics Service, Census of Agriculture, 2019 Organic Survey: *https://www.nass.usda.gov/Publications/AgCensus/2017/Online_Resources/Organics/.*

[97] National Compensation Survey: Occupational Employment and Wage Estimates, May 2020, published by the Bureau of Labor Statistics. 11–9013 Farmers, Ranchers, and Other Agricultural Managers. *https://www.bls.gov/oes/current/oes_nat.htm.*

[98] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, June 18, 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[99] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which were 70.3% of U.S. labor rates in 2020. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[100] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[101] USDA National Ag Statistics Service, Census of Agriculture, 2019 Organic Survey: *https://www.nass.usda.gov/Publications/AgCensus/2017/Online_Resources/Organics/.*

[102] National Compensation Survey: Occupational Employment and Wage Estimates, May 2020, published by the Bureau of Labor Statistics. 11–9013 Farmers, Ranchers, and Other Agricultural Managers. *https://www.bls.gov/oes/current/oes_nat.htm.*

[103] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, June 18, 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[104] National Compensation Survey: Occupational Employment and Wage Estimates, May 2020, published by the Bureau of Labor Statistics. 11–9013 Farmers, Ranchers, and Other Agricultural Managers. *https://www.bls.gov/oes/current/oes_nat.htm.*

[105] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, June 18, 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[106] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which were 70.3% of U.S. labor rates in 2020. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[107] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[108] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021, 1 The labor rate for certification review staff is based on Occupational Employment Statistics group 13–1041, *Compliance Officers.* Compliance officers examine, evaluate, and investigate eligibility for or conformity with laws and regulations governing contract compliance of licenses and permits, and perform other compliance and enforcement inspection and analysis activities not classified elsewhere. *https://www.bls.gov/oes/current/oes_nat.htm.*

[109] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[110] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which are 70.3% of U.S. labor rates. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[111] The source of compensation rates is based on an average of Organization for Economic Co-

Continued

recordkeeping burden hours is 2 hours for both domestic and foreign based certifying agents calculated at $95 for domestic certifying agents at $47.73 per labor hour,[112] including 31.7% benefits,[113] and $70 for foreign certifying agents at $34.40 per labor hour,[114] including 34.63% benefits.[115]

3. State Organic Programs. AMS estimates 1 hour of recordkeeping for the California State Organic Program at $47.73 per labor hour,[116] including 31.7% benefits [117] costing $48.

TABLE 2—SUMMARY OF RECORDKEEPING BURDEN

	Number of respondents	Total recordkeeping hours	Average hours/ respondent	Wage + benefits	Average respondent costs	Total record-keeping costs
USDA Certified Producers & Handlers—New & Existing Domestic	3,858	7,715	2	$48.49	$97	$374,101
USDA Certified Producers & Handlers—New & Existing Foreign	2,681	5,361	2	34.95	70	187,393
Exempt Producers ((11.5% of current total certified that are exempt from organic certification))	713	713	1	48.49	48	34,577
USDA Certified Producers & Handlers—New & Existing—All	*7,252*	*13,789*				*596,071*
USDA Accredited Certifiers Recordkeeping Burden						
US Accredited US-Based Certifiers	34	68	2	47.73	95	3,210
US Accredited Foreign-Based Certifiers	23	47	2	34.40	70	1,608
US Certifiers—All	*57*	*115*				*4,818*
State Organic Programs Recordkeeping Burden						
State Organic Programs	1	1	1	47.73	48	48
SOP—All	*1*	*1.00*				*48*
Total Recordkeeping Burden—All Respondents	7,309	13,905				600,937

AMS is inviting comments from all interested parties concerning the information collection and recordkeeping required as a result of the proposed amendments to 7 CFR part 205. AMS seeks comment on the following subjects:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information would 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.

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

(5) AMS estimates that the total number of certified organic operations will grow by 5.6% annually, based on the increase in operations recorded in INTEGRITY during the last 12 months. Is this a reasonable and accurate projection of future growth, given the additional burdens imposed by this proposed rulemaking? [118]

IX. Civil Rights Impact Analysis

AMS has reviewed this proposed rule in accordance with the Department Regulation 4300–4, Civil Rights Impact Analysis (CRIA), to address any major civil rights impacts the rule might have on minorities, women, and persons with

Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[112] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021, [112] The labor rate for certification review staff is based on Occupational Employment Statistics group 13–1041, *Compliance Officers.* Compliance officers examine, evaluate, and investigate eligibility for or conformity with laws and regulations governing contract compliance of licenses and permits, and perform other compliance and enforcement inspection and analysis activities not classified elsewhere. *https://www.bls.gov/oes/current/oes_nat.htm.*

[113] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[114] The source of the data is based on average World Bank wage rates for countries with USDA-accredited certifying agents which are 70.3% of U.S. labor rates. *https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD.*

[115] The source of compensation rates is based on an average of Organization for Economic Co-Operation and Development (OECD) benefits compensation rates at 34.63% of wage rates for countries with USDA-accredited certifying agents. *https://stats.oecd.org/Index.aspx?DataSetCode=AWCOMP.*

[116] National Compensation Survey: Occupational Employment and Wages, May 2020, published by the Bureau of Labor Statistics. Bureau of Labor Statistics, Occupational Employment and Wages, May 2021, [116] The labor rate for certification review staff is based on Occupational Employment Statistics group 13–1041, *Compliance Officers.* Compliance officers examine, evaluate, and investigate eligibility for or conformity with laws and regulations governing contract compliance of licenses and permits, and perform other compliance and enforcement inspection and analysis activities not classified elsewhere. *https://www.bls.gov/oes/current/oes_nat.htm.*

[117] Bureau of Labor Statistics News Release on Employer Costs for Employee Compensation, Wages account for 68.7% and Benefits account for 31.3% of total average employer compensation costs, December 2020: *https://www.bls.gov/news.release/ecec.nr0.htm.*

[118] Organic Integrity Database: *https://organic.ams.usda.gov/integrity/.*

disabilities. After a careful review of the rule's intent and provisions, AMS determined that this rule would only impact the organic practices of organic producers and that this rule has no potential for affecting producers in protected groups differently than the general population of producers. This rulemaking was initiated to clarify a regulatory requirement and enable consistent implementation and enforcement.

Protected individuals have the same opportunity to participate in the NOP as non-protected individuals. The USDA organic regulations prohibit discrimination by certifying agents. Specifically, § 205.501(d) of the current regulations for accreditation of certifying agents provides that ''No private or governmental entity accredited as a certifying agent under this subpart shall exclude from participation in or deny the benefits of the National Organic Program to any person due to discrimination because of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status.'' Section 205.501(a)(2) requires ''certifying agents to demonstrate the ability to fully comply with the requirements for accreditation set forth in this subpart'' including the prohibition on discrimination. The granting of accreditation to certifying agents under § 205.506 requires the review of information submitted by the certifying agent and an on-site review of the certifying agent's client operation. Further, if certification is denied, § 205.405(d) requires that the certifying agent notify the applicant of their right to file an appeal to the AMS Administrator in accordance with § 205.681.

These regulations provide protections against discrimination, thereby permitting all producers, regardless of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status, who voluntarily choose to adhere to the rule and qualify, to be certified as meeting NOP requirements by an accredited certifying agent. This action in no way changes any of these protections against discrimination.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agricultural commodities, Agriculture, Animals, Archives and records, Fees, Imports, Labeling, Livestock, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

For the reasons stated in the preamble, AMS proposes to amend 7 CFR part 205 as set forth below:

PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for part 205 continues to read as follows:

Authority: 7 U.S.C. 6501–6524.

■ 2. Amend § 205.2 by adding definitions for ''Beak trimming'', ''Caponization'', ''Cattle wattling'', ''De-beaking'', ''De-snooding'', ''Dubbing'', ''Indoors or indoor space'', ''Mulesing'', ''Non-ambulatory'', ''Outdoors or outdoor space'', ''Perch'', ''Pullets'', ''Religious slaughter'', ''Soil'', ''Stocking density'', ''Toe clipping'', and ''Vegetation'' in alphabetical order to read as follows:

§ 205.2 Terms defined.

* * * * *

Beak trimming. The removal of not more than one-quarter to one-third of the upper beak or the removal of one-quarter to one-third of both the upper and lower beaks of a bird in order to control injurious pecking and cannibalism.

* * * * *

Caponization. Castration of chickens, turkeys, pheasants, and other avian species.

Cattle wattling. The surgical separation of two layers of the skin from the connective tissue for along a 2-to-4-inch path on the dewlap, neck, or shoulders used for ownership identification.

* * * * *

De-beaking. The removal of more than one-third of the upper beak or removal of more than one-third of both the upper and lower beaks of a bird.

De-snooding. The removal of the turkey snood (a fleshy protuberance on the forehead of male turkeys).

* * * * *

Dubbing. The removal of poultry combs and wattles.

* * * * *

Indoors or indoor space. The space inside of an enclosed building or housing structure available to livestock. Indoor space for avian species includes, but is not limited to:

(1) *Mobile housing.* A mobile structure for avian species with solid or perforated flooring that is moved regularly during the grazing season.

(2) *Aviary housing.* A fixed structure for avian species that has multiple tiers or levels.

(3) *Slatted/mesh floor housing.* A fixed structure for avian species that has both:

(i) A slatted floor where perches, feed, and water are provided over a pit or belt for manure collection; and

(ii) Litter covering the remaining solid floor.

(4) *Floor litter housing.* A fixed structure for avian species that has absorbent litter covering the entire floor.

* * * * *

Mulesing. The removal of skin from the buttocks of sheep, approximately 2 to 4 inches wide and running away from the anus to the hock to prevent fly strike.

* * * * *

Non-ambulatory. As defined in 9 CFR 309.2(b).

* * * * *

Outdoors or outdoor space. Any area outside an enclosed building or enclosed housing structure, including roofed areas that are not enclosed. Outdoor space for avian species includes, but is not limited to:

(1) *Pasture pens.* Floorless pens, with full or partial roofing, that are moved regularly and provide direct access to soil and vegetation.

(2) [Reserved]

* * * * *

Perch. A rod or branch type structure above the floor of the house that accommodates roosting, allowing birds to utilize vertical space in the house.

* * * * *

Pullets. Female chickens or other avian species being raised for egg production that have not yet started to lay eggs.

* * * * *

Ritual slaughter. Slaughtering in accordance with the ritual requirements of any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.

* * * * *

Soil. The outermost layer of the earth comprised of minerals, water, air, organic matter, fungi, and bacteria in which plants may grow roots.

* * * * *

Stocking density. The weight of animals on a given area or unit of land.

* * * * *

Toe clipping. The removal of the nail and distal joint of the back two toes of a bird.

* * * * *

Vegetation. Living plant matter that is anchored in the soil by roots and provides ground cover.

* * * * *

■ 3. Revise § 205.238 to read as follows:

§ 205.238 Livestock care and production practices standard.

(a) *Preventive health care practices.* The producer must establish and maintain preventive health care practices, including:

(1) Selection of species and types of livestock with regard to suitability for site-specific conditions and resistance to prevalent diseases and parasites.

(2) Provision of a feed ration sufficient to meet nutritional requirements, including vitamins, minerals, proteins and/or amino acids, fatty acids, energy sources, and fiber (ruminants), resulting in appropriate body condition.

(3) Establishment of appropriate housing, pasture conditions, and sanitation practices to minimize the occurrence and spread of diseases and parasites.

(4) Provision of conditions which allow for exercise, freedom of movement, and reduction of stress appropriate to the species.

(5) Physical alterations may be performed to benefit the welfare of the animals, for identification purposes, or for safety purposes. Physical alterations must be performed on livestock at a reasonably young age, with minimal stress and pain and by a competent person.

(i) The following practice may not be routinely used and must be used only with documentation that alternative methods to prevent harm failed: needle teeth clipping (no more than top one-third of the tooth) in pigs and tail docking in pigs.

(ii) The following practices are prohibited: de-beaking, de-snooding, caponization, dubbing, toe clipping of chickens, toe clipping of turkeys unless with infra-red at hatchery, beak trimming after 10 days of age, tail docking of cattle, wattling of cattle, face branding of cattle, tail docking of sheep shorter than the distal end of the caudal fold, and mulesing of sheep.

(6) Administration of vaccines and other veterinary biologics.

(7) All surgical procedures necessary to treat an illness shall be undertaken in a manner that employs best management practices in order to minimize pain, stress, and suffering, with the use of appropriate and allowed anesthetics, analgesics, and sedatives.

(8) Monitoring of lameness and keeping records of the percent of the herd or flock suffering from lameness and the causes.

(b) *Preventive medicines and parasiticides.* Producers may administer medications that are allowed under § 205.603 to alleviate pain or suffering, and when preventive practices and veterinary biologics are inadequate to prevent sickness. Parasiticides allowed under § 205.603 may be used on:

(1) Breeder stock, when used prior to the last third of gestation but not during lactation for progeny that are to be sold, labeled, or represented as organically produced; and

(2) Dairy stock, when used a minimum of 90 days prior to the production of milk or milk products that are to be sold, labeled, or represented as organic.

(c) *Prohibited practices.* An organic livestock operation must not:

(1) Sell, label, or represent as organic any animal or product derived from any animal treated with antibiotics, any substance that contains a synthetic substance not allowed under § 205.603, or any substance that contains a non-synthetic substance prohibited in § 205.604. Milk from animals undergoing treatment with synthetic substances allowed under § 205.603 cannot be sold as organic but may be fed to calves on the same operation. Milk from animals undergoing treatment with prohibited substances cannot be sold as organic or fed to organic livestock.

(2) Administer synthetic medications unless:

(i) In the presence of illness or to alleviate pain and suffering, and

(ii) That such medications are allowed under § 205.603.

(3) Administer hormones for growth promotion, production, or reproduction, except as provided in § 205.603.

(4) Administer synthetic parasiticides on a routine basis.

(5) Administer synthetic parasiticides to slaughter stock.

(6) Administer animal drugs in violation of the Federal Food, Drug, and Cosmetic Act; or

(7) Withhold medical treatment from a sick animal in an effort to preserve its organic status. All appropriate medications must be used to restore an animal to health when methods acceptable to organic production fail. Livestock treated with a prohibited substance must be clearly identified and neither the animal nor its products shall be sold, labeled, or represented as organically produced.

(8) Withhold individual treatment designed to minimize pain and suffering for injured, diseased, or sick animals, which may include forms of euthanasia as recommended by the American Veterinary Medical Association.

(9) Neglect to identify and record treatment of sick and injured animals in animal health records.

(10) Practice forced molting or withdrawal of feed to induce molting.

(d) *Parasite control plans.*

(1) Organic livestock operations must have comprehensive plans to minimize internal parasite problems in livestock. The plan will include preventive measures such as pasture management, fecal monitoring, and emergency measures in the event of a parasite outbreak. Parasite control plans shall be approved by the certifying agent.

(2) [Reserved]

(e) *Euthanasia.*

(1) Organic livestock operations must have written plans for prompt, humane euthanasia for sick or injured livestock.

(2) The following methods of euthanasia are not permitted: suffocation; manual blow to the head by blunt instrument or manual blunt force trauma; and the use of equipment that crushes the neck, including killing pliers or Burdizzo clamps.

(3) Following a euthanasia procedure, livestock must be carefully examined to ensure that they are dead.

■ 4. Revise § 205.239 to read as follows:

§ 205.239 Mammalian livestock living conditions.

(a) The producer of an organic livestock operation must establish and maintain year-round livestock living conditions, which accommodate the wellbeing and natural behavior of animals, including:

(1) Year-round access for all animals to the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight, suitable to the species, its stage of life, the climate, and the environment: Except, that, animals may be temporarily denied access to the outdoors in accordance with paragraphs (b) and (c) of this section. Yards, feeding pads, and feedlots may be used to provide ruminants with access to the outdoors during the non-grazing season and supplemental feeding during the grazing season. Yards, feeding pads, and feedlots shall be large enough to allow all ruminant livestock occupying the yard, feeding pad, or feedlot to feed without competition for food. Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited.

(2) For all ruminants, management on pasture and daily grazing throughout the grazing season(s) to meet the requirements of § 205.237, except as provided for in paragraphs (b), (c), and (d) of this section.

(3) Appropriate clean, dry bedding. When roughages are used as bedding, they shall have been organically produced in accordance with this part by an operation certified under this part, except as provided in § 205.236(a)(2)(i), and, if applicable, organically handled by operations certified to the NOP.

(4) Shelter designed to allow for:

(i) Over a 24-hour period, sufficient space and freedom to lie down, turn around, stand up, fully stretch their limbs, and express normal patterns of behavior;

(ii) Temperature level, ventilation, and air circulation suitable to the species;

(iii) Reduction of potential for livestock injury; and

(iv) If indoor housing is provided, areas for bedding and resting that are sufficiently large, solidly built, and comfortable so that animals are kept clean, dry, and free of lesions.

(5) The use of yards, feeding pads, feedlots and laneways that shall be well-drained, kept in good condition (including frequent removal of wastes), and managed to prevent runoff of wastes and contaminated waters to adjoining or nearby surface water and across property boundaries.

(6) Housing, pens, runs, equipment, and utensils shall be properly cleaned and disinfected as needed to prevent cross-infection and build-up of disease-carrying organisms.

(7) Dairy young stock may be housed in individual pens until completion of the weaning process but no later than 6 months of age, provided that they have enough room to turn around, lie down, stretch out when lying down, get up, rest, and groom themselves; individual animal pens shall be designed and located so that each animal can see, smell, and hear other calves.

(8) Swine must be housed in a group, except:

(i) Sows may be housed individually at farrowing and during the suckling period;

(ii) Boars; and

(iii) Swine with documented instance of aggression or recovery from an illness.

(9) Piglets shall not be kept on flat decks or in piglet cages.

(10) For swine, rooting materials must be provided, except during the farrowing and suckling period.

(11) In confined housing with stalls for mammalian livestock, enough stalls must be present to provide for the natural behaviors of the animals. A cage must not be called a stall. For group-housed swine, the number of individual feeding stalls may be less than the number of animals, as long as all animals are fed routinely over a 24-hour period. For group-housed cattle, bedded packs, compost packs, tie-stalls, free-stalls, and stanchion barns are all acceptable housing as part of an overall organic system plan.

(12) Outdoor space must be provided year-round. When the outdoor space includes soil, maximal vegetative cover must be maintained as appropriate for the season, climate, geography, species of livestock, and stage of production.

(b) The producer of an organic livestock operation may provide temporary confinement or shelter for an animal because of:

(1) Inclement weather;

(2) The animal's stage of life, however, lactation is not a stage of life that would exempt ruminants from any of the mandates set forth in this part;

(3) Conditions under which the health, safety, or well-being of the animal could be jeopardized;

(4) Risk to soil or water quality;

(5) Preventive healthcare procedures or for the treatment of illness or injury (neither the various life stages nor lactation is an illness or injury);

(6) Sorting or shipping animals and livestock sales, provided that the animals shall be maintained under continuous organic management, including organic feed, throughout the extent of their allowed confinement;

(7) Breeding: Except, that, animals shall not be confined any longer than necessary to perform the natural or artificial insemination. Animals may not be confined to observe estrus; and

(8) 4–H, National FFA Organization, and other youth projects, for no more than one week prior to a fair or other demonstration, through the event, and up to 24 hours after the animals have arrived home at the conclusion of the event. These animals must have been maintained under continuous organic management, including organic feed, during the extent of their allowed confinement for the event. Notwithstanding the requirements in paragraph (b)(6) of this section, facilities where 4–H, National FFA Organization, and other youth events are held are not required to be certified organic for the participating animals to be sold as organic, provided all other organic management practices are followed.

(c) The producer of an organic livestock operation may, in addition to the times permitted under paragraph (b) of this section, temporarily deny a ruminant animal pasture or outdoor access under the following conditions:

(1) One week at the end of a lactation for dry off (for denial of access to pasture only), three weeks prior to parturition (birthing), parturition, and up to one week after parturition;

(2) In the case of newborn dairy cattle for up to six months, after which they must be on pasture during the grazing season and may no longer be individually housed: Except, That, an animal shall not be confined or tethered in a way that prevents the animal from lying down, standing up, fully extending its limbs, and moving about freely;

(3) In the case of fiber bearing animals, for short periods for shearing; and

(4) In the case of dairy animals, for short periods daily for milking. Milking must be scheduled in a manner to ensure sufficient grazing time to provide each animal with an average of at least 30 percent DMI from grazing throughout the grazing season. Milking frequencies or duration practices cannot be used to deny dairy animals pasture.

(d) Ruminant slaughter stock, typically grain finished, shall be maintained on pasture for each day that the finishing period corresponds with the grazing season for the geographical location. Yards, feeding pads, or feedlots may be used to provide finish feeding rations. During the finishing period, ruminant slaughter stock shall be exempt from the minimum 30 percent DMI requirement from grazing. Yards, feeding pads, or feedlots used to provide finish feeding rations shall be large enough to allow all ruminant slaughter stock occupying the yard, feeding pad, or feed lot to feed without crowding and without competition for food. The finishing period shall not exceed one-fifth (1/5) of the animal's total life or 120 days, whichever is shorter.

(e) The producer of an organic livestock operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms and optimizes recycling of nutrients and must manage pastures and other outdoor access areas in a manner that does not put soil or water quality at risk.

■ 5. Add § 205.241 to read as follows:

§ 205.241 Avian living conditions.

(a) *Avian year-round living conditions.* The producer of an organic poultry operation must establish and maintain year-round poultry living conditions that accommodate the health and natural behavior of poultry, including: year-round access to outdoors; shade; shelter; exercise areas; fresh air; direct sunlight; clean water for drinking; materials for dust bathing; and adequate outdoor space to escape

aggressive behaviors suitable to the species, its stage of life, the climate, and environment. Poultry may be temporarily denied access to the outdoors in accordance with paragraph (d) of this section.

(b) *Indoor space requirements.*

(1) Poultry housing must be sufficiently spacious to allow all birds to move freely, stretch their wings, stand normally, and engage in natural behaviors.

(2) Producers must monitor ammonia levels at least monthly and implement practices to maintain ammonia levels below 10 ppm. When ammonia levels exceed 10 ppm, producers must implement additional practices and additional monitoring to reduce ammonia levels below 10 ppm. Ammonia levels must not exceed 25 ppm.

(3) For layers and fully feathered birds, artificial light may be used to prolong the day length, to provide up to 16 hours of continuous light. Artificial light intensity must be lowered gradually to encourage hens to move to perches or settle for the night.

(4) Exit areas—poultry houses must have sufficient exit areas that are appropriately distributed to ensure that all birds have ready access to the outdoors; producers subject to requirements in 21 CFR part 118 Production, Storage, and Transportation of Shell Eggs must take steps to prevent stray poultry, wild birds, cats, and other animals from entering poultry houses.

(5) Perches—for layers (*Gallus gallus*), six inches of perch space must be provided per bird. Perch space may include the alighting rail in front of the nest boxes. All layers must be able to perch at the same time except for aviary housing, in which 55 percent of layers must be able to perch at the same time.

(6) All birds must have access to areas in the house that allow for scratching and dust bathing. Litter must be provided and maintained in a dry condition.

(7) Houses with slatted/mesh floors must have 30 percent minimum of solid floor area available with sufficient litter available for dust baths so that birds may freely dust bathe without crowding.

(8) For layers (*Gallus gallus*), indoor stocking density must not exceed (live bird weight):

(i) Mobile housing: 4.5 pounds per square foot.

(ii) Aviary housing: 4.5 pounds per square foot.

(iii) Slatted/mesh floor housing: 3.75 pounds per square foot.

(iv) Floor litter housing: 3.0 pounds per square foot.

(v) Other housing: 2.25 pounds per square foot.

(9) For pullets (*Gallus gallus*), indoor stocking density must not exceed 3.0 pounds of bird per square foot.

(10) For broilers (*Gallus gallus*), indoor stocking density must not exceed 5.0 pounds of bird per square foot.

(11) Indoor space includes flat areas available to birds, excluding nest boxes.

(12) Indoor space may include enclosed porches and lean-to type structures (*e.g.,* screened in, roofed) as long as the birds always have access to the space, including during temporary confinement events. If birds do not have continuous access to the porch during temporary confinement events, this space must not be considered indoors.

(c) *Outdoor space requirements.*

(1) Access to outdoor space and door spacing must be designed to promote and encourage outside access for all birds on a daily basis. Producers must provide access to the outdoors at an early age to encourage (*i.e.,* train) birds to go outdoors. Birds may be temporarily denied access to the outdoors in accordance with § 205.241(d).

(2) At least 50 percent of outdoor space must be soil. Outdoor space with soil must include maximal vegetative cover appropriate for the season, climate, geography, species of livestock, and stage of production. Vegetative cover must be maintained in a manner that does not provide harborage for rodents and other pests.

(3) Shade may be provided by structures, trees, or other objects in the outdoor area.

(4) For layers (*Gallus gallus*), outdoor space must be provided at a rate of no less than one square foot for every 2.25 pounds of bird in the flock.

(5) For pullets (*Gallus gallus*), outdoor space must be provided at a rate of no less than one square foot for every 3.0 pounds of bird in the flock.

(6) For broilers (*Gallus gallus*), outdoor space must be provided at a rate of no less than one square foot for every 5.0 pounds of bird in the flock.

(7) Outdoor space may include porches and lean-to type structures that are not enclosed (*e.g.,* with roof, but with screens removed) and allow birds to freely access other outdoor space.

(d) *Temporary confinement.* The producer of an organic poultry operation may temporarily confine birds. Confinement must be recorded. Operations may temporarily confine birds when one of the following circumstances exists:

(1) Inclement weather, including when air temperatures are under 40 degrees F or above 90 degrees F.

(2) The animal's stage of life, including:

(i) The first 4 weeks of life for broilers (*Gallus gallus*);

(ii) The first 16 weeks of life for pullets (*Gallus gallus*); and

(iii) Until fully feathered for bird species other than *Gallus.*

(3) Conditions under which the health, safety, or well-being of the animal could be jeopardized.

(4) Risk to soil or water quality, including to establish vegetation by reseeding the outdoor space.

(5) Preventive healthcare procedures or for the treatment of illness or injury (neither various life stages nor egg laying is an illness or injury).

(6) Sorting or shipping birds and poultry sales, provided that the birds are maintained under continuous organic management, throughout the extent of their allowed confinement.

(7) For nest box training, provided that birds shall not be confined any longer than required to establish the proper behavior. Confinement must not exceed five weeks over the life of the bird.

(8) For 4–H, National FFA Organization, and other youth projects, provided that temporary confinement for no more than one week prior to a fair or other demonstration, through the event, and up to 24 hours after the birds have arrived home at the conclusion of the event. During temporary confinement, birds must be under continuous organic management, including organic feed, for the duration of confinement. Notwithstanding the requirements in paragraph (d)(6) of this section, facilities where 4–H, National FFA Organization, and other youth events are held are not required to be certified organic for the participating birds to be sold as organic, provided all other organic management practices are followed.

(e) *Manure management.* The producer of an organic poultry operation must manage manure in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, heavy metals, or pathogenic organisms. The producer must also optimize recycling of nutrients and must manage outdoor access in a manner that does not put soil or water quality at risk.

■ 6. Add § 205.242 to read as follows:

§ 205.242 Transport and slaughter.

(a) *Transportation.*

(1) Certified organic livestock must be clearly identified as organic, and this identity must be traceable for the duration of transport.

(2) All livestock must be fit for transport to buyers, auction or slaughter facilities.

(i) Calves must have a dry navel cord and be able to stand and walk without human assistance.

(ii) Non-ambulatory animals must not be transported for sale or slaughter. Such animals may be medically treated or euthanized.

(3) Adequate and season-appropriate ventilation is required for all livestock trailers, shipping containers, and any other mode of transportation used to protect animals against cold and heat stresses.

(4) Bedding must be provided on trailer floors and in holding pens as needed to keep livestock clean, dry, and comfortable during transport and prior to slaughter. Bedding is not required in poultry crates. When roughages are used for bedding, they must be certified organic.

(5) Arrangements for water and organic feed must be made if transport time, including all time on the mode of transportation, exceeds 12 hours.

(i) The producer or handler of an organic livestock operation, who is responsible for overseeing the transport of organic livestock, must provide records to certifying agents during inspections or upon request that demonstrate that transport times for organic livestock are not detrimental to the welfare of the animals and meet the requirements of paragraph (a)(5) of this section.

(ii) [Reserved]

(6) Organic producers and handlers, who are responsible for overseeing the transport of organic livestock, must have emergency plans in place that adequately address possible animal welfare problems that might occur during transport.

(b) *Mammalian slaughter.*

(1) Producers and handlers who slaughter organic livestock must be in compliance, as determined by FSIS, with the Federal Meat Inspection Act (21 U.S.C. 603(b) and 21 U.S.C. 610(b)), the regulations at 9 CFR part 313 regarding humane handling and slaughter of livestock, and the regulations of 9 CFR part 309 regarding ante-mortem inspection.

(2) Producers and handlers who slaughter organic exotic animals must be in compliance with the Agricultural Marketing Act of 1946 (7 U.S.C. 1621, *et seq.*), the regulations at 9 CFR parts 313 and 352 regarding the humane handling and slaughter of exotic animals, and the regulations of 9 CFR part 309 regarding ante-mortem inspection.

(3) Producers and handlers who slaughter organic livestock or exotic animals must provide all noncompliance records related to humane handling and slaughter issued by the controlling national, federal, or state authority and all records of subsequent corrective actions to certifying agents during inspections or upon request.

(c) *Avian slaughter.*

(1) Producers and handlers who slaughter organic poultry must be in compliance, as determined by FSIS, with the Poultry Products Inspection Act requirements (21 U.S.C. 453(g)(5)); the regulations at paragraph (v) of the definition of ''*Adulterated*'' in 9 CFR 381.1(b), and 9 CFR 381.90, and 381.65(b)); and FSIS Directives 6100.3 and 6910.1.

(2) Producers and handlers who slaughter organic poultry must provide all noncompliance records related to the use of good manufacturing practices in connection with slaughter issued by the controlling national, federal, or state authority and all records of subsequent corrective actions to the certifying agent at inspection or upon request.

(3) Producers and handlers who slaughter organic poultry, but are exempt from or not covered by the requirements of the Poultry Products Inspection Act, must ensure that:

(i) No lame birds may be shackled, hung, or carried by their legs;

(ii) All birds shackled on a chain or automated system must be stunned prior to exsanguination, with the exception of ritual slaughter; and

(iii) All birds must be irreversibly insensible prior to being placed in the scalding tank.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022–16980 Filed 8–5–22; 8:45 am]

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FEDERAL REGISTER

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Part III

The President

Memorandum of August 1, 2022—Delegation of Authority Under Section 506(a)(1) of the Foreign Assistance Act of 1961

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Title 3—

The President

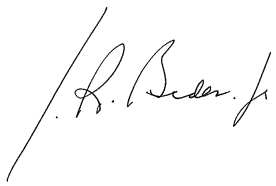
Memorandum of August 1, 2022

Delegation of Authority Under Section 506(a)(1) of the Foreign Assistance Act of 1961

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 621 of the Foreign Assistance Act of 1961 (FAA), I hereby delegate to the Secretary of State the authority under section 506(a)(1) of the FAA to direct the drawdown of up to $550 million in defense articles and services of the Department of Defense, and military education and training, to provide assistance to Ukraine and to make the determinations required under such section to direct such a drawdown.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, August 1, 2022

[FR Doc. 2022–17237
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